

Officer Liz Anderson – Ecologist
Date 10/11/25

Ref: 24/01013/HYA
Att: Sarah Kasparian

Land Surrounding Burloes Cottages, Newmarket Road, Royston, Hertfordshire,

Hybrid application for residential development of up to 325 dwellings comprising (a) full planning application for Phase 1 comprising 102 dwellings and associated infrastructure including access from Newmarket Road, emergency and pedestrian/cycle access from Burloes Hall Drive, internal highways, public open space, landscaping and drainage and b) outline application for up to 223 dwellings and associated infrastructure with all matters reserved apart from primary means of access and emergency and pedestrian/cycle access from Burloes Hall Drive.

Updated comments;

BNG;

The updated August 2025 Statutory Metric identifies a 12.6% loss of biodiversity units from the development site and it is acknowledged that in order to meet the mandatory BNG requirements an element of off-site provision will be needed. The previous Metric from 2024 included an off-site baseline as it was understood that land in control of the applicant would be used to meet the unmet unit numbers. However, the 2025 metric refers to credit units so it's not clear how the applicant wishes to meet 10%.

A Biodiversity Gain Plan will be required, this should be based on the latest layout and design. As some of the habitat gains are classified as off-site they will need to be registered on the Natural England Biodiversity Net Gain (BNG) Site Register and secured via a s106.

Further, as this is a hybrid application it is not clear at what point the BNG units will be delivered. There is limited habitat creation being provided within phase 1 but offsite units to be provided could be secured. I would seek clarification over the phasing and delivery of BNG and ask the applicant to suggest how this will be dealt with as BNG habitat creation and enhancement must be managed and maintained for 30 years from the completion of the development.

As described on the North Herts Council website, a Habitat Management and Monitoring Plan (HMMP) is required to ensure the BNG is secured for 30 years and managed in an appropriate manner with monitoring charges secured via s106 in accordance with the fee calculator.

Bats

The April 2024 Ecological Appraisal (EA) considered the potential for some of the trees to be removed to be of interest for bats and advised further survey work to identify the presence/absence of roosting bats. A number of trees will need to be removed to facilitate proposed development were identified to present features suitable to support roosting bats. The updated October 2025 Ecological Appraisal informs further assessment of these trees did not identify the presence of roosting bats. As such, roosting bats have not been identified to pose a statutory constraint to proposed development.

Green and blue infrastructure

The Green and Blue Infrastructure plan shows a SUDS feature at the top of the hill in the SE, it's not understood why such a feature should be at the top of a hill and it was hoped that this area would ideally remain natural and undisturbed by engineering works so supporting the desire to retain natural habitat connectivity between the copse and the woodland to the south.

Recommendations;

A lighting strategy to detail an appropriate sensitive lighting scheme implemented to maintain dark corridors along retained and created habitat of the development. The scheme should ensure lighting is directed to where it is needed, avoiding light spillage, particularly the retained trees, woodland, and new habitats. Suggested wording;

A lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall;

a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging,

and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

The following Construction Environment Management Plan – Biodiversity condition is recommended to ensure development works do not have a negative impact on ecological receptors.

No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity), has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “buffer zones” both for species and sensitive habitats to be informed by up to date surveys.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, may include method statements.*
- d) The location and timing of sensitive works to harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

In addition to habitat creation to meet BNG on site, opportunities for ecological enhancements benefitting wildlife on individual plots should also be included with basic design techniques, such as the inclusion of integrated bat, bird and bee bricks and hedgehog holes in fences to support species integration and connectivity through the site. The EA makes recommendations for biodiversity enhancements in part 4 and, in conjunction with North Herts Local Plan policy NE4, the following condition is advised;

No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features including integrated bird/bat and bee boxes in buildings/structures, where heights allow swift bricks should be used, together with hedgehog holes in boundary features has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

The case officer should note Biodiversity Gain condition wording should be added to the decision notice, the biodiversity gain condition is a pre-commencement condition having its own separate statutory basis and is deemed to apply to every planning permission granted for the development of land in England. To ensure the applicant is clear about this distinction the biodiversity gain condition should not be included in the list of conditions imposed in the written notice when granting planning permission but should remain separate.

Biodiversity Net Gain

*The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that **development may not begin** unless:*

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Herts Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.