

Officer Liz Anderson – Ecologist
Date 11/11/24

Ref: 24/01993/FP
Att: Andrew Hunter

**Our Lady And St Andrews Rc Church , 16 Nightingale Road, Hitchin, Hertfordshire, SG5 1QS
Erection of scout hut outbuilding to include solar roof panels following demolition of existing
scout hut outbuilding. Alterations to existing car parking layout and access.**

Consultee comments;

Thank you for consulting me, having read through the submitted documents I would have no ecological objection to the proposal.

Whilst the presence of bats on site is unlikely it cannot be precluded and the June 2024 Preliminary Ecological Appraisal and Preliminary Roost Assessment recommends further survey effort to inform any necessary mitigation. As such the following condition is advised;

Demolition shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or*
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.*

The submitted Statutory Metric shows that the proposal would result in a biodiversity net gain in accordance with the statutory requirements and the Biodiversity Gain condition should be applied.

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.