

Officer Liz Anderson – Ecologist
Date 28/11/2024

Ref: 24/02455/FP
Att: Ben Glover

**Land Opposite Wymondley Grid Station And To The South Of Sperberry Hill, St Ippolyts,
Hertfordshire,**

**Proposed solar farm measuring 35.5 hectares with associated battery storage and ancillary
infrastructure**

Consultee comments;

I have read the submitted ecological documents; 2024 Ecological Assessment (EA) and 2022 Breeding Bird Survey and BNG metric. Overall the scheme would seem beneficial to wildlife, mitigating predicted impacts and delivering a net gain for biodiversity and there would be no ecological objection.

The planning design & access statement (PDAS) refers to the use of mammal gates in stock fencing around the site which is welcomed but the Indicative Deer-Stock Fencing plan, drawing 3732-01-11, shows these to be 200mmx200mm which appears slightly small for badger or foxes with commercial mammal gates available with openings measuring 225mm x 270mm seem better. In addition to this the inclusion of a 10cm gap at the base of boundary fences is suggested to allow continued permeability through the site for mammals. This may already be included but isn't identified on the plan.

The PDAS also states in 5.3.36 '...existing hedgerows within the Site would remain throughout the life of the development by ensuring a minimum of 6m buffers.' Whereas NE4 of the North Herts Local Plan requires '12 metres of complimentary habitat should be provided around wildlife sites trees and hedgerows.' Hedgerows and field boundary habitats are referred to frequently in the Ecological Assessment as providing valuable habitat to a variety of species. To maximise on this benefit and secure continued connectivity for the hedgerows to act as wildlife corridors successfully a wider buffer would be expected.

Mitigation measures are proposed in the 2024 EA to address impacts to species during construction and these should inform a Construction Environment Management Plan, (CEMP).

Construction Environmental Management Plan

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) should be informed by the 2024 Ecological Assessment and a pre-construction badger survey and include the following.

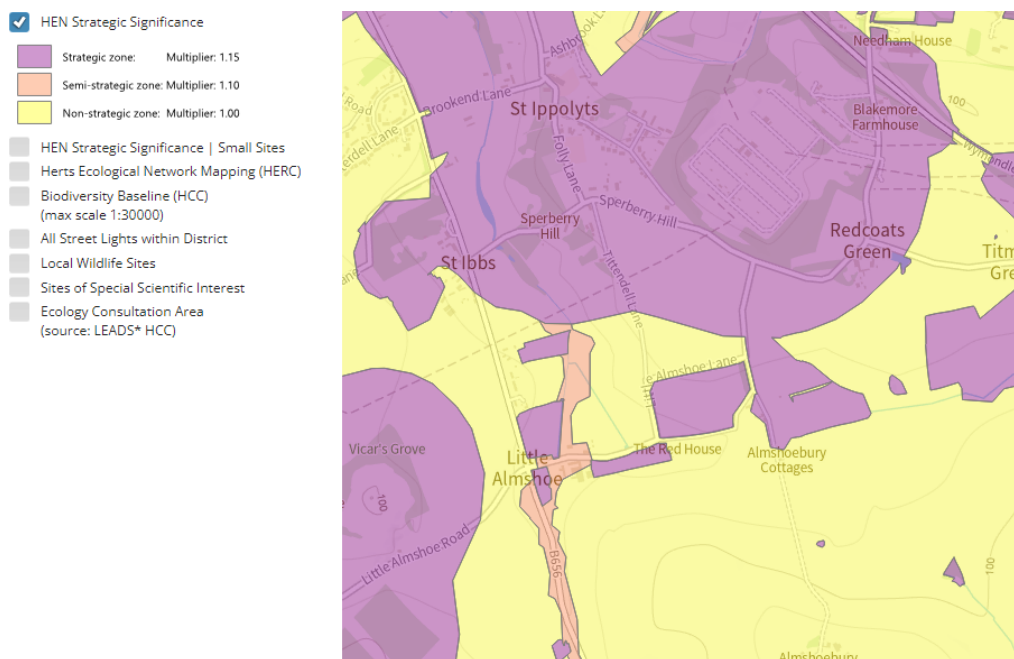
- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures to avoid or reduce impacts during construction.*
- d) The location and timing of sensitive works to harm to biodiversity features.*

- 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.

Biodiversity Net Gain

The application is subject to a requirement to deliver 10% Biodiversity Net Gain and a Statutory Metric calculation has been provided with the application but this uses 'area/compensation not in local strategy/ no local strategy' as strategic significance but this is incorrect in places. Until a Hertfordshire Local Nature Recovery Strategy has been published applicants are advised that the Herts Ecological Networks (HEN) Map ([Web Map - Biodiversity](#)) should be used instead to assess strategic significance. See excerpt below. Given the scale of the site and high number of units involved the gains and ongoing management of the habitats on site will be informed by a Habitat Management and Monitoring Plan to be secured via a s106 agreement.



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.

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.