

Officer Liz Anderson – Ecologist
Date 29/11/2024

Ref: 24/02333/FP
Att: Paul Chaston

**Land Between Priory Farm And Wymondley Substation, Blakemore End Road, Little Wymondley,
Hertfordshire,**

Electrical connection between the approved Priory Farm And Wymondley Substation

Consultee comments;

I have read the submitted 2024 Ecological Assessment (EA) including the water vole and otter report and the BNG metric.

The current proposal differs from the approved scheme in that there is a greater land take from the Local Wildlife Site - Wymondley Substation LWS. The submitted plans showing the location of the cable route are confusing in that a large rectangle is outlined within the Local Wildlife Site but 4.3.2 of the EA states 'Works to be carried out in this area include laying a new cable from the exiting substation across the LWS via open trench techniques (900mm wide and 1m deep)' therefore it is not clear why the red line boundary is so extensive.

Explanation is given in the metric that impacts are predicted to be temporary and that habitats will be able to reach baseline habitat type and condition within 2 years post development thereby meeting the BNG definition of temporary and hence considered exempt from mandatory BNG. However, Natural England have issued advice stating;

*'There is **no** interaction between the De Minimis exemption and Temporary Impacts.*

For a development to be exempt it would need to meet the requirements of the De Minimis exemption (below).

*A Temporary Impact is considered an impact in the exemption regulations. Therefore, if a development **does not** meet the De Minimis requirements (below), it will be required to deliver 10% Biodiversity Net Gain (BNG).*

"Development below the threshold (De Minimis):-

A development that does not impact a priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat OR*
- 5 metres of on-site linear habitats such as hedgerows'*

Given the extent of works proposed within the red line and the statement made in 4.4.9 of the EA '*.. the cable route that crosses higher value habitats of open mosaic of habitats, lowland meadows and arable field margins, direct impacts cannot be completely avoided..*' the scheme would not be exempt and needs to demonstrate 10% Biodiversity Net Gain.

Basing my response on the information provided in the EA and the fact that Horizontal Directional Drilling is being used as a method to avoid impacts on sensitive habitats such as woodland, hedgerows and the stream, I would have no objection to the new route subject to the following conditions;

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 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 to include Reasonable Avoidance Measures (RAM’s) for Herptiles and Hedgehogs.*
- 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.

Soil Management Plan

No excavation of trenches for cabling within Wymondley Transforming Station Local Wildlife Site (LWS) shall take place until a soil management plan has been submitted to and approved in writing by the Local Planning Authority. The soil management plan shall include the following:

- i) An ecological survey of the route across the LWS.*
- ii) Details relating to the lifting, storage and replacement of turves, including the season when this will take place.*
- iii) Proposed aftercare and management.*

The works shall be undertaken in accordance with the approved management plan.

Reason - To minimise the impact upon the ecological and biodiversity interest of the Wymondley Transforming Station LWS in accordance with Policy NE4 of the North Hertfordshire Local Plan 2011-2031.

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.