

Officer Liz Anderson – Ecologist
Date 27/06/2025

Ref: 25/01349/FP
Att: Naomi Reynard

**Land North Of, Stevenage Road, Titmore Green, Little Wymondley, Hertfordshire,,
Installation and operation of a battery energy storage system (BESS) facility incorporating
batteries, transformers, inverters, switchrooms, substation, water tank, other associated
infrastructure plus cable ducts, fencing, access track, landscaping and drainage infrastructure.**

Consultee comments;

Having read through the submitted documents there would be no ecological objection to the proposal.

The April 2025 Ecological Impact Assessment (EclA) does not predict any harm to habitats or species that cannot be mitigated. The Statutory Metric provided with the application demonstrates a 27% gain in habitat units and 31% gain in hedgerow units respectively thereby meeting the mandatory requirement for 10% BNG. However, clarification is sought in relation to habitat creation versus enhancement figures. The EclA states in 5.5 '*Enhancement of Modified grassland in 'Poor' condition to Other neutral grassland in 'Poor condition.'*', and yet there is no enhancement tab completed in the submitted metric?

As the habitat to be created/ enhanced is considered significant method statements should be detailed in a Habitat Management and Monitoring Plan (HMMP) to be submitted alongside a Biodiversity Gain Plan (BGP). The HMMP will also include a schedule of works, monitoring requirements, and remedial actions to ensure the delivery of the proposed unit gains. Suggested wording follows;

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;*
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;*
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.*

Notice in writing shall be given to the Council when the:

- (a) HMMP has been implemented; and*
- (b) habitat creation and enhancement works as set out in the HMMP have been completed.*

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

As North Herts Council will be required to review the monitoring reports and make site visits to assess the effectiveness of, and adherence to, the HMMP, costs would need to be secured via a s106 as detailed in [Biodiversity planning advice | North Herts Council](#) at complexity price band 2.

The EcIA also makes recommendation for mitigation measures to avoid impacts to ecological receptors both during construction and operational phases. Amongst these is the requirement for a pre-construction badger survey to be completed. Should new setts be identified as a result of this which may be impacted by proposed works it may be necessary to close setts under licence. The following Construction Environment Management Plan – Biodiversity condition is recommended.

No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity), as informed by recommendations made in the April 2025 Ecological Impact Assessment, 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 be provided as a set of method statements) to include a precautionary non-licensed method statement for GCN.*
- 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.

The potential for disturbance to nocturnal species from lighting on site is raised in the EcIA and as such a sensitive lighting strategy is advised;

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 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.