

Officer Liz Anderson – Ecologist

Date 07/02/25

Ref: 24/02876/FP

Att: Andrew Hunter

Titmore Green Farm, Stevenage Road, Titmore Green, Little Wymondley, Hitchin, Hertfordshire, SG4 7JT

Change of use of agricultural building into three business/storage units (Commercial Business Services Use Class E(g)(iii) light industrial and Storage or Distribution B8) including external alterations and re-cladding, layout of car parking, cycle store, landscaping and all ancillary works following demolition of open storage yard.

Consultee comments;

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

The proposals are expected to deliver net gains of 11.85% habitat units thereby meeting the mandatory requirement.

The submitted December 2024 Preliminary Ecological Appraisal makes a number of recommendations to avoid impacts to ecological receptors and these should be included in a Construction Environment Management Plan and lighting strategy, suggested wording follows;

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 December 2024 Preliminary Ecological Appraisal to include the following.

- a) Reasonable avoidance measures for Great Crested Newts.*
- 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) Responsible persons and lines of communication.*
- f) 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.

Lighting

Prior to commencement of use, 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 where lighting is 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.