

Officer Liz Anderson – Ecologist

Date 27/02/2025

Ref: 24/00104/FP

Att: Tom Rea

Land To The Rear Of Banyers Hotel, King James Way, Royston, Hertfordshire, SG8

Residential development to provide 9 flats with associated vehicular parking and access via existing dropped kerb from King James Way with ancillary bike and refuse store.

Consultee comments;

Having read the submitted documents there would be no ecological objection to the proposal. The November 2024 Ecological Walkover updates the previous November 2023 Preliminary Ecological Appraisal (PEA). This finds no significant changes to the habitats on site other than clearance of scrub. Never-the-less the submitted Biodiversity Metric has still accounted for this habitat in the calculation as would be expected. The report also makes recommendation for precautionary methods of working in relation to construction which should inform a Biodiversity Method Statement to avoid adverse effects to wildlife on site.

A separate Biodiversity Net Gain Assessment (Jan 25) has been supplied and this provides detail on the site's baseline Biodiversity value being 3.73 habitat units. The post development value of biodiversity units on site is expected to be 3.23 units resulting in a net loss of 13.43% of habitat units, as such the assessment advises off-site units will be sought.

In addition to mandatory BNG the North Herts Local Plan also advises development should consider the inclusion of integrated features in the built fabric of dwellings such as bat, bird and bee bricks. These are also recommended in part 7.6 of the DAS which is welcomed, however we would expect these to be integral features rather than the external boxes as shown.

Taking the above points into account the following conditions are advised;

Biodiversity Method Statement

No development shall take place (including any ground works, site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall be informed by November 2024 Ecological Walkover and include the following:

- a) Review of site potential and constraints.*
- b) Details of any necessary working methods to prevent harm to wildlife.*
- c) Type and source of materials to be used where appropriate.*
- d) Persons responsible for implementing the works.*

Ecological Enhancements

No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in

buildings/structures and hedgehog holes in fences, as informed by the November 2024 Ecological Walkover, has been submitted to and approved in writing by 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.