

Land South of Cowards Lane, Codicote

Ecology Technical Note (Response to Wildlife Trust Comments)

edp9241_r002a

QA: TWi/NPR_FMi/FJe_160925

1 INTRODUCTION

- 1.1 This Ecology Technical Note has been prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of Hawridge Strategic Land Limited (hereafter referred to as 'the Applicant'). It provides a response to comments from Herts and Middlesex Wildlife Trust (HMWT), dated 13 August 2025, regarding the outline planning application (North Herts Council planning ref. 25/01766/OP) for proposed residential development at land south of Cowards Lane, Codicote (hereafter referred to as 'the Site').
- 1.2 EDP is taking on the role of ecological advisor for this project based on the survey work undertaken by Clarkson & Woods.
- 1.3 HMWT objects to the planning application due to:
- The loss of part of Meadow North-West of First Spring Local Wildlife Site (LWS);
 - The loss of 1.13 hectares (ha) of Other Neutral Grassland; and
 - Failure to comply with the 'Golden Rules' relating to the release of Grey Belt land.
- 1.4 These topics are addressed in turn within the remainder of this Technical Note, based upon a review of the following information submitted with the planning application:
- Ecological Impact Assessment (EclA) (Clarkson & Woods, July 2025);
 - Biodiversity Net Gain Statement (Clarkson & Woods, July 2025);
 - Statutory Biodiversity Metric (Clarkson & Woods, July 2025); and
 - Landscape and Visual Green Belt Appraisal (LVGBA) (EDP, July 2025).

2 LOSS OF LOCAL WILDLIFE SITE HABITAT

- 2.1 HMWT acknowledges that the portion of Meadow North-West of First Spring LWS which falls within the Site is in poor condition based on the survey information contained in the submitted EclA but states that the LWS designation remains in place, nonetheless. EDP agrees with this summary, but it is also relevant to note, when weighing LWS impacts in the

planning balance, that the significance of the impact of the loss of LWS habitat is lower because the habitat for which it has been designated is currently in poor condition.

2.2 EDP also agrees with the HMWT's assertion that proposed on-site habitat retention and management would not, on its own, fully mitigate the impact of the habitat loss, and that compensation for the loss of this habitat is required to meet the following legislative and policy requirements:

- *The Environment Act (2021)* and associated Biodiversity Gain Regulations;
- Paragraph 193(a) of the *National Planning Policy Framework* (NPPF, December 2024); and
- Policy NE4 (Biodiversity and geological sites) of the *North Herts Local Plan 2011 – 2031*.

2.3 HMWT makes the link between the Biodiversity Metric calculations and the requirement to compensate for LWS impacts, because both relate directly to net habitat losses/gains. The on-site loss of 4.97 habitat units (HUs, as measured using the Statutory Biodiversity Metric) primarily relates to Other Neutral Grassland habitat which is to be removed to make way for the proposed development.

2.4 However, this also means that a suitable off-site biodiversity enhancement scheme, which produces a net gain of 4.97 HUs of primarily Other Neutral Grassland (and other habitats required to meet the Metric Trading Rules¹), would compensate for the loss of on-site LWS habitats. An off-site scheme would also need to deliver a further 0.986 HUs to achieve a minimum 10% net gain (compared to the baseline biodiversity value of the Site of 9.86 HUs) to comply with the Biodiversity Gain Regulations.

2.5 Should outline planning permission be granted, details of an off-site biodiversity enhancement scheme (which meets the requirements set out above) will need to be submitted as part of a Biodiversity Gain Plan, as required to discharge the standard biodiversity gain pre-commencement planning condition. An additional planning condition could also be applied by North Herts Council to ensure the off-site scheme has suitable characteristics (beyond the requisite number and type of HUs) to compensate for the loss of LWS habitat.

2.6 Thus, although the requirement for LWS compensation was not identified within the submitted EclA, this compensation can be secured as part of an outline planning permission through the standard/mandatory biodiversity gain pre-commencement planning condition, together with an additional condition requiring the off-site biodiversity enhancement scheme to specifically address the LWS impacts.

¹ "The trading rules set minimum habitat creation and enhancement requirements to compensate for specific habitat losses, up to the point of no net loss. They are based on the habitat type and distinctiveness of the lost habitat." (The Statutory Biodiversity Metric User Guide, July 2025)

3 LOSS OF OTHER NEUTRAL GRASSLAND

- 3.1 The mechanism by which the loss of on-site Other Neutral Grassland can be compensated off-site is described above.
- 3.2 With regard to the currently poor condition of the grassland, EDP does not agree that the submitted EclA seeks to justify its destruction for development on this basis as is suggested by HMWT. Instead, it simply puts the significance of the impact of its loss in context. It cannot be denied that the impact of the loss of grassland in poor condition is less significant than the loss of a grassland in good condition (from an ecological rather than agricultural perspective).
- 3.3 Whilst it is true that, as put forward by HMWT, the condition of the grassland could be improved under a favourable management regime, in the absence of a planning consent the most probable outcome is the Site will continue to be grazed by horses resulting in the grassland condition remaining the same or indeed worsening. One therefore has to question the strength of this argument.
- 3.4 HMWT draw attention to the location of the Site within a Grass and Heath Focus Area within the draft *Hertfordshire Local Nature Recovery Strategy* (LNRS), however this does not equate in any way to a presumption against development in planning policy. Nonetheless, should the draft LNRS become adopted, there will be an incentive to provide any off-site biodiversity enhancement (and LWS compensation) in such an area, and the Applicant intends to pursue this route subject to suitable land being available.

4 GOLDEN RULES FOR RELEASE OF GREEN BELT LAND

- 4.1 HMWT question whether the proposed development meets the Golden Rules for green belt releases as set out in the latest version of the NPPF. It is beyond the scope of EDP's expertise to comment on the first and second of these rules, but it is clear from the submitted LVGBA that the third Golden Rule, as set out at paragraph 156c of the NPPF, is met for the proposed development.
- 4.2 Owing to the small scale of the development, opportunities to contribute to nature recovery within the on-site open space are limited, hence the requirement for off-site compensation and enhancement measures. That said, the Illustrative Landscape Strategy contained within the submitted LVGBA shows how biodiversity enhancement can be incorporated into the development whilst also meeting all other open space requirements. This Strategy incorporates a range of existing and proposed habitats of biodiversity/nature value, including neutral grassland, native scrub, trees and hedgerows and sustainable drainage systems.
- 4.3 As noted at paragraph 3.4 above, should the draft LNRS become adopted, there will be an incentive to provide the off-site compensation and enhancement measures required for the proposed development within a Grass and Heath Focus Area.

5 CONCLUSIONS

- 5.1 This Technical Note has been prepared in response to comments on the planning application (and an objection) from Herts and Middlesex Wildlife Trust (HMWT).
- 5.2 EDP concludes that the matters raised are either a) immaterial to the determination of the planning application; or b) can be addressed through the standard/mandatory biodiversity gain pre-commencement planning condition, together with an additional condition requiring the off-site biodiversity enhancement scheme to specifically address the LWS impacts.