

Mrs S Kasparian
Planning Department
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3FJ

Our ref: SRS/503/55/1/S96aCond21

Date: 2 October 2025

Dear Sarah,

Re: Highover Farm, Highover Way, Hitchin, SG4 0RQ – Application under S96a to amend the wording of Condition 21 of planning permission 18/01154/OP

Further to discussions at our bi-weekly meetings, I am now instructed by Barratt Redrow to submit a S96a to revise the wording of Condition 21 relating to the submission of a Landscape Environmental Management Plan (LEMP) which principally deals with the provision of Biodiversity Net Gain (BNG) and its management.

Bearing in mind that the outline application pre-dates the statutory BNG regime, the current wording of the condition restricts the ability to update the metric to the latest version (as would normally be the case with an outline and reserved matter application process) and also the type of habitat creation that is actually able to be provided within the site. Furthermore, given the phased nature of the development, it is considered more appropriate to provide a LEMP document that sets out the overarching principles of the BNG and its provision, delivery and management, but then allows for the precise detail of that to be provided/set out on a phase by phase/reserved matter by reserved matter basis, in a similar manner that condition 13 enables the open space and its management regime to be delivered.

Set out below in red is how we propose the condition be revised –

No Development apart from enabling ~~and associated~~ works, and those associated with Phase 0 strategic Infrastructure works (comprising the physical construction of the spine road and SuDS drainage ponds/swales, but excluding the planting and landscape establishment of those features) shall take place on the site until an OUTLINE landscape and ecological management plan (OLEMP) has been submitted to, and approved in writing by, the local planning authority. The OLEMP shall be informed by the latest version of the biodiversity metric and the Environmental Impact Assessment, having regard to the approved metric submitted with the outline application, and should include the following:

~~content of the LEMP ensure the delivery of the agreed number of habitat and hedgerow units in the approved biodiversity metric (109.49 habitat units, 31.89 hedgerow units) to achieve a net gain in biodiversity and include the following.~~

- ~~a) measures to protect and enhance retained features (noting commitments secured at the outline application stage)~~
- ~~b) identification of opportunities to create new biodiversity assets and links to existing off site ecological networks~~
- ~~c) a demonstration of how the above measures contribute to the achievement of a 10% minimum biodiversity net gain target for the overall development site, based on the approved metric (or an up to date statutory net gain metric), and~~
- ~~d) a framework management and maintenance strategy.~~

~~Prior to or concurrent with the first reserved matters submitted in each subsequent phase (identified in condition 5 phasing and delivery plan) a LEMP for that phase, prepared in accordance with the approved OLEMP, shall be submitted to and approved by the local planning authority. The LEMP shall also include -~~

- ~~a) Description, areas and evaluation of features to be managed, marked on plans for that phase~~
- ~~b) Compensation and Habitat creation as proposed and detailed in the environmental statement 'ecology and conservation'.~~
- ~~c) Aims and objectives of management.~~
- ~~c) demonstration of how the above measures contribute to the achievement of the minimum 10% net gain target for the overall development and what the percentage is in that phase~~
- ~~d) Appropriate management options for achieving target condition for habitats as described in the approved metric, directly cross referenced to lines in the approved metric.~~
- ~~e) Details of the make, model, and location of a minimum of integrated bat and swift boxes in appropriate buildings has been supplied to and approved by the LPA. These should be clearly marked on plans. Boxes shall be fully installed prior to occupation and retained as such thereafter.~~
- ~~f) confirm that all planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of each phase of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.~~
- ~~f) Prescriptions for management actions, only definitive measures are acceptable.~~
- ~~g) Preparation of a work schedule if applicable (including a 5 year work plan and 30 year work schedule, capable of being rolled forward in perpetuity).~~
- ~~h) Details of the body or organisation responsible for implementation of the plan .~~
- ~~i) details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.~~
- ~~j) the monitoring methodology and frequency in respect of the retained, created and/or enhanced habitats. The monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the~~

approved LEMP for that phase. The created and /or enhanced habitat specified in the approved LEMP for that phase shall be managed and maintained in accordance with the approved LEMP for that phase.

~~*i) Ongoing monitoring plan and remedial measures to ensure approved habitat condition targets are met.*~~

~~*j) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.*~~

I trust this revised wording is acceptable and look forward to receiving a decision notice to that effect within the statutory 28 day period.

If there are any queries, please let me know asap to enable discussion with our ecologist as necessary.

Yours sincerely,

Sarah R Smith
BA (Hons) MRTPI
Consultant - Town Planning

