

Officer Liz Anderson – Ecologist

Date 31/1/25

Ref: 24/02814/FP

Att: Tom Rea

Land At Mill Farm, Charlton Road, Hitchin, Hertfordshire, SG5 2AB

Conversion and extension of existing barns to create two dwelling following demolition of shed/outbuildings/silos. Alterations to existing vehicular access.

Consultee comments;

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

As the site is bisected by the River Hiz, an important chalk stream, a Biodiversity Net Gain & MoRPh Report was undertaken. This concludes that the watercourse is in moderate condition but that the banks are in poor condition. To achieve in a Biodiversity Net Gain of 10% it is proposed to improve the condition from poor to good.

The proposals are expected to deliver net gains of 35.67% habitat units and 12.02% watercourse units thereby meeting the mandatory requirement. Due to the proposed enhancement of the River Hiz, which is deemed significant, a Habitat Management and Monitoring Plan will be required and adherence to which should be conditioned.

Habitat Management and Monitoring Plan

A Habitat Management and Monitoring Plan (HMMP) to ensure delivery of the gains as detailed in the Biodiversity Gain Plan shall be provided. The HMMP will include;

- *how significant on-site enhancements will be managed*
- *timing and methods for habitat monitoring*
- *monitoring results reporting timescales*
- *timing and methods for review of management proposals*

The approved HMMP shall be adhered to and implemented throughout the biodiversity gain plan period in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Given the proximity of the development to the River Hiz and potential for impact to species that may be associated with the habitat a Construction Environment Management Plan is advised.

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 August 2024 Preliminary Ecological Appraisal to include the following.

a) Risk assessment of potentially damaging construction activities in particular in relation to the River Hiz.

- 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.

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. Taking this into account the following condition is advised;

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, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

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.