

Officer Liz Anderson – Ecologist

Date 26/9/24

Ref: 24/01835/FP

Att: Tom Rea

Old Stables, Luffenhall, Luffenhall, Stevenage, Hertfordshire, SG2 7PX

Erection of one 4-bed dwelling and detached double garage following demolition of existing outbuildings including parking and landscaping.

Consultee comments;

Having read the submitted documents and reviewed the statutory metric there would be no ecological objection to the proposal. The scheme, as proposed, would result in a 160% gain in habitat units and 40% gain in hedgerow units and so is compliant with the mandatory requirement for eligible developments to deliver 10% Biodiversity Net Gain (BNG).

The Ecological Appraisal and species surveys determined that redevelopment of the site would not adversely impact protected or Priority Species or habitats but makes recommendations for ecological enhancements within the new dwelling beyond mandatory BNG in line with North Herts policy NE4. A condition securing this could be used as follows;

No above ground works shall take place until a scheme for ecological enhancements has been submitted to and approved in writing by the local planning authority. The scheme shall be informed by the August 2024 Preliminary Ecological Appraisal and measures within the scheme shall be implemented as approved and retained thereafter in perpetuity.

Reason: To ensure that the development delivers ecological enhancements in accordance with Policy NE4 of the North Herts Local Plan (2022)

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

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(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.