

Officer Liz Anderson – Ecologist
Date 1/8/24

Ref: 24/01464/FP
Att: Tom Rea

**Land To The East Side Of, Maydencroft Gardens, Gosmore, Hertfordshire,
Erection of multipurpose pavilion following demolition of existing changing rooms (all matters reserved)**

Consultee comments;

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

The February 2023 Preliminary Ecological Appraisal identified the site as unvegetated ground; a mixture of gravel and bare ground with small patches of short ephemeral vegetation and hedgerows.

Post-development habitats of the site are valued at 0.23 Habitat Units and 0.25 Hedgerow Units resulting in Biodiversity Net Gain in excess of the mandatory 10%.

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 (EES) 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.