

Officer Liz Anderson – Ecologist
Date 19/11/24

Ref: 24/02265/FP
Att: Andrew Hunter

Baldock Services, Great North Road, Radwell, Baldock, Hertfordshire, SG7 5TR

Installation of electric vehicle charging bays and associated works with two substations.

Consultee comments;

Having read the submitted documents and reviewed the statutory metric there would be no ecological objection to the proposal subject to conditions.

The planning statement says 4.8 *'there will be loss of a linear feature of mixed deciduous planting as a result of the development, however mitigation has been provided through replantation of additional native trees, scrubland, and grassland.'* The Biodiversity Metric shows a net loss of 14.53% of hedgerow units. Despite a 59% gain in habitat units the metric does not allow for trading of habitat types so the hedgerow loss must be compensated with hedgerow gains.

5.45 claims *'Within the context of the proposed development, it is considered that full BNG assessment is neither reasonable nor feasible as part of this ... As such, the de minimis BNG exemption applies ..'* I disagree that this application can be classified as de minimis as the planning statement has already declared in 5.38 the tree survey identifies a loss of *'a 20-metre linear section of mixed deciduous planting, likely lapsed hedgerows'*. This is in excess of the 5 linear metre threshold and BNG would apply.

A number of mitigation measures are proposed in the May 2024 Preliminary Ecological Appraisal Report and it is recommended that these are incorporated into a Construction Environmental Management Plan to avoid ecological impacts.

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 May 2024 Preliminary Ecological Appraisal Report and include the following.

- a) Risk assessment of potentially damaging construction activities.*
- 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) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) 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.

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.