

Officer Liz Anderson – Ecologist

Date 5/06/25

Ref: 25/01196/FP

Att: Alex Howard

Starwood House, Avenue One, Letchworth Garden City, Hertfordshire, SG6 2HB

Erection of two buildings including three units for Flexible Use Classes including Eg (ii) (iii), B2, B8, including servicing, parking, access, landscaping .

Consultee comments;

Having looked at the submitted documents I would have no objection to the proposed development.

The Preliminary Ecological Appraisal (PEA) includes an assessment of faunal interest in the site and advised further GCN survey on the nearby pond. This has returned a negative result meaning that the proposal will not impact on a protected species.

The application is subject to a requirement to deliver 10% Biodiversity Net Gain. The submitted Biodiversity Metric indicates a 5.93% net loss of habitat units and a 316% net gain in hedgerow units. In order to meet the unit shortfall the applicant understands that off-site Biodiversity units will need to be sourced. On speaking to the ecological consultants, it is understood that investigations into a nearby habitat bank are underway, details of which will be provided at discharge of condition stage.

Given the existing habitats on site a Construction Environment Management Plan is advised to guide site development works. Minimising impact to retained features and ensuring removal of vegetation is undertaken sensitively.

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 April 2025 Preliminary Ecological Appraisal 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) 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.

Further, the PEA recommends on site ecological enhancements, proposing a range of new features are incorporated within the development. Taking this into account the following condition is advised;

North Herts Council,

PO Box 10613, Nottingham, NG6 6DW

www.north-herts.gov.uk

Ecological Enhancements

No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as 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.