

HERTFORDSHIRE ECOLOGY

Providing ecological advice to Hertfordshire's Local Planning Authorities

Hertfordshire LEADS, Sustainable Growth
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David Elmore
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Welwyn Hatfield Borough Council

Ask for: Anita Parry
Tel: 01992 556149

Date: 10/06/2022

Dear David,

Application Reference: 6/2022/1097/OUTLINE

Proposed development at: Land to the North of Bradmore Way, Bradmore Way, The Brookmans Estate, Brookmans Park

Proposal: Outline planning permission with all matters reserved except access, for up to 125 dwellings, a care facility for up to 60 bedrooms (Use Class C2), and a scout hut (Use Class F2)

Thank you for consulting Hertfordshire Ecology on the above.

Summary of advice

- I have no objection to the principle of development on this Site.
- Species survey results should be submitted *prior to determination, as additional information*.
- Follow recommendations, mitigation and enhancement measures – *except for surveys (see above)* - in the Ecological Appraisal and appendices now by condition or at the Reserved Matters stage, whichever is most appropriate.
- The Biodiversity Net Gain (BNG) calculation identifies the 10.565 shortfall in Biodiversity Units (BU) needed to achieve a minimum of 10% BNG, assuming the habitat proposals on-site are considered by the Local Planning Authority (LPA) to be acceptable and deliverable.
- Any off-site financial contribution would need to be £126,780 if contributions are to be provided to the LPA for a suitable project, at a cost of £12,000 per BU.
- The LPA needs to be satisfied that sufficient information on BNG offsetting has or has not been provided at this stage. If it is satisfied, then a detailed LEMP and Biodiversity Gain Plan can be dealt with at the Reserved Matters stage; if it isn't satisfied then further information to demonstrate the necessary outstanding BU can be achieved is required *prior to determination*.

Comments

The application is supported by several ecological reports and documents prepared by *Liz Lake Associates* in March 2022

- Ecological Appraisal Report
- Ecological Appraisal Report Appendix A Phase 1 Habitat Zonation

Funded by the following LPAs:
HERTFORDSHIRE COUNTY COUNCIL,
DACORUM BOROUGH, EAST HERTFORDSHIRE DISTRICT, HERTSMERE BOROUGH, NORTH HERTFORDSHIRE DISTRICT,
ST ALBANS DISTRICT, THREE RIVERS DISTRICT, WATFORD BOROUGH, WELWYN HATFIELD BOROUGH

- Ecological Appraisal Report Appendix B Desktop Study Data
- Ecological Appraisal Report Appendix C Specialist Survey Reports (three reports by other consultants in 2014)
- Ecological Appraisal Report Appendix D Ecological Mitigation, Compensation & Enhancement Plan
- Ecological Appraisal Report Appendix E Biodiversity and Net Gain (Green Shoots Ecology)
- Ecological Appraisal Report Appendix F Landscape and Biodiversity Opportunities Drawing (October 2019)
- Biodiversity Metric 3.0 calculation tool spreadsheet (received 6 June)

The ecological appraisal updates surveys undertaken in 2014. The Site is undeveloped land and comprises a block of agricultural grassland. It is located south and east of Peplin's Wood, which is a non-statutory Local Wildlife Site (LWS) and Ancient Woodland Inventory (AWI) site. To the south-east of the Site is Brookmans Park Golf Course; to the east is another grassland field; and to the south is part of the existing Brookmans Park residential area.

The proposals involve construction of up to 125 dwellings with associated gardens and parking, a care facility, a scout hut, some open space and a SUDS feature. It will result in the loss of all the existing grassland habitat. The reports provide adequate assessment of the impact of the proposals and are based on appropriate on-site survey methods, although no quadrat surveys appear to have been completed to inform the grassland-type according to the UK Habitats Classification. Further surveys for bats, great crested newts and reptiles are planned and will be submitted later this year. *These results should be submitted as additional information before determination of the application.* The likelihood of an adverse ecological impact is low, but the submitted reports suggest reasonable precautionary measures to ensure that legally protected species are not harmed. I welcome the undeveloped 15m-30m buffer proposed for Peplin's Wood LWS / AWI site.

The ecological reports and appendices include a range of recommendations, mitigation and compensation measures, as well as habitat creation and ecological enhancement measures:

- (Ecological Appraisal Report sections 4 and 5 (for woodland fencing, 15-30m woodland buffer, production of a CEMP and a LEMP, native tree/shrub planting and plants for pollinators; reptile mitigation / translocation strategy including the need for an EPS mitigation licence for great crested newts, wildlife-friendly lighting; bat bricks, bird boxes & terraces, and reptile hibernaculum; hedgehog highways through garden fences, woodland and pond management),
- Great crested newt and Reptile Survey report section 8: Mitigation*,
- Bat Activity Survey report section 5: Recommendations*,

which are reasonable and compliance with them should be ensured now through the application of appropriately worded conditions (except species surveys, which should be completed prior to determination and not made a condition) or at the Reserved Matters stage, whichever is appropriate.

**These may be modified accordingly depending on the 2022 survey results.*

Biodiversity net gain (BNG)

Consistent with Government expectations outlined within the Environment Act 2021, the development is proposed to achieve a BNG of at least 10%. This has been informed by a Biodiversity Metric calculation tool (Natural England v3.0) as well as a statement in the Ecological Appraisal. The metric headline score shows a baseline of 31.15 BU of habitat area, and 0.00 BU of hedgerow. Following development, these figures are 23.70 BU and 2.83 BU respectively. This represents a loss of 23.91% habitat BU, and gain of 100% hedgerow BU. To achieve a 10% minimum BNG, a total habitat BU score would be 34.265 BU. This leaves a shortfall of 10.565 BU which would need to be achieved off-site. The proposed hedge BNG is more than 10%.

I understand two options for BNG have previously been discussed with ecologists at Herts & Middlesex Wildlife Trust (HMWT) in 2015 and Herts Ecology in 2022. Option 1 involves an offsetting payment based on a financial contribution of £12,000 per BU (the current Hertfordshire Local Planning Authority agreed amount, which is based upon Defra's original consultation suggestions). Option 2 involves off-site offsetting and follows the principles set out in the submitted Landscape and Biodiversity Opportunities Plan (which was agreed with HMWT in 2015). The wider environs of the Site includes land within the applicant's ownership and has the potential to be put forward for ecological enhancement as part of the BNG off-site offsetting requirement.

Comments on Option 1:

Green Shoots Ecology state that to compensate for the net loss in area-based habitat units, a financial contribution of £89,400 would be needed (£12,000 x 7.45 BU) – reference Ecological Appraisal Report Appendix E. *However, this would not provide a net gain - but merely no net loss.* To achieve the expected 10% uplift, **10.565 BU** should be delivered off-site at a total cost of **£126,780**.

Comments on Option 2:

Currently, the metric does not provide calculations for the off-site baseline or off-site post intervention. Off-site habitat improvements should demonstrate the existing BU value and ability to deliver sufficient uplift to achieve the shortfall and subsequent management over a minimum 30-year period (in perpetuity).

Responsibility for delivering BNG would fall to the owner subject to a legal agreement. The cost of this would be determined by the management required to achieve this as born by the landowner. This would form part of a Biodiversity Gain Plan to be agreed by the LPA.

It should be noted that any proposed off-site offsetting should be used for achieving the BU requirements for this application and not double count with any offsetting proposed for other applications on the same land (? e.g. 6/2021/3538/OUTLINE) unless *all* the required BU can be accommodated and met, e.g. the available land is large enough to avoid any doubling-up of BU.

Overall, I have no objection to the principle of development at this site. I do not anticipate there to be any significant ecological constraints that would prevent consent being granted, subject to appropriate mitigation, enhancement and BNG measures being implemented - to ensure biodiversity net gain will be achieved from the development.

However, currently, the LPA does not have any details – other than the broad application site landscaping proposals – that any of the BNG needs can be met or delivered. Should it wish to have these confirmed prior to determination, then more information on the landscaping, off-site proposals or financial agreement would need to be submitted as part of this application in order that any decision could be made in this knowledge.

If, however, the LPA is reasonably satisfied that these matters (a detailed LEMP and Biodiversity Gain Plan to satisfy off-site needs) can be dealt with as part of the Reserved Matters stage, then I consider that the application can be determined accordingly.

This advice is given in the current context for BNG in that it is not yet planning law and given there is no currently adopted Local Plan that states otherwise, the LPA is not in a position to insist on BNG being achieved, or proposals for it provided prior to determination despite the clear policy expectation from Government. However, for development proposals of this nature and scale, the expectation is clear. Consequently, the LPA will need to consider the extent it wishes to see BNG secured at this Outline application stage and proceed accordingly.

I trust these comments are of assistance.

Yours sincerely,

Anita Parry
Ecology Advisor
Hertfordshire Ecology