
From: [redacted]
Sent: 10 July 2019 14:40
To: Planning
Subject: FW: 6/2019/1370/MAJ Land to the east of firs wood close, Northaw Erection of 26 dwellings and associated access

From: Matt Dodds [mailto:Matt.Dodds@hmwt.org] **On Behalf Of** Planning Administrator
Sent: 10 July 2019 14:32
To: Kirsty Shirley <k.shirley@welhat.gov.uk>
Subject: RE: 6/2019/1370/MAJ Land to the east of firs wood close, Northaw Erection of 26 dwellings and associated access

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Dear Kirsty

The comments of HMWT are below:

Objection: Measurable net gain to biodiversity not demonstrated in contravention of NPPF and BS 42020.

In order to conform with the requirements of NPPF and BS 42020, the proposals need to demonstrate that the development will achieve net gains to biodiversity. The information submitted to date does not indicate that the required assessment of ecological value has been undertaken.

In order to objectively assess the ecological value of the site and to guide the amount of ecological compensation or mitigation required, the DEFRA metric e.g. Biodiversity Impact Assessment Calculator (WCC 2018 v19) should be employed to quantify the net ecological impact of the development.

BS 42020 requires that ecological information should clearly, definitively and measurably show: what is there, how it will be affected by development, how any negative impacts can be avoided, mitigated or compensated to ensure net gains to biodiversity, as required by NPPF. NPPF and BS 42020 require that ecological information demonstrate measurable net gain in biodiversity and not merely a subjective assessment of the significance of impacts on significant habitats.

NPPF states:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure 'measurable' net gains for biodiversity.

In order to objectively assess the ecological value of the land proposed for development a consistent and fair methodology should be employed. It is not sufficient to subjectively state that no net loss will be achieved, this must be measured or the phrase becomes meaningless and a matter of opinion. The implementation of an acceptable biodiversity accounting methodology should ensure appropriate mitigation or compensation resources are provided to achieve the conservation and enhancement of biodiversity, as required by NPPF.

Therefore the Biodiversity Impact Assessment Calculator v19 should be employed to assess the pre and post development ecological value of this proposal. The calculator must show a positive ecological unit score in order for the development to demonstrate that it is consistent with NPPF. The requirement to clearly demonstrate net gain is consistent with BS 42020 Biodiversity - code of practice for planning and development.

The reason for the application of the calculator is that it provides an objective mechanism to measure ecological impacts of any given development. It is transparent and ensures a measurable, standard and fair approach for developers and the local authority to provide consistency in assessing and calculating ecological impacts and therefore the required mitigation and or compensation measures. Without the application of the calculator, assessments of precise ecological impacts are subjective. The calculator has been devised by DEFRA, Natural England, several Local Authority Planning departments and upheld in a number of planning decisions as a suitable mechanism to assess net gain.

These proposals involve the destruction of a greenfield site and are therefore highly likely to have a net negative impact upon biodiversity if unmitigated. The applicant will need to demonstrate how the development minimises impacts on biodiversity, and conserves and enhances biodiversity, in accordance with NPPF. At present there is no indication that a BIAC assessment has been undertaken to objectively assess ecological impacts, sufficient for the LPA to make an informed decision as to whether no net loss or net gain has been achieved. BS 42020 is clear that it the responsibility of the applicant to supply sufficient information to make this judgement.

Opportunities to incorporate biodiversity in and around developments will also be required. Integrated bat and bird boxes will need to be incorporated into the brickwork of buildings bordering open space, in accordance with NPPF. The model, location and position of these devices will need to be included on the plans. Conventional bat and bird boxes are not acceptable because they vulnerable to vandalism, theft and are not as permanent as integrated devices.

HMWT is also extremely concerned about the impact of 26 households and their pets so close to a sensitive nature reserve. This will not and cannot be beneficial and will inevitably lead to a net negative impact on the reserve. This is not consistent with the NPPF requirement for net gain.

Matt Dodds
Planning & Biodiversity Manager
Herts & Middlesex Wildlife Trust

T: 01727 858901 x236
M: 07585 441980
E: Matt.Dodds@hmwt.org



