

From: [Planning Administrator](#)
To: [REDACTED]
Subject: RE: S6/2015/1342/PP Land to the north east of King George V Playing Fields, Northaw Road East, Cuffley, Hertfordshire, EN6 4RD
Outline planning application for residential development of up to 121 dwellings, associated infrastructure and a change of use f
Date: 06 August 2021 12:51:46
Attachments: [image175208.png](#)
[image785195.png](#)
[image760828.png](#)

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Dear [REDACTED]

Please see below updated comments on this application.

Objection:

Since this application was originally received in 2015, the planning situation has changed with new iterations of the NPPF, the Defra biodiversity metric, the development of the local plan and the immanent Environment Bill. These place an obligation for a development to demonstrate a 'measurable' net gain to biodiversity.

This development must demonstrate that it can deliver a 'measurable' net gain in biodiversity in accordance with NPPF and BS 42020. At present it contains no objective, quantified assessment of net ecological impact and so should be refused until a calculation which utilises the DEFRA biodiversity metric has been submitted and approved. The following additional information is required:

Net gain to biodiversity (habitats) should be adequately and objectively demonstrated by application of the DEFRA biodiversity metric.

NPPF states:

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

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value*
- 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.*

The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Therefore the ecological report should state, what is there, how it will be affected by the proposal and how any negative impacts can be avoided, mitigated or compensated in order to achieve 'measurable' net gain to biodiversity. Subjective assessments of net impact (as in this case) are not sufficient, not 'measurable' and therefore not consistent with policy.

In order to prove net gain to biodiversity, the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. BS 42020 states:

'8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account: h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

The most objective way of assessing net gain to biodiversity in a habitat context is the application of the Defra biodiversity metric. This metric assesses ecological value pre and post development on a habitat basis, has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF, and its use is advocated in govt guidance e.g. <https://www.gov.uk/guidance/natural-environment>

In order to meaningfully and measurably accord with planning policy to achieve net gain to biodiversity, the applicant will need to use this metric. The development must show a net positive ecological unit score of 10% to demonstrate compliance with policy. Habitat mitigation can be provided on or offsite. This will give some legitimacy to statements claiming that net gain can be achieved.

If the development cannot achieve a 10% net gain, a biodiversity offset must be proposed and endorsed by a legitimate biodiversity offset broker or provider with full establishment, management and monitoring regimes.

At present the ecological mitigation, compensation or enhancement measures suggested in the ecological report are potentially suitable to be conditioned via a landscape and ecological management plan. However the amount of these may change depending on the results of the Defra metric calculation. Once the extent of the mitigation, compensation and enhancement measures are established, they should be definitively proposed, so that they can form the basis of a condition. BS 42020 states:

'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'

A clear indication of all ecological measures that will be delivered by the development must be provided. This could be conditioned as part of the decision by adapting a condition from BS 42020. However, until a Defra metric assessment has been conducted, the character and extent of onsite provision will not be known.

Until this information has been provided, the application should not be approved.

Best wishes

Matt Dodds

Planning Administrator



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From: [REDACTED]
Sent: 20 July 2021 12:22
To: Planning Administrator <P [REDACTED]>; Matt Dodds [REDACTED]
Subject: S6/2015/1342/PP Land to the north east of King George V Playing Fields, Northaw Road East, Cuffley, Hertfordshire, EN6 4RD Outline planning application for residential development of up to 121 dwellings, associated infrastructure and a change of use from

Dear Sir or Madam, Please find attached a notification regarding an application that has been submitted to the Council for determination. Full details are within the letter.

Kind Regards

[REDACTED]
Planning Technical Manager
Welwyn Hatfield Borough Council
Email: [REDACTED]

Working better, together

[REDACTED]
@WelHatCouncil
[REDACTED]

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