

Ann Helmke

From: Matt Dodds <Matt.Dodds@hmwt.org> on behalf of Planning Administrator <Planning@hmwt.org>
Sent: 01 October 2019 14:35
To: Gabriela Da Camara
Subject: RE: 6/2019/2162/OUTLINE Land south-west of Filbert Close, Hatfield, AL10 9SH
Outline planning permission for the erection of 39 dwellings, vehicular access and provision of open space with appearance, landscaping, layout and scale reserved

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Dear Gabriela

Please could you pass our response to David Elmore regarding this application. Thank you.

Objection: Application must demonstrate a measurable net gain to biodiversity in accordance with NPPF and clear indications of significant losses and gains to biodiversity in accordance with BS 42020.

In accordance with NPPF, BS 42020 and the 25 year environment plan 2018, '[A Green Future: Our 25 Year Plan to Improve the Environment](#)', the following information should be provided to demonstrate compliance with these documents

- 1. Net gain to biodiversity (habitats) should be adequately and objectively demonstrated by application of the DEFRA biodiversity metric.
- 2. Ecological mitigation, compensation and enhancement measures must be clearly and definitively stated in accordance with BS 42020.
- 3. Mechanisms to ensure in perpetuity management of ecological features should be described.
- 4. Ecological enhancement measures to ensure permeability of the development to wildlife required.

1. The 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.

The emerging WHLP after main modifications states:

12.15 The mitigation hierarchy should be followed at all times to limit adverse impacts on ecology and biodiversity. The hierarchy consists of the stages below which should be applied in sequential order as part of an integrated design.

- **Avoid:** This can be achieved by site selection (i.e. a sequential approach), siting and layout of development within a site, and innovative design.
- **Reduce:** This can be achieved, for example, by setting the development into the ground and the implementation of sensitive building and landscape design (such retention of existing habitats)
- **Remediate:** This can be achieved, for example, via replanting and screening within the site.
- **Compensate:** This can be achieved via replacement habitat creation either on or off-site that help achieve an overall net gain in biodiversity or improvements to the structure and function of ecological networks in the wider area.

12.16 Not all impacts can be mitigated, and mitigation itself can lead to problems. Monitoring will be essential to identify and overcome any unanticipated problems as they arise. The use of off-site compensation should be considered in consultation with the Council's ecological and landscape officers and advisors. Proposed compensatory measures should be informed by both qualitative and quantitative assessments of biodiversity and ecological impacts. In order to ensure that mitigation measures and any off-site compensatory measures are successfully delivered and maintained, financial and other provisions will be sought, where appropriate and necessary, via the use of planning conditions, planning obligations and legal agreements. Off-site compensatory measures should be supported by all necessary provisions that are required to ensure those measures achieve and maintain their conservation objectives for at least the first thirty years post-completion of the development, and whenever possible for the lifetime of the development.

12.17 Proposals will as a minimum be expected to be in line with CIEEM guidelines on ecological impact assessments and the recommendations set out in the relevant British Standards⁽⁶³⁾

In accordance with these documents, 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 gains to biodiversity – or in terms of the local plan, 'qualitative and quantitative assessments of biodiversity and ecological impacts'.

In order to prove net gain to biodiversity, the ecological report should include a measurable calculation of the ecological value of the site at present and what will be provided following the development. BS 42020 (adherence with which is also a requirement of the local plan) 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 gains to biodiversity in a habitat context is the application of the habitat impact assessment metric created by DEFRA and NE – e.g. as contained in the Biodiversity Impact Calculator (Environment Bank 2015) or the Biodiversity Impact Assessment Calculator (Warwickshire County Council 2018 v19). This metric assesses ecological value pre and post development and has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF. The use of the metric (which is the foundation of the Biodiversity Offsetting system) is advocated in <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/> .

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

Currently no objective, quantified assessment of the impacts on biodiversity on the habitats present has been put forward. The impacts have been entirely subjectively assessed, which is not acceptable. It is therefore impossible to meaningfully assess whether net gain has been achieved. No compensation or mitigation has been offered for the loss of the habitats identified on site.

2. Ecological mitigation, compensation or enhancement measures suggested in the ecological report must be definitively stated. For example, if integrated bat boxes and bird boxes are recommended, the report must state what model, how many and where they will be deployed and clearly mark this on plans. Landscape plans should contain species lists of native and appropriate species with management regimes. In order to properly understand what is being proposed, all ecological enhancement/mitigation/compensation measures must be clearly proposed and marked on maps. The required quantum of habitat to be created to achieve net gain must be informed by the Biodiversity Impact Assessment Calculator. 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. At present only suggestions or recommendations of what could be provided have been made.

3. All mitigatory or compensatory habitat provision must show exactly what management regime will be applied to it or how it will be sustained in perpetuity to offset the permanent ecological impacts. Habitat provision is only as good as the management that it receives, in order to achieve the desired condition. Sufficient information must be supplied to show exactly how these habitat creation areas will be maintained, by whom or how it will be financed. This information must be supplied to show viability.

4. Ecological enhancement measures should be provided within the development to deliver permeability to wildlife. The location of the development means that integrated bat and birds boxes are appropriate. Bat and bird boxes should be integrated and permanent (e.g. habitat bat, swift and sparrow boxes) not free standing and temporary boxes. Boxes should be installed in buildings bordering open space, as high as possible e.g. under roof line, and appropriately orientated e.g. bats south and birds north. Wherever possible habitat provision should be connected to enable terrestrial wildlife to utilise it, and link with the wider environment.

If you wish to discuss any of the above please do not hesitate to get in touch.

Best wishes

Matt

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From: Gabriela Da Camara [mailto:g.camara@welhat.gov.uk]

Sent: 16 September 2019 14:33

To: Planning Administrator <Planning@hmwt.org>

Subject: 6/2019/2162/OUTLINE Land south-west of Filbert Close, Hatfield, AL10 9SH Outline planning permission for

the erection of 39 dwellings, vehicular access and provision of open space with appearance, landscaping, layout and scale reserved

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

Gabriela Da Camara
Planning Support
Validation Officer
Welwyn Hatfield Borough Council
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