

Public Document Pack

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

THURSDAY, 22ND JANUARY, 2026

SUPPLEMENTARY AGENDA

Please find attached supplementary papers relating to the above meeting, as follows:

Agenda No	Item
6.	<u>25/02115/FP KIRKBY MANOR FARM, NORTHFIELD ROAD, ASHWELL, BALDOCK, HERTFORDSHIRE, SG7 5JQ</u> (Pages 3 - 20)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Conversion of 3 existing agricultural buildings to provide 8 residential units, including gardens and formation of vehicular access.

Included in this Supplementary Pack are:

- a) Update to the Officer's Report
- b) Response received from Ashwell Parish Council
- c) Response received from a neighbour
- d) Response received from a neighbour
- e) NHC Ecologist response

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Planning Control Committee Meeting of 22 January 2026

UPDATE dated 19 January 2026

Agenda Item 6. Application No. 25/02115/FP - Conversion of 3 existing agricultural buildings to provide 8 residential units, including gardens and formation of vehicular access at Kirby Manor Farm, Ashwell, Baldock SG7 5JQ

The published committee report was written just before the expiration of the consultation period, which the report should have made clear, but did not.

Responses have been received which are addressed below in this supplementary report. These responses are available to view via Public Access but are also attached to this update report.

Responses Received

1. Statutory Consultee response

A response has been received from Ashwell Parish Council objecting to the scheme. The key points of objection are summarised as follows:

- Unsustainable location (no active or public transport)
- Highway safety concerns as the site is accessed via narrow dark lanes with no pedestrian, cycle or public transport connections
- Loss of privacy and light pollution
- Harm to neighbours from noise pollutions during construction.

The full representation is available to view on the Public Access system.

2. Neighbour Representation

Two neighbour representations have also been received objecting to the scheme.

- Highway safety, Limited passing points, frequently used by agricultural vehicles, pedestrians and cyclists, often muddy and poorly maintained.
- Increase in traffic
- Noise, disturbance and vibration risks from both construction and occupation.
- Harm to wildlife and ecology.
- Loss of rural character
- Overlooking and loss of privacy
- Inadequate boundary treatment
- Overdevelopment of the site
- Loss of historic character
- Boundary dispute
- Impact to water supply
- Oil tank relocation

As indicated above, the full representations are available to view on the Public Access system and are also attached to this update report.

3. NHC Ecology

No objections.

The development is easily able to meet the mandatory 10% BNG on site. The recommended CEMP condition (Recommended Condition 5) will ensure that the works proceed in accordance with any licencing requirements for bats and a barn owl nesting in Building 1.

4. Officer Commentary and Assessment

4.1 Highway Safety / Traffic

Paragraph 4.3.18 of the published committee report addresses highway issues and the objections of the Highway Authority, which relates to the unsustainable location with no realistic provision for active travel or public transport. In terms of highway safety issues raised, Northfield Road is a narrow country lane to the north of Ashwell, with grass verges to both sides. However, the Highway Authority have not objected on those grounds. Moreover, officers consider that this proposal would not have a materially greater impact upon highway safety compared to the fallback position, which is outlined at 4.3.6 of the published report.

4.2 Overlooking and loss of Privacy

This matter is addressed at paragraphs 4.3.12 to 4.3.14 of the published report. A boundary wall and evergreen ornamental planting and orchard trees to provide screening are proposed along the boundary with the house at Kirby Manor Farm. However, it is acknowledged that the proposed development would have an adverse impact upon the living conditions of occupiers of Kirby Manor Farmhouse due to loss of privacy. The impact has been carefully assessed and considered against the fallback position offered by the prior approval scheme for 8 dwellings at the application site and it is concluded that the harm that would arise due to additional garden land proposed would not significantly and demonstrably outweigh the benefits of the proposed development. An additional condition is recommended (condition 12) relating to the height of boundary treatment. This matter is addressed further at 4.7 below.

4.3 Wildlife and Ecology

The recommendation to committee is for a resolution to grant subject to satisfactory comments being received from NHC's Ecologist. These comments are addressed at 3 above. The ecological benefits of the scheme are covered under paras 4.3.20 – 4.3.22 and the impacts addressed by the recommended conditions.

4.4 Loss of rural and historic character

Given the fallback position established by the PNQ scheme, the conversion of these units would not materially harm the rural context of the area. This is covered under paras 4.3.2 – 4.3.6 and 4.3.11 of the published committee report.

4.5 Noise and Disturbance

The extant approved scheme for 8 dwellings would have a similar impact in terms of noise and disturbance compared to the proposal. However, further impacts would arise from the removal of a concrete area to provide for garden. Therefore, a condition requiring a Construction Management Plan is recommended to mitigate the impacts during construction to the neighbouring dwellings.

4.6 Light Pollution

Light from vehicle headlights would not have a materially greater effect upon neighbours compared to the fallback position.

However, to control the potential impacts from lighting within the proposed development a condition is recommended below (recommended condition 11).

4.7 Boundary Wall

Concerns have been raised relating to the effect of the proposal on a boundary wall and the height of boundary treatment along the boundary with Kirby Manor Farmhouse. The submitted landscape plan (No. 164 LD 01) details boundary treatment and indicates that the proposed boundary wall along the boundary with the house at Kirby Manor Farm would be constructed using Arlesey White bricks but does not identify the proposed height of boundary treatment. Therefore, an additional condition is recommended relating to the height of boundary treatment (Condition 12).

4.8 Oil storage tank

The oil storage tank that serves the farmhouse that is located within the application site is a civil matter.

4.9 Water supply

Concern has been raised relating to the existing water supply which is supplied by a private water supply that runs through a neighbouring property.

However, the requirement for an adequate water supply is a matter that is controlled by building regulations as well as the Water Industry Act 1991, which mandates water companies to connect new homes to a wholesome and efficient water supply.

Revised recommendation

That planning permission be resolved to be granted subject to the conditions and informatives set out in the published report and the additional conditions set out below.

10. *No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for:*
- a) the parking of vehicles of site operatives and visitors;*
 - b) loading and unloading of plant and materials;*
 - c) storage of plant and materials used in constructing the development*
 - d) the hours of construction works*
 - e) wheel washing facilities*
 - f) measures to control the emission of dust and dirt during construction*

The approved construction Method Statement shall be adhered to throughout the construction period for the development.

In the interests of the amenities of the area and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031

11. *Prior to the installation of external lighting, full details including height, design, location and intensity and shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.*

Reason: In the interests of the appearance of the locality within the countryside and protection of neighbour amenity in accordance with Policies NE4 and D3 of the North Hertfordshire Local Plan 2011 to 2031.

12. Notwithstanding details of proposed boundary treatment in the submitted landscaping scheme (Drawing No. 164 LD 01) prior to occupation of the development hereby permitted details of the height of proposed boundary treatment shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied.

To safeguard and enhance the appearance of the development and the amenity of the locality and to comply with policies D1 and D3 of the North Hertfordshire Local Plan 2011 to 2031.

To: Henry Thomas – Planning Officer
E- henry.thomas@north-herts.gov.uk

cc: Planning Control - NHC
E- planning.control@north-herts.gov.uk

8th January 2026

Dear Henry

Re: 25/02115/FP : Full Planning Permission : Conversion of 3 existing agricultural buildings to provide 8 residential units, including gardens and formation of vehicular access : Kirby Manor Farm, Northfield Road, Ashwell, Baldock, Hertfordshire, SG75JQ

At the Ashwell Parish Council meeting held on 7th January 2026, councillors unanimously resolved to object to the above planning application. Please find below their objections.

Location of the building and it's sustainability

Councillors endorse the HCC Highways Authority letter dated 10th December 2025 and support their comments relating to safety concerns that the site is located in a rural area accessed by narrow dark lanes with no pedestrian, cycle route or public transport connections. This will increase vehicle dependency, making the site not 'sustainable' according to para 106(a) and para 110 of the NPPF, which requires development to:

"Minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities".

"In accessing sites that may be allocated for development in plans or specific applications for development, it should be ensured that (a) appropriate opportunities to promote sustainable transport can be made or have been taken up, given the type of development and its location"

The NHC Local Plan states in its Policy SP1 'Sustainable development in North Hertfordshire' that it will "... secure any necessary mitigation measures that reduce the impact of development, including on climate change.". Its policy SP6 (f) requires "applicants to provide assessments, plans and supporting documents to demonstrate the safety and sustainability of their proposals;"

The location of the proposed dwellings is outside walking distance from facilities, the bus service in the village, and outside walking/cycling distance from the railway station. There does not appear to be any assessment of the desirability of the change from a sustainability viewpoint or any mitigation proposals for any undesirable consequences.

Note that, the Local Plan at para. 7.12 places emphasis on " ... locating residential development where car use is less likely / and or necessary for many trips."

Neighbour Concerns

Cllrs support the further concerns of the neighbour especially those around sustainability, highways safety, the number of dwellings and design issues including privacy and materials that need to be sympathetic to the existing character of the farmhouse and barns.

In particular, Cllrs wish to draw the Planning Officer's attention to the following neighbour concerns:

Loss of privacy and light pollution

The affected neighbours have advised us that the proposed development would overlook the bedrooms of the farmhouse arising from the proximity of the dwellings, the private gardens and communal parking, which in itself will create light pollution from vehicle headlights, and other lighting.

Boundary wall dispute, construction, vibration risks, water supply and noise disturbance.

Cllrs support the neighbours concerns over the farmhouse boundary wall query; the potential effect to the property of vibration risks during construction, along with noise disturbance during the development of the site. The council was also informed that the proposed water supply to the proposed development is provided by a private water pipe that supplies the neighbours, passes through the neighbours garden and that is unlikely to feed the proposed number of dwellings and request that these concerns are properly addressed by NHC.

Yours sincerely



Sally Roberts

Clerk - Ashwell Parish Council

clerk@ashwell.gov.uk

Kirby Manor Farm
Northfield Road
Ashwell
SG7 5JQ

Development Control Services
North Herts District Council
FAO: Shaun Greaves / Henry Thomas

8th January 2026

Dear Mr Greaves and Mr Thomas,

**Re: Formal Objection to Full Planning Application for Barns Adjacent to Kirby Manor Farm,
Northfields Road, Ashwell SG7 5JQ
Application Reference: 25/02115/FP**

We are the owners and occupiers of Kirby Manor Farm, a Victorian farmhouse immediately adjoining the application site comprising the barns proposed for development. We write to object to the above full planning application on the following material planning grounds.

While we acknowledge that Class Q prior approval was previously granted for conversion, this objection addresses the current full planning application, which involves additional impacts and considerations beyond permitted development rights.

1. Overlooking and Loss of Privacy

The proposed development would result in direct overlooking into the bedrooms of our farmhouse, causing a significant and harmful loss of privacy and residential amenity. Photos 1-4 refer.

This is contrary to:

- Policy D3 (Protecting Living Conditions)
- Policy D1 (Sustainable Design)

The overlooking arises from the proximity of dwellings, private gardens, and communal parking areas, all of which were not fully assessed under the prior Class Q permission.

We request that the application be refused unless effective mitigation is provided to prevent overlooking and loss of privacy.

2. Noise and Disturbance

Currently, our property benefits from a quiet rural setting. The introduction of 8 new dwellings housing up to 40 residents, alongside 20 parking spaces, will cause a substantial increase in noise and disturbance including vehicle movements, engine noise, reversing alarms, everyday garden use and external gatherings.

This represents a material intensification of residential use, detrimental to existing amenity, and conflicts with Policy D3.

We request - prior to planning approval being granted:

- A comprehensive Noise Impact Assessment addressing all sources of noise.
- Consideration of cumulative noise impacts, beyond traffic noise alone.

3. Boundary Treatments and Residential Amenity

a. Boundary Wall Behind Our Farmhouse

The proposed retention of a 1.1m high boundary wall (excluding trellis) is completely inadequate and fails to provide sufficient mitigation against noise, overlooking, and loss of privacy.

In addition, the wall also includes two large sections of wood covering the original access points to the barns from the farmhouse so it is not a solid wall - Photo 5 refers.

There is also a 0.6m level difference between our drive and the proposed development site, effectively reducing screening height to approximately 0.5m above the development land.

There is an existing 2.8m high brick wall along the first section of this boundary, demonstrating the acceptability and appropriateness of such a height here. Photo 5 refers.

We request - prior to planning permission being granted - a planning condition requiring:

- That the 2.8m high solid brick wall be extended along the full boundary behind our farmhouse, constructed using local Arlesey White bricks to match the existing wall and local vernacular.

b. Boundary Wall alongside the remainder of our property between it and the wider development site

The proposed 2m wall is acceptable in principle but must:

- Be measured from the finished ground level on the development site to ensure adequate height.
- Be constructed from matching brick and style to ensure permanence and visual consistency from our perspective - i.e. Arlesey White bricks.
- Provide a solid, impermeable barrier effective at mitigating noise.

We request - if planning permission is granted - a planning condition requiring:

- Submission of a noise assessment demonstrating the wall's effectiveness.
- Construction of this boundary wall prior to first occupation, with maintenance obligations thereafter.

4. Light Pollution

The proposal includes parking for over 20 vehicles, which will generate headlight glare, security lighting, and motion sensor activation. These lighting impacts will affect our bedrooms, disrupt sleep, and erode the dark skies and rural character of the area.

This constitutes unacceptable harm to residential amenity and conflicts with policies protecting local character.

We request - prior to planning permission being granted - a requirement for:

- A detailed lighting assessment.
- Conditions restricting lighting height, direction, intensity, and specifying automatic shut-off times for all lighting aspects including communal areas and private homes/gardens.

5. Overdevelopment and Intensity of Use

The number of proposed units results in an over-intensive form of development that does not respect the site's scale, character, or spatial arrangement. The dominance of parking and turning areas further undermines the rural setting.

6. Highways, Access, and Parking

We fully support the objections raised by the Highways Authority (report dated 10 December 2025) and add the following concerns:

- The applicant's estimate of only 9 additional two-way journeys during peak hours significantly underestimates traffic generation given 8 family dwellings with 20 parking spaces.
- The narrow, unmaintained 4-mile lane is unsafe, lacking passing places and subject to hazards such as excessive mud, speeding vehicles, and agricultural machinery and it is not gritted.
- The proposed access adjacent to our rear gate/driveway creates potential conflict and safety risks. Photo 6 refers.

The previous Class Q application included the additional access use of a farm track that runs beyond the boundary of the south side of our property and continues down the east side boundary to the gardens of units 4-8. This was proposed to give residents access for gardening purposes.

If allowed, it would effectively introduce another access point to this proposed residential site in addition to its farming purposes with significant impacts on highway access as well as adding to levels of noise, disturbance, lack of privacy and security to our property. Photos 7 & 8 refer.

We request that this access route is disallowed.

7. Design and Layout Alternatives

The current layout prioritizes developer yield over residential amenity, failing to meet the requirements of Policy D1, which calls for developments that respond positively to local context and safeguard living conditions.

We urge the Council to require revisions including:

- Reorientation of windows away from our farmhouse.
- Reduction in the number of dwellings.
- Relocation of parking areas to reduce impact.

8. Impact on Character and Setting

Our farmhouse and adjoining barns form an historic agricultural setting. The proposed development would harm this character by introducing urban domestic features incompatible with the rural context, eroding the functional relationship between farmhouse and barns, and using materials inconsistent with the local vernacular (rendering painted brick red instead of existing cream/yellow Arlesey White brick with grey zinc roofing instead of the slate tile roofs of neighbouring dwellings).

This conflicts with Local Plan Policies SP1 and D3.

9. Structural and Deliverability Concerns

One of the barns adjoins our garage and utility room so is part of our habitable dwelling, with 1-2m of the proposed development falling within our property boundary.

The application lacks necessary details regarding:

- Structural separation and protection of shared walls and foundations.
- Construction methodology and access.
- Maintenance access.
- There is no assurance the works can proceed without risk of structural damage to our dwelling.

Additionally, the application omits critical information on foul and surface water drainage arrangements, raising concerns for property integrity.

We request that before planning permission is granted these omissions are fully and satisfactorily addressed.

We also request - - prior to planning permission being granted - conditions stipulated for during the construction process including:

- Restricted working hours
- Limits on noise and vibration levels
- Requirements for dust suppression, fencing, and site cleanliness

10. Water Supply Impact

Our farmhouse is supplied by a private water pipe running through our garden to the farmyard. The application fails to demonstrate that the new development can be supplied without compromising our water pressure or flow.

No hydraulic or capacity assessments have been provided, nor assurances that the supply will not be adversely affected.

We request - prior to planning permission being granted - that there is a requirement to provide:

- A separate mains water connection for the new dwellings or full upgrading and separation of supply to protect our property.
- Written confirmation that no works affecting water infrastructure on our land will occur without our consent.
- Furthermore, it would be useful to have a comment from Affinity Water as a consultee to confirm how the development would be supplied and any implications for the water supply to our farmhouse.

11. Oil Tank Relocation

The existing domestic oil tank serving our farmhouse is on the application site and protected by our Title Deed. The application fails to address this asset's protection, retention, or relocation.

We request - prior to planning permission being granted - a pre-commencement condition requiring:

- Approval of a detailed relocation scheme.
- Confirmation of uninterrupted fuel supply during construction.
- Implementation of the scheme before any development begins.

12. Construction and Vibration Risks

Our Victorian farmhouse, built circa 1850, likely has shallow foundations vulnerable to vibration and disturbance. No Construction Method Statement or ground stability assessment accompanies the application.

We request, prior to planning permission being granted:

- Refusal of the application or imposition of conditions requiring a detailed Construction Method Statement.
- Pre-commencement structural surveys and vibration monitoring.
- Restrictions on construction techniques near our property.
- Restrictions on the destruction and removal of existing concrete - which covers the whole of the site - and particularly in the vicinity of our farmhouse. Preferably, this would remain as concrete which we understand would be the case for Class Q.

Summary

In conclusion, the proposed development would cause significant and unacceptable harm to the residential amenity, character, and setting of our Victorian farmhouse. It fails to demonstrate deliverability and conflicts with multiple Local Plan policies including SP1, D1, and D3.

There are also a number of key issues to be resolved.

Based on the above, we request that planning permission is not granted until such time as they are fully and satisfactorily resolved.

We urge the Council to refuse this application until all concerns raised have been fully addressed.

We also request that the application be referred to Planning Committee, a meeting that we would wish to attend and speak at.

Yours sincerely,

Michael and Nicolette Holmes

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Popes Farm
Northfield Road
Ashwell
SG7 5JG

Development Control Services
North Herts District Council
FAO: Shaun Greaves / Henry Thomas

Dated: 9th January 2026

Dear Sir,

Re: Formal Objection to Full Planning Application
Application Reference: 25/02115/FP
Kirby Manor Farm, Northfield Road, Ashwell SG7 5JQ

We are Martin and Sarah Talks, the owners and occupiers of Popes Farm, located on Northfield Road close to Kirby Manor Farm. We write to formally object to the above full planning application.

This objection builds upon the concerns we raised in our letter dated 2 January 2025 in relation to the earlier application and should be read in that context. While we recognise that prior approval was previously granted under permitted development, this current full application introduces additional and intensified impacts that warrant renewed and careful consideration.

Highways, Access, and Highway Safety

The proposal outlines the creation of 8 additional households with associated parking. Given the current situation of only 4 households in the immediate vicinity, this proposal would greatly increase the daily traffic on Northfield Road, intensifying existing and well documented problems, as set out below.

- Northfield Road is a single track, approximately 4 mile rural lane connecting Ashwell to Eyeworth. It is impossible for two vehicles to pass one another along much of its length due to its narrowness, yet it lacks designated or maintained passing places or pull ins.
- The lane is frequently muddy and is not gritted during winter months. It contains several blind bends and a long straight section close to the application site where vehicles regularly travel at excessive speeds, often well in excess of 60mph. There have been several accidents involving cyclists and motorists in recent years.

- The road is regularly used by agricultural vehicles, particularly during harvest periods such as sugar beet harvesting. At these times, large lorries and tractors can block the road entirely and leave thick layers of mud, significantly increasing the risk of accidents.
- In addition to cars and agricultural vehicles, Northfield Road is heavily used by cyclists, runners, walkers, and pedestrians, making it a genuine multi use route with limited visibility and no footways.
- Surface water run off is poorly managed and maintenance of drainage ditches has been neglected. As a result, the road is prone to flooding, further reducing safety and accessibility.
- The introduction of eight new households will not only increase resident vehicle movements but will also result in a significant rise in delivery traffic, including couriers, food deliveries, and service vehicles. Such drivers are often unfamiliar with rural lanes and frequently drive inappropriately for the conditions, exacerbating safety risks for existing users of the road.

Taken together, the scale of traffic generation associated with this proposal is wholly unsuited to the nature and condition of Northfield Road and represents a serious highway safety concern.

Noise, Disturbance, and Cumulative Impact

As outlined previously, Northfield Road and its surrounding farmland currently benefit from a relatively quiet rural environment. The construction phase alone would introduce prolonged periods of noise, vibration, heavy vehicle movements, and potential access disruption.

Once occupied, the cumulative impact of up to eight households will fundamentally alter the character of the area. Everyday domestic noise, vehicle movements, external activity, and lighting will extend well beyond the site boundary and into surrounding farmland, to the detriment of residential amenity and the wider rural environment.

Impact on Wildlife and Ecology

The barns and surrounding land at Kirby Manor Farm form part of a long established and relatively undisturbed rural habitat. The area supports a wide range of protected and notable species including swallows, swifts, bats, owls, buzzards, badgers, foxes, and muntjac. There is a high likelihood that several of these species, particularly bats, swallows, and owls, use the existing barns for nesting, roosting, or shelter.

The application contains no ecological assessment proportionate to the scale and intensity of the proposed development. Increased noise, vibration, artificial lighting, and human activity will cause disturbance, displacement, and fragmentation of habitats.

In particular, artificial lighting from dwellings, parking areas, and security systems will disrupt nocturnal species, while construction and residential activity will disturb nesting

birds and established foraging routes. The loss of dark skies and quiet conditions will materially alter the ecological balance of the area.

At a minimum, the application should be refused or deferred until full bat, bird, and protected species surveys are undertaken at the correct seasonal times, and clear mitigation and compensation measures are secured, including integrated nesting and roosting features and a lighting strategy that protects wildlife corridors.

Rural Character

Beyond highways and ecology, the proposal represents an urbanising influence that is wholly out of keeping with the historic agricultural setting of the site. The intensity of use, concentration of parking, increased lighting, and domestic paraphernalia will erode the rural character that underpins both landscape value and biodiversity.

Conclusion

Taken together, the highway safety risks, lack of adequate ecological assessment, harm to wildlife, increased noise and light pollution, and cumulative impact on the rural environment represent substantial planning harm.

We respectfully request that North Hertfordshire District Council refuses this application, or defers determination until these issues have been fully and satisfactorily addressed.

Yours faithfully,

Martin Talks

Sarah Talks

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Officer Liz Anderson – Ecologist
Date 19/01/2026

Ref: 25/02115/FP
Att: Henry Thomas

Kirby Manor Farm, Northfield Road, Ashwell, Baldock, Hertfordshire, SG7 5JQ

Conversion of 3 existing agricultural buildings to provide 8 residential units, including gardens and formation of vehicular access

Consultee comments;

Thank you for consulting me, having looked at the submitted documents I would have no ecological objection to the proposal.

The submitted Statutory Metric identifies the site biodiversity baseline as .37 Habitat Units and 0.01 Hedgerow Units with the post-development habitats of the site valued at 1.34 Habitat Units and 1.11 Hedgerow Units which means that the development is easily able to meet the mandatory requirement for 10% BNG on site.

The ecological appraisal and subsequent bat emergence survey report identifies the presence of a protected species within the barns with a confirmed bat roost in Building 3 and a barn owl nesting in Building 1. As a result any works likely to impact these species will need to be licenced. Additionally a badger sett has been located within 50m of the site boundary. A CEMP (biodiversity) condition is noted in the Committee Report and this will ensure works proceed in accordance with any licencing requirements.

The NPPF calls for development to deliver a net gain for biodiversity in addition to a new requirement to incorporate ecological features which support priority or threatened species such as swifts and bats. Opportunities for enhancement, for example the inclusion of integrated bat and bird bricks, are suggested.

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.