

## 21/00541/OP – Appendix 1

### **Kimpton Parish Council**

#### General Comments:

1. We welcome applications that offer a high quality of design, affordability, meet government national space standards, proven defined sustainable delivery, address community defined requirements and add value to the parish.
2. The site (KM3) is noted within the current Local Plan as an area for the development of 13 dwellings.
3. The application is for outline planning for 15 dwellings with all matters except access to be dealt with as reserved matters.
4. We note the application includes for 3 dwellings designated 'social, affordable, or intermediate rent' and 2 dwellings designated 'affordable home ownership'.

#### Material Planning Considerations:

5. Emerging Local Plan 2011-31 Policy SP8 page 47 Housing. States:-  
'f. Support a range of housing tenures, types and sizes measured against targets to provide:  
ii. a broadly even split between smaller (1- and 2-bed) and larger (3+ bed) properties;  
and:-  
The requirements of the Emerging Local Plan 2011-31 Section 8.20. state that "On most suburban and edge-of-settlement sites, applicants should therefore make an initial assumption of 60% larger (3+ bed) and 40% smaller (1 or 2 bed) homes to ensure an overall mix is achieved. The most appropriate solution will be considered on a site-by-site basis having regard to this, up-to-date evidence of housing need, the criteria set out above and the outcomes from applying Policy HS2."  
and the evidence of housing need indicates:-  
The requirements of 'Kimpton Parish Housing Needs Survey March 2019' clearly states the need for 24 additional affordable homes mainly of 1 and 2 bedroom size within the parish.  
The applicant has indicated a provision of only 27% 1 and 2 bed dwellings. Clearly the above criteria have not been met the applicant. These issues should be addressed by the applicant.
6. NHDC Emerging Local Plan 2011-31 Policy HS2: Affordable housing states:- Planning permission for new homes will be granted where:
  - a. Affordable housing provision is:
    - (i) maximised having regard to the targets set in this policy; and
    - (ii) made on-site;
  - b. The size, type and tenure of any affordable housing has regard to: 87 Strategic Housing Land Availability Assessment (NHDC, 2016); Housing and Green Belt Background Paper (NHDC, 2016) 93:
    - (i) the Council's starting point for negotiation that 65% of homes will be rented and 35% other forms of affordable housing;
    - (ii) the housing needs of the area;
    - (iii) the likely affordability of any affordable housing provision in real terms;
    - (iv) relevant local authority housing register data; and

- (v) the requirements of Policy HS3 and the proposed mix of housing across the site as a whole;
- c. The affordable housing is secured for first and subsequent occupiers through an appropriate condition or legal agreement providing for:
  - (i) the retention of dwellings through the Council, a registered provider or similar body agreed with the Council; and
  - (ii) where appropriate, review mechanisms
- d. Relevant Supplementary Planning Documents, strategies or advice have been taken into account. Where development of a site is phased or divided into separate parts, or could reasonably be considered part of a larger development which would exceed the thresholds, it will be considered as a whole for the purposes of affordable housing provision.

Size of site (gross dwellings)	Target percentage of dwellings to be affordable
11 – 14 dwellings	25%
15 – 24 dwellings	35%
25 or more dwellings	40%

Based upon 15 dwellings at a provision of 35% affordable the site requirement would be for 5.25 dwellings.

Based upon 'Technical housing standards – nationally described space standard' the actual percentage by area offered by the applicant is only 26% as affordable housing. Therefore, based upon number of dwellings and area of dwellings, we would require, as a minimum, 6 dwellings to be provided as affordable. These issues should be addressed by the applicant.

Comments:

7. Design and Access Statement Page 23 Illustrative Layout. The applicant states 'The illustrative layout opposite has been designed to give an idea of how the site could be developed to deliver 15 new homes for the district having regard to the site's context, opportunities and constraints.'  
We therefore seek confirmation, by the stipulation of planning constraints, as to which elements of this application are to be required to be delivered as part of a future detail application.
8. Design and Access Statement Page 26 Height. This describes the dwellings to be of 2 and 2.5 stories in height. No quantification of the maximum ridge height of buildings is stated. We are unclear to the applicant's dimensional definition of 2.5 stories.  
The site boundary to the west is a designated conservation area and also currently Green Belt.  
To comply with NHDC Emerging Local Plan 2011-31 HS1 Local Housing Allocation. B) and Policy KM3 regarding sensitive design to minimise the impacts upon the Conservation area the height of the proposed development should be in line with adjacent dwellings to the east and west. We suggest that a maximum height from existing ground level to ridge height of 9m to be stipulated within any planning condition to avoid inappropriate construction height of dwellings to result.
9. Design and Access Statement Page 28 Parking. The indicated layout provides parking for 3 cars in series to 8 of the properties. Such arrangements are unlikely to be used as intended, resulting in the parking of cars in unintended locations.

The proposed parking allocations need to be improved. Planning response should stipulate that such provision should be addressed within any 'Application for approval of reserved matters'.

10. Design and Access Statement Page 29 Drainage. Reference is made to the receipt of confirmation from Thames Water that connection of 15 dwellings to the existing system is acceptable. We could not find this documentation within the application to ratify this statement and would request that such information should be submitted and verified prior to any planning approval.
11. Design and Access Statement Page 30 Surface Water. The application indicates that no surface water will be discharged in to the utility surface water sewer. Planning response should stipulate that such provision should be maintained within any 'Application for approval of reserved matters'.
12. Infrastructure. The current electrical infrastructure is unable to support the provision of a development of this size without reinforcement. The applicant should confirm where upon the site an additional electrical substation would be incorporated, noting that such a location upon the road frontage would be unacceptable. It may be the case that the applicant is intending an 'off grid' development which we would be pleased to hear clarification upon such intentions.
13. NPPF Feb 2019 Clause 148 States:-  
'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'  
KPC and NHDC have adopted a "climate emergency" policy. Please confirm what the climate impact of the development is and what avoidance of external energy and water usage has been incorporated within the application? There is currently no quantifiable statement within the application. There is no indication of an approach to these matters. No commitment is made to the providing of electric car charging points to either residents or visitors. No mention is made of the energy source for the property.  
The applicant has not demonstrated how the proposal supports this requirement. These issues should be addressed by the applicant.
14. NPPF Feb 2019 Clause 151 States :-  
To help increase the use and supply of renewable and low carbon energy and heat, plans should:  
a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);  
The applicant has not demonstrated how the proposal supports this requirement. These issues should be addressed by the applicant.
15. NHDC Local Development Framework. Planning Obligations Supplementary Planning Document November 2006 2.7.3 Policy 2 – Design and Provision of Development. This requires developers to provide or finance the cost of provision that is fairly and reasonably related in scale and kind to the proposed development. It goes on to state that: "Planning obligations will be sought prior to the issue of planning permission.

Provisions will cover those necessary to serve the development, to mitigate its impact or to offset the loss of or impact on an existing resource, or otherwise necessary in the interests of comprehensive planning and sustainable development.”

We ask that the appropriate contributions required by this document are made as part of any planning permission and obtained prior to any consent.

16. Policy HS1: Local Housing Allocations states

Local Housing Allocations are listed by parish and settlement in Chapter 13 and shown on the Proposals Map. Planning permission for residential development and associated infrastructure on these sites will be granted where:

- a. Development broadly accords with the indicative number of homes shown;
- b. Proposals successfully address site specific considerations; and
- c. Unless site-specific considerations state otherwise, a variety of homes are provided in accordance with the general policy requirements of this Plan. Planning permission for other uses will be refused.

Based upon the current application there a number of significant issues, as listed above, that need to be addressed to enable a planning permission to be granted.

17. Design and Access Statement.

The applicant highlights the public rights of way that are within the area as a beneficial amenity, however currently the means of connecting to these is by an informal footpath along the east side of the site. This path has been used by the community for over 20 years. We would propose that the applicant formalises a foot path from the north end of the new access road to the existing right of way that runs north of the site.

**Hertfordshire County Council highways officer**

The application comprises of the erection of residential development comprising of 15 dwellings (all matters reserved except means of access).

**VEHICLE ACCESS**

The application plans show a new vehicle access in the form of a simple priority junction that is located along the High Street of Kimpton that is designated as the B652 Classified Secondary Distributor road subject to a speed limit restricted to 30 mph.

The main internal access road is proposed at 5.50 metres wide which is complemented with 2.0 m footways each side of the carriageway that extends along the High Street and links in to the existing village network of footways and to the adjacent improved bus stop, the access has been designed to ensure good access for delivery and waste collection vehicles.

**TECHNICAL AUDIT**

The design of the simple priority junction at the High Street would have to be submitted to a scale of 1:200 to the highway authority and subjected to a Technical Audit and Stage One Road Safety Audit with the ultimate design being technically approved prior to commencement of the s278 works.

The width of the main access has been recommended at 5.50 metres wide with 6.0 metres radius kerbs this configuration would support two-way traffic and waste collection vehicles for the scale of the development.

The site access complies with 'Roads in Hertfordshire - Highway Design Guide' the internal road layout is not part of the planning permission and would be part of reserved matters application. The highway works are required to be constructed under a section 278 Highway Agreement.

The Developer should call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work being carried out.

#### ROAD SAFETY AUDIT - RSA

There have been no details in consideration of the new access that have been subjected to a Stage 1 Road Safety Audit.

The new junction and pedestrian access would be subjected to a Stage One RSA as part of the technical review process in order that a high standard of highway safety is provided, this is in conjunction with the impending s278 agreement.

#### HIGHWAY SAFETY – vehicle to vehicle inter-visibility along the highway from the New Development

The vehicle to vehicle inter-visibility from the access accords with sightlines at junctions within Manual for Streets.

#### MANOEUVRABILITY WITHIN THE ROAD LAYOUT

The geometry of the horizontal alignment of the road layout has not been subjected swept path analysis, but due to the scale of the geometry of the access it would be sufficient to accommodate two-way traffic for vehicles likely to serve the development, a waste collection vehicle 12.1 metres long can be accommodated within the internal road layout and at the junction with the adjacent High Street. The method of waste collection must be confirmed as acceptable by North Herts District Council waste collection agency.

#### TECHNICAL DESIGN OF THE ROAD LAYOUT

Hertfordshire County Council as Highway Authority considers that the details submitted showing the development layout with an acceptable road layout was provided and detailed to scale (1:200) on the s278 site layout drawings of the proposal to accord with the above comments this would be considered for compliance with highway safety.

However prior to commencement on site preliminary design details of the reconfigured vehicle access and improved access road should be provided to establish the technical design is to highway standards. An engineering drawing should be prepared drawn to a suitable scale of 1:200 to demonstrate the extent of re-profiling of the carriageway where the new access join the adjacent High Street, showing the access width, carriageway crossfalls and a scheme for the on-site and regulated discharge of surface water run-off drainage from the proposal.

Three copies of the preliminary design should then be submitted for approval to the highway authority where a in due course when progressing the s278 agreement a technical design check would also be carried out.

#### PARKING PROVISION

Parking provision for the development should be sited to comply with the walking distance found within Roads in Hertfordshire "Highway Design Guide" which is 20 metres. (Section 4 – Design Standards and Advice Chapter 9 – Vehicle Parking Facilities)

A careful balance must be struck between the desire of residents to park as near to their dwellings as possible and maintain the overall setting.

If residents consider that the parking spaces are too far away from their dwellings, they will park their vehicles on the adjacent roads which may cause an obstruction and prevent emergency vehicles reaching their destination and service vehicles such as waste collecting vehicles from gaining access.

It is inevitable that residents that do not have individual parking will not park in the prescribed areas and will park outside their homes on the main road.

## PUBLIC TRANSPORT

### RAIL

The nearest train station is Parkway Luton approx. 9 km to the west of the development, Welwyn Garden City, approx. 12 km south of the village while Knebworth station (9.5 km) and Welwyn North (10 km) stations are easily accessed by bus or car and link to London King's Cross and Hitchin and Stevenage via regular services.

### BUS

Bus stops are located along the High Street, the development proposals would be part of the bus stop improvements and provision of a shelter and easy access kerbs to the east frontage of the site.

### Walking and Cycling

Pedestrians have access to footways along the frontage of the site to connect to other parts of the village network.

The village centre and local facilities have a realistic access from the development by cycling albeit that there are no dedicated cycle lanes.

## CONSTRUCTION TRAFFIC

Concerns over the impact that the volume of construction traffic travelling to the site by HCC has resulted in a planning condition being recommended to prepare a Construction Traffic Management Plan.

## TRANSPORT IMPACT

Traffic data has been compared to the TRICS database to calculate the trips rates for the development to which demonstrate that as a result of the development proposals, there will be additional 2 two way vehicle trips to the site during the weekday AM and PM peak traveling periods.

It is demonstrated in comparison with the TRICS Database that the proposed development would not result in a significant increase in vehicle trips to the site.

Considering that traffic flows are fundamental to the assessment of traffic impact HCC is satisfied that the data produced provides an overall picture of the existing traffic movements and the future traffic generated from the new development.

## HIGHWAY SAFETY

HCC research for road traffic collisions covering 5 year data revealed that there were no collisions within the vicinity of the site access.

## TRAFFIC GENERATION

Given the proposal involves the provision of up to an additional 15 dwellings considering the data output from the TRICS Data base the total peak generation of traffic would be around a total of 8 vehicles arriving and departing from the development in the morning travelling peak hour (8:0 am to 9:0 am) and 8 vehicles arriving and departing from the development in evening travelling peak period (5:0 pm to 6:0 pm) this was compared with 0.5 trips taken per household (the figure of 0.5 trips taken from the TRICS Data base) the new traffic generation of vehicles is considered not to have a significant impact on the local highway network.

Traffic generation has been derived from the volume of predicted traffic generated compared with the likely trip rates obtained from comparable residential site within the national TRICS software, (Trip Rate Information Computer System) trip generation database with equal multi modal splits with a reasonable level of public transport accessibility. The new development has been assessed and has been accepted of being comparable and realistic.

The above data has been considered acceptable in traffic generation terms.

HCC have considered the TRICS software covering highway and traffic issues, this data was carefully scrutinized to establish the likely impact of the road network.

## CONCLUSION

The Highway Authority considers that the development is in accordance with both the National and local Policies and its formal recommendation is that the grant of planning permission should be subject to the attached planning conditions as well as Applicant entering into a section 278 Agreement to cover the safety requirements as part of the application, construction, implementation and adoption of highway works within the existing public highway.

It is considered that this level of traffic would not result in a substantial traffic generation on the local highway network from the proposed development.

The above explains the position with the proposed development therefore Hertfordshire County Council as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the inclusion of the above highway informatives and recommended planning conditions.

### **Housing Supply Officer**

Kimpton is an excluded village and Policy 5 – Excluded Villages, of the saved Local Plan applies. The site is not in the Green Belt and is within the proposed new village boundary. Kimpton is a Category A village, with one allocated site (the application site), KM3, which is expected to deliver 13 new homes.

Following the Cabinet meeting in September 2016, public consultation and the Council meeting on 11 April 2017, the affordable housing requirement is 35% on sites which will provide between 15 and 24 dwellings, in accordance with the proposed submission Local Plan.

The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals, in accordance with the 2018 NPPF.

Paragraph 61 of the NPPF says “Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”.

Paragraph 62 of the NPPF says “Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a. off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b. the agreed approach contributes to the objective of creating mixed and balanced communities”.

A rural housing needs survey was undertaken in Kimpton by the Rural Housing Enabler from Community Development Action (CDA) Herts. in March 2019.

The results of the survey identified a need for 47 affordable dwellings; with 39 respondents indicating that their need for alternative housing was required immediately or within three years.

The recommendations of the survey were for the provision of 24 affordable dwellings to meet some of the immediate housing need identified. The recommendation included the provision of: 6 x 1 bed (including 2 x 1 bed sheltered/ adapted); 5 x 2 bed (including 3 x 2 bed sheltered/ adapted) and 2 x 3 bed for rent and 2 x 1 bed; 5 x 2 bed and 4 x 3 bed for shared ownership tenure.

Within the overall 35% affordable housing requirement a 65%/35% rented/ intermediate affordable housing tenure split is required, in accordance with the proposed submission Local Plan, the council’s Planning Obligations SPD and the 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update.

Based on the provision of 15 dwellings overall, the affordable housing requirement would be 5 dwellings; 3 rented and 2 intermediate affordable housing tenure/ shared ownership.

Within the 65% rented affordable housing element the following tenure mix best meets housing needs, as identified in the 2016 SHMA:

21% x 1 bed flats (1)  
12% x 2 bed flats (0)  
26% x 2 bed houses (1)  
35% x 3 bed houses (1)  
6% x 4+ bed houses. (0)

Within the 35% intermediate affordable housing element the following tenure mix best meets housing needs as identified in the 2016 SHMA:

8% x 1 bed flats (0)  
8% x 2 bed flats (0)  
20% x 2 bed houses (1)  
54% x 3 bed houses (1)  
10% x 4+ bed houses (0)



There is higher demand for smaller homes (one and two bedroom) for rent at 59%, and a higher demand for larger homes (three and four bed+) for intermediate affordable housing tenure/ shared ownership at 64%.

Based on the information above the affordable housing should comprise 2 x 2 bed houses and 1 x 3 bed house for rent and 1 x 2 bed and 1 x 3 bed house for shared ownership/ intermediate affordable housing tenure.

The applicant's affordable housing proposals include 4 x 2 bed houses and 1 x 3 bed house and I suggest one of the 2 bed houses is changed to a three bed house to meet the council's affordable housing requirements.

Subject to acquiring the site and obtaining planning permission, the road layout of the proposed scheme would not preclude the delivery of a rural exception site beyond the village boundary to further meet housing need identified in the 2019 survey.

All affordable homes delivered should be allocated to applicants with a local connection to the parish of Kimpton in the first instance.

The affordable homes should be owned and managed by a registered provider and should be physically indistinguishable from the market housing.

Where a need for affordable housing is identified the definition in Annex 2 of the 2018 Framework should be applied to the type of affordable housing required.

The definition for affordable housing includes housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/ or is for essential local workers);

Housing for rent (65% of overall affordable housing) includes Social Rent and Affordable Rent. Housing for Sale (35% of overall affordable housing) includes Starter Homes, Discounted market sale housing and other affordable routes to home ownership including shared ownership, shared equity and rent to buy.

The council will accept social rent and affordable rent for the rented tenure dwellings, but it should be noted that the affordable rent for one or two bedroom dwellings should be no more than 80% of the equivalent local market rent (including service charges, where applicable).

For three bedroom dwellings the affordable rent should be no more than 70% of the equivalent local market rent (including service charges, where applicable) to ensure affordability. All rents should also be within Local Housing Allowance (LHA) rates, in accordance with the council's Tenancy Strategy.

Staircasing on shared ownership homes will be restricted to 80% in accordance with The Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009 which came into force on 07 September 2009. These regulations included the introduction of Protected Area Status for settlements currently exempt from the Right to Acquire (i.e. those with populations of less than 3000).

The nationally described technical housing standards provide the nationally recognised standards for bedrooms, storage and internal areas in new dwellings across all tenures and the affordable units are required to meet the nationally described housing space standards.

Whilst the LPA are duty bound to consider starter homes and discounted market sale for affordable housing, in accordance with the 2018 revised NPPF, there is currently no evidence of need/ demand available for this type of affordable housing in North Hertfordshire.

If the applicant proposes the provision of either of these products, they should provide documentary evidence of the need for this type of accommodation.

Grant funding for the provision of affordable housing is not available on S106 sites and any affordable homes should be delivered through planning gain alone.

The applicant will need to provide documentary evidence of any viability issues using a recognised financial toolkit, which the council will have independently assessed at full expense to the applicant.

### **Lead Local Flood Authority**

Following a review of the Flood Risk Assessment and Drainage Strategy carried out by TPA reference 1808-23/FRA/01 A dated April 2019. We can confirm that we have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the principles of the submitted drainage strategy.

We acknowledge that an infiltration testing report has been submitted. It states that ground water was not encountered in any of the trial pits. It is also noted that the infiltration results observed would be acceptable. We acknowledge the recommendation that once the size, location and depth of the attenuation basin is known, the ground conditions are to be re-evaluated.

Currently the proposed drainage is split into 3 plots. It is noted that the drainage layout plan shows no indication of the proposed attenuation basin mentioned in Appendix C (Infiltration Testing Report) of the FRA, if there is no infiltration basin proposed it should be highlighted at the next stage of design.

In the North Western plots, the excess flows from the water butts will be stored in an attenuation tank and then discharged into the proposed adoptable piped system at a restricted rate of 2 l/s.

In the South Western plots, the excess flow from the water butts will be conveyed through a private piped network prior to being discharged into the proposed adoptable piped network system. The private drive associated to the south-western plots will discharge via infiltration into proposed permeable paving.

In the Eastern plots, the excess flows from the water butts will be conveyed into the proposed private surface water drainage system. The runoff from the private drive associated to each plot will be collected via gully and conveyed through the proposed private surface water drainage system into the adoptable piped network system.

From a review of historical flood incidents recorded by the LLFA, it is understood that groundwater plays a role in historical flooding that has occurred in Kimpton. We do not however have any records in the near vicinity of the site being subject to surface water flooding.

Regarding groundwater vulnerability and the need for appropriate management and treatment of surface water, the site is within Groundwater Source Protection Zone III -Total Catchment. The Environment Agency may wish to be consulted with regards to water quality.

We consider that outline planning permission could be granted to the proposed development if the following planning conditions is included as set out below.

## **Hertfordshire Ecology**

### Summary

Consistent with previous comments on this site, we have no concerns with the principle of development at this site.

Recommendations made in the current ecological assessment should be accommodated within any future full application.

A future application for Reserved Matters will need to be informed by an updated ecological assessment

A future application for Reserved Matters should be accompanied by a LEMP or similar that shows how a biodiversity net gain can be achieved

### Full response

Thank you for your letter of 26 February 2021 which refers, and for consulting Herts Ecology; I apologise for the length of time taken to respond.

Fundamentally, we have no objections to the principle of development at this location. Confidence in this opinion is gained from the Preliminary Ecological Appraisal (MKA Ecology, 4 February 2019) submitted in support of this application. This appears to have followed best practice and although two years old, the lack of features of ecological importance ensures it remains valid for the purposes of this outline application.

Though the presence of the hedgerow (a Habitat of Principal Importance) and the general value of the site for foraging bats was noted, it describes a site of modest intrinsic nature conservation interest and there are no records on the Hertfordshire Environmental Record Centre that suggest otherwise. Indeed, it concluded that the development proposals provided the opportunity to improve the biodiversity value of the site, and I have no reasons to disagree with this.

However, this positive outcome was dependent on the implementation of nine recommendations made in Section 5 and summarised in Table 5. All are reasonable and proportionate and the inclusion of all in a future full application would grant it extra weight. Ideally, these should be presented in the form of a Landscape and Ecological Management Plan (LEMP) or similar that is submitted with a future application and not reserved for agreement as a condition. This should be accompanied by a lighting strategy that reduces lightspill onto existing boundary features (ideally to a maximum of 0.5 lux).

In order to meet the expectations of the NPPF, and both emerging legislation (the Environment Bill) and local policy (the North Hertfordshire Local Plan), the same document should also provide sufficient evidence of how a biodiversity net gain can be delivered (as suggested in the PEA) on- or off-site. Either of the latter two may have received Royal Assent or been adopted, respectively, by the time a future full application is made. At present however, a fixed percentage gain cannot be insisted upon.

Whilst the ecological survey is adequate for the purposes of this outline application, we recommend that a future application for Reserved Matters is accompanied by a new ecological assessment.

Whilst this should only be as detailed as is necessary, it should be sufficiently thorough to determine if any change has occurred and, importantly, take account of features beyond the red line boundary, such as mature trees that could support bat roosts that could in turn be affected by lighting. It will also be required to provide up to date evidence to support any proposals to deliver a biodiversity net gain.

### **Herts and Middlesex Wildlife Trust**

Objection: Biodiversity net gain not proven. Ecological report not consistent with BS 42020 or CIEEM survey guidelines. No consideration of local or national planning policy.

The draft NHLP states:

'All development should seek to deliver net gains for biodiversity'

'Ecological surveys will be expected to involve an objective assessment of ecological value. Surveys should be consistent with BS 42020 Biodiversity- Code of Practice for Planning and Development.

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.

In order to objectively claim that the development delivers net gain, it should employ the DEFRA biodiversity metric.

This is the most objective way of assessing net gain on a habitat basis. It 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. Its use to determine net gain is advocated in govt planning guidance on the Natural Environment to prove net gain: <https://www.gov.uk/guidance/natural-environment>.

This score plus 10% must be exceeded by the proposal to claim net gain. If the site is incapable of achieving this score on site then offsite compensation must be provided. A biodiversity offset, or an agreement to provide one, must be provided for the requisite amount. All habitats both present and future must be fully described in accordance with technical guidance to demonstrate that net gain can be achieved and how. The full metric in its excel form should be supplied to enable verification.

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 ecological report does not do this. It does not provide a clear, objective indication of losses and gains by reference to the metric. The application should not be approved until it does so.

The preliminary ecological report is not consistent with the requirements of NHLP, NPPF or BS 42020. The object of an ecological report should be to demonstrate compliance with local and national policy on biodiversity. This report does not do this and fails to consider the application in relation to local or national policy.

The draft local plan also contains a requirement for a 12m buffer to all hedgerows and priority habitats. This application does not do this and so is not compliant with the local plan.

Finally, the report is a preliminary survey. The CIEEM guidelines on PEA states:  
'1.5 Under normal circumstances it is not appropriate to submit a PEA in support of a planning application.'