

23/02895/OP at Land On The North East Side Of, The Close, Codicote

Written update to Planning Control Committee on 21st November 2024:

At the time of writing (Wednesday 20th November 2024), there are the following updates for Members since the publication of the agenda and reports pack for Planning Control Committee.

- 1) Following receipt of several formal responses from Herts Ecology during the lifetime of the application, they recommended the inclusion of several conditions including a Construction Environment Management Plan (CEMP), Biodiversity Enhancement Management Plan (BEMP), Landscape and Ecological Management Plan (LEMP) and Lighting Strategy, but did not provide precise wording for those conditions. Officers were therefore required to formulate the wording of the conditions in the absence of precise wording from Herts Ecology, which is set out at Conditions 11, 12, 13 and 14 of the reports pack. Shortly before the publication of the report, Officers contacted Herts Ecology and requested they provide formal precise wording for the conditions they have requested as they would be the department to formally consider the details at a later date if planning permission was granted. On the 15 November 2024, Herts Ecology responded with formal wording for the proposed conditions, covering a LEMP, CEMP and Lighting Strategy, which are set out below for your review. The applicant has formally agreed to the amended wording of the conditions, and it is therefore considered reasonable to substitute conditions 11, 12, 13 and 14 for the three conditions set out below. Herts Ecology no longer recommend a condition securing a BEMP, which is condition 13 and is therefore recommended to be omitted. Due to condition 13 being omitted, the remaining conditions on any decision notice will need to be re-numbered down by one.

Landscape and Ecological Management Plan (LEMP) - *'Prior to commencement of the development, a Landscape and Ecological Management Plan shall be prepared, detailing how biodiversity will be incorporate within the development scheme and managed/monitored long-term. This should include details regarding who will have the management responsibilities. The plan shall include details of the landscaping proposed to achieve measurable gains to biodiversity, as well as a graphical plan which sets out the number, type and position of ecological enhancement features to be incorporated into the design scheme. This plan shall be submitted to the Local Planning Authority for written approval to demonstrate the expectations of the NPPF and Local Policy in achieving overall measurable net gains for biodiversity. The development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.'*

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site, in accordance with Policy NE4: Biodiversity and Geological Sites.'

Construction Environment Management Plan (CEMP) – *"No development shall take place until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:*

- a) *Risk assessment of potentially damaging construction activities.*

b) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This must include:*

- i. *Best practice measures to ensure the protection of retained vegetation during construction;*
- ii. *Best practice measures to ensure any invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 encountered within the site will be removed and disposed of as controlled waste;*
- iii. *A precautionary working method for hedgehogs.*

c) *The location and timings of sensitive works to avoid harm to nesting birds.*

d) *Details of a translocation programme for slow-worms.*

The CEMP should include a statement to the effect that if any protected species are encountered during any stage of the development, then works must cease immediately and advice be sought from a suitably qualified ecologist on how best to proceed.

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site, in accordance with Policy NE4: Biodiversity and Geological Sites.'

Lighting Strategy - 'No development shall take place until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites. This should be accompanied by a short statement from a suitably qualified ecologist showing how the design meets the level of protection required.'

Reason: To ensure protected species are not disturbed by the development in accordance with National Legislation (Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, Wildlife and Countryside Act 1981 (as amended)) and Local Planning Policy NE4 – Biodiversity and geological sites.'

- 2) Due to changes to the agreed development mix in consultation with the Councils Housing Officer to ensure that the development meets the needs of the Council, the County Councils Growth and Infrastructure Team were required to update their formal response in respect of the required contributions to schools, childcare, SEND, library, waste services and fire and rescue. A formal response was received on the 20 November 2024 with the amended contributions sought and the previously agreed Heads of Terms table set out in the reports pack has now been amended to reflect the changes, which has the formal agreement of the applicant. The amended contributions are set out below for your review, with the original contribution in black and the amended contribution in red:

HCC:	Requested contribution, ref. to index linking and date received:	Amendment / change and date:	Policy ref. / notes:
Primary education	£543,690 £482,554 towards the expansion of Codicote C of E Primary School and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7 Developer Contributions SPD
Secondary education	£490,609 £442,543 towards the expansion of Monks Wood Secondary School and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7 Developer Contributions SPD
Childcare services	£33,484 £30,684 towards increasing the capacity of 0–2-year-old childcare facilities at Codicote Pre School and/or provision serving the development index linked to BCIS 1Q2022 £513 £466 towards increasing the capacity of 5–11-year-old childcare facilities at Codicote Primary School and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7 Developer Contributions SPD
SEND	£54,460 £52,169 towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7 Developer Contributions SPD
Library	£9,555 £9,193 towards increasing the capacity of Welwyn village library and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7 Developer Contributions SPD
Youth	£12,713 £11,599 towards the delivery of a new centre at Stevenage and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7 Developer Contributions SPD
Waste services	£4,239 £4,079 towards the new provision at Welwyn Garden City and/or provision serving the development (index linked to BCIS 1Q2022) £7,212 towards the new provision at Northern Transfer Station and/or provision serving the development (index linked to BCIS 3Q2022)		Policy SP7 Developer Contributions SPD

