



**Sent:** 14 March 2019 12:58  
**To:** Gill Forbes; Chenge Taruvinga; Peter Quaile  
**Subject:** Fairmead 90 Cuffley Hill Goffs Oak 07/19/0200/F

Hi all

I wasn't sure who was leading on this application (its listed as allocation on the website) so thought I would send it to you all.

My response to this planning application is below. If you have any questions please get in touch. This is the second such application from this developer that is wholly lacking in sufficient ecological information. Perhaps they or their ecological consultants need to be approached so that they understand exactly what is required? It is a question of supplying the necessary information and understanding its implications.

Objection: Application is not consistent with the policies in the draft local plan, BS 42020, NPPF or ODPM circular 06/05.

- 1 The ecological report does not utilise the Biodiversity Impact Assessment Calculator to demonstrate a measured and objectively assessed net ecological gain
- 2 The ecological report is not consistent with BS 42020 in that it does not provide a clear assessment of losses and gains to biodiversity
- 3 The ecological report does not definitively describe and propose all necessary measures to achieve measured net gain in contravention of BS 42020
- 4 Native species have not been formally proposed wherever possible in planting schemes
- 5 Integrated features for wildlife have not been definitively proposed in all suitable buildings
- 6 Protected species surveys have not been completed, or where they have they have not been supplied. No mitigation or compensation strategies have been supplied.

The planning statement that accompanies this planning application references the emerging local plan but then proceeds to ignore its policies on biodiversity.

1. In accordance with the draft local plan NEB1

*II. Development proposals should result in net gains to biodiversity wherever possible*

*Para 27.8 The DEFRA biodiversity impact assessment metric has been designed to quantify the value of biodiversity (in terms of habitats) in a consistent, transparent and objective way. This mechanism is considered to be the appropriate method for determining ecological value and delivering measurable ecological gain.*

The ecological report supplied in support of this application does not contain an objective assessment of net impact on biodiversity by using the biodiversity impact assessment metric (attached). It therefore does not demonstrate net gain to biodiversity is not consistent with the draft local plan and should be refused on this basis alone.

2. The draft local plan states:

*27.7 The submission of ecological information must be in accordance with British Standard 42020: Biodiversity – Code of Practice for Planning and Development. Unauthorised deviation from these survey standards will not be accepted.*

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.*

No such assessment is provided by this application (by utilising the BIAC), so a sound decision cannot be made which considers all the material considerations. The ecological report that has been supplied is a walkover survey and not sufficient for an application of this scale.

3. All measures should be definitive, e.g. no statements involving avoidance, mitigation, compensation or enhancement measures should contain words such as 'may', 'should', 'could', or 'where possible'. All information submitted and proposed habitat creation and maintenance measures should be in accordance with BS42020. This 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.'*

This ecological report contains no measures or actions required to deliver a net gain to biodiversity in accordance with the emerging local plan or NPPF. It is therefore not consistent with BS 42020. Only definitive measures of what will actually happen are acceptable. These should be fully described, marked on maps, with establishment and maintenance regimes described to achieve net gain in perpetuity.

4. Draft local plan policy NEB4 states:

*V. Landscaping schemes should maximise their benefits to biodiversity by using locally appropriate native species wherever possible.*

The landscaping scheme does not demonstrate how it will use native species wherever possible. No details are provided on this and the design and access document does not demonstrate how this policy requirement will be met.

5. NEB4 states:

*VI. Integrated features for wildlife e.g. Swift, House Martin and bat boxes should be incorporated into all suitable buildings.*

Details of integrated roosting or nesting devices (e.g. Habibat bat box or Habibat swift box) should be provided. All houses should contain at least one of these devices. These should be definitively proposed and marked on maps. Currently no such measures are proposed or detailed.

6. ODPM circular 06/05 is explicit in requiring that all protected species surveys should be undertaken and mitigation or compensation measures supplied before a decision can be made on a planning application. This ecological report has not completed or supplied bat or reptile surveys, nor any mitigation or compensation measures. This information must be supplied to acceptable national survey standards.

When all of these points have been adequately addressed the objection can be withdrawn, provided that all necessary measures are secured by condition.

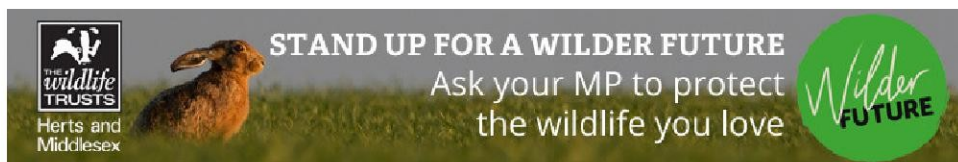
Best wishes

Matt

**Matt Dodds**  
**Planning & Biodiversity Manager**  
**Herts & Middlesex Wildlife Trust**



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**From:** Matt Dodds  
**Sent:** 21 February 2019 11:57

To: 'gill.forbes@broxbourne.gov.uk'; 'chenge.taruvinga@broxbourne.gov.uk'  
Subject: Land at Goffs Oak Lane 07/19/0132/F

Hi Chenge

My response to this planning application is below. If you have any questions please get in touch.

Objection: Application is not consistent with the policies in the draft local plan, BS 42020 or NPPF.

- 1 The ecological report does not utilise the Biodiversity Impact Assessment Calculator to demonstrate a measured and objectively assessed net ecological gain
- 2 The ecological report is not consistent with BS 42020 in that it does not provide a clear assessment of losses and gains to biodiversity
- 3 The ecological report does not definitively describe and propose all necessary measures to achieve measured net gain in contravention of BS 42020
- 4 Native species have not been formally proposed wherever possible in planting schemes
- 5 Integrated features for wildlife have not been definitively proposed in all suitable buildings
- 6 Lighting scheme for nocturnal wildlife has not been formally proposed

1. In accordance with the draft local plan NEB1

*II. Development proposals should result in net gains to biodiversity wherever possible*

*Para 27.8 The DEFRA biodiversity impact assessment metric has been designed to quantify the value of biodiversity (in terms of habitats) in a consistent, transparent and objective way. This mechanism is considered to be the appropriate method for determining ecological value and delivering measurable ecological gain.*

The ecological report supplied in support of this application does not contain an objective assessment of net impact on biodiversity by using the biodiversity impact assessment metric (attached). It therefore does not demonstrate net gain to biodiversity is not consistent with the draft local plan and should be refused on this basis alone.

2. The draft local plan states:

*27.7 The submission of ecological information must be in accordance with British Standard 42020: Biodiversity – Code of Practice for Planning and Development. Unauthorised deviation from these survey standards will not be accepted.*

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.'*

No such assessment is provided by this application (by utilising the BIAC), so a sound decision cannot be made which considers all the material considerations.

3. All measures should be definitive, e.g. no statements involving avoidance, mitigation, compensation or enhancement measures should contain words such as 'may', 'should', 'could', or 'where possible'. All information submitted and proposed habitat creation and maintenance measures should be in accordance with BS42020. This 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.'*

This ecological report is full of statements referring to ‘recommendations’ or measures that ‘could’ happen. This is not consistent with BS 42020. Only definitive measures of what will actually happen are acceptable. These should be fully described, marked on maps, with establishment and maintenance regimes described to achieve net gain in perpetuity.

4. Draft local plan policy NEB4 states:

*V. Landscaping schemes should maximise their benefits to biodiversity by using locally appropriate native species wherever possible.*

The landscaping scheme does not demonstrate how it will use native species wherever possible. In fact most of the indicative species referred to in the landscaping documents and Design and Access documents are not native.

5. NEB4 states:

*VI. Integrated features for wildlife e.g. Swift, House Martin and bat boxes should be incorporated into all suitable buildings.*

Details of integrated roosting or nesting devices (e.g. Habibat bat box or Habibat swift box) should be provided. All houses should contain at least one of these devices. The Schwegler boxes suggested in the bat report are also acceptable but should be in all houses. These should be definitively proposed and marked on maps.

6. The lighting scheme for bats has been recommended not formally proposed. This is not consistent with BS 42020 or the draft local plan. This must be formally proposed so that it can be enforced.

When all of these points have been addressed the objection can be withdrawn, provided that all necessary measures are secured by condition – including the requirement for a European Protected Species Mitigation Licence to be provided to the LPA before development can proceed.

Best wishes

Matt

**Matt Dodds**  
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