

LPA: Three Rivers District Council

Officer: Claire Westwood

Development: Comprehensive redevelopment to provide 2 no. warehouse Class E

Site: Development Site Maple Lodge Maple Lodge Close Maple Cross

Application number: 21/0573/FUL

Date: 12/10/2021

Dear Claire

Objection.

RE: Email from Tim Sturgess 08/10/2021

HMWT dispute the content of this email and would like to take this opportunity to comment.

The applicant has agreed to pay the sum of £142,800 to address third party objections. This does not address the objections of HMWT for the following reasons.

1. Herts Ecology have stated that the £142,800 figure is based on costing the creation and 30 year management of 11.9 habitat units at £12,000 per unit. This is based on a generic habitat unit figure. It has no data behind it other than reflecting a govt estimate of what an average unit cost 'might' be to support their consultation on net gain in 2018.

It is not informed by any cost estimates specific to the habitats proposed to be created. Different habitats have very different creation and management costs. For example, creation and management of scrub is much less expensive than lowland meadow creation. One involves low intensity whip planting with periodic coppicing, and the other involves spraying, ploughing, reseeding with a bespoke wildflower mix and biannual cutting, clearing and disposal of cuttings. This is a vastly different unit cost which has not been considered.

The habitat that will be required to achieve this offset is good condition lowland meadow. HMWT have created the Hertfordshire Biodiversity Offsetting Cost Calculator as an offset price guide, based on the Warwickshire CC cost calculator, as adjusted for Hertfordshire. The costs for Hertfordshire have been sourced from contractors, suppliers and council parks departments. It offers a worst-case scenario cost for LPA delivery of offsets based on contractor costs.

In accordance with the Natural England Biodiversity Metric, a minimum of 0.22ha is required to create 1 habitat unit of lowland meadow from modified grassland (spray off and reseed). This means a minimum of 2.618 ha are required to achieve the 11.9 habitat units.



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The cost of seed (Emorsgate EM4) to create this habitat is £2,060 per hectare, plus establishment i.e. spraying, cultivating and sowing the receptor site equates to £6,681.60. This ignores the additional costs of dramatically increasing the Common Sorrel component of the mix to provide the larval food plant habitat for the forester moth, as proposed by the applicant's ecologist (HMWT strongly dispute the viability of this proposal as set out previously, but if the LPA were to accept an offset route it would need to factor this in).

The cost of management necessary to achieve good condition, i.e. cutting, clearing and disposal, twice per year, is estimated to be £1,200 per hectare per year, for 30 years. This cost is derived from Stevenage Borough Council parks dept contractor costs, so is comparable, but could be much less if disposal costs are less, depending on the offset provider. When adjusted for inflation this cost comes to £164,640.66. This cost may be less if delivered by an offset provider but the LPA must be sure they can deliver the required offset if in receipt of money to do so under the terms of a S106 biodiversity offsetting agreement.

The cost of writing a biodiversity offset management plan is estimated to be £7,000.

This comes to £178,322.26.

However, this does not include a contingency payment to cover potential scheme failure to achieve condition; or a management and monitoring fund to pay for staff time for finding the site, collecting data, managing data, mapping, on site monitoring to assess condition, formal reporting of condition, fund administration etc. This has been calculated by Warwickshire County Council, who have been operating this process since 2012, to equate to 10% and 20% of the offset cost (which also needs to be index linked for 30 years). In this instance these figures are £31,206.40 and £62,412.79.

In total, using this biodiversity offset cost calculation methodology, the offset cost comes to **£271,942**.

This does not include the cost of land purchase. In Hertfordshire the current average cost of land at present is c.£20,000 per hectare. This adds another potential £52,360 to the calculation.

This calculation provides a potential cost breakdown to create the required number of lowland meadow habitat units to achieve a net gain, based on the (disputed) Herts Ecology generated biodiversity metric deficit. This cost is only indicative, but the point is that an offset payment must be bespoke and costed, rather than based on average figures. In this regard HMWT is sympathetic to the applicant's request for a written costed scheme in the email of the 8/10/2021.

None of these costs were taken into account by Herts Ecology when estimating the offset cost to be £142,800. The LPA are being advised to accept this sum to deliver a measurable biodiversity net gain, based on inaccurate average unit costs. It is not enough to deliver a real, measurable biodiversity net gain.

2. As stated in previous correspondence, the biodiversity metric score put forward by Herts Ecology is not correct. They have miss populated much of the habitat as 'modified grassland'. This significantly affects the baseline value of the grassland. The UK Habs definition of modified grassland is:

G4 Modified grassland

Definition: Vegetation dominated by a few fast-growing grasses on fertile, neutral soils. It is frequently characterised by an abundance of Rye-grass and White Clover.

This is an agricultural mix in origin not a semi-natural one. Modified grassland is not what has been described in their site description. What is described in their site description is a False Oat-grass dominated sward. The majority of the site is described by them as:

Overall, a general abundance of Arrhenatherum elatius gives the impression of rough rather species-poor grassland. In several areas – particularly to the north and west, Arrhenatherum does indeed become largely dominant giving rise to rank, species-poor communities

This community fits with the UK Habs definition for other neutral grassland sub category c5.

G3c5 Arrhenatherum neutral grassland

Definition: Neutral grassland with False Oat-grass dominant

When the metric is adjusted to reflect this the baseline increases to 24.18 habitat units.

In the comments section of the metric for line 1 and an area of other neutral grassland HE state:

Other Neutral Grassland was chosen as a medium value distinctiveness, to reflect the mix of small areas of lowland acid grassland (g1a) with characteristic species and the areas with a species mix more characteristic of lowland meadow (G3a) and a LWS.

Lowland meadow is a priority habitat and should be recorded as such in the metric and properly accounted for. This further elevates the habitat unit score. The metric does not allow for the destruction of priority habitat without bespoke compensation, but as a guide for the purpose of this discussion, it has been allocated good quality 'other neutral grassland' (the closest habitat to it) so that a figure can be generated. When this is done, the unit score comes to 26.70. When the 10.54 onsite habitat units are removed from the figure, this leaves a net loss of 16.16 habitat units which with a 10% net gain requires an offset of 17.78 habitat units.

Using the biodiversity metric and cost calculator, this equates to 3.91 hectares of lowland meadow, which is estimated to cost **£402,075** to create and manage for 30 years.

This reiterates that the sum of £142,800 is highly unlikely to be enough to deliver the NPPF requirement of a measurable net gain to biodiversity.

3. This compensation payment does not address the extinction of the forester moth that will result from this development. No credible mitigation and compensation scheme has been put forward for this NERC section 41 species.
4. Net biodiversity gain is a requirement of both local and national planning decisions. This cannot be disputed. What is disputed by the applicant is the use of the biodiversity metric as the means to prove it. If the metric is not used (correctly), subjective assessment is the result. This results in the widely different assessments of cost and quantum of habitat mitigation and compensation we see in this case. HMWT contest that because it exists and is endorsed by govt, it should be considered the only objective mechanism to determine measurable net gain. When a new and improved mechanism of quantifying net gain exists, it makes no sense to go back to a significantly worse process, too heavily dependant on opinion rather than data. This position is supported by:

APP/M2270/W/18/3215766

Land at Common Road, Sissinghurst, Cranbrook, Kent TN17 2JR

This appeal contains the statement:

32. An empirical means of measuring whether the mitigation listed by the appellant would result in a net gain in biodiversity has not been submitted. Therefore, I cannot be certain the measures would result in a net gain, as required by Paragraph 170 of the National Planning Policy Framework.

This ruling is significant in 2 ways. Firstly, it reaffirms the need for a measurable assessment of ecological value i.e. the Natural England Biodiversity Metric, and secondly it clarifies that NPPF requires planning decisions to result in measurable net gain.

Summary

- The metric must be repopulated correctly to generate the correct habitat unit figure.
- The costs for creating and managing this habitat for 30 years must be accurately calculated for the habitat concerned, not based on unsubstantiated habitat unit averages.
- There is still no legitimate forester moth compensation strategy.
- The biodiversity metric is the most acceptable and objective mechanism to assess net gain.

If you wish to discuss any of the above please get in touch

Best wishes

Matt Dodds
Planning and Biodiversity Manager
Herts and Middlesex Wildlife Trust