

Subject: RE: Maple Cross Warehouses Planning Application - Ref 21/0573/FUL - Biodiversity Net Gain
Importance: High

Hi Claire

Councillor Phil Williams has told me that the Leader of the Council, Sarah Nelmes, has confirmed that use of the Defra metric to calculate Biodiversity Net Gain will be included in the new Local Plan. I understand that this will be produced in May. Therefore, in the context of this particular planning application, this must now be regarded as an emerging policy.

Indeed, in a report prepared by Marko Kalik, TRDC Senior Planning Officer, and presented to the Local Plan Sub-Committee on 16th June 2020, it states:

“2.11 The updated Defra Biodiversity Metric is set to be published later this year, and as such more detailed guidance from government will follow. With our Local Plan set to be submitted for examination next year we need to include the Metric in our emerging policy now. Applications for planning permission will be required to complete the Defra Biodiversity Metric to demonstrate a gain in biodiversity from the proposed development.”

We know that at least 6 other councils in Hertfordshire are using the Defra metric now, and that Herts Ecology is recommending the use of the Defra metric to other councils (as per the 2 examples referenced in my submission dated 9th April 2021). We also know of another council (North Hertfordshire District Council) where, on 14th July 2020, Herts Ecology recommended refusal on the basis that the Defra metric had not been used:

“Neither has any gain associated with this development been informed by use of a biodiversity metric. The Government has now proposed a mandatory requirement for 10% biodiversity net gain as set out in the 2020 Environment Bill and proposes the Natural England metric v2 to demonstrate this can be achieved. Given this has not been provided, I am unable to advise that such measurable net gain has been achieved”

Finally, in their submission for this planning application dated 13th April 2021 Herts Ecology state:

“2.4 Use of the current version of the NE Biodiversity Metric would enable this to be fully measurable, as recognised by the Inspector. Since our original comments, use of the updated Biodiversity Metric – published in July 2019 - has become more frequent where major development is proposed. Its use as part of the mandatory BNG proposal is needed to enable measured assessments of net gain to be determined, as outlined in the January 2020 Environment Bill.”

Also, I have attached a copy of Herts Ecology's submission for the planning application at Killingdown Farm. As the Case Officer responsible, you will be familiar with this and the fact that Herts Ecology accepted the use of the Defra metric as the means for calculating Biodiversity Net Gain. Therefore, it cannot possibly be argued by TRDC in this case that the Defra metric should not be used because either the Environment Bill has not come into force yet or that the new Local Plan has not been published.

Since the submission of planning application Ref 19/1179/FUL in 2019, circumstances have changed as clearly demonstrated by the examples above.

So, please will you confirm that you will be requiring the use of the Defra metric to calculate Biodiversity Net Gain for planning application 21/0573/FUL in accordance with:

- the new Environment Bill
- TRDC's emerging policy
- the recommendations of TRDC's Senior Planning Officer
- the practice of other Hertfordshire councils
- the recommendations of Herts Ecology to other Hertfordshire Councils
- accepted practice within Three Rivers District
- Herts Ecology's comments in their submission for this planning application
- Herts Ecology's commitment to the Inspector at the appeal hearing held for planning application Ref 19/1179/FUL

Kind regards,

Name Redacted

Chairman

Maple Lodge Conservation Society

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