

16<sup>th</sup> December 2022  
Our Ref: 3925/20221216/CO  
Your Ref: 5/2022/1988

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Case Officer  
Planning and Building Control, St Albans City and District Council

## BY EMAIL

To whom it may concern,

### **Land to the rear of 42-100 Tollgate Road & 42 Tollgate Road, Colney Heath, St Albans, Hertfordshire – 5/2022/1988**

I am writing in response to the comments provided by Simon Richards, Ecology Advisor, Hertfordshire Ecology dated 12<sup>th</sup> October 2022 regarding the above planning application consultation request.

The summary of Hertfordshire Ecology's Advice states:

*"Summary of advice:*

- *Sufficient information on European protected species to allow determination*
- *The proposal will result in a net loss of area habitats which should be compensated for*
- *If a net gain is sought an off-site solution will be required*
- *Trading rule violations need to be addressed*
- *A CEMP outlining impact avoidance measures for nesting birds, badgers, riparian mammals, reptiles, amphibians and protections for the river Colne and the onsite Local Wildlife Site should be secured by Condition*
- *A LEMP should be secured by Condition*
- *A lighting strategy as outlined in the EclA should form a Condition of approval"*

Further comments within the response also state:

*"Meeting the Trading Rules (BNG Rule 3) are important; they are integral to delivering BNG, unless there is a sound ecological reason stated or otherwise considered acceptable. In this case no ecological justification has been provided."*

As referenced by the above letter, CSA Environmental have undertaken a suite of botanical and protected species surveys, and an assessment of the proposed development on ecological

features at the Site, as reported within the Ecological Impact Assessment (EcIA) (CSA/3925/05/A), issued in July 2022 and updated in August 2022.

The above Summary of Advice from Hertfordshire Ecology highlights that the proposals will result in a net loss of area habitats; that to achieve a net gain in biodiversity an off-site solution will be required; and also suggests that trading rule violations (in relation to Biodiversity Net Gain) need to be addressed with ecological justification provided.

The Natural England Biodiversity Metric (3.1) calculation tool has been used to determine the quantitative outcome for biodiversity at the Site based on the current proposals, measured in 'habitat units'. The calculation tool also determines whether 'trading rules' are met. Trading in relation to the Biodiversity Metric refers to the distinctiveness category assigned to each habitat type and the associated rule that requires any loss of habitat to be replaced on a 'like for like' or 'like for better' principle. Consequently, it is therefore not possible to meet trading if there is a loss in habitat units. Therefore, any proposals which result in a net loss of biodiversity will also be in violation of the trading rules, until a point at which suitable habitat creation/enhancement is provided either on- or off-site which provides a suitable number of habitat units of a high enough distinctiveness habitat to achieve both a net gain in biodiversity and meet trading rules.

Paragraphs 5.77-5.78 of the EcIA outline Biodiversity Net Gain (BNG) calculations for the proposals, which are also provided in detail in Appendix F. The calculations acknowledge that there will be a net loss of -9.24 habitat units, or -23.41% and that trading rules will not be satisfied. Paragraphs 5.79-5.81 then detail how the loss in habitat units will be addressed through off-site compensation to be secured via a Section 106 agreement. This will include the provision of grassland habitats of 'medium' or higher distinctiveness, with a sufficient number of habitat units achieved to address both the deficit identified, and to satisfy trading rules.

It should also be noted that comments from Herts and Middlesex Wildlife Trust provided by Matt Dodds (no date provided) support the above proposals for off-site compensation, stating:

*"The ecological report is excellent and details a clear process that needs to be enacted to ensure that the development delivers a net gain in biodiversity and therefore satisfies planning policy."*

To conclude, it is acknowledged that the current on-site proposals do not provide a Biodiversity Net Gain and also do not meet trading rules. However, clear mechanisms have been provided within the EcIA which detail how off-site compensation to achieve a biodiversity net gain and meet trading rules will be secured, which will satisfy planning policy requirements when supported by suitable conditions and Section 106 agreement.

Kind regards

Alexandra Cole MCIEEM  
**Principal Ecologist**