Ecology Consultation

Proposal:	**Location:**
Erection of 4 Semi-Detached Agricultural Worker's Dwellings (and Associated Infrastructure): Variation of Condition 8 (BNG) of 24/02406/FUL to vary the wording of the condition to reflect that of 24/02408/FUL	Land South East Of Redwood Farm House Caxton Road

Dc Case Officer:	**Ecology Officer:**	**Application Ref. No:**	**Date:**
KS	ET	25/01123/S73	06/08/2025

Submitted Plans and Documents Reviewed

- BNG Email Correspondence, received 23/06/2025
- Cover Letter, received 23/06/2025

Conclusion

Condition 8 of 24/02406/FUL should not be varied to exclude the requirement for a Habitat Managing and Monitoring Plan (HMMP).

Assessment

DEFRA has published the following guidance regarding significant onsite enhancements (https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer#significant-on-site-enhancements):

Significant on-site enhancements

Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development.

Retention of existing habitat does not count as an on-site enhancement.

What counts as a significant enhancement will vary depending on the scale of development and existing habitat, but these would normally be:

- *habitats of medium or higher distinctiveness in the biodiversity metric*
- *habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development*
- *habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development*

- *areas of habitat creation or enhancement which are significant in area relative to the size of the development*
- *enhancements to habitat condition, for example from poor or moderate to good*

Examples of significant enhancements include creating a wildflower meadow or a nature park.

The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage.

Include all your planned enhancements in the biodiversity gain plan. Your site designs and HMMP should show the LPA how you will fund, maintain and monitor enhancements for 30 years.

24/02406/FUL includes the creation of 13 individual trees (a moderate distinctiveness habitat) on land that was previously cereal crops (low distinctiveness). This represent habitat creation where distinctiveness is increased relative to the distinctiveness of the habitat before, so the on-site enhancement fulfils DEFRA's criteria for significant.

DEFRA has published the following guidance regarding the need for an HMMP where on-site enhancement is significant (https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer#how-to-plan-for-bng-on-site):

6. Submit a biodiversity gain plan

You can submit your biodiversity gain plan to the LPA after they approve your planning permission.

You need to include your metric calculation. If you're making significant on-site gains, you also need to include your:

- *HMMP*
- *legal agreement*

Therefore, an HMMP is required for the proposed habitat creation. In accordance with the above government guidelines, condition 8 of 24/02406/FUL should not be varied to exclude the requirement for an HMMP.

It is understood that when conditions for 24/02408/FUL were finalised, an HMMP was not conditioned despite the significant onsite enhancements (enhancements to modified grassland condition from poor to good) and during the application process for 24/02406/FUL informal comments were provided regarding alteration of condition wording. Biodiversity Net Gain is a complex solution to a complex problem and mistakes will arise as it is implemented. However, once identified these mistakes should not be compounded but corrected at the soonest opportunity to ensure compliance with legislation and government guidance.