Ecology Consultation

Proposal:	**Location:**
Installation of a MUGA all weather Pitch within the grounds of the school on the site of a former bungalow.	Holywell C Of E Primary School, Bt Mast At Mill Way Needingworth PE27 4TF

Dc Case Officer:	**Ecology Officer:**	**Application Ref. No:**	**Date:**
KS	ET	25/00868/FUL	17/07/2025

Submitted Plans and Documents Reviewed

- Arboricultural Report, received 14/05/2025
- Biodiversity Net Gain Statement, received 14/05/2025
- Statutory Biodiversity Metric Calculation Tool, received 14/05/2025

Conclusion

Objection. Based on the submitted information, the approach to protected species, biodiversity net gain, and the mitigation and enhancement measures, are unacceptable and objections to the proposal are raised as the application fails to:

- Ensure the development delivers a 10% Biodiversity Net Gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Assessment

Use of the 2020 Baseline Value

The BNG Assessment states "*As DEFRA's BNG rules require the baseline (pre-development) habitats for the Metric calculation to be based on the habi8tats present on 30 January 2020, if there is evidence of significant Site clearance*". The BNG rules as written in The Statutory Biodiversity Metric User Guide are shown below and do not contain this.

Table 2 Biodiversity metric rules

Rule	Rule detail
Rule 1	The trading rules of this biodiversity metric must be followed.
Rule 2	Biodiversity unit outputs, for each type of unit, must not be summed, traded, or converted between types. The requirement to deliver at least a 10% net gain applies to each type of unit.
Rule 3	To accurately apply the biodiversity metric formula, you must use the statutory biodiversity metric calculation tool or small sites biodiversity metric tool (SSM) for small sites. The tools remove the need for a user to manually calculate the change in biodiversity value. The tool will summarise the results of the calculation and inform a user whether the biodiversity net gain objective has been met.
Rule 4	In exceptional ecological circumstances, deviation from this biodiversity metric methodology may be permitted by the relevant planning authority. See more about applying rule 4

This may be a reference to Paragraph 6 of Schedule 7A of the Town and Country Planning Act 1990. This is an anti-avoidance provision designed to prevent a site's pre-development biodiversity value being artificially lowered through activities such as vegetation clearance. It states:

"*6. If-*

(a) a person carries on activities on land on or after 30 January 2020 otherwise than in accordance with

(i) planning permission, or

(ii) any other permission of a kind specified by the Secretary of State by regulations, and

(b) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been,

the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities."

The BNG assessment does not disclose the current baseline habitat however aerial imagery from 2024 and photos in the submitted Arboricultural report show what appears to be grassland.



As this represents an increase, not a decrease in biodiversity value since 2020, Paragraph 6 of Schedule 7A of the TCPA 1990 does not apply and the baseline should include the grassland.

T5 To Be Included in the Metric

With the correct baseline, T5 no longer sits within vegetated garden so must be included in the metric.

Proposing High Distinctiveness Habitat Creation

The creation of traditional orchard is technically possible but practically difficult in the middle of a school playground. The area will need to be fenced off for the parcel to satisfy condition criteria E, F and G and reach the proposed good condition. If not, it will fail principle 7 which requires habitat interventions to be realistic and without protection, the requisite herbaceous ground vegetation component of traditional orchards will not form, and the trees will likely sustain damage during use of the playground.

Additionally, traditional orchard is a high distinctiveness habitat that will take 30 years to create in good condition according to the metric. Achieving the proposed condition will require exceptionally carefully and specific management to deliver and may require remedial management action late into the 30-year creation period (i.e. veteranisation of fruit trees if this doesn't occur naturally). In line with other authorities' approach to monitoring high distinctiveness habitat creation, a section 106 agreements should be implemented to ensure the habitat is delivered as proposed by the end of the 30-year creation period.

Should the applicant still wish to proceed with the proposed creation of traditional orchard and the Planning Officer is minded to approve the application following amendments addressing the other issues raised above, further discussion will be needed to finalise the wording of the s106 and confirm the required monitoring fee.