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Date: 7<sup>th</sup> July 2017

Dear Jenny,

**RE. EAST HERTS DISTRICT PLAN - STATEMENT OF ACCORDANCE WITH THE  
HERTFORDSHIRE LNP'S GUIDING PRINCIPLES**

Thank you for providing the Hertfordshire LNP with your Statement of Accordance, as part of the Duty to Cooperate; outlining how your Local Plan addresses the LNP's Guiding Principles for planning for biodiversity and the natural environment in Hertfordshire.

The Hertfordshire LNP welcomes the approach taken by your authority to reflect the principles within your Local Plan. Your Statement of Accordance has been assessed against the six guiding principles. Please find attached a review document which assesses each principle in turn stating whether the Local Plan is in accordance with each LNP principle, or whether the LNP considers some re-wording is required to better reflect the objectives of the principle.

In respect of all six guiding principles, the Hertfordshire LNP is pleased to confirm that the East Herts District Plan accords with all six principles, at least in part, if not in full. Whilst delivery mechanisms may themselves change as circumstances change, at this stage we consider the Local Plan should provide a firm basis for delivery for biodiversity through the planning process within your Authority.

ndrews  
**Chair of the Hertfordshire LNP**



## **Principle 1: Recognise the value of the natural environment and the range of benefits and services it provides**

1.1 The Local Plan addresses the Natural Environment primarily within Chapter 20, which recognises that this is one of the district's greatest resources (20.1.1). There is a commitment to conserve and enhance this resource, which forms a key part of the district's character and quality of life of its residents.

1.2 The Plan makes reference to biodiversity and its role in securing ecosystem services such as pollination, hydrology and pest control (20.3.2). Whilst it does not otherwise refer directly to ecosystem services in terms of either resources or processes, these are recognised within the district's Green Infrastructure [GI] Plan as referred to within Section 20.4 and Policy NE4 of the Plan. The GI Plan outlines the multiple functions of GI – including health, ecosystems, food and timber production, biodiversity and the water environment - as well as the benefits that these provide.

1.3 Para 20.2.1 states that nature conservation is an integral part of the planning system and as such needs to be taken into consideration in any development. East Herts has a rich geological and biological inheritance and it is important that this is protected and managed as part of a healthy and functioning natural environment now and in the future.

1.4 It is noted that additions to the Plan subsequent to the Preferred Options consultation include greater reference to improving the health and wellbeing of residents and visitors to the district. The Plan also recognises that open spaces perform wider health and wellbeing benefits beyond opportunities for sport or recreation.

**On this basis it is considered that the East Herts District Plan is in accordance with LNP Principle 1 in recognising the benefits and range of services the natural environment provides.**

## **Principle 2: Protect and enhance existing biodiversity assets**

2.1 Sections 20.2 and 20.3 of the Plan outline the key principles for conserving biodiversity assets. The hierarchy of sites is outlined and the most important international sites referred to. Sites of international, national and local importance are identified on the Policies map. Developers are encouraged to seek information and advice from a number of expert bodies, particularly Natural England where a site of national or international importance is affected (20.2.6). Local sites are also fully considered (20.2.7).

2.2 Distinctions will be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and appropriate weight will be given to their importance and the contribution they make to wider ecological networks (20.2.8).

2.3 It is also recognised that opportunities should be taken to enhance biodiversity wherever possible, especially in urban areas, as even non-designated environments contribute significantly to the success of the wider ecological network (20.2.8).

2.4 Policy NE1 applies to all designated nature conservation sites and seeks to protect international, national or local assets unless there are imperative reasons of overriding public interest, which could be of a social or economic nature, or other benefits, sufficient to override the harm to the site. The mitigation hierarchy of avoidance, mitigation or compensation should be followed and net gains achieved. This process should be informed by adequate ecological information on which to make decisions.



2.5 Policy NE2 refers to non-designated sites where the intention is also to achieve a net ecological gain and avoidance of damage to the wider ecological network. The mitigation hierarchy is to be followed and developments enhanced with ecologically beneficial landscaping.

2.6 Priority habitats and species as outlined under Section 41 of the Natural Environment and Rural Communities Act 2006 are reflected in 20.3.3 as well as lower quality habitat and species resources. The Herts Local Biodiversity Action Plan (LBAP) still serves to identify key conservation priorities whilst new ecological network mapping has updated the key biodiversity areas to assist in identifying areas for habitat creation (20.3.4, 20.3.5, 20.3.10).

2.7 Development should avoid habitat loss and fragmentation and provide opportunities for wildlife (20.3.6). Requirements of species legislation will be followed as necessary (20.3.7, 20.3.8). Planning obligations and conditions will also be used to secure mitigation or compensation where appropriate (20.3.11).

2.8 Policy NE3 relates to species and habitats. The focus is on biodiversity protection, enhancement and maintenance, whilst ensuring compensation is provided in exceptional circumstances. It also includes additions buffer protection for watercourses.

2.9 Green Infrastructure (GI) – described as “a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities” is considered within 20.4. Reference to the detailed GI plan is made (20.4.2). The key GI components are outlined, from the principle river valleys, grasslands, woodlands and farmland (2.4.3) to more local features such as street trees and local parks (2.4.4).

2.10 Policy NE4 concerns Green Infrastructure which will be protected and enhanced for biodiversity as well as recreation, access, health, landscape and in support of addressing climate change. Enhancements will contribute to Living Landscape schemes and reduce light pollution especially in relation to nocturnal wildlife. Development should also support a range of plans and programmes such as the Lee Valley Regional Park and River Catchment Management Plans.

**On the basis of the above, it is considered that the East Herts District Plan is in accordance with LNP Principle 2.**

### **Principle 3: Seek opportunities to improve habitat connectivity**

3.1 To help achieve this, development should avoid habitat loss and fragmentation, and opportunities should be sought to improve ecological connectivity, including through the creation, restoration and enhancement of linking habitats and ‘stepping stones’ through the landscape, as stated in the Plan (20.3.6 and 20.4.5). The Ecological Network mapping can assist with this (20.3.5) and opportunities are outlined in 20.3.10, as reflected in Policy NE3 which states proposals will be expected to protect and enhance locally important biodiversity sites and other notable ecological features of conservation value. The importance of considering and contributing to a range of frameworks, Strategies, Management Plans, Directives and other plans, as reflected in Policy NE4 are also consistent with the LNP principle.

3.2 In addition to the Natural Environment chapter, the Design and Landscape (Chapter 17) and site specific policies seek to improve the coverage and connectivity of different habitats, including within the urban environment through street trees, buffer planting, amenity spaces, parks and residential gardens.

**On the basis of the policies and supporting statements outlined above, it is considered that the East Herts District Plan is in accordance with LNP Principle 3.**



## **Principle 4: Integrate biodiversity opportunities within new development**

4.1 This approach should start by recognising the area's locally distinctive character, as reflected in the Ecological Network mapping and Landscape Character Assessment. The LBAP and mapping is referred to (20.3.4, 20.3.5). The District Plan Design and Landscape chapters requires proposals to fully consider the landscape character of sites and must demonstrate how proposals conserve, enhance or strengthen the character and distinctive features of the landscape and to retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value.

4.2 Any development should minimise impacts on biodiversity and provide net gains for nature where possible. This involves safeguarding and enhancing biodiversity already present, providing new areas of habitat appropriate to the ecology of the area and integrating biodiversity within new development (20.3.6). Simple features such as integrated bat and bird boxes within the fabric of new buildings can be very effective in ensuring a continued supply of roosting opportunities for urban wildlife (20.3.6). The Plan will seek to reinforce trees, hedgerows or ancient woodland by additional planting of native species where appropriate (Policy NE3).

4.3 Where damage to a species or habitat is unavoidable, development should be designed to conserve as much of the original habitat as possible and retain and protect wildlife corridors. It should seek to avoid damage to, or adverse effects upon existing biodiversity (species and habitats) through appropriate site design (20.3.9). Examples of biodiversity enhancements are outlined in 20.3.10.

4.4 The Community Facilities Chapter 19 and site-specific policies require development proposals to integrate existing biodiversity features within the overall design and to maximise the use of green infrastructure features.

**On the basis of the above, it is considered that the East Herts District Plan is in accordance with LNP Principle 4.**

## **Principle 5: Make decisions informed by the best available ecological information and data**

5.1 The District Plan advises that applicants contact relevant stakeholders such as the Herts Environmental Records Centre (HERC) at an early stage in the application process (20.2.2), a body which the Council will continue to work with to ensure the best information is available on important ecological assets (20.2.2). The Plan also suggests a number of bodies to whom advice may be sought (20.2.2). Evidence will [also] be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application (Policy NE1). Policy NE1 reflects that the ecological value of a site has been appropriately assessed and that proposals will mitigate any impacts or losses arising through development.

5.2 The LBAP (20.3.4) and Ecological Network mapping (20.3.5) are also referred to in respect of sources of ecological information. Recent approaches to site assessment are also referred to although these have not replaced the current processes for understanding ecological importance which currently underpin most of the statutory and non-statutory site conservation, LBAP, Ecological Network mapping and planning advice regarding biodiversity within the county.

**On the basis above, it is considered that the East Herts District Plan is in accordance with LNP Principle 5.**



## **Principle 6: Secure the long term management of existing and new habitats/sites**

6.1 The Plan recognises that one important aspect to the provision of green infrastructure and other mitigation measures is the long-term maintenance of such features after the development is complete. Therefore the Plan seeks to ensure that management programmes are provided and agreed through the planning application process to demonstrate how the maintenance requirements have been considered.

6.2 Consequently, Planning obligations and conditions may be used to secure agreed measures such as mitigation or compensation, as outlined in 20.3.11. Furthermore, Policy NE3 states:

II. 'Proposals should detail how physical features will be maintained in the long term'; and

VI. 'Where exceptional circumstances exist that outweighs any harm or damage to a species or habitat appropriate mitigation and compensation measures must be employed.

The District Council will impose conditions / planning obligations which seek to:

- (a) Facilitate the survival of existing populations as well as encouraging the establishment of new populations;
- (b) Reduce disturbance to a minimum;
- (c) Provide adequate alternative habitats to sustain at least the current levels of populations'.

6.3 Furthermore, Policy NE4 states:

III 'Contributions towards local green infrastructure projects will be sought where appropriate. If providing green infrastructure as part of a development, applicants should detail how it will be maintained in the long term'.

6.4 For the largest proposed strategic allocation at the Gilston Area site (Chapter 11), it is envisaged that a community land trust is established to assist in the long term planning and maintenance of open space assets provided through the development.

6.5 The Infrastructure Delivery Plan supporting the East Herts District Plan also identifies a range of green infrastructure projects likely to be required to support the development proposed in the Plan, and sets out how these projects can be funded and delivered in association with the Local Nature Partnership and its member bodies.

**Consequently, based on the policies and supporting statements outlined above, it is considered that the East Herts District Plan is in accordance with LNP Principle 6.**