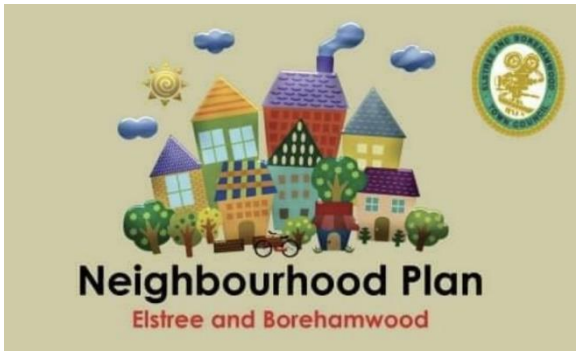

Elstree and Borehamwood Neighbourhood Plan

Neighbourhood Plan Steering Group (NPSG) Meeting

Tuesday 4 September 2023

7pm to 8.30pm

Minutes

1. Welcome, apologies

The meeting was attended by:

- Ilana Gershlick (Vice Chair)
- Norman Shuker
- Suzanne Alford
- Andrew Lewis
- Leo Arazi (Chair of the Youth Council)

Apologies were received from:

- Clive Butchins (Chair)
- Andrew Grady
- Ann Goddard
- Julia Smith
- Cllr Graeme Alexander

2. Welcome to members of the Youth Council – discussion of key issues and Youth Council cycling project, with a view to considering how to incorporate in the emerging Neighbourhood Plan

Leo was welcomed to the Steering Group to provide an update on the Youth Council (YC) led projects:

- Supporting opportunities to enable schools students to get to school by foot/bike. The project seeks to encourage walking for journeys under a mile and cycling for journeys under three miles.
  This is aided by the introduction of the Beryl Bike loan scheme operating in the town.

  The YC has undertaken a survey of young people (approx. 250 responses) about how they travel to school and what issues there are. Issues raised include the poor quality of the

roads, poor signage, potholes, lack of cycle lanes (segregated) and safety. They agreed to share the survey results with the NPSG, as this could assist in the development of a Movement Routes policy.

Leo has been uploading TikTok videos about travelling to school by bike to raise awareness. Also posters promoting the project and assemblies.

Particular problem areas that should be focussed on are: Furzehill Road, area around The Venue, towards Hertswood School and Allum Lane.

Action 1: Leo (or YC rep) to attend NPSG meetings on an ongoing basis and to get involved in the policies, notably the Movement Routes and the Youth Provision.

3. Consideration of a new Chair for the Group (possibly defer to when Clive is back?)

This was deferred to the next meeting when Clive is back.

4. Design Guidance: We have been asked to provide:

- Additional photos the group would like to include.
- Details about cultural/religious history the group would like to include (this is mentioned a few times)
- Key development sites/town centre proposals.
- Photos or references for potential development style

Action 2: AE to request the most recently updated version of the Design Guide and share with the group for further comment.

The Borough Council has prepared a report on Borehamwood Town Centre, which could provide helpful information to use in the Design Guide. At the moment, however, the Town Council have asked that this is not shared as it has yet to receive full sign off.

5. **Update on draft neighbourhood plan for the area – discussion of master actions table and any issues / queries**

Action 3: AE to contact each individual / group to discuss their specific topic area.

A general discussion was had about the emerging topics:

- Elstree Village – Need to ensure this has greater prominence in the Plan.
- Flooding – has been noted along Furzehill and Hartfield Avenue.
- Getting Around – There is an ongoing maintenance issues relating to bridleways. This is not something for a planning policy, but could be included as an associated action to take up with the Rights of Way team at Herts County Council. Aldenham Woods mentioned as problematic in this way, exacerbated by the fact that it is private land. Flytipping (e.g. along Colney Heath Road) is also an issue including for those cycling / walking here – again sits outside the planning scope, as this is an enforcement/police matter. Nevertheless it should be picked up on the Movement Route Map.

- Biodiversity – AE received a call from a member of the Hertford Swift Group, who were keen to see wildlife-friendly policies in the NDP, notably support for integrated swift and bat boxes. He has provided some guidance information from the Hertfordshire Wildlife Trust on this and other ecology matters (copied below these minutes and saved in Dropbox), which can be drawn from for the NDP.

  Also he mentioned some examples of recent Neighbourhood Plan policies which have recently been drafted in favourable terms. Each of these are at either the regulation 14 or 16 stage.

Batchworth: The Batchworth Plan Policy BW CC1: Sustainable Design and Construction: e) Swift and bat boxes shall be integrated into all new buildings

Sarratt: How we hope to shape the village (sarrattneighbourhoodplan.org) Policy 6.3: Species and Habitats: vii. Integrated bird (e.g. swift) and bat boxes will be expected in all buildings bordering public green space and beneficial habitat

Ickleford: Home | Ickleford Neighbourhood Plan (icklefordnp.com) Policy E4: Biodiversity Provision of appropriate species-related measures will be required, including, for example, swift bricks, bat and owl boxes and the incorporation of appropriate native species into landscaping schemes

Action 4: AE has spoken to the Wildlife Trust and Record Centre and requested information held by them on habitats, species and biodiversity areas in the parish.

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6. AOB

- **Next meeting: Tuesday 3 October 7.30 to 9pm**

Neighbourhood Plan Policies for Biodiversity

Conserving and enhancing the natural environment

Nature conservation is an integral part of the planning system and as such needs to be taken into consideration in any development. Ensuring that future generations can enjoy the neighbourhood's rich geological and biological inheritance as well as the wider experience that a healthy, functioning natural environment can provide means that we must continue to improve the protection and management of what we have today.

To assist with this, the most important areas in the neighbourhood are identified on the Policies Map. These include sites of international, national and local importance. The sites are correct at the time of publication of the Neighbourhood Plan but may be subject to change through future reviews. The Council will continue to work with the Hertfordshire Environmental Records Centre as the primary resource for ecological data in the County. Applicants will be expected to seek the advice of the Herts and Middlesex Wildlife Trust, the Hertfordshire Environmental Records Centre, Hertfordshire Ecology at the County Council, Natural England, and other relevant local nature partnerships where appropriate, where proposals affect or have the potential to affect the natural environment and nature conservation assets, including valued landscapes, geological conservation interests and soils.

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. It is however, important that opportunities are 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.

The NPPF requires local planning authorities to apply a mitigation hierarchy of avoidance, mitigation and compensation, with distinctions made between international, national and locally designated sites. In the context of the natural environment this means that policies should seek to create net gains in biodiversity, to avoid adverse impacts by considering alternative options, to use mitigation measures where avoidance is not possible and as a last resort to use compensatory measures. Where these measures cannot be achieved, the NPPF makes it clear that permission should be refused.

In order to objectively assess net ecological impacts and therefore achieve net gains in biodiversity, as required by NPPF, it is vital that a fair robust mechanism for measuring these impacts is applied. To ensure they are consistently quantified, when required, applications must be accompanied by a biodiversity impact assessment calculation using the Natural England Biodiversity Metric. The application of this metric (which may be periodically updated) will be required for all development

with negative impacts on biodiversity. A biodiversity net gain is an increase in ecological units of a minimum of 10%.

It is vitally important that a consistent, acceptable standard of supporting ecological information is supplied with planning applications. In order to ensure this, it will be expected that ecological information is presented in accordance with the British Standard on Planning and Biodiversity – BS 42020 2013 Biodiversity – Code of practice for planning and development, or as updated.

Policy: Determining planning applications affecting designated sites of biodiversity interest

International, National and Locally Designated Nature Conservation Sites

1 Development proposals, land use or activity (either individually or in combination with other developments) which are likely to have a detrimental impact which adversely affects the integrity of a designated site, will not be permitted unless it can be demonstrated that there are reasons material considerations which clearly outweigh the need to safeguard the nature conservation value of the site, and any broader impacts on the international, national, or local network of nature conservation assets.
2 Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. The type of evidence required will be commensurate to the scale and location of the development, the likely impact on biodiversity and the legal protection or other status of a site. Where insufficient data is provided, permission will be refused.
3 Where a site of International or National designation for nature conservation importance is adversely affected by the proposals, permission will be refused unless the Parish Council is satisfied that: (a) There are imperative reasons of overriding public interest, which could be of a social or economic nature, sufficient to override the harm to the site; or (b) There are imperative reasons of overriding public interest relating to human health, public safety or benefits of primary importance to the environment; and in either case: (c) There are no satisfactory alternatives to the proposal.
4 Proposals should avoid impacts on sites of nature conservation value and wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be sought, commensurate to the importance of the site in terms of its status in the hierarchy and the contribution it makes to wider ecological networks.
5 Where adequate mitigation measures are not possible, compensatory measures will be required. Such compensatory schemes should achieve a measurable net gain for nature of a minimum of 10% by quantifying all impacts using the Natural England Biodiversity Metric. The Council will consider the use of conditions and/or planning obligations to secure appropriate mitigation/compensation commensurate to the type and scale of development. Compensatory measures can be situated on or off the development site. The availability of compensatory measures will be a material consideration in the determination of development proposals.
6 Ecological information must be supplied by suitably qualified and experienced individuals in accordance with BS 42020 2013 (as updated). All ecological measures to be delivered by the proposal must be definitively stated.

Policy: Determining planning applications affecting sites or features of biodiversity interest (non-designated)

1 All proposals should achieve a net gain in biodiversity of 10% where it is feasible and proportionate to do so, as measured by utilising the Natural England Biodiversity Metric, and avoid harm to, or the loss of features that contribute to the local and wider ecological network.
2 Proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, as set out in the NPPF, and integrate ecologically beneficial planting and landscaping into the overall design.

Species and Habitats

The planning system has a central role to play through resisting development proposals that may irreversibly damage important species or habitats, by enhancing biodiversity through incorporating mitigation and enhancements and by securing long-term favourable management of biodiversity rich sites.

Biodiversity describes the number and variety of species of plants and animals within a habitat and also the diversity of habitats within an ecosystem. Biodiversity has economic importance, adds to our quality of life and contributes to local distinctiveness as well as securing Ecosystem Services such as pollination, hydrology and pest control for example.

Whilst protecting priority species and habitats (as listed under Section 41 of the Natural Environment and Rural Communities Act 2006) is important, if biodiversity is to be genuinely enhanced, the conservation of all wildlife and habitats needs to be at the centre of development and planning decision making. It must be recognised that Biodiversity does not only exist on priority habitat sites. Lower quality habitats contribute significantly to the biodiversity of an area. Indeed the vast majority of biodiversity in this country is dependent on non-priority habitat.

Through the use of the Natural England Biodiversity Metric, the ecological value of these habitats can be quantified and properly reflected in the planning process. Their value in planning terms will be less than that of priority habitat and commensurate with the contribution they make to the wider ecosystem, as informed by the Metric. A list of Species and Habitats of Principle Importance, as published in Section 41 of the Natural Environment and Rural Communities Act 2006, can be viewed at: https://jncc.gov.uk/our-work/uk-bap/

Government legislation exists which places legal obligations on Local Planning Authorities and landowners with regards to the protection and enhancement of European Sites, protected species and Sites of Special Scientific Interest. More information can be viewed on the Government's

planning guidance website at: https://www.gov.uk/guidance/natural-environment The Herts and Middlesex Wildlife Trust website also contains a useful list of relevant environmental law at: https://www.hertswildlifetrust.org.uk/whatwedo/planning

While there are no longer national habitat or species targets, the Hertfordshire Biodiversity Action Plan (2006) identifies those habitats and species which are a priority for conservation and is a valuable source of information on the county's natural assets. The Hertfordshire State of Nature report (2020) further refines the conservation priority species for the county.

The Hertfordshire Local Nature Partnership (LNP), working in conjunction with Herts and Middlesex Wildlife Trust, Hertfordshire County Council and Natural England have published an up-to-date report on Hertfordshire's habitats which identifies areas where new habitats should be created to support the wider ecological network. The LNP has also produced a suite of guiding principles to assist with planning for the natural environment. The Council will expect proposals to be prepared in line with these documents. The Local Nature Partnership guidance can be viewed at: www.hertswildlifetrust.org.uk/local-nature-partnership

The Hertfordshire Biodiversity Action Plan (2006) can be viewed and downloaded from the Hertfordshire Environmental Forum at: www.hef.org.uk/nature/biodiversity_vision/

Development should be planned to 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. Any development should minimise impacts on biodiversity and provide measurable net gains for nature, where appropriate. 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.

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. Encouragement will be given to proposals which improve the biodiversity value of sites and to the establishment of local nature reserves where the nature conservation and landscape interest of the site will be protected and enhanced.

Where there is a 'reasonable likelihood' of the presence of European or Nationally Protected Species, surveys must be completed and avoidance/ mitigation/ compensation measures agreed before permission can be granted. Surveys cannot be conditioned except in exceptional circumstances because if decisions are made without this information, all material considerations cannot have been addressed in reaching a position.

Where there is evidence of European Protected Species (EPS) such as bats, great crested newts, dormice or otters, the Council will apply the following three derogation tests as required by the Conservation of Habitats and Species Regulations 2017 (as updated):

- The activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

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.

There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is anticipated. Examples of how enhancements could be achieved include:

- Planting native trees and species rich shrubs and hedgerows of local provenance
- Creation of orchards, wildflower grasslands and nature reserves
- Connecting existing habitats and enhancing migratory routes with additional planting (including green roofs and walls and hedgerows)
- Creation of ponds
- Provision of integrated roosting opportunities for bats and birds
- River or stream restoration
- Sustainable Urban Drainage Systems

Planning obligations and conditions may be used to secure agreed measures such as mitigation or compensation. Mitigation measures could involve some of the following:

- Timing the development of sites to avoid the breeding seasons or hibernation periods for species present
- Creating buffer zones between sensitive areas and development areas to reduce disturbance to habitats
- Ensuring that development is designed to enable the movement of wildlife to continue

Compensation which in most cases should be a last resort, involves creating new replacement habitats either on-site or off-site in the form of biodiversity offsetting. However, compensation for a lost habitat will not make an unacceptable development acceptable. Biodiversity offsetting is not designed to be applied to priority habitats.

The waterside environment is particularly rich providing habitat in its own right as well as critical connectivity through the landscape. The value of a waterway is significantly enhanced if it is buffered by complimentary habitat. In accordance with Environment Agency directives, development will be expected to conserve and enhance the aquatic environment and where possible restore the negative impact of previous development – e.g. the naturalisation of canalised or culverted water courses canalisation or culverting of rivers or streams.

Policy: Species and Habitats

1 Development should always seek a net gain to biodiversity of a minimum of 10% and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. The Biodiversity value of a site pre and post development will be determined by applying the Natural England Biodiversity Metric when requested. Submitted information must be consistent with BS 42020 2013. Where insufficient data is provided, permission will be refused.

2 Proposals should detail how required mitigation, compensation, enhancement measures or physical features will be maintained in the long term.

3 Development which would result in the loss or significant damage to mature trees, hedgerows, ancient woodland sites or other priority habitats will not be permitted. The Council will seek their reinforcement by additional planting of native species whenever appropriate. Protective buffers of complementary habitat will be expected to adjoin these features, sufficient to protect damage, disturbance and result in improvement of their long term condition. A minimum buffer zone of 10m (or greater if required) is considered appropriate for all priority habitats, and 15m for ancient woodland.

4 Proposals will be expected to protect and enhance locally important biodiversity sites and other notable ecological features of conservation value.

5 Proposals should avoid impacting on Species and Habitats of Principle Importance as published under section 41 of the Natural Environment and Rural Communities Act 2006 (or as subsequently amended).

6 Where adverse impacts are unavoidable, exceptional circumstances exist that outweighs any harm or damage to a species or habitat, appropriate mitigation and compensation measures must be employed, commensurate to the importance, the legal protection or other status of the species or habitat. The 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.

7. Development adjoining rivers or streams must provide a minimum of a 10m buffer of complimentary habitat between the built environment and top of the bank of the watercourse. Details must be supplied of ongoing ecologically beneficial management of buffer habitats. Where possible, opportunities should be taken to restore degraded aquatic environments to a more semi natural condition.
8. Integrated bird and bat boxes will be expected in all buildings bordering public green space and beneficial habitat.

Networks of biodiversity and Green Infrastructure

The protection and enhancement of biodiversity assets is dependant on robust networks of Green Infrastructure which facilitate movement and genetic exchange.

Green Infrastructure is expected to positively contribute to the conservation, restoration, re-creation and enhancement of networks of biodiversity on a landscape scale. The size and location of G.I. is expected to be suitable for the function it is intended to fulfil. Where required, G.I. should ensure permeability for wildlife through development and provide sufficient beneficial habitat to support target species, independent of its connective function.

Monitoring of GI and habitat creation to ensure that it develops in accordance with its stated intention will be expected. If it is not achieving satisfactory condition within stipulated timeframes, remedial measures will be required. Mechanisms to achieve this must be outlined in development proposals.

Provision of green infrastructure should be guided by the Hertfordshire Ecological Network Mapping dataset to ensure that it is strategically located and consistent with the habitat priorities for the location.

Buffering of watercourses is important to protect the aquatic environment from pollution and disturbance, and to create movement and habitat corridors for wildlife. Development will not be permitted within 10m of the top of the bank of a watercourse as a minimum, but a 15m buffer is preferable.

Lighting within and around development is expected to respect the ecological functionality of movement corridors. Certain species of invertebrate and mammal are highly sensitive to inappropriate lighting. In these circumstances surveys are expected to determine where these movement corridors are and measures put forward that demonstrate how these will be protected and enhanced.

Bat populations are particularly sensitive to development that severs or disturbs movement corridors. Where appropriate, flight corridors should be identified and protected or enhanced to ensure the ecological functionality of bat populations. Examples of suitable measures include green bridges, underpasses or tunnels that are situated on the exact traditional routes of bat populations and free from disturbance.

Landscaping design can have a significant beneficial effect on wildlife. Landscaping schemes will be expected to maximise opportunities for wildlife. The Council expects the selection of native, ecologically appropriate species in such schemes, of local provenance where possible.

Tree planting schemes where the primary purpose is to provided ecological enhancement should maximise diversity of species. Species selected should be suitable to the soil conditions and be comprised of appropriate vegetation communities consistent with National Vegetation Classification communities (NVC). Naturalistic tree planting should not be in straight lines.

The establishment and management regimes of naturalistic planting schemes are critical to their success. These must be stipulated in development proposals together with mechanisms to monitor and address any deficiencies in the fulfilment of their stated objective.

Policy: Networks of Green Infrastructure

1. In considering development proposals the Council will expect Green Infrastructure to provide permeability for wildlife through and around development. GI should be connective and functional as wildlife habitat in its own right not just as a link between habitats. The width of wildlife corridors should be proportionate to the requirements of target species.

2. In considering landscaping schemes the Council will expect that appropriate native species are used whenever possible and that benefits to biodiversity are maximised.

3. In considering development proposals that negatively impact upon nocturnal movement corridors the Council expects that these corridors are identified, protected and enhanced to ensure continued ecological functionality of bat populations.

Ecological survey standards

The provision of quality ecological information is critical in determining the impacts of development and securing meaningful ecological gains. Survey and mitigation measures must therefore conform to the following principles:

Ecological information must be provided by suitably qualified personnel. Details of qualifications and experience must be provided with all ecological reports.

Ecological surveys must answer the following questions; what features are present, what is the ecological value of these features, how will these features be affected by the development proposals, how can these impacts be avoided, mitigated or compensated so that there is a measurable net gain to biodiversity.

Survey methodology and reporting must conform with nationally accepted standards. All surveys and reporting must be conducted in accordance with British Standard 42020: Biodiversity – Code of practice for planning and development.

In certain circumstances divergence from these standards may be acceptable but this must be agreed with appropriate officers at the Council before commencement. Unauthorised deviation from these survey standards will not be accepted.

Appropriate environmental records searches are expected in support of planning applications. When submitting ecological information, the Council expects that records searches, consistent with the rules of the professional body governing ecological consultants (CIEEM), are supplied to enable adequate ecological assessment.

Where European Protected Species (EPS) mitigation licenses are required, answers to the 3 tests of the license must be supplied for consideration by the Council. Failure to do so will result in applications being refused as the council will be unable to meet its obligations under the Conservation of Habitats and Species Regulations 2017.

Policy: Ecological Survey Standards

1. In considering ecological information in support of planning applications the Council expects that surveys are undertaken by suitably qualified personnel and are consistent

with nationally accepted standards i.e. British Standard 42020: Biodiversity – Code of practice for planning and development. All avoidance, mitigation, compensation and enhancement measures must be definitively stated and marked on plans.