

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
<b>19.1 Introduction</b>				
19.1	19.1.1	Habitat-based contextual LNP Ecological Network maps in places bear little or no relation to the map of Habitats and Biodiversity plan as presented in the Background and Overview document. It is important that up-to-date evidence is used.	The council cannot control the detail of maps produced by external parties in documents prepared for a particular purpose. The Plan refers to the need to refer to up-to-date evidence and to work with the Council's partners in these matters.	<b>No amendment in response to this issue</b>
19.2	19.1.1	Herts Ecology support the view that the natural environment is one of the districts greatest resources.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
<b>19.2 Nature Conservation</b>				
19.3	19.2	Should refer to the Hertfordshire Environmental Records Centre as the primary resource for ecological data.	Paragraph 19.2.2 can be expanded to add reference to HERC (and others as appropriate) and a new text box added which advises readers to look in the new bibliography where they can find more information and links to relevant guidance.	<b>Amendment to paragraph 19.2.2 and new text box</b> ...The Council will <u>continue to work with the Hertfordshire Environmental Records Centre as the primary resource for ecological data in the County.</u> <del>refer to the most up-to-date position</del> <u>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, Countryside Management Service, 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.</u>  <u>Links to useful guides, documents and websites produced by these and other relevant organisations can be found in the Bibliography in Appendix F.</u>
19.4	19.2	Herts and Middlesex Wildlife Trust (HMWT) suggest there are a few documents that could be referenced: Gunnell, Murphy and Williams (2013) <i>Designing for Biodiversity – A technical guide for</i>	If all references are included there is a danger that the majority of this chapter will become no more than a reference guide to these other documents. It is important to ensure that the East Herts	<b>Amendment to Text – New Text Box before Policy NE1</b> <u>Links to useful guides, documents and websites produced by these and other relevant</u>

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		<i>new and existing buildings. 2<sup>nd</sup> ed. RIBA and BCT; RSPB (2013) Planning Naturally. Spatial planning with nature in mind: in the UK and beyond; TCPA and the Wildlife Trusts (2012) Planning for a Healthy Environment – Good practice guidance for green infrastructure and biodiversity.</i>	<p>approach is the primary information. A new text box has been inserted (see row 19.4 above) that refers readers to these references in a new Bibliography.</p> <p>The RIBA and BCT guide can only be purchased so this will be made clear in the Bibliography in Appendix F</p>	<a href="#">organisations can be found in the Bibliography in Appendix F.</a>
19.5	Table 19.1	Herts Ecology and HMWT note that the descriptions in table 19.1 are a little inaccurate and make suggestions to make them more accurate. Glossary definition at end of plan is correct.	Table 19.1 will be amended to elaborate this and to make the descriptions more accurate.	<b>Amendment to Table 19.1</b> <a href="#">See proposed Table 19.1 in revised chapter</a>
19.6	19.2.5	19.2.5 Should acknowledge that Broxbourne Woods also includes Bencroft Wood and Broxbourne Wood (Herts CC owned), Hoddesdon Wood and Wormley Wood (owned by Woodland Trust). All are within the National nature Reserve (NNR) and are Sites of Special Scientific Importance (SSSI's) and home too many rare and scarce Woodland Wildlife.	Paragraph 19.2.5 could be expanded to include these references.	<b>Amendment to paragraph 19.2.5</b> The only National Nature Reserve (NNR) in Hertfordshire is located in the south of the district at Broxbourne- <a href="#">Hoddesdonpark</a> Woods. <a href="#">The Nature Reserve contains several woodlands of SSSI status, which are home to many rare and scarce woodland wildlife.</a>
19.7	19.2.7	The text should be amended to read 'Hertfordshire Local Wildlife Sites Partnership'.	Agreed.	<b>Amendment to paragraph 19.2.7</b> Local Wildlife Sites are identified by the Hertfordshire <a href="#">Local</a> Wildlife Sites Partnership, which is a partnership approach to the identification....
19.8	19.2.7	<p>The list of sites in paragraphs 19.2.3 to 19.2.7 need to clarify the difference between sites that are designated by Natural England or included in local lists or those listed as HMWT reserves. The HMWT reserves are all considered on an equal footing and recommend removing reference to four flagship reserves.</p> <p>Recommended wording 'There are also 14 Herts &amp; Middlesex Wildlife Trust Nature Reserves in the district, seven of which are SSSIs and one is a Local Nature Reserve (under the National Parks and Access to the Countryside Act 1949 as amended)'.</p>	Agreed. Paragraph 19.2.7 will be amended.	<b>Amendment to paragraph 19.2.7</b> Local Wildlife Sites in the district are identified by the Hertfordshire <a href="#">Local</a> Wildlife Sites Partnership which is a partnership approach to the identification, selection, assessment and protection of Local Wildlife Sites in the County, led and coordinated by the Herts and Middlesex Wildlife Trust. Local Wildlife Sites (WS) are considered to be of significance for wildlife in at least a district context. There are currently 573 Wildlife Sites in the district covering 3,462 hectares. There are also <del>currently</del> 14 <a href="#">Herts and Middlesex Wildlife Trust Reserves in the district, seven of which are SSSIs and one, Waterford Heath, is a Local</a>

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		HMWT note the only site in East Herts which is known to be listed as a Local Nature Reserve by Natural England is Waterford Heath (also a HMWT nature reserve).		Nature Reserves (LNR) ( <del>under as protected by</del> the National Parks and Access to the Countryside Act, 1949 <del>as amended</del> ) <del>in the</del> district, including 4 Flagship Reserves: Amwell Balls Wood Kings Meads Rye Meads
19.9	19.2.8	HMWT recommend that the need to protect and restore ecological networks is made more prominent in the plan as a whole. Landscape-scale conservation and restoration recognises the importance of all sites including those in urban areas as contributing to wildlife and ecosystem services. It should be embedded in the Natural Environment policies.	Paragraph 19.2.8 could be expanded to include reference to the need to protect and enhance landscapes and non-designated sites.	<b>Amendment to paragraph 19.2.8</b> 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. <u>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.</u>
19.10	NE1	Natural England appreciate the intention to give internationally and nationally designated sites the highest level of protection however NPPF states: 'Distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks'.	Initial drafts of the policies did distinguish between sites of different status. However, it was considered that this diluted the strength of protection for sites of less status. These sites play an important role in the wider ecological network, not least because their number are far greater than higher status sites and they often contribute to the success of higher status sites. A new Policy could be created to refer to only non-designated sites of nature conservation importance.	<b>New Policy NE2</b> <u>New Policy NE2 Sites of Nature Conservation Interest (Non-Designated)</u>  <u>I. All proposals should achieve a net gain in biodiversity and avoid harm to, or the loss of features that contribute to the local and wider ecological network.</u>  <u>II. Proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, and integrate planting and landscaping into the overall design.</u>
19.11	NE1	Herts Ecology states that a variety of site types are mentioned, though smaller sites that may be wildlife havens but which do not fall within these categories are not mentioned.	Additional text is to be added to paragraph 19.2.8. A new policy could be created to refer to non-designated sites.	<b>New Policy NE2</b> <u>New Policy NE2 Sites of Nature Conservation Interest (Non-Designated)</u>

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				<p><u>I. All proposals should achieve a net gain in biodiversity and avoid harm to, or the loss of features that contribute to the local and wider ecological network.</u></p> <p><u>II. Proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, and integrate planting and landscaping into the overall design.</u></p>
19.12	NE1	The Lee Valley Regional Park Authority support Policy NE1. They note that Amwell and Rye Meads SSSIs are identified as two of the Districts Flagship Reserves. Both could face pressure from future development.	<p>Support noted and welcomed.</p> <p>Reference to Amwell and Rye Meads as flagship reserves has however been deleted on the advice of the Herts and Middlesex Wildlife Trust. Although historically referred to as 'flagship reserves', all HMWT reserves are now considered on an equal footing.</p>	<b>No amendment in response to this issue</b>
19.13	NE1	<p>HMWT and the Lee Valley Regional Park Authority suggest that both Policy NE1 and NE2 should require applicants to submit sufficient and up-to-date info (ecological surveys by competent ecologist) where habitat or features of potential value to the wildlife are affected. Where an applicant fails to provide sufficient information, planning permission should be refused (in line with NPPG para 008 and 016). Having adequate information is necessary for the council to ensure that its policy requirements and its statutory duty are met in terms of being able to assess whether net gains have been achieved.</p> <p>The LVRPA stress the importance of carrying out wildlife and habitat surveys in advance of submitting applications.</p>	Agreed. Policy NE1 and NE2 amended to address this and other issues.	<p><b>Amendment to Policy NE1</b></p> <p>I. 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 site, will not be permitted unless it can be demonstrated that there are reasons 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. <u>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.</u> <u>Where insufficient data is provided, permission will be refused.</u></p>
19.14	NE1 Part III	Natural England considers that there is an overemphasis on compensation. The Policy should be more in line with the measures included in Para. 152 of the NPPF: 'wherever possible,	<p>Agreed. Policy NE1 amended to highlight the need to avoid making such harm in the first place.</p> <p>The new text box before Policy NE1 refers readers</p>	<p><b>Amendment to Policy NE1 Part III</b></p> <p><del>III. In exceptional circumstances where proposals are allowed which would damage the nature conservation value of the</del></p>

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		<p>alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate’.</p> <p>The policy should be more proactive in terms of seeking a net gain of biodiversity in line with Para. 9 of the NPPF ‘pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment.... including...moving from a net loss of bio-diversity to achieving net gains for nature.’</p> <p>Herts Ecology state something similar: NE1 should include a Mitigation Hierarchy as outlined in NPPF. This considers: Information, Avoidance, Mitigation and Compensation. Where development cannot satisfy requirements planning permission should be refused (NPPF para 118).</p>	to the Bibliography where these references will be listed..	<p><del>International, National or Local Site, any adverse impact to designated sites should only occur as a last resort, and should be compensated by replacement with a feature of comparable or higher ecological value.</del></p> <p><u>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 considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. Such compensatory schemes should seek to achieve a net gain for nature and the</u></p> <p><del>The District Council will consider the use of conditions and/or planning obligations to provide</del> <u>secure</u> <del>appropriate mitigation/compensation.</del></p> <p><b>New Text Box before Policy NE1</b>  <u>Links to useful guides, documents and websites produced by these and other relevant organisations can be found in the Bibliography in Appendix F.</u></p>
19.15	NE1 + NE2	Herts Ecology note NE1 effectively duplicates NE2 by including reference to Priority Species and Habitats and the aspect of Policy on Species and Habitats.	Policy NE1 part II will be changed to refer to sites of international or national nature conservation importance rather than to priority species or habitats. Also in reference to the Herts Ecology comment on where proposals do not satisfy requirements they should be refused, this section of the Policy NE1 should make this clear.	<p><b>Amendment to Policy NE1 Part II</b></p> <p><del>II. Where a priority species or habitat on the site</del> <u>of International or National designation for nature conservation importance</u> <del>is adversely affected by the proposals, permission will be refused unless</del> the District Council <u>is</u> <del>will need to be satisfied that:</del> ...</p>
<b>Species and Habitats</b>				
19.16	19.3	Strongly welcomed by the HMWT	Support noted and welcomed	<b>No amendment in response to this issue</b>

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19.17	19.3	Swifts and other bird species need to be taken into account during development as they are present in every proposed housing location. We should ensure there is a space for nature.	This is related to the wider issue raised of needing to be more proactive in seeking net gains in biodiversity. Policy NE2 should be amended to make this proactive approach the priority rather than focussing on where harm could occur.  Proposed amendment to paragraph 19.3.8 (renumbered 19.3.9)	<b>Amendment to Policy NE2 (now Policy NE3)</b> See proposed chapter.  <b>Amendment to paragraph 19.3.8 (renumbered 19.3.9)</b> 19.3.9 ... • Provision of roosting opportunities for bats <b>and birds</b> ...
19.18	19.3.2	Herts Ecology note that 19.3.2 should include reference to role that maintaining and enhancing biodiversity plays in securing Ecosystem Services e.g. Pollination, hydrology, pest control etc.	Agreed. Paragraph 19.3.2 expanded to refer to these benefits.	<b>Amendment to paragraph 19.3.2</b> 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 <u>as well as securing Ecosystem Services such as pollination, hydrology and pest control for example.</u>
19.19	19.3.3	The Environment Agency supports this paragraph.	Support noted and welcomed.  Reference to habitats also added to paragraph (see 19.20).	<b>No amendment in response to this issue</b>
19.20	19.3.3	Herts Ecology note 19.3.3 should refer to both priority species and habitats, as listed under S41 of the 2006 NERC Act.	Agreed. Paragraph 19.3.3 amended to make this clear.	<b>Amendment to paragraph 19.3.3</b> Whilst protecting priority species <u>and habitats (as listed under Section 41 of the Natural Environment and Rural Communities Act 2006)</u> 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.
19.21	19.3.4	Herts Ecology support reference to the BAP but advise that this has now largely been replaced by the LNP strategies which develop the BAP further.	The BAP is still important in strategic terms but the Draft Plan should make more reference to the Local Nature Partnership in general. A new paragraph should be included to refer to the LNP.	<b>Amendment to text (new paragraph 19.3.5)</b> <u>19.3.5 The Hertfordshire Local Nature Partnership (LNP), working in conjunction with Herts and Middlesex Wildlife Trust, Hertfordshire County Council and Natural England have recently published an up-to-date report on Hertfordshire's habitats which identifies areas where new habitats should be</u>

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				<u>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.</u>
19.22	19.3.5	The Environment Agency supports this paragraph.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.23	19.3.5	Herts Ecology feel 19.3.5 should seek to plan for biodiversity at a landscape scale with the identification of local ecological networks, as promoted by Local Nature Partnership (LNP). Hertfordshire Ecological Networks document provides strong evidence-based approach to identifying ecological networks and a number of key habitats. The LNP is supported by	The proposed amendments to paragraph 19.2.8 above, address this issue. The current wording of paragraph 19.3.5 should be sufficient without repeating paragraph 19.2.8.	<b>No amendment in response to this issue</b>
19.24	19.3.5	The Environment Agency suggests adding reference to the Hertfordshire Local Nature Partnership's ' <i>Planning for Biodiversity and the Natural Environment in Hertfordshire-Guiding Principles</i> ', as well as the Hertfordshire ecological networks mapping report.  HMWT also recommend adding this to Section 19.4	As with paragraph 19.3.4 above, it is agreed that the Draft Plan should make more reference to the Local Nature Partnership in general and the guidance they produce as appropriate. The new text box before Policy NE1 refers readers to these documents that are listed in the new bibliography.	<b>Amendment to paragraph 19.3.5</b> <u>19.3.5 The Hertfordshire Local Nature Partnership (LNP), working in conjunction with Herts and Middlesex Wildlife Trust, Hertfordshire County Council and Natural England have recently 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.</u>
19.25	19.3.6	Badgers need to be added to the list.	Badgers are not on the England Biodiversity List of Habitats and Species of Importance.	<b>No amendment in response to this issue</b>
19.26	19.3.6	Herts Ecology feel 19.3.6 could include '...tests as required by the European Habitats Directive' to emphasise the point that this is a legal obligation and not simply a rigorous approach from LPA.	Paragraph 19.3.6 (renumbered 19.3.7) amended to add 'as required by the European Habitats Directive'.	<b>Amendment to paragraph 19.3.6 (renumbered 19.3.7)</b> 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

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				<u>as required by the European Habitats and Birds Directives:</u>
19.27	19.3.7	The Environment Agency support this paragraph.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.28	19.3.7	HMWT welcome the focus on avoidance of harm, including habitat retention through site design. Recommend that wording be added to ensure mitigation is required where not possible to avoid impacts. Compensation for any residual impact e.g. new habitat creation or habitat restoration/enhancement on site or nearby should be as a last resort. Herts Ecology notes that if the 'Mitigation Hierarchy' is not referred to in Policy NE1, it should be referred to here.	This is related to the wider issue raised of needing to be more proactive in seeking net gains in biodiversity. Policy NE2 should be amended to make this proactive approach the priority rather than focussing on where harm could occur. This approach is considered appropriate to add to the beginning of the chapter before the policies as it applies across each of the policies. However, Policy NE1 Part III may be seen as repetition.	<b>Amendment to text (new paragraph 19.2.9)</b> <u>19.2.9 The NPPF requires local planning authorities to apply a mitigation hierarchy. 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.</u>
19.29	19.3.8	HMWT suggest that Para. 19.3.7 be split to distinguish between avoidance and enhancement.	Paragraphs 19.3.7 and 19.3.8 (renumbered 19.3.8 and 19.3.9) amended accordingly.	<b>Amendment to paragraphs 19.3. 7 and 19.3.8 (renumbered 19.3.8 and 19.3.9)</b> <del>19.3.7-8 .....site design. Where there may be no significant harm to species or habitats there may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement....</del>  <u>19.3.8-9 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.</u> Examples of how enhancements can be achieved include:...
19.30	19.3.8	All developments should respond to available opportunities to provide enhancements for wildlife, whether or not significant adverse impacts are expected. Request that sentence amended to this affect. E.g. "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	Renumbered paragraph 19.3.8 (renumbered 19.3.9) to be amended accordingly.	<b>Amendment to paragraph 19.3.8 (renumbered 19.3.9)</b> <del>19.3.8-9 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.</del> Examples of how enhancements can be achieved include:...



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		anticipated. Examples of how enhancements could be achieved include...”:		
19.31	19.3.8	Herts Ecology suggest that Para. 19.3.8 should include the planting of wildflower grasslands and new orchards, as they provide excellent habitats for insects etc.	Paragraph 19.3.8 (renumbered 19.3.9) should be amended to add wildflower grasslands and orchards.	<p><b>Amendment to paragraph 19.3.8 (renumbered 19.3.9)</b>  19.3.9 <u>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.</u> Examples of how enhancements could be achieved include: ...</p> <ul style="list-style-type: none"> <li><u>Creation of orchards, wildflower grasslands and nature reserves....</u></li> </ul>
19.32	19.3.8	The Environment Agency supports this paragraph.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.33	19.3.9	The Environment Agency supports this paragraph.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.34	19.3.9	Planning obligations should include green roofs, walls, natural planting, simple management.	The Design and Climate change policies already address these issues. The bullet list in renumbered paragraph 19.3.9 could include reference to green roof and walls.	<p><b>Amendment to paragraph 19.3.8 (renumbered 19.3.9)</b>  19.3.9 <u>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.</u> Examples of how enhancements could be achieved include: ...</p> <ul style="list-style-type: none"> <li>Connecting existing habitats and enhancing migratory routes with additional planting <u>(including green roofs and walls and species-rich hedgerows)</u> ...</li> </ul>
19.35	19.3.10	Herts Ecology suggest that Para. 19.3.10 could include Biodiversity Offsetting as a means of securing compensation.	This is referred to in the NPPF as a means of compensating the loss of features on-site and therefore needs to be incorporated in the text in paragraph 19.3.10 (renumbered 19.3.11).	<p><b>Amendment to paragraph 19.3.10 (renumbered 19.3.11)</b>  19.3.11 Compensation which in most cases should be a last resort, involves creating new replacement habitats either on-site or off-site <u>in the form of biodiversity offsetting.</u> However,</p>

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				compensation for a lost habitat will not make an unacceptable development acceptable.
19.36	NE2	The Environment Agency supports this paragraph.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.37	NE2	HMWT and the Lee Valley Regional Park Authority suggest that both Policy NE1 and NE2 should require applicants to submit sufficient and up-to-date info (ecological surveys by competent ecologist) where habitat or features of potential value to the wildlife are affected. Where an applicant fails to provide sufficient information, planning permission should be refused (in line with NPPG Para. 008 and 016). Having adequate information is necessary for the council to ensure that its policy requirements and its statutory duty are met in terms of being able to assess whether net gains have been achieved.  The LVRPA stress the importance of carrying out wildlife and habitat surveys in advance of submitting applications.	Agreed. Policy NE1 and NE2 amended to address this and other issues.	<b>Amendment to Policy NE2 (renumbered NE3)</b> See Policy NE2 (renumbered NE3) in proposed chapter.
19.38	NE2 IV	Herts Ecology suggest that part 'IV' should refer to nature reserves rather than local nature reserves to prevent any confusion.	Policy NE2 (renumbered NE3) will change significantly to address this and other issues.  Nature reserves has been added to the bullet list in Paragraph 19.3.8 (renumbered 19.3.9)	<b>Amendment to Policy NE2 (renumbered NE3)</b> See Policy NE2 (renumbered NE3) in proposed chapter.  <b>Amendment to text (Para. 19.3.8 (renumbered 19.3.9))</b> 19.3.9 ... • <u>Creation of orchards, wildflower grasslands and nature reserves</u>
19.39	NE2	Herts Ecology note that reference should be made to the LPA's legal obligation concerning European Sites, protected sites and SSSIs. The Department for Environment Food and Rural Affairs (DEFRA) is currently updating its guidance. Which should be referred to, to the effect of ' <i>Updated guidance on</i>	This can be detailed in a new paragraph or text box. This should be linked to advice on the list of Species and Habitats of Principle Importance under the NERC Act.	<b>Amendment to text (new text box after 19.3.3)</b> <u>A list of Species and Habitats of Principle Importance, as published in Section 41 of the Natural Environment and Rural Communities</u>

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		<i>the legal obligations affecting local planning authorities and developers regarding European sites, protected species and SSSIs is being prepared by DEFRA and will replace the advice currently set out in Circular 06/05: Biodiversity and Geological Conservation'</i>		<p><a href="http://publications.naturalengland.org.uk/publication/4958719460769792?category=10002">Act 2006, can be viewed in the form of a spread-sheet at: http://publications.naturalengland.org.uk/publication/4958719460769792?category=10002.</a></p> <p><a href="http://www.gov.uk">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 document website at: www.gov.uk.</a></p> <p><a href="http://www.hertswildlifetrust.org.uk/what-we-do/planning/wildlife-and-law">The Herts and Middlesex Wildlife Trust website also contains a useful list of relevant environmental law at: www.hertswildlifetrust.org.uk/what-we-do/planning/wildlife-and-law</a></p>
19.40	NE2	Useful if term 'locally important biodiversity sites' could be defined.	New text could be added to the Glossary to provide a description.	<p><b>Amendment to Glossary</b>  <a href="#">Locally Important Biodiversity Sites: Normally smaller, isolated sites, including trees, hedgerows or ponds that may not be designated but make a contribution to local or wider ecological networks.</a></p>
<b>Green Infrastructure</b>				
19.41	19.4.3	The River Mimram, which is the best chalk stream north of the Thames, and a habitat rarer than the tropical rainforest is omitted from the list of local rivers.	This river was omitted in error and should be added to the list.	<p><b>Amendment to paragraph 19.4.3</b>            East Herts has a rich green infrastructure resource centred on the principal river valleys of the Lee, <a href="#">Mimram</a>, Beane, Quin, Rib, Ash and Stort in addition to a varied mosaic of landscape and habitat types, such as grassland, ancient and plantation woodland and farmland of importance to wildlife.</p>
19.42	19.4.3	Herts Ecology support the overall approach to GI. However the Plan needs to acknowledge the integrated approach to planning and include what	This is partly contained within the Green Infrastructure Plan and the Plan makes new references to the LNP Ecological Networks	<b>No amendment in response to this issue</b>

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		improvements are necessary and how they are to be sustained.	document. Each Policy in this chapter seeks to encourage an integrated approach to biodiversity and the wider ecological network, which is part of the function of Green Infrastructure.	
19.43	19.4	Herts Ecology note that land management is fundamental, local farming and development and maintenance of food economy is wholly missing from the plan in one of the county's most farming dominated districts.	The majority of these things are beyond the scope of planning policy. The Plan as a whole supports the rural economy and is proactive where it has some influence. Paragraph 19.4.3 references the importance of farmland in green infrastructure terms. Policy ED2 (renumbered ED3) supports agricultural activity and the diversification of farm holdings provided it supports the continued agricultural activity of the farm. However, these issues are more appropriately managed by central government policies on agricultural practices and permitted development rights.	<b>No amendment in response to this issue</b>
19.44	19.4.4	The Environment Agency supports this paragraph.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.45	19.4.5	The Environment Agency supports this paragraph.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.46	19.4.6	The Environment Agency supports this paragraph.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.47	19.4.6	Herts Ecology note applicants should be expected to seek advice of Hertfordshire Ecology which should be at the front of the list being funded by EHDC to provide an ecological advisory service to the District.  Herts Ecology provides planning advice while the Environmental Records Centre holds, manages and develops ecological and biological records and information.	Paragraph 19.4.6 should include reference to the renamed HERC and Herts Ecology.	<b>Amendment to paragraph 19.4.6 (renumbered 19.4.7)</b> Applicants will be expected to seek the advice of the Herts and Middlesex Wildlife Trust, the Hertfordshire <a href="#">Environmental Biological Records Centre</a> , <a href="#">Hertfordshire Ecology at the County Council</a> , Countryside Management Service and Natural England, and other relevant local nature partnerships where appropriate, where proposals affect or have the potential to enhance green infrastructure and nature conservation assets.
19.48	19.4	The LVRPA suggest that supporting text to the Green Infrastructure policy should make reference to GreenArc.	A new paragraph could be added to highlight the role of landscapes within East Herts as part of the wider network and to bring in a reference to the GreenArc partnership.	<b>Amendment to paragraphs 19.4.4 and new paragraph 19.4.5</b> <a href="#">19.4.5 It is important to remember that habitats and landscapes in East Herts are part of a wider network of green infrastructure that pays</a>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
				<u>no heed to local authority boundaries. For example, the woodland to the south of the District forms part of the swathe of woodland and other habitats that stretch around London, which is commonly known as the GreenArc. Development should therefore 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.</u>
19.49	NE3	The Environment Agency support Policy NE3	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.50	NE3	There needs to be sufficient Green infrastructure with housing growth. Communities will need to be designed to be water neutral, hard surfaces should also be minimised.	The Draft Plan contains a number of policies that seek to address these issues.	<b>No amendment in response to this issue</b>
19.51	NE3	The LVRPA support Policy NE3, and endorse reference to Nature Improvement Areas.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.52	NE3	The LVRPA support the single policy for Green Infrastructure due to its complexity and where it refers to many different strands. The reference under Policy CC1 to Green Infrastructure is also endorsed.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.53	NE3	Canal and River Trust support the aims of this policy fully and welcome the recognition and support given to the Waterway network in East Herts.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.54	NE3	HMWT welcome Policy, in particular references to plans and programmes including Nature Improvement Areas, Living Landscapes and Catchment Management Plans.	Support noted and welcomed.	<b>No amendment in response to this issue</b>
19.55	NE3 Ild	Typo: "complement"	Noted	<b>Amendment to Policy NE3 (renumbered NE4)</b> (d) Consider the integration of green infrastructure into proposals as an alternative or to <del>compliment</del> <u>complement</u> 'grey'

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
				infrastructure.
<b>General</b>				
19.56	19	Support for protection of the natural environment. There is an issue with the clearance of sites before applications are submitted. This is a loophole that enables habitat destruction before it can be properly assessed. Where site clearance occurs there should be penalties.	Support noted and welcomed. The clearance of vegetation is not considered development. Once an application has been made conditions would normally be applied that seeks to retain vegetation subject to an appropriate landscaping scheme. However, if the clearance occurs before the application there are no conditions to be in breach of. Where clearance has occurred on sites where there are policy restrictions such as Tree Preservation Orders or other environmental designations, mechanisms do exist through various legislation to impose penalties and ensure replacement planting where necessary. This is a national issue of planning law and not something the Council can control.	<b>No amendment in response to this issue</b>
19.57	19	Development prevents biodiversity.	If done well, development has the potential to create biodiversity through gardens and green spaces which have a greater variety of species than ploughed farmland for example.	<b>No amendment in response to this issue</b>
19.58	19.2 (HERT4)	HERT4 proposal is a connection to the countryside it supports the valuable habitat at Waterford Heath. Any developments around the edge of town should include a 'woodland buffer' to protect views and constrain further development.	This comment will be considered further under Chapter 7: Hertford.  Each settlement-specific policy seeks to protect and enhance its surrounding environments. HERT4 currently requires the development to create quality local green infrastructure through the site including opportunities for preserving and enhancing on-site assets, maximising opportunities to link into existing assets and enhance biodiversity. This could be made more explicit in requiring a new green edge to the development to not only act as a green buffer to neighbouring environments but also to define the edge of development, effectively creating a strong	<b>Amendment to Policy HERT4</b> This will be amended in due course.

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
			northern boundary.	
19.59	19.3	Natural England finds much encouragement in the emerging policies and commends the progress East Herts are making towards creating a sound Local Plan; however more progress was expected on the Habitats Regulations Assessments (HRA). The HRA is an important consideration and needs to be taken into account when allocating sites and numbers.	Support noted and welcomed.  Concerns regarding the HRA are noted and ongoing discussions are taking place with Natural England and the consultants assisting the Council with this important piece of work. The HRA is dependent upon the cumulative impacts of development in neighbouring authority areas as well in East Herts.	<b>No amendment in response to this issue</b>
19.60	19.3	Land north of Ware is teeming with wildlife, deer's, foxes, hares and rabbits as well as birds particularly in the area around Moles Farm. Thought must be given to wildlife as well.	Noted.	<b>No amendment in response to this issue</b>

### Other Proposed Amendments

Location/ Paragraph/Policy	Issue	Proposed Amendment
Throughout the document	Members are concerned that there are too many references within the chapter, which detracts from the particular approach East Herts is promoting.	<b>Amendment to Chapter</b>  References to guides and policy documents are to be stripped out and instead one single reference will be made to a list of useful guides and documents within a new bibliography which will be arranged by Chapter.
19.2.4	Reference should be added to refer to a new online tool produced by Natural England on assessing the likely impacts on SSSIs. A new text box has been added to the text before Policy NE1 which refers readers to the new Bibliography, where this link is included.	<b>New Bibliography Appendix F</b>  <a href="http://www.naturalengland.org.uk/ourwork/planningdevelopment/impactriskzonesgistoolfeature.aspx">Natural England Impact Risk Zone Tool, designed to help local planning authorities and developers to assess whether a proposed development is likely to affect SSSIs.</a> <a href="http://www.naturalengland.org.uk/ourwork/planningdevelopment/impactriskzonesgistoolfeature.aspx">www.naturalengland.org.uk/ourwork/planningdevelopment/impactriskzonesgistoolfeature.aspx</a>

19.2.4	In October 2014 Natural England was incorporated into the gov.uk website and as such all links and references of documents have been changed. Therefore reference to the England Biodiversity List is now out of date. This reference should also be moved to the re-amble to Policy NE2 (renumbered NE3)	<p><b>Amendment to Policy NE2 (renumbered NE3)</b></p> <p>Part V. Proposals should avoid impacting on Species and Habitats of Principle Importance included in the England Biodiversity List <del>as</del> published under section 41 of the Natural Environment and Rural Communities Act 2006 (or as subsequently amended).</p> <p><b>Amendment to text box after Para. 19.3.3</b></p> <p><del>The England Biodiversity List can be viewed and downloaded from the Habitats and Species of Importance pages of the Natural England Website at: <a href="http://www.naturalengland.org.uk">www.naturalengland.org.uk</a></del> <u><a href="http://www.naturalengland.org.uk">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 in the form of a spread-sheet at <a href="http://publications.naturalengland.org.uk/publication/4958719460769792?category=10002">http://publications.naturalengland.org.uk/publication/4958719460769792?category=10002</a>.</a></u></p>
19.2.7	The latest Annual Monitoring Report indicates a change in the number of Local Wildlife Sites and their size in hectares due to the re-classification of sites and alterations to boundaries. This up-to-date evidence should be included in the revised chapter.	<p><b>Amendments to text (Paragraph 19.2.7)</b></p> <p>...There are currently <del>573</del> <u>544</u> Wildlife Sites in the district covering <del>3,462</del> <u>3,442</u> hectares...</p>
Policy NE2 Species and Habitats (Renumbered NE3)	This Policy should be amended to reflect the hierarchy of mitigation and to be more proactive in encouraging enhancements i.e. to first seek gains in habitats and opportunities for biodiversity, to avoid harm, to mitigate where harm is unavoidable and to compensate where harm occurs.	<p><b>Amendment to Policy NE2 (Renumbered NE3)</b></p> <p>See proposed Policy NE3 Species and Habitats</p>