



27th October 2022

Femi Nwanze
Uttlesford District Council
London Road
Saffron Walden
CB11 4ER

By email only

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Uttlesford District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

UDC Application: UTT/22/2174/PINS

PINS Reference: S62A/2022/0007

Location: Land South Of Henham Road Elsenham

Proposal: Consultation of S62A/2022/0007 – Town and Country Planning Act 1990 (Section 62A Applications) Residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access, on land to the south of Henham Road, Elsenham)

Dear Femi,

Thank you for re-consulting Place Services on the above application.

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Ecological Assessment Rev C (SES, July 2022), Biodiversity Net Gain Design Stage Report (SES, August 2022), Arboricultural Constraints Advice (APII) (Hallwood Associates Ltd., March 2022) and Lighting Strategy REV P01 (MMA Lighting Consultancy, June 2022), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are now satisfied that there is sufficient ecological information available for determination of this application.



This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Assessment Rev C (SES, July 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, nesting birds, common reptiles, amphibians and mobile mammal species.

Designated Sites

We note that the development site is situated within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural England's letter to Uttlesford DC relating to Strategic Access Management and Monitoring Strategy (SAMM) – Hatfield Forest Mitigation Strategy (28 June 2021) should be followed to ensure that impacts are minimised to this site from new residential development.

As a first step towards a comprehensive mitigation package, the visitor management measures required within Hatfield Forest SSSI / NNR have been finalised in a Hatfield Forest Mitigation Strategy. Natural England are now working with the LPA to consider what level of developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest is appropriate for all residential development within the evidenced Zone of Influence. Natural England's advice is that during this interim period before a co-ordinated strategic solution has been established by all authorities, housing projects of 50 units or greater should provide a proportionate mitigation contribution to be agreed with the National Trust.

For the largest, strategic housing sites (100+ units) such as this proposal, Natural England advises that recreational pressure impacts on this designated site are additionally mitigated via the provision of Suitable Accessible Natural Greenspace (SANG), a specific form of Green Infrastructure, to be provided within the red-line boundary of the proposed development. Natural England advise on using a distance of 2.7km for a daily walking route within attractive greenspace on the site and/or with links to surrounding public rights of way (PRoW). ANG 'standard' accepted by Natural England is 8ha greenspace per 1000 population as per Thames Basin Heaths and this requires a commitment to its long-term maintenance and management to be secured by a Landscape and Ecological Management Plan to be secured by a condition of any consent. Such green infrastructure should be designed to absorb significant proportions of the day-to-day recreational needs of new residents, such as walking, dog walking, jogging / exercise, children's play facilities, and other informal recreation. It should also aim to provide a semi-natural character, with significant proportion of tree / woodland cover, and as may be appropriate, café / basic refreshment facilities.

We also note that the Ecological Assessment Rev C (SES, July 2022) states that the proposed scheme will be expected to contribute towards mitigating the potential increase in recreational pressure on Hatfield Forest SSSI and that this will be achieved through a financial contribution towards the SAMM and the provision of on-site ANG. It is noted that the proposed on-site circular route is only 0.8km rather than the recommended 2.7km although it does link directly to public footpaths within the wider



landscape. It is recommended that permanent interpretation boards are installed on site to advertise the circular walk on site and available offsite circular walks, in addition to advertising it through leaflets to householders. This will benefit future residents that may not be the first owners of the proposed properties and would therefore miss out on the leaflets. The financial contribution should be secured by a legal agreement to avoid impacts on Hatfield Forest NNR/SSSI.

In addition, the site is also within the Impact Risk Zone for the Elsenham Woods SSSI in relation to increased recreational impacts. The Ecological Assessment Rev C (SES, July 2022) states that proportionate mitigation measures are yet to be agreed between the applicant and Natural England, but it is expected that Natural England will also require a financial contribution to the management of Elsenham Woods SSSI.

Priority Habitats

Although the site is adjacent to Stansted Brook, it has been predicted that no impacts to this watercourse is predicated and pollution prevention measures have been recommended. Although no Priority habitats have been identified on site, there are Priority habitats within 50m of the site. Although not specifically mentioned in relation to Priority habitats, methods to protect Stansted Brook from construction impacts such as dust have been discussed and are considered adequate to protect the surrounding Priority habitats as well. A Construction and Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should outline all measures to protect biodiversity (including Stansted Brook and Priority habitats) during the construction phase and should be secured by a condition of any consent.

Protected Species

Results of the summer and autumn bat activity surveys have not yet been submitted for this application, however, given the boundary hedgerow and trees with potential to support roosting bats are being retained and protected from proposed street lighting it is considered unlikely that there is significant additional information that can be obtained from these surveys.

In line with the Ecological Assessment Rev C (SES, July 2022) a bat-sensitive lighting strategy has been produced (Lighting Strategy REV P01 (MMA Lighting Consultancy, June 2022)) and should be secured by a condition of any consent so that bat activity continues on site post-development. A layout plan of the proposed lighting, including lighting contour details, should also be secured by a condition of any consent.

Enhancements

We support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity including the installation of five small hole bird boxes, ten small open-fronted bird boxes, five sparrow terraces, ten Swift boxes and bat boxes as well as the provision of Hedgehog gaps, hibernacula, log piles and creation of wildflower areas, orchard and pond, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. It is recommended that additional integrated bird boxes are



used, for example, to be in line with the latest British Standards Institution guidance (BS42021:2022), which recommends a ratio of 1:1 for the number of integrated bird boxes and new residential dwellings (or proportionate to the size of larger buildings).

Off-site biodiversity enhancement measures have also been provided in Biodiversity Net Gain Design Stage Report (SES, August 2022) which shows over a 20% increase in biodiversity units overall. The proposed habitats on- and off-site should be managed for the benefit of wildlife. This should be outlined within a Landscape and Ecological Management Plan (LEMP) and secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment Rev C (SES, July 2022), Biodiversity Net Gain Design Stage Report (SES, August 2022) and Lighting Strategy REV P01 (MMA Lighting Consultancy, June 2022), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).



2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include the protection of Stansted Brook and Priority habitats within 50m of site.*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*
- i) Containment, control and removal of any Invasive non-native species present on site*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;*
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- e) persons responsible for implementing the enhancement measures;*
- f) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."



Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)



Please contact us with any queries.

Yours sincerely,

Ella Gibbs ACIEEM BSc (Hons)

Senior Ecological Consultant

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Place Services provide ecological advice on behalf of Uttlesford District Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.