



16th November 2022

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

By email only

Thank you for requesting advice on this outline 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/22/2760/PINS

PINS Reference: S62A/2022/0012

Location: Land East Of Station Road Elsenham

Proposal: Consultation on S62A/2022/0012 Outline Planning Application with all matters Reserved except for the Primary means of access for the development of up to 200 residential dwellings along with landscaping, public open space and associated infrastructure works

Dear Femi,

Thank you for consulting Place Services on the above outline application.

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Ecological Assessment (SES, October 2022), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are 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.



Designated Sites

We note that the development site is situated within the 10.4km evidenced Zone of Influence (Zoi) 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 predicted recreational 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.

The Ecological Assessment (SES, October 2022) states that the proposed scheme will be expected to contribute towards mitigating the potential increase in recreational pressure on Hatfield Forest SSSI/NNR and that this will be achieved through a financial contribution towards the SAMM and the provision of on-site ANG and dog bins. The financial contribution should be secured by a legal agreement to avoid impacts on Hatfield Forest NNR/SSSI.

We also note that the site is within the Impact Risk Zone for Elsenham Woods SSSI. Although the above measures will go towards mitigating some of the impacts from the proposed development upon Elsenham Wood SSSI, it is recommended that the LPA consult Natural England on likely risks from the development.

Protected and Priority Species

The mitigation measures identified in the Ecological Assessment (SES, October 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, amphibians and mobile mammal species.



In line with the Ecological Assessment (SES, October 2022), we recommend a Wildlife Sensitive Lighting Strategy should be delivered for this scheme and secured by a condition of any consent concurrent with reserved matters to avoid impacts to foraging and commuting bats, especially on the existing and proposed vegetated boundaries. This must follow the [Guidance Note 8 Bats and artificial lighting](#) (The Institute of Lighting Professionals & Bat Conservation Trust, 2018). In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm-White lights should be used preferably at 2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- If light columns are required, they should be as short as possible as light at a low level reduces the likelihood of any ecological impact. However, the use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.
- Movement sensors and timers could be used to minimise the 'lit time'.

As reptiles were found to be present in habitats off site and some sub-optimal habitat is present on site, it is recommended that a method statement in order to protect reptiles during the construction phase is produced and secured by a condition of any consent concurrent with reserved matters.

We note that the applicant intends to secure off site compensation for three territories of Skylark via a legal agreement with a one-off payment to a local conservation organisation or appropriate third party and, if the application is consented, we recommend the LPA is a signatory to provide enforceability should this be necessary and demonstrate its s40 biodiversity duty.

Biodiversity Enhancements

We also support the proposed reasonable biodiversity enhancements including the installation of bird and bat boxes, log piles and wildlife friendly planting, which have been recommended to secure net gains for biodiversity, 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 concurrent with reserved matters.

On-site biodiversity enhancement measures have also been recommended within the Ecological Assessment (SES, October 2022) with Biodiversity Net Gain calculations showing a 12.67% increase in biodiversity units overall. A Biodiversity Net Gain Design Stage Report should be secured by a condition of any consent concurrent with reserved matters. The proposed habitats 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 concurrent with reserved matters.

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 (SES, October 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. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: REPTILE METHOD STATEMENT

“A Reptile Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to reptiles during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

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. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: BIODIVERSITY NET GAIN DESIGN STAGE REPORT

“A Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority, using the DEFRA Biodiversity Metric 1.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- *Baseline data collection and assessment of current conditions on site;*
- *A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;*
- *Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;*
- *Details of the implementation measures and management of proposals;*
- *Details of the monitoring and auditing measures.*

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reasons: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021)

4. CONCURRENT WITH RESERVED MATTERS 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).



5. CONCURRENT WITH RESERVED MATTERS 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 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)

6. CONCURRENT WITH RESERVED MATTERS 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.