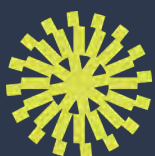


Ecology Technical Note



Land West of Thaxted Road

23rd February 2023



**Tyler
Grange**

TG Report No. 14764_R06_HDBJ_CW

Report No:	Date	Revision	Author	Peer Review	Approved
14764_R06	23rd February 2023	-	Harry Du Bois- Jones BSc	Aaron Grainger BSc MSc MCIEEM	Aaron Grainger BSc MSc MCIEEM



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- Plan 1: 14764/P01 Habitat Features Plan



Section 1: Introduction

- 1.1. This report has been prepared by Tyler Grange Group Ltd on behalf of Kier Ventures Ltd. It sets out the findings of an ecological assessment of a parcel of land south of Saffron Walden, in Essex (Grid Reference: TL 54759 37406), hereinafter referred to as the 'site', following a revision to the indicative layout submitted with a recent planning application (UTT/22/3258/PINS).
- 1.2. The newly prepared indicative layout (**Appendix 2**) involves a revision to the access point from Thaxted Road, as well as amendments to the internal road layout and other minor changes to the scheme. The site boundary is included below in Figure 1.1.



Figure 1.1 – Site location.

- 1.3. The alterations to the indicative layout comprise moving the point of access further west along the northeastern boundary.
- 1.4. The site was subject to ecological surveys throughout 2022, with a full ecological impact assessment (EclA) produced (**14764/R03a**) to support the planning application, and a technical note to summarise how the loss of skylark habitat would be compensated for (**14764/R04**).
- 1.5. The purpose of this report is as follows:
 - Uses available background data and results of field surveys, to describe and evaluate the ecological features present within the likely 'zone of influence' (Zoi)¹ of the area affected by the revised layout;

¹Defined as the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities (CIEEM, 2018. Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Winchester. Version 1.1 Updated September 2019)



- Assess any changes to the impacts and mitigation required as a result of the revised layout;
 - Present the outcome of a revised Biodiversity Net Gain calculation; and
 - Describes the actual or potential ecological issues and opportunities that might arise as a result of the site's future development.
- 1.6. Where appropriate, describe mitigation measures to reduce and avoid adverse effects and ecological enhancements to ensure conformity with policy and legislation.



Section 2: Ecological Features and Evaluation

Habitat

2.1. The area of the site where the layout alteration has occurred (northeastern boundary) includes the following habitat:

- Species-rich hedgerow with trees; and
- Arable field.

2.2. All the features described are shown on the Habitat Features Plan (**14764/P01**).

Arable

2.3. The vast majority of the site comprises recently ploughed arable land, no plant species were recorded from this habitat.



Figure 2.1 Arable field

2.4. This habitat is described as cereal crop, with no condition applied for the purposes of the BNG calculation.

2.5. This habitat is of **negligible ecological importance**.

Species-rich hedgerow with trees

2.6. The site is surrounded by hedgerows on every boundary, subject to varying levels of management and with a range of species present. The hedgerow on the northeastern boundary is species-rich (containing 5 or more native woody species), and features species



such as hawthorn *Crataegus monogyna*, blackthorn *Prunus spinosa*, elder *Sambucus nigra*, hazel *Corylus avellana*, ivy *Hedera helix*, and spindle *Euonymus europaeus*. Trees on this boundary include ash *Fraxinus excelsior* and sycamore *Acer pseudoplatanus*.



Figure 2.2 Species-rich hedgerow with trees on the northeastern boundary.

- 2.7. Hedgerows with just a single native woody species are a UK priority habitat². The northeastern hedgerow has good connectivity to off-site habitat, but is not rare in the locality, therefore it is considered to be of **local ecological importance**.

Fauna

- 2.8. Where relevant as part of this assessment of the alteration to the indicative layout, details of works previously undertaken on the site for priority and protected species are discussed below in a summarised form, full details and results of these surveys can be found in Tyler Grange report **14764/R03a**.

Badger

- 2.9. There are isolated examples of woodland in the locality, the site itself and its immediate surroundings also include hedgerows, which together comprise suitable badger habitat.
- 2.10. During the Phase I survey a possible badger sett was identified off-site, in close proximity to the hedgerow in the easternmost corner of the site. The vegetation around the sett is

² UK priority habitats are those subject to conservation action and referred to as Habitats of Principal Importance (HoPIs). They are listed at Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act states that local planning authorities must have regard for the conservation of HoPIs



overgrown and generally appears inactive. Whilst the sett is likely inactive, badgers are highly mobile and can dig new setts very quickly.

- 2.11. Any badger population using the site is considered to be of **negligible ecological importance**, but badgers are considered further in this report due to their legal protection.

Bats

- 2.12. The site features suitable foraging and commuting habitat in the form of hedgerows, which also provide connectivity to off-site habitat. However, the suitable habitat is limited to the boundaries of the site, with the vast majority of the site comprising arable land that is unsuitable habitat for bats. In accordance with Table 4.1 of the Bat Survey Guidelines³, the available habitat on site and in the immediate vicinity is considered to be of low suitability.
- 2.13. Along the northeastern boundary, 6 trees were identified as having low potential to support roosting bats, owing to extensive ivy cover in all cases.
- 2.14. From the manned activity transects, the southwestern corner of the site recorded the most bat activity, which is likely linked to a small area of woodland being present just off the southern boundary at this location. Behaviour such as foraging and commuting was observed during the transects, and bats were typically recorded along the boundaries of the site.
- 2.15. A barbastelle *Barbastella barbastellus* was also recorded during the manned transect, although this was identified through sound analysis and was not observed by the surveyor during the transect. Whilst two recordings contained barbastelle echolocation, they were recorded 3 seconds apart, and so it is considered likely that this was an individual barbastelle. It was recorded in the southwest corner of the site, adjacent to the off-site woodland.
- 2.16. The static detectors captured common and widespread species in relatively low numbers across all of the seasonal deployments, with common pipistrelle *Pipistrellus pipistrellus* being recorded much more frequently than any other species.
- 2.17. The habitat on site which is suitable for bats (trees and hedgerows) is ubiquitous in the local landscape, coupled with the vast majority of species recorded being common and widespread, it is considered that the assemblage of bat species using the site is of no more than **local ecological importance**.

Reptiles

- 2.18. The vegetated margins and boundaries of the site comprise suitable reptile habitat and provide connectivity off-site.
- 2.19. Reptile surveys were undertaken to determine presence/likely absence. Throughout the surveys, only one reptile was recorded, a juvenile common lizard *Zootoca vivipara* along the northern boundary. Despite the single recording, a juvenile suggests that there is a breeding



population of common lizard in the vicinity, which may occasionally use the site. Therefore, reptiles are considered further in this report.

- 2.20. Given the single recording of a reptile and the relatively limited availability of suitable habitat on site or in the immediate vicinity, it is considered that any population of reptiles using the site would be of no more than **local ecological importance**.

Great Crested Newt

- 2.21. There are off-site ponds located in the vicinity of the site boundary, the nearest one being c.260m to the south of the site. These ponds could not be accessed for the undertaking of eDNA or habitat suitability index surveys (HSI). On site, there is suitable terrestrial habitat for GCN in the form of ruderal and scrub habitat, however this is not well connected to the off-site pond through suitable habitat.
- 2.22. Given the distance between the nearest ponds and the site, the low quality habitat connectivity between the ponds and the site, and the relatively limited suitable terrestrial habitat on site, any population of GCN using the site would be of no more than **local ecological importance**.

Birds

- 2.23. Given the suitable farmland habitat that exists on site for breeding birds, surveys were undertaken in May, June, and July. Species which were recorded on site and are Schedule 1, SoPI, or BoCC amber or red listed species are described in the EclA report **14764/R03a**, alongside any observed breeding behaviour.
- 2.24. The surveys confirmed breeding territories for starling and yellowhammer on site, with linnet and skylark probable breeding territories also present on site. All species observed on site typically nest in hedgerow and scrub habitat, or habitat which is not present on site, such as buildings and woodland. The exception to this is skylark, which nests on arable land.
- 2.25. Across the 3 surveys, skylark were observed on site twice (a pair on one occasion and a single male on another), and were also heard singing. However, it was noted that more singing was heard in the neighbouring fields, where more pairs of skylark were also observed. No further evidence of breeding beyond the presence of a single pair was observed from skylark across the surveys.
- 2.26. The off-site habitats include arable fields with mature trees and hedgerows throughout the wider landscape. As such, given that the surrounding habitats are of a similar type and quality it is unlikely that the bird assemblage utilising the site would be solely reliant upon resources within it. Therefore, the breeding bird assemblage recorded is considered to be of no more than **local ecological importance**.



Section 3: Potential Impacts, Mitigation, and Enhancements

Proposed Development

- 3.1. The proposed development comprises a residential scheme of 170 units with associated landscaping and access. This technical note focusses on an amendment to the indicative layout which moves the vehicle access point to the site on the northeastern boundary further west, as captured in **Appendix 2**.

Habitat

- 3.2. The loss of habitat of negligible ecological importance (arable field) requires no mitigation. However, the loss of habitats of local ecological importance (species-rich hedgerow with trees) requires mitigation.
- 3.3. The previous layout had proposed to remove 70m of hedgerow from along the northeastern boundary. With the amended scheme, this will now comprise c.80m of hedgerow removed, and a further 6 trees located within this hedgerow.
- 3.4. As the additional length of hedgerow to be removed is minor, the proposed scheme still incorporates suitable mitigation for this loss. Planting throughout the scheme will include 250m of native species-rich hedgerows with trees, to be confirmed at the detailed design stage.
- 3.5. Tyler Grange have inputted to the scheme design from the inception of the project, and consequently the development proposes to retain the most important ecological features, whilst also delivering an overall enhancement to biodiversity through the creation of new habitats on site. The scheme is therefore compliant with local plan policies GEN7 and ENV8 of the Uttlesford District Council Local Plan.
- 3.6. The scheme also achieves a biodiversity net gain of 16.63% in habitat units (3.12 units) and a 10.38% net gain in hedgerow units (1.2 units). This is based on the loss of predominantly arable land and a minor removal of hedgerow, replaced by the proposed planting areas of grassland, mixed scrub, and SuDS features. Full results are detailed in **Appendix 3**.

Fauna

Badger

- 3.7. The proposed development will involve construction works within 30m of a likely inactive sett entrance. Consequently, in advance of works commencing on site, a check will be undertaken to determine the status of the sett, and monitoring will continue up until the commencement of works, assuming the sett is determined to be inactive from the monitoring period.



- 3.8. The sett can be retained with development owing to the off-site location, however it may be disturbed during the construction phase. Therefore, if the sett is determined to be actively used by badgers, then a licence will be applied for through NE. Mitigation will be devised, if necessary, at that stage.
- 3.9. During the construction phase, precautionary methods would be implemented and detailed in a construction environmental management plan (CEMP) to avoid harm to badgers, including:
- All earth works and excavations which could potentially trap badger should be covered at the end of daily operations where practicable, with the inclusion of a ramp to escape;
 - Work is to be undertaken during the daytime where practicable, when badgers are least active, to minimise disturbance to their foraging activities; and
 - Overnight lighting should be kept to a minimum.
- 3.10. With the implementation of these measures, any harm to badgers will be prevented during the construction phase.
- 3.11. Whilst the habitat on site is presently suitable for foraging badgers, it is considered that the proposed scheme will enhance opportunities for this species, providing more planted areas of hedgerow, shrub, and grass margins, and creating better connectivity across the site and off-site to further suitable habitat.
- 3.12. **The amended indicative layout does not change the assessment of impacts to badgers from that set out in the previous report.**

Bats

- 3.13. Several trees on site were identified as having potential to support roosting bats. Where 6 trees with low bat roosting potential on the northeastern boundary are to be removed, a pre-felling check and a soft-fell approach will be employed, further details for which will be included within a CEMP. During the occupation of the site, retained and newly planted trees will have buffers provided, to ensure they are protected from noise, illumination, and other potential disturbances.
- 3.14. To enhance the roosting opportunities on site, bat boxes will be installed in appropriate locations on both trees and built form. Details of the specification and location of the bat boxes will be secured through the provision of a Bat Box Plan at the detailed design stage.
- 3.15. The habitat which is suitable for foraging and commuting bats on site presently comprises the hedgerows and trees. This will almost entirely be retained within the proposed scheme, and there will be new areas of planting and SuDS features installed. This will not only protect habitat of value on site for bats, but also increase the habitat diversity, with new opportunities for foraging over wildflower grassland and SuDS features, both of which will increase the invertebrate resource of the site.



- 3.16. The majority of the bat activity recorded on site from the manned transects was observed on the southern boundary. The northern boundary, where c.80m of hedgerow and trees are to be removed, was much quieter for bat activity, and it is therefore considered that the lengths of hedgerow proposed for removal are of less importance to bats than other areas of the site.
- 3.17. Both the existing and newly created habitat will be protected from illumination during the operational phase through a lighting plan, to be secured by a suitably worded planning condition. Illumination of highways and public open space will be in accordance with best practice guidance⁴, and will not directly illuminate hedgerows or other suitable foraging habitat, nor will these areas be illuminated by light spill. The use of suitable lighting specification and the implementation of hoods and shields on the lamps are such measures that would achieve the desired levels of darkness in these areas.
- 3.18. During construction, any impacts to bats using the hedgerows or the trees for foraging, commuting, or roosting, will be prevented through measures set out in a CEMP, such as;
- No overnight illumination of hedgerows or trees in accordance with best practice guidance.
 - Buffers between construction work and the boundaries will be provided to ensure noise and vibration to potential roosts is prevented during the day.
- 3.19. The newly proposed planting scheme will provide new foraging and commuting corridors across the site for bats, and so the development is not considered likely to have an adverse effect on the local bat population. In line with policy GEN7 of the Uttlesford District Council Local Plan, the implementation of the above measures would prevent harm occurring to bat species which use the site.
- 3.20. **The amended indicative layout requires additional mitigation for the removal of 6 tree with low bat roosting potential on the northeastern boundary. The undertaking of a pre-felling check and soft-fell approach, coupled with the installation of bat boxes at the operational stage, means that bats will be protected from harm and opportunities to roost on the site will be increased overall.**

Reptiles

- 3.21. During construction works, any minor vegetation removal (such as the short length of hedge removed for access) has potential to disturb, injure, or a kill a reptile which may be present. Such activity will therefore be supervised by a suitably qualified ecologist (SQE). Details of this supervision will be included within a CEMP, summarised below, to be secured by a suitably worded planning condition.
- All contractors will be given a toolbox talk by a SQE prior to commencement of works;
 - Habitats to be retained in the development will be marked out by a barrier to prevent unnecessary vegetation removal and discourage the storage of materials here;

⁴ Bat Conservation Trust., Institution of Lighting Professionals. (2018). Bats and artificial lighting in the UK Bats and the Built Environment series. BCT & ILP.



- A long cut (>15cm) of grassland vegetation will be undertaken, followed by a check for reptiles by the SQE;
 - A hand search of the root areas and possible refuges of the hedgerow will be undertaken by the SQE, before they supervise a destructive search, and ultimately the complete removal of the hedgerow.
- 3.22. The marginal vegetation at the boundaries comprises suitable habitat for reptiles, and a single juvenile common lizard was recorded during the survey effort. As the marginal habitat is to be retained within the development, there is not considered to be a long-term impact to the local population of reptiles.
- 3.23. The proposed areas of planting within the scheme comprising wildflower grassland, areas of shrub, and buffer grassland to hedgerows will all create new suitable edge habitat for reptiles. This will allow reptiles to traverse the site and seek shelter with greater ease than the present conditions on site, which comprises mostly unsuitable arable land which reptiles would not use.
- 3.24. **The amended indicative layout does not change the assessment of impacts to reptiles from that set out in the previous report.**

Great Crested Newt

- 3.25. The marginal vegetation on the site is suitable terrestrial habitat for GCN, although no ponds are present on or immediately adjacent to the site.
- 3.26. A rapid risk assessment (RRA)⁵ was undertaken to determine whether an offence (killing/injury of GCN) was likely to occur. For the purposes of this RRA, the nearest pond to the site is assumed to be a GCN breeding pond. If the suitable terrestrial habitat for GCN is considered to be lost, comprising scrub and ruderal habitat (<0.5ha), then the result is green (offence highly unlikely).
- 3.27. Whilst the results of the RRA suggest that the loss of such a small area of suitable terrestrial GCN habitat would be unlikely to trigger an offence, it is still possible that GCN may use the on-site habitat.
- 3.28. As no presence/absence surveys were undertaken on the ponds within 500m of the site, any removal of suitable terrestrial habitat will be undertaken with the assumption that GCN may be present. As such, vegetation removal will be overseen by a SQE, and further construction related protections for GCN included in a CEMP.
- 3.29. As with reptiles, the proposed habitat creation, including areas of grass, hedgerow, and shrub will enhance the terrestrial habitat offering for GCN. Additionally, the creation of SuDS ponds will create more habitat diversity for GCN on site, and ultimately enhance the habitat available for the local GCN population.

⁵ Template for Method Statement to support application for licence under Regulation 55(2)(e) of The Conservation of Habitats and Species Regulations 2017 (as amended) in respect of great crested newts *Triturus cristatus*. Form WML-A14-2 (Version April 2020)



- 3.30. **The amended indicative layout does not change the assessment of impacts to GCN from that set out in the previous report.**

Birds

- 3.31. The site is considered to support a common and widespread assemblage of breeding birds. The hedgerows and trees on the site comprise suitable habitat for many nesting birds. In addition, the short crop associated with the arable fields is suitable nesting habitat for skylark. In order to ensure legal compliance, vegetation removal should be undertaken outside of the nesting season (March to August inclusive, although birds can nest at any time of year) or preceded by a check for active nests by a SQE. Should any active nests be found, an appropriate buffer would be maintained until such time as the nest is deemed to be no longer supporting young, as confirmed by the ecologist on site.
- 3.32. The surveys demonstrated that there were several possible breeding pairs of different species on site, with linnets and skylark being identified as probably breeding, and starling and yellowhammer confirmed to be breeding. Hedgerows comprise suitable nesting habitat for most of these species, and they will be broadly retained on site. Proposed planting will lead to an increase in suitable habitat for hedgerow-nesting bird species, enhancing the overall value of the site. New habitat will be created through wildflower grassland and shrub planting, providing habitat for a wider array of bird species on site.
- 3.33. The removal of arable land to enable development and the minor removal of boundary vegetation to facilitate access, would comprise a loss of habitat for breeding birds. However, it is noted that the nesting species identified on site are largely confined to the site boundaries, the majority of which will remain intact. In addition, to the retained areas, the provision of wildflower grassland and shrub areas will improve the extent and quality of the available habitat for breeding birds.
- 3.34. As skylark are protected as a SoPI and are BoCC red listed, the loss of habitat on site warrants mitigation. As summarised in the skylark technical note (**14764/R04**), which was submitted separately to the EclA, off-site skylark plots are to be created on nearby arable land. Further details of this approach are to be outlined in a Farmland Bird Mitigation Strategy, to be secured by a suitably worded condition.
- 3.35. For the overall breeding bird assemblage, the creation of additional hedgerow, grassland and shrub habitat will provide greater and more diverse opportunities for the vast majority of nesting birds which use the site.
- 3.36. **The amended indicative layout does not change the assessment of impacts to birds from that set out in the previous report and skylark technical note.**



Section 4: Conclusion

- 4.1. With the implementation of the mitigation and enhancement measures summarised above and described in the EclA (**14764/R03a**) and skylark technical note (**14764/R04**), in combination with the proposed habitat creation, the proposed development would be in conformity with relevant planning policy and legislation as listed in **Appendix 1**. Specifically, by enhancing the biodiversity of the site, the scheme is in compliance with Policy GEN7 – Nature Conservation of the Uttlesford District Council Local Plan.
- 4.2. The following controls were proposed in the EclA and remain unchanged following the amendment to the indicative layout:
- A pre-commencement badger check and monitoring period will be undertaken of the sett adjacent to the site. Should the sett be active then a licence will be sought to undertake works within 30m of the sett from NE.
 - A CEMP will be produced to ensure certain habitat and species are protected from construction works.
 - A SQE will oversee any vegetation removal where this poses a risk to protected species.
 - A lighting plan will be produced to ensure the hedgerows and vegetated boundaries of the site are not subject to excessive artificial lighting during the operational phase of development.
- 4.3. The following controls are newly proposed within this report as a direct response to the amended indicative layout:
- Pre-felling checks and a soft-fell approach will be required for all trees to be removed which have been identified as having a low potential for roosting bats. The details for this approach will be outlined in a CEMP.
 - Bat boxes will be installed across the site to enhance roosting opportunities for bats. The specification and location of the boxes will be detailed on a Bat Box Plan.
- 4.4. The proposals demonstrate that a net gain in biodiversity is possible for habitat and hedgerows, in accordance with NE’s latest BNG metric (The Biodiversity Metric 3.1 Auditing and accounting for Biodiversity Calculator Tool, 2022), see **Appendix 3**.
- 4.5. Overall, the development is considered to be in conformity with policies GEN7, ENV7, and ENV8 of the Uttlesford District Council Local Plan, as well as national policy, all of which is listed in **Appendix 1**



Appendix 1: Legislation and Planning Policy

Legislation

- A1.1. Specific habitats and species receive legal protection in the UK under various pieces of legislation, including:
- The Wildlife and Countryside Act (WCA) 1981 (as amended);
 - The Conservation of Habitats and Species Regulations 2018;
 - The Countryside and Rights of Way (CRoW) Act 2000;
 - The Natural Environment and Rural Communities Act (NERC) 2006;
 - The Hedgerows Regulations 1997; and
 - The Protection of Badgers Act 1992.
- A1.2. The European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, often referred to as the 'Habitats Directive', provides for the protection of key habitats and species considered of European importance. Annexes II and IV of the Directive list all species considered of community interest. The legal framework to protect the species covered by the Habitats Directive has been enacted under UK law through The Conservation of Habitats and Species Regulations 2018 (as amended).
- A1.3. In Britain, the WCA 1981 (as amended) is the primary legislation protecting habitats and species. SSSIs, representing the best examples of our natural heritage, are notified under the WCA 1981 (as amended) by reason of their flora, fauna, geology or other features. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants.
- A1.4. The CRoW Act 2000 strengthens the species enforcement provisions of the WCA 1981 (as amended) and makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site.

National Planning Policy

- A1.5. The National Planning Policy Framework (NPPF) was updated in July 2021 and sets out the Government's planning policies for England and how these should be applied. It replaces the National Planning Policy Framework published in July 2019.
- A1.6. Paragraph 11 states that:
- "Plans and decisions should apply a presumption in favour of sustainable development."*
- A1.7. Section 15 of the NPPF (paragraphs 174 to 182) considers the conservation and enhancement of the natural environment including habitats and biodiversity (paragraphs 179-182)



A1.8. Paragraph 174 states that planning and decisions should contribute to and enhance the natural and local environment by:

- *“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and*
- *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*

A1.9. Paragraph 175 states that plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

A1.10. Paragraph 179 states that in order to protect and enhance biodiversity and geodiversity, plans should:

- *“Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”*

A1.11. When determining planning applications, Paragraph 180 states that local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*



- *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

A1.12. As stated in paragraph 181 the following should be given the same protection as habitats sites:

- *"potential Special Protection Areas and possible Special Areas of Conservation;*
- *listed or proposed Ramsar sites; and*
- *sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites."*

A1.13. Paragraph 182 states that the presumption in favour of sustainable development does not apply where the planned project is likely to have a significant effect on a habitat site (alone or in combination with other plans or projects) unless an appropriate assessment has concluded the plan or project will not adversely affect the integrity of the habitats site.

Local Planning Policy

Uttlesford District Council Local Plan

Policy GEN7 – Nature Conservation

A1.14. Development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought.

Policy ENV7 – The Protection of the Natural Environment – Designated Sites

A1.15. Development proposals that adversely affect areas of nationally important nature conservation concern, such as Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the need for the development outweighs the particular importance of the nature conservation value of site or reserve.

A1.16. Development proposals likely to affect local areas of nature conservation significance, such as County Wildlife sites, ancient woodlands, wildlife habitats, sites of ecological interest and Regionally Important Geological/ Geomorphological Sites, will not be permitted unless the need for the development outweighs the local significance of the site to the biodiversity of the District.



Where development is permitted the authority will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site's conservation interest.

Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation

A1.17. Development that may adversely affect these landscape elements: hedgerows, linear tree belts, larger semi-natural or ancient woodlands, semi-natural grasslands, green lanes and special verges, orchards, plantations, ponds, reservoirs, river corridors, linear wetland features, networks or patterns of other locally important habitats, will only be permitted if the following criteria apply:

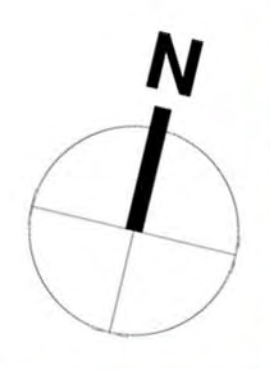
a) The need for the development outweighs the need to retain the elements for their importance to wild fauna and flora;

b) Mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality. Appropriate management of these elements will be encouraged through the use of conditions and planning obligations.



Appendix 2: Amended Indicative Layout





0m 10m 20m 30m 40m 50m
Scale



Client: Kier Group
Project: Land West of Thaxted Road, Saffron WaldenDrawing Title: Illustrative Masterplan
Scale: 1:500 @ A0

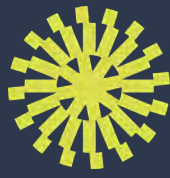
Revision	Drawn	Check	Date
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Project No: 3118
Client: C
Drawing No: 1005
Status: PL
Date: D

Appendix 3: Biodiversity Net Gain Report





Land West of Thaxted Road, Saffron Walden Biodiversity Net Gain Assessment Report

Introduction

- 1.1 Tyler Grange Group Ltd was instructed by Kier Property Ltd to undertake a Biodiversity Net Gain (BNG) assessment of a parcel of land south of Saffron Walden, in Essex (Grid Reference: TL 54759 37406), hereinafter referred to as the 'site'. This report should be read in conjunction with the Ecological Assessment submitted with the associated planning application (**14764/R03a**) and subsequent technical note produced to reassess the scheme following an amendment to the indicative layout (**14764/R06**). The amended layout to which the technical note (**14764/R06**) refers is the proposed layout which has been used to underpin this BNG assessment.
- 1.2 The site measures approximately 7.8 hectares and comprises mostly arable land, with margins of dense scrub, tall ruderal, improved grassland, hedgerows with trees, and ditches.
- 1.3 As part of the Phase I survey, all habitats were assessed with reference to the UK Habitat Classification (The UK Habitat Classification Working Group, 2018¹) and the Biodiversity Metric technical supplement (Natural England, 2021²) to determine their condition and ecological importance.
- 1.4 This survey work enables the accurate completion of Natural England's (NE) latest BNG metric (The Biodiversity Metric 3.1 Auditing and accounting for Biodiversity Calculator Tool, 2022). The condition assessments detailed below for the habitats pre and post construction are taken from the Condition Assessment Sheets (Excel format), 2022².

Existing Baseline

Cereal crops

- 1.5 The majority of the site comprises a cereal crop field in rotation. This habitat is of low distinctiveness and is not allocated a condition.

¹ Available online at: [REDACTED]

² Available online [REDACTED]



Ruderal/Ephemeral

- 1.6 There are some small and isolated examples of tall ruderal vegetation present in the marginal habitat of the site. This habitat is of low distinctiveness but passes 3 of the criteria associated with 'sparsely vegetated land', and is therefore of moderate condition.

Modified grassland

- 1.7 Around the edge of the site, in between the arable land and hedgerow boundaries, there is a margin of improved grassland. The grassland comprises a generally short sward and is subject to disturbance where it intersects with a footpath on the south, west, and north boundaries of the site. The margins of grassland surrounding the ditches comprises semi-improved grassland, is of a taller sward (c. 50cm).
- 1.8 These areas of grassland are captured as being of poor (improved) and moderate (semi-improved) conditions respectively. They are both of low distinctiveness.

Mixed scrub

- 1.9 Scrub is present along the peripheral areas of the site, mostly in the southwest but also within the central boundaries associated with the ditches. This habitat is of medium distinctiveness and passes 3 of the criteria for 'scrub', and is therefore of moderate condition.

Hedgerows

- 1.10 The site is surrounded by hedgerows on every boundary, subject to varying levels of management and with a range of species present. The majority of the hedgerows on site are species-rich (containing 5 or more native woody species). The following BNG defined hedgerow habitats are present on site:
- Native Species Rich Hedgerow (medium distinctiveness);
 - Native Species Rich Hedgerow with Trees (high distinctiveness);
 - Native Hedgerow (low distinctiveness).
- 1.11 All hedgerows on site met the criteria for moderate condition.

Habitat Creation

- 1.12 The habitats and hedgerows that will be present on site post-development will comprise;
- Developed land; sealed surface (c. 3.83ha), no condition applied;
 - Sustainable urban drainage feature (c. 0.189ha), managed to moderate condition;
 - Modified grassland (c. 0.238ha), managed to moderate condition;



- Other neutral grassland (c. 2.263ha), managed to moderate condition;
- Vegetated garden (c. 0.794ha), no condition applied;
- Mixed scrub (c. 0.101ha), managed to moderate condition;
- Native Species Rich Hedgerow with trees (c. 250m), managed to moderate condition.

BNG Calculator results

- 1.13 Overall, the development will deliver a net gain of 16.63% in habitat units (3.12 units), and a 10.38% net gain in hedgerow units (1.2 units). This is based on the loss of predominantly arable land and a minor removal of hedgerow, replaced by the proposed planting areas of grassland, mixed scrub, and SuDS features.

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











Plans:

Plan 1: 14764/P01 Habitat Features Plan





Legend

-  J1.1 - Cultivated/disturbed land - arable
-  C3.1 - Other tall herb and fern - ruderal
-  B4 - Improved grassland
-  B2.2 - Neutral grassland - semi-improved
-  A2.1 - Scrub - dense/continuous
-  Ditches
- Hedgerows**
-  Species-poor Hedgerow
-  Species-rich Hedgerow
-  Species-rich Hedgerow with Trees
- Trees with bat roost potential**
-  High
-  Mod
-  Low



Project	Land South of Saffron Walden
Drawing Title	Habitat Features Plan
Scale	As Shown (Approximate)
Drawing No.	14764/P01
Date	November 2022
Checked	HDBJ/AG



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