



3<sup>rd</sup> March 2023

Lindsay Trevillian  
Uttlesford District Council  
London Road  
Saffron Walden  
CB11 4ER

By email only

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*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.*

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**Application: UTT/22/2624/PINS**

**Location: Land Near Pelham substation Maggots End Road Manuden**

**Proposal: Consultation on S62A/2022/0011 - Construction and operation of a solar farm comprising ground mounted solar photovoltaic(PV) arrays and battery storage together with associated development including inverter cabins, DNO substation, customer switchgear, access, fencing,CCTV cameras and Landscaping**

Dear Lindsay,

Thank you for consulting Place Services on the above application.

**Holding objection due to insufficient ecological information on European Protected Species (Great Crested Newt and bats) and protected species (Badger)**

**Summary**

We have reviewed the documents supplied by the applicant including the Arboricultural Impact Assessment Rev B (Barton Hyett Associates, August 2022), and Ecological Impact Assessment (Clarkson & Woods, September 2022), relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application.

**Great Crested Newt**

The Ecological Impact Assessment (Clarkson & Woods, September 2021) states that the site is to be registered under Natural England's Great Crested Newt (GCN) District Level Licensing scheme. We highlight that the LPA will need an Impact Assessment and Conservation Payment Certificate (IACPC) document



countersigned by Natural England as evidence of site registration prior to determination as indicated on the [Government Gt crested newt DLL for LPAs website](#).

### **Bats**

A total of 37 trees were identified as having potential to support roosting bats and they were shown in Figure 5 of the Ecological Impact Assessment (Clarkson & Woods, September 2022). All trees with potential to support roosting bats are being retained, however, Figure 5 does not extend all the way to the west of the red line boundary. One tree, T50 within the Arboricultural Impact Assessment Rev B (Barton Hyett Associates, August 2022), was described as being a dead Ash tree and is located at the very western end of the development, in a strip of woodland to the south of the existing Stocking Pelham Substation.

The Ecological Impact Assessment (Clarkson & Woods, September 2022) goes on to say *“should any trees on or directly adjacent the Site require removal or de-limbing, this will first be discussed with a suitably qualified ecologist. Further surveys may be required to ensure bat roosts are not present...”*. All impacts upon trees should be known prior to determination so that impacts upon bats can be considered. Unless impacts can be avoided, surveys will be required, and details of results and any mitigation measures submitted to support a lawful decision.

### **Badger**

The Ecological Impact Assessment (Clarkson & Woods, September 2022) states that a 10m buffer zone will be put in place around outlier setts and a 20m buffer zone around main/subsidiary setts. A minimum of a 20m buffer should be used around active sett entrances to prevent heavy machinery coming in to close proximity and with no excavation within 30m of a sett.

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats, European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should *“Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby”*.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Subject to the further information requested above, we support the reasonable biodiversity enhancements, which have been outlined within the Ecological Impact Assessment (Clarkson & Woods, September 2022). This includes the installation of 10 bat boxes, 20 bird boxes, 20 dormouse boxes and three hibernacula, the creation of grazing grassland, tussocky grassland, wildflower meadows and a ditch



and the planting of native, species-rich hedgerows. This will ensure net gain for biodiversity, which will meet the requirements of Paragraph 174d of the National Planning Policy Framework 2021.

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

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please contact me with any queries.

Yours sincerely

**Ella Gibbs ACIEEM BSc (Hons)**

Senior Ecological Consultant

Place Services at Essex County Council

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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.