



27th March 2023

Bruce O'Brien
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.

Uttlesford Application Reference: UTT/23/0246/PINS

PINS Reference: S62A/2023/0015

Location: Grange Paddock Ickleton Road Elmdon

Proposal: Consultation on S62A/2023/0015- Application for outline planning permission for the erection of 18 dwellings including provision of access road, car parking and residential amenity space, a drainage pond, and communal open space, with all matters reserved for subsequent approval except for means of access and layout

Dear Bruce,

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 Preliminary Ecological Appraisal (Open Spaces Landscape Architects, December 2022) and Arboricultural Impact Assessment (Open Spaces Landscape Architects, December 2022) as well as Magic Maps ([Magic Map Application \(defra.gov.uk\)](https://defra.gov.uk)) and aerial photographs to help identify the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

The Preliminary Ecological Appraisal (Open Spaces Landscape Architects, December 2022) refers to several trees and hedgerows being removed, on which they have undertaken a Preliminary Roost Assessment (PRA) for bats. However, this does not match all of the trees and hedgerows due for removal as stated in the Arboricultural Impact Assessment (Open Spaces Landscape Architects, December 2022), all of which are located at the proposed entrance of the site. The differences between the report include the removal of G5, H1 and H4. G5 is described as two Horse Chestnut



trees with ivy beginning to climb stems and old bird nests within canopies. The trees are 7-9m tall with a maximum stem diameter of 270mm and, given the species, are considered unlikely to contain suitable roosting features for bats. It is therefore not considered reasonable to ask for a PRA to be undertaken on these trees prior to determination of this outline application. Hedgerows H4 and H5 were not considered suitable to support roosting bats. However, a further PRA will be needed at Reserved Matters stage so we recommend a condition to secure this and other protected species updates.

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.

The mitigation measures identified in the Preliminary Ecological Appraisal (Open Spaces Landscape Architects, December 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 and mobile mammal species.

In line with the Preliminary Ecological Appraisal (Open Spaces Landscape Architects, December 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 surrounding woodland habitat. 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'.

Hedgerows H1 and H4 are described as being 'visually porous' in the Arboricultural Impact Assessment (Open Spaces Landscape Architects, December 2022) but comprise of native species and so alongside H7, which is also to be removed, are considered to be Priority habitats. Magic Maps ([Magic Map Application \(defra.gov.uk\)](#)) identifies the Townsend Plantation in the east of site as Lowland Mixed Deciduous Woodland which is also a Priority habitat. An assessment as to whether this was accurate was not provided by the applicant's ecologist. The loss or partial loss of Priority habitats should be compensated on a 'like for like' or 'like for better' basis. Compensatory planting has been recommended within the Preliminary Ecological Appraisal (Open Spaces Landscape Architects, December 2022). New or restored habitats should aim to achieve a higher distinctiveness and/or condition than those lost. This can be calculated through the Defra Metric v 4 (or any successor). It should be noted that compensatory planting will need to be located outside of proposed residential



curtilages and accessible to any future management companies so that it can be managed for the benefit of wildlife. Proposed management of these habitats can be outlined within a Landscape and Ecological Management Plan (LEMP) and secured by a condition of any consent concurrent with reserved matters.

We support the proposed reasonable biodiversity enhancements including the installation of one integral bird and bat box per dwelling, one invertebrate box per dwelling and six tree mounted bird and bat boxes as well as the creation of long grass meadow areas and the inclusion of native/wildlife friendly planting in the landscape scheme, 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 and compensatory planting of the lost hedgerows and woodland should be outlined within a Biodiversity Compensation and Enhancement Strategy and should be secured by a condition of any consent concurrent with reserved matters.

A Biodiversity Net Gain Design Stage report should be 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 Preliminary Ecological Appraisal (Open Spaces Landscape Architects, December 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: TIME LIMIT ON DEVELOPMENT BEFORE FURTHER SURVEYS ARE REQUIRED

“If the development hereby approved does not commence within one year from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species such as bats in trees and*
- ii. identify any likely new ecological impacts that might arise from any changes.*

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.”

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).

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

“A Biodiversity Net Gain Design Stage Report, shall be submitted to and approved in writing by the local planning authority, which provides a measurable biodiversity net gain, using the DEFRA Biodiversity Metric 4 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;*
- Details of any off-site provision to be secured by a planning obligation;*
- 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 biodiversity 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 COMPENSATION AND ENHANCEMENT STRATEGY

"A Biodiversity Compensation and 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 Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations, orientations, and heights of proposed compensation and 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 compensation and 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 [or specified phase of 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.