



10th May 2023

Madeleine Jones
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.

Uttlesford Application: UTT/23/0950/PINS

PINS Application: S62A/2023/0017

Location: Land At Tilekiln Green Start Hill Great Hallingbury CM22 7TA

Proposal: Development of the site to create an open logistics facility with associated new access and ancillary office with amenity facilities

Dear Madeleine,

Thank you for consulting Place Services on the above application.

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Ecological Assessment (Ecology Solutions, January 2022), Briefing Note: Ecology Update March 2023 (Ecology Solutions, March 2023), Bird Hazard Management Plan (Ecology Solutions, February 2022), External Lighting Spill Level Plot, drawing no. 10398-EXT-02 (KTA, April 2021) and Landscape proposals, drawing no. NC18.446-P204 Rev b (Nigel Cowlin Landscape Assessment & Design, June 2022) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

The Ecology Update found that conditions on site were not significantly different to the previous findings and so the mitigation measures set out in the Ecological Assessment (Ecology Solutions, January 2022) are still considered to be appropriate. 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 Ecological Assessment (Ecology Solutions, January 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 mobile mammal species, bats, nesting birds and invertebrates.

In addition to the above, protective measures to be used during the development of the site should be detailed within a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) and secured by a condition of any consent. This should include the protection of the Fritch Way LNR, LoWS and Country Park, as well as the protection of the adjacent streams and Water Vole within them. The CEMP: Biodiversity will also detail the proposed removal of Variegated Yellow Archangel from the site.

Given the site lies within an Amber Risk Zone for the Great Crested Newt (GCN) District Level Licensing ([GCN Risk Zones \(Essex\) | Natural England Open Data Geoportal \(arcgis.com\)](#)) and suitable terrestrial habitats are present in close proximity to the site, it is considered possible that GCN will be present. GCN should therefore be considered as part of this planning application, however, due to the habitats to be impacted by the proposed development, it may be possible to manage potential impacts upon GCN using a precautionary method statement for GCN for the construction stage, including storage of materials. This precautionary method statement can be included within the CEMP: Biodiversity and should be secured by a condition of any consent.

We are generally satisfied with the proposed mitigation strategy for reptiles on site, given the limited suitable habitat and low number of reptiles seen during the survey. We do not consider there to be sufficient detail in relation to how reptiles will be protected during the construction phase from entering site. A finalised reptile mitigation strategy should be supplied, giving these further details. This should be secured by a condition of any consent.

In relation to the lighting strategy, given the use of LEDs on site, it is not considered the External Lighting Spill Level Plot, drawing no. 10398-EXT-02 (KTA, April 2021) accurately reflects the true lighting spill as LEDs generally do not give off spill behind the lamp. If the lighting spill plan submitted is accurate, then light spill on the existing woodland and proposed woodland, tree and shrub planting will need to be reduced to below 1 lux to be considered acceptable, for example by the use of shields. A finalised lighting strategy displaying the revised light spill following the comments above should be secured by a condition of any consent.

We support the proposed reasonable biodiversity enhancements including the installation of bat boxes, bird boxes, log piles, hibernaculum and insect boxes as well as new native 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. The new native planting (including new woodland, tree and shrub planting) should be managed to benefit wildlife. It is recommended that the management of these new and the retained



habitats are outlined in 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 (Ecology Solutions, January 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 Fritch Way LoWS, LNR and Country Park as well as the adjacent streams and Water Vole within them and Great Crested Newt.*
- 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 COMMENCEMENT: FINALISED REPTILE MITIGATION STRATEGY

“No development shall take place until a Finalised Reptile Mitigation Strategy addressing the mitigation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) *Purpose and conservation objectives for the proposed works.*
- b) *Review of site potential and constraints.*
- c) *Detailed design(s) and/or working method(s) to achieve stated objectives.*
- d) *Extent and location/area of proposed works on appropriate scale maps and plans.*
- e) *Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- f) *Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) *Persons responsible for implementing the works.*
- h) *Details of initial aftercare and long-term maintenance of the Receptor area(s).*
- i) *Details for monitoring and remedial measures.*
- j) *Details for disposal of any wastes arising from works.*

The Finalised Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

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

4. 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 to achieve stated objectives;*



- c) *locations of proposed enhancement measures by appropriate maps and plans;*
- d) *timetable for implementation;*
- 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 s40 of the NERC Act 2006 (Priority habitats & species).

5. PRIOR TO BENEFICIAL USE: 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 the beneficial use of the development.

The content of the LEMP shall include the following:

- a) *Description and evaluation of features to be managed to include retained and proposed planting.*
- 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. PRIOR TO BENEFICIAL USE: FINALISED WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A finalised lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the light spill impact as a result of the proposed lighting (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 the retained and proposed tree planting at the boundaries of the site.



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.