



16<sup>th</sup> November 2021

Madeleine Jones  
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/21/1987/FUL**

**Location: Land At Warish Hall Farm Smiths Green Takeley**

**Proposal: Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood: 26 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes**

Dear Madeleine,

Thank you for re-consulting Place Services on the above application.

**No objection subject to securing biodiversity mitigation and enhancement measures**

**Summary**

We have reviewed the Essex Biodiversity Validation Checklist, Arboricultural Response to Comments (Barton Hyett Associates, September 2021), Biodiversity Net Gain Report (Ecology Solutions, October 2021), Ecological Assessment (Ecology Solutions, October 2021), Bat Survey Report (Ecology Solutions, November 2021) and Briefing Note (Ecology Solutions, November 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

It has been confirmed that no trees with potential to support roosting bats nor hedgerows are due to be removed as part of the proposed development. Bat activity survey results from October 2021 have also been submitted and details of reptile mitigation can be secured by a condition of any consent.



We note that the development site is situated within the 14.6km evidenced Zone of Influence 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](http://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 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.

We note that the Ecological Assessment (Ecology Solutions, October 2021) states that the proposed scheme will be expected to contribute towards mitigating the potential increase in recreational pressure on Hatfield Forest SSSI and that this will be achieved through a financial contribution towards the SAMM and the provision of on-site ANG. The financial contribution should be secured by a legal agreement to avoid impacts on Hatfield Forest NNR/SSSI.

The report states that a landscape strategy is being provided by the proposed development that includes a large area of open space (c. 2.4ha) in the east of site, as well as enhancements and an extension of the woodland by approximately 10%. It goes on to say that the landscape proposals will offer easily accessible recreational resources for new and existing residents, with walking routes that will connect to the existing footpath network.

We are now satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on 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, October 2021) and Bat Survey Report (Ecology Solutions, November 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats [REDACTED] nesting birds, reptiles, amphibians, small mammals and invertebrates.

A population of Common Lizard and juvenile Grass Snake were identified on site, particularly in Jack's Field in the east of site. Although proposed habitats will provide enhancements for reptiles, further details are required in relation to the protection of reptiles during the construction phase. A Reptile Mitigation Strategy should therefore be submitted and secured by a condition of any consent. Information on which areas suitable for reptiles will be cleared and what areas will be retained as well as protection measures such as appropriate fencing should be included.

To ensure practical measures are secured to avoid or reduce impacts on protected and Priority species during construction, it is recommended that a Construction Environmental Management Plan (CEMP) is submitted and secured as a condition of any consent.

We also support the proposed reasonable biodiversity enhancements including installation of bird and bat boxes, Habitat bat access tiles, enhancement of onsite ponds, the provision of new native hedgerows, woodland, permeable fencing for Hedgehog and creation of an open wildflower meadow grassland and wetland habitats, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). It should be noted that Habitat access tiles should only be used on roofs where bitumen felt Type 1F lining is used, not where breathable roofing membranes or any other 'bat-safe' linings are proposed. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

To ensure proposed habitats are created and managed to benefit wildlife, it is recommended that a Landscape and Ecological Management Plan (LEMP) is submitted 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.

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, October 2021) and Bat Survey Report (Ecology Solutions, November 2021) 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).*
- 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.*

*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: REPTILE MITIGATION STRATEGY

*"No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation 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 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 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 s40 of the NERC Act 2006 (Priority habitats & species).



#### **5. 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. 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)



**7. ACTION REQUIRED: TIME LIMIT ON DEVELOPMENT BEFORE FURTHER SURVEYS ARE REQUIRED**

*“If a phase of the development hereby approved does not commence within 18 months from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated in line with CIEEM advice on lifespan of ecological reports and surveys (April 2019).*

*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 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 development of an individual phase.*

*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).

Please contact us with any queries.

Yours sincerely,

**Ella Gibbs ACIEEM BSc (Hons)**  
Senior Ecological Consultant

**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.