



31st May 2023

Laurence Ackrill
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.

Application: UTT/22/3126/FUL

Location: Land At Warish Hall Farm North Of Jacks Lane Smiths Green Lane Takeley

Proposal: Erection of 40 no. dwellings, including open space landscaping and associated infrastructure

Dear Laurence,

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

Holding objection due to insufficient ecological information

Summary

Further to our comments on 24th May 2023, it has been brought to our attention that this application may require upgrades along the restricted Byway to the north of the site. From aerial photography, this currently appears to be lined with vegetation on both sides and is currently unsurfaced and so may be used by protected species such as bats and Badger. The Director for Highways and Transportation at Essex County Council has stated that the Byway is currently unsuitable to be used by proposed residents to access amenities from the application site. Since then it has been suggested it would need to be resurfaced and lit to be acceptable to be used as a main pedestrian link.

The Ecological Assessment (Ecology Solutions, October 2021), Ecology Update and Walkover Survey (Ecology Solutions, September 2022), Bat Survey Report (Ecology Solutions, November 2021), Arboricultural Impact Assessment (Barton Hyett Associates, November 2022) and Arboricultural Impact Assessment (Addendum) (Barton Hyett Associates, February 2023) did not assess these impacts along the Byway and so we are now not satisfied that there is sufficient ecological information available for determination of this application. It is recommended that an update or addendum is submitted assessing the ecological impacts by the proposed upgrades. It is also recommended that the proposals are discussed with an Arboricultural consultant.



If any further surveys are recommended within the updated ecological assessment, which is likely to at least include bat activity surveys, the details of the results of these surveys and any additional mitigation and enhancement measures, will be required prior to determination.

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.

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

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.