



22<sup>nd</sup> November 2023

██████████  
Uttlesford District Council  
London Road  
Saffron Walden  
CB11 4ER

By email only

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*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.*

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**Application: UTT/23/2616/PINS**

**Location: Land To The North Of Eldridge Close Clavering**

**Proposal: Consultation on S62A/2023/0025 – Outline planning application with all matters reserved except access for up to 28 dwellings (Class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure and development**

Dear ████████,

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 Biodiversity Checklist (Andrew Martin Planning, October 2023), Preliminary Ecological Appraisal (Greengage Ecology, November 2022) and Illustrative Site Plan, drawing no. 18/17/22 (Arcady Architects, August 2023) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also had confirmation that the hedgerow along the eastern boundary of the site is outside of the red line boundary and separated from site by a fence. The applicant has previously suggested that a condition is attached to any planning consent requiring the retention of trees within the site boundary. They are willing to attach a covenant to the relevant properties affected to retain and manage their rear boundary vegetation.



We support the offer of a covenant attached to the relevant properties to secure appropriate management of the boundary habitats. 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 (Greengage Ecology, November 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.

Given the site lies within an Amber Risk Zone for the Great Crested Newt (GCN) District Level Licensing [REDACTED] and suitable habitats are present at the boundary of 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 negative eDNA results from nearby ponds and habitats to be impacted, 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 a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) which should be secured by a condition of any consent concurrent with reserved matters.

In line with the Preliminary Ecological Appraisal (Greengage Ecology, November 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 northern, eastern and western boundaries. This must follow the [REDACTED] (The Institute of Lighting Professionals & Bat Conservation Trust, 2023). In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:

- Do not provide excessive lighting. Use only the minimum amount of light needed for safety;
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used;
- LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability;
- A warm white light source (2700Kelvin or lower) should be adopted to reduce blue light component;
- Light sources should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2012);
- Column heights should be carefully considered to minimise light spill and glare visibility. This should be balanced with the potential for increased numbers of columns and upward light reflectance as with bollards;
- Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered - See ILP GN01;



- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt;
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow;
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

We support the proposed reasonable biodiversity enhancements including the installation of bird and bat boxes as well as wildlife-friendly landscaping, creation of a pond and bioswale, provision of loggeries, solitary beehives and living roofs for all private garages or car ports, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent concurrent with reserved matters.

A Biodiversity Net Gain Design Stage Report should also be secured by a condition of any consent concurrent with reserved matters using the DEFRA Biodiversity Metric 4.0 or any successor.

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 (Greengage Ecology, November 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: 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 mobile mammal species 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.*

*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. 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 4.0 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 and management of proposals;*
- 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 (2023)

**4. CONCURRENT WITH RESERVED MATTERS 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 or product descriptions to achieve stated objectives;*
- c) locations, orientations, and heights 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 NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

**5. 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



**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.