



16<sup>th</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 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/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 Rachel,

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

**Holding objection due to insufficient ecological information on European Protected Species (bats)**

**Summary**

In addition to our previous responses for this application, we have reviewed the documents supplied by the applicant including the Briefing Note: Byway Improvements – Lighting Design (Ecology Solutions, October 2023), Briefing Note: Byway Improvements (Ecology Solutions, June 2023), Briefing Note: Byway Improvements – Bat Survey Report (Ecology Solutions, July 2023), Bat Survey Report (Ecology Solutions, November 2021), Outdoor Lighting Report (MMA Lighting Consultancy Ltd., September 2023), Lighting Impact Assessment (MMA Lighting Consultancy Ltd., September 2023) and Horizontal Illuminance (lux) (MMA Lighting Consultancy, September 2023), relating to the likely impacts of proposed lighting upon a restricted Byway to the east upon protected species, namely bats, and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application. The Briefing Note: Byway Improvements (Ecology Solutions, June 2023) gives locations of trees with potential roosting features (PRFs) for bats along the Byway. It is noted that in most cases the trees with PRFs are in close proximity to the proposed lighting and given the proposed column heights are 6m and the PRFs are low in height, so would be below the height of the lighting columns and so are at risk of being directly impacted by the proposed lighting. In addition, from the static detector surveys, it was concluded that there was a likely Common Pipistrelle roost along the Byway and that was also likely to be



located near to a proposed lighting column. Further information is therefore needed to avoid impacts to roosting bats if present.

Moreover, it is known that light adverse species (Brown Long-eared bat and Barbastelle) are present within the wider landscape (Bat Survey Report (Ecology Solutions, November 2021)) and so their use of the Byway cannot be ruled out. Currently, the light spill upon the vegetation surrounding the Byway, as shown in the Horizontal Illuminance (lux) (MMA Lighting Consultancy, September 2023) is at too great a level for these species to avoid disturbance. Lux levels should be 0.4lux on the vertical plane and 0.2lux on the horizontal plane on key features along this Byway for lighting to not impact species such as Barbastelle. Lux levels for the vertical plane should be provided so that an assessment can be made.

It is also noted that the proposed lighting will be at 3000K colour temperature, this should be reduced to 2700K where possible to be in line with the latest lighting guidelines GN:08/23 for bats and artificial light at night (ILP, 2023). Furthermore, to reduce the impacts of the proposed lighting, it is queried whether putting all of the lighting columns on one side of the Byway would avoid light spill on at least one side of the Byway vegetation.

It is recommended that the above requested information is provided prior to determination, clarity given or appropriate justification as to why this cannot be provided is submitted.

This information is 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.