



14<sup>th</sup> December 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.

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

**Summary**

We have reviewed 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), Outdoor Lighting Report (MMA Lighting Consultancy Ltd., September 2023), Lighting Impact Assessment Rev R3 (MMA Lighting Consultancy Ltd., December 2023), Horizontal Illuminance (lux) (MMA Lighting Consultancy, September 2023), 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), Arboricultural Impact Assessment (Addendum) (Barton Hyett Associates, February 2023), Landscape Strategy Rev: P05 (Allen Pyke, February 2023), Illustrative Landscape Masterplan, drawing no. 2951-LA-04 Rev 02 (Allen Pyke, February 2023), Masterplan – Jacks Parcel Coloured, drawing no. WH202.WST.P1.ZZ.DR.PL.10.00 (Weston Homes, August 2022), Master Plan – Jacks Parcel Boundary Strategy, drawing no. WH202.WST.P1.ZZ.DR.PL.10.06 Rev B (Weston Homes, March 2023) and Masterplan – Jacks Parcel Street Lighting Strategy, drawing no. WH202.WST.P1.ZZ.DR.PL.10.08



(Weston Homes, August 2022) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

The Briefing Note (Ecology Solutions, February 2023) and additional ecology reports addressed most of our concerns for our previous response dated 13<sup>th</sup> February 2023. The Briefing Note (Ecology Solutions, May 2023) has also clarified that T13 in the Arboricultural Impact Assessment (Barton Hyett Associates, November 2022) and Arboricultural Impact Assessment (Addendum) (Barton Hyett Associates, February 2023), despite being described as having '*vertical stem wounds*', is considered to have no potential to support roosting bats.

The Lighting Impact Assessment Rev R3 (MMA Lighting Consultancy Ltd., December 2023) has also shown a reduced impact of proposed lighting on Jacks Lane and is now considered acceptable in relation to impacts to nocturnal animals.

We are now 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, October 2021), Ecology Update and Walkover Survey (Ecology Solutions, September 2022), Bat Survey Report (Ecology Solutions, November 2021) and Lighting Impact Assessment Rev R3 (MMA Lighting Consultancy Ltd., December 2023) 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, Hazel Dormouse, Great Crested Newt, reptiles, nesting birds, mobile mammal species and invertebrates.

We note that the site lies adjacent to Priority habitat, Lowland Mixed Deciduous Woodland, and has native hedgerows at its boundary which are also considered Priority habitats and are potentially Important for biodiversity under the Hedgerow Regulations 1997. It is noted that where these hedgerows are adjacent to proposed gardens they have been separated by a 1.8m metal mesh fence which will prevent residents from removing or inappropriately managing the Priority habitat hedgerows. It is also noted that some sections of hedgerow are to be removed to facilitate the proposed development. Loss of hedgerows should be compensated on a 'like for like' or 'like for better' basis. New or restored habitats should aim to achieve a higher distinctiveness and/or condition than those lost. A compensation strategy for the loss of hedgerows at the site should be secured as a condition of any consent. A Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) detailing how the retained and adjacent Priority habitats are to be protected during the construction phase should be secured by a condition of any consent.

Common Lizard and Grass Snake were identified on site during reptile surveys. Passive displacement of these reptiles has been recommended within the Ecological Assessment (Ecology Solutions, October 2021) and Ecology Update and Walkover Survey (Ecology Solutions, September 2022). Further details in relation to how reptiles will be protected during the construction phase should be provided in a Reptile Mitigation Strategy which can be secured by a condition of any consent.



Details of the lighting along Jacks Lane, a potentially sensitive bat commuting corridor, has been provided within the Lighting Impact Assessment Rev R3 (MMA Lighting Consultancy Ltd., December 2023). In line with the Ecological Assessment (Ecology Solutions, June 2021), we recommend a Wildlife Sensitive Lighting Strategy for the residential development should also be delivered for this scheme and secured by a condition of any consent to avoid impacts to foraging and commuting bats, especially on the adjacent woodland and vegetated boundaries. This must follow the [Guidance Note 8 Bats and artificial lighting](#) (The Institute of Lighting Professionals, 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:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm-White lights should be used preferably at 2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- If light columns are required, they should be as short as possible as light at a low level reduces the likelihood of any ecological impact. However, the use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.
- Movement sensors and timers could be used to minimise the 'lit time'.

The Outdoor Lighting Report (MMA Lighting Consultancy Ltd., September 2023) shows that bollard lighting is to be used in the south-east corner of the site where the proposed road is in close proximity to vegetation surrounding Jacks Lane. Bollards are not recommended within the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals, 2023) so to ensure this corridor is maintained as being suitable for use by nocturnal animals such as bats, it is recommended that these are 'Dark Sky' Accredited bollards or other lighting that is sensitive to bats.

Although eDNA surveys undertaken for Great Crested Newt (GCN) came back negative, given not all ponds within 500m were surveyed and the site lies within an Amber Risk Zone for the GCN District Level Licensing ([GCN Risk Zones \(Essex\) | Natural England Open Data Geoportal \(arcgis.com\)](#)) 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 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 should be secured by a condition of any consent.

In addition, we note that the development site is situated within the 10.4km 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.

As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

We support the proposed reasonable biodiversity enhancement measures including installation of bird and bat boxes, provision of a log pile, the provision of permeable fencing for Hedgehog and creation of meadow grass margins which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d and 180d of the National Planning Policy Framework 2023. These reasonable enhancement measures should be outlined alongside the compensatory hedgerow planting within a Biodiversity Compensation and Enhancement Strategy secured by a condition of any consent.

It is noted that a number of potential roosting features for bats were found along Jacks Lane immediately south-east of the site. It is not clear if the proposed lighting will impact upon these features. It is therefore considered appropriate to provide at least an additional six bat boxes on top of the enhancement measures, this could be integrated bat boxes on the proposed dwellings or bat boxes on suitable trees.

It is also recommended that a Landscape and Ecological Management Plan (LEMP) is submitted to outline how retained and proposed habitats will be managed to benefit biodiversity. This LEMP should be 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 measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions, October 2021), Ecology Update and Walkover Survey (Ecology Solutions, September 2022), Bat Survey Report (Ecology Solutions, November 2021) and Lighting Impact Assessment Rev R3 (MMA Lighting Consultancy Ltd., December 2023) 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 the retained and adjacent Priority habitats.*
- 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 targeting 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 for monitoring and remedial measures.*
- i) *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 COMMENCEMENT: GREAT CRESTED NEWT METHOD STATEMENT**

*"A Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.*

*The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."*

**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).

#### **5. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY COMPENSATION AND ENHANCEMENT STRATEGY**

*"A Biodiversity Compensation and 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 Compensation and Enhancement Strategy shall include the following:*

- a) *Purpose and conservation objectives for the proposed compensation and enhancement measures, to include at least six bat boxes as compensation;*
- b) *detailed designs or product descriptions to achieve stated objectives;*
- c) *locations, orientations, and heights of proposed compensation and enhancement measures (where applicable) 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 compensation and 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 2021 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 covering the residential development 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. 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 to the 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)

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.