



24 July 2019

Jonathan Doe
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

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/19/1366/FUL
Location: 1 Park Cottages Littley Park Lane Felsted CM3 1LA
Proposal: Demolition of garage and erection of 1 no. detached dwelling with new vehicular access

Dear Jonathan,

Thank you for consulting Place Services on the above application.

No objection subject to securing

- a) **A proportionate financial contribution towards visitor management measures at the Blackwater Estuary Habitats Sites and**
- b) **biodiversity mitigation and enhancement measures**

Summary

We have reviewed the Biodiversity Validation Checklist and Protected Species Survey (Brindle and Green, June 2018) submitted by the applicant relating to the likely impacts of development on designated sites, protected species and priority species / habitats.

It is noted that a previous application UTT/17/2710/FUL on this site was supported by a Preliminary Ecological Appraisal (PEA) (Greenlight Environmental Consultancy, Oct 2017).

We recommend that the above PEA is re-submitted eg. as an Addendum, as it informs the Protected Species Survey (Brindle & Green, Oct 2018) and is still within date. However we are satisfied that there is sufficient ecological information available for the LPA to determine this application.

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.



However, with all new residential developments in this area consideration is required in terms of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The site is situated within the 22km Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. Therefore, Natural England's advice (see below) should be followed to ensure that impacts are minimised to the coastal Habitats Sites (European designated sites) from new residential development. The LPA is therefore advised that a financial contribution should be sought in line with the Essex coast RAMS, from the residential development within the 22km ZOI specified.

This contribution will need to be secured by legal agreement. The LPA will also need to prepare a Habitat Regulations Assessment Appropriate Assessment Record to determine any adverse effect on site integrity and secure the developer contribution for delivery of visitor management at the Blackwater Estuary Habitats Sites.

Additionally, no biodiversity enhancement measures are identified in the ecological reports submitted. It is recommended, that in order to deliver measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019, reasonable biodiversity enhancement measures will need to be provided. A Biodiversity Enhancement Strategy for Protected and Priority is recommended, which should be secured as a condition of any consent, this could include provision of bird and bat boxes and wildlife-friendly fencing.

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 ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in both the Preliminary Ecological Appraisal Preliminary Ecological Appraisal (Greenlight Ecology, Oct 2017) as previously submitted 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 UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.



2. **PRIOR TO 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) persons responsible for implementing the enhancement measures;*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details 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).

3. **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 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 UK Habitats Regulations 2017, 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,

Zara Hanshaw MSc, BSc (Hons)

Junior 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.