



5<sup>th</sup> February 2024

Averginos Vlachos  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Waldon  
Essex, CB11 4ER

By email only

## DESKTOP SUPPORT

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*Thank you for requesting advice on this desktop support 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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**Planning Inspectorate Reference: S62A/2023/0023**

**Application: UTT/23/2193/PINS**

**Location: Land At Eastfield Stables May Walk Elsenham Road Stansted Essex**

**Proposal: Proposed erection of 5 no. residential dwellings and associated infrastructure.**

Dear Avgerinos,

Thank you for seeking desktop support from Place Services ecology on this major application made directly to the planning inspectorate (PINS), where Uttlesford District Council is a Consultee.

We have reviewed the documents supplied by the applicant, including the Preliminary Ecological Appraisal (Open Spaces Landscape Architects, July 2023). In addition, we have conducted a desk study to confirm the likely impacts of the development upon designated sites, protected and Priority species & habitats. This included a review of Magic ([magic.defra.gov.uk](http://magic.defra.gov.uk)), Essex non-statutory designated sites and aerial imagery.

This confirmed that it is very unlikely that the development will impact upon designated sites, with the nearest non-statutory site, designated for ecological reasons, being Aubrey Buxton Reserve Local Wildlife Site, located approximately 0.4km to the northwest of the site. In addition, no Priority habitats have been identified in close proximity to the site within the Priority Habitat Inventory on Magic, the closest patch of Priority habitat is Lowland Mixed Deciduous Woodland 100m to the northeast.

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 Preliminary Ecological Appraisal (Open Spaces Landscape Architects, July 2023) identified that the site is suitable for protected and Priority species such as bats, as foraging and commuting habitat, Badger and nesting birds. Further surveys are considered unnecessary and mitigation measures have been prescribed for pre and post construction so that risks to these species would be very low for this development, and these further measures included the securing of a Wildlife Sensitive Lighting Scheme via a Condition of any consent.

Impacts to these species have been fully considered, allowing the LPA to discharge its duties, including the conservation of protected and Priority species, 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).

In accordance with Government Circular 06/2005, the likelihood of protected species to be present and affected by the development has been established before planning permission is granted.

We are therefore satisfied that there is sufficient ecological information available to the Inspector to ensure that the development will not result in any significant ecological impact on protected species.

The mitigation measures identified in the Preliminary Ecological Appraisal (Open Spaces Landscape Architects, July 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 those recorded in the locality.

Additionally, we support the proposed reasonable biodiversity enhancements, provided in the Preliminary Ecological Appraisal (Open Spaces Landscape Architects, July 2023), which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

**In the event that the Inspector is minded to allow the application and grant planning permission for this development**, we recommend the following planning conditions below in addition to the draft conditions available to the Planning Committee.

Submission for approval and implementation of the details below should be a condition of any planning consent to secure ecological mitigation, compensation and enhancements.

**Recommended Conditions** (based on BS42020:2013 which have PINS approval)

**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 Preliminary Ecological Appraisal (Open Spaces Landscape Architects, July 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.”*

**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).



## 2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

*“A Biodiversity Enhancement Layout for biodiversity enhancements recommended in the Preliminary Ecological Appraisal (Open Spaces Landscape Architects, July 2023) shall be submitted to and approved in writing by the local planning authority.*

*The content of the Biodiversity Enhancement Layout shall include the following:*

- a) detailed designs or product descriptions for biodiversity enhancements; and*
- b) locations for biodiversity enhancements on appropriate drawings.*

*The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features 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).

## 3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

*“Prior to occupation, a “lighting design strategy for biodiversity” in accordance with GN: 08/23 (ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

*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 me with any queries.

Yours sincerely

**Tom Watts MSc BSc (Hons)**

A Qualifying Member of CIEEM

Assistant Ecological Consultant

Place Services at Essex County Council

[placeservicesecology@essex.gov.uk](mailto:placeservicesecology@essex.gov.uk)

**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.