

Representation from Cllr Bagnall - Addendum

Proposal: Consultation on S62A/2023/0027 – Full planning application for erection of 40 no dwellings, including open space landscaping and associated infrastructure

Location: Land at Warish Hall Farm North of Jacks Lane Smiths Green Lane Takeley

Addendum

I have viewed the Issues Report and have the following comments.

The Inspector relies heavily on the Planning Officers report to the Committee, however this does not take into account that the committee may have disagreed with the PO and that there may also be inaccuracies within that assessment by the PO.

How are these addressed at the hearing?

Issues Report

Para 28 – The site does not adjoin the settlement of Takeley and the A120 cannot act as a visual barrier to the coalescence question, as it is not visible. If it was a raised highway I could understand the argument but not when it is below ground level.

Para 29 – The site has no safe access for all users and is only accessible by private motor vehicle so is not sustainable in that regard.

Place Services Ecology

You note that there is no objection from Place Service Ecology, yet they request that “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.” The current proposal is for 6m high lighting and the conditions requested suggests that Place Services were not aware of this fact.

In fact within their response they articulate the following condition;

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)

Applicant response to PINS

On page 4, Fig 2.5, indicates a footway/cycle path at the access. This does not join anything on Warish Hall Road, so pedestrians and cyclists will be walking directly into the road so resulting in safety issues.

On Page 7 in 3.20, the applicant asserts that Highways are satisfied with the schemes for the access and the byway. The access works are just that, no work to ensure safe access for pedestrians or cyclists only motorised vehicles. I am surprised and disappointed that Highways are not articulating that the lack of safe access at the front of the site is contrary to their own policy GEN1.

On page 8 in 5.2, the applicant 'understands' that there is no objection to the proposed lighting scheme. I would suggest that if that was the case then there would not be a requirement, from Place Services Ecology, for conditions. Its my view that no such agreement has been reached.

On page 8 in 5.3, the applicant notes that conditions are required around the detail. It is this detail that was missing for Inspector Hunt to be able to assess the level of harm.

MMA Lighting Impact Assessment

The lighting impact assessment calls out the following guidance;

3.4 The Bat Conservation Trust and the ILP produced a paper in 2023, Guidance Note 08 "Bats and Lighting in the UK", discussing the appropriate lighting levels, types of lamps, colour temperatures etc. which are suitable for lighting areas where bats are present.

3.5 The guidance laid out in GN08/23 regarding the lighting of areas near dark corridors (4.27, 4.28, 4.29) has directly influenced the equipment used in lighting the Footpaths at Jacks Lane. Namely the use of LED Lanterns with integral rear shields using a 3000k Warm White light source.

When looking at this guidance it articulates why Artificial Light At Night (ALAN) can be such a problem for bats.

A number of key messages are called out for consultants to consider and I have articulated some of those here.

1.18 Key message: it is important to minimise ALAN close to vegetation, particularly for slower-flying species, and the need to increase dense vegetation in urban landscape to provide, not just roosting opportunities, but also protection against ALAN for open-space foraging bats in city landscapes.

1.20 Key message: when considering how bats move through the landscape, ALAN has been shown to be particularly harmful along river corridors, near woodland edges and hedgerows.

1.23 Key message: the very low light levels and distances from light sources shown in these studies indicates the considerable sensitivity of many of the UK's light averse species, emphasising the need to maintain or reduce existing light levels in the environment.

1.29 Key message: These studies show that even species known to display some light opportunistic behaviours can be detrimentally impacted by ALAN, and that it is a complicated picture requiring knowledge gathered at a site level to make accurate predictions of impacts. This is a particular issue in recent years with moves to save energy by using PNL schemes, or switching from low pressure sodium to LED Light sources. This is because it can lead to an increase in light intensity, so in an attempt to tackle climate change this may impact bat conservation, especially where there are light averse species present and/ or at high light intensities.

It is my view that no site inspection has taken place by a qualified ecologist, of the impact the Byway scheme will have on the bat population in this area.

A further key message to call out is as follows.

3.13 Key message: There are no lux level thresholds available for individual species to negate the need for site specific advice. Every site is different and interactions between species at lit sites has even been shown to give site and species specific responses. xlvi xvii The key in the first instance is to maintain or reduce existing light levels, and reduce blue content to protect the bat species present; this is in line with the mitigation hierarchy where impacts are avoided in the first instance by being planned out, saving both time and costs. A scheme may then look at ecological betterment ('enhancement') through a sensitive lighting design. This is discussed in detail in the 'Mitigation' chapter. Ideally light levels should always be designed to minimise potential environmental impacts xviii and to maximise the potential of habitat and species enhancement work, through multidisciplinary working and evidence-based new, or retrofit, scheme design.

I'm no bat expert but it seems to me that there needs to be a site assessment of the Byway, to properly understand the impacts of any scheme and, indeed, whether any lighting should be introduced. It is also my view that the impacts of the scheme cannot be assessed until such time as the assessment has taken place.

You note that you may decide that a further visit is required to the site, it may well be that a visit, in the hours of darkness might be beneficial, assuming that would be safe to undertake.

Many thanks

Geoff Bagnall

District Councillor

Takeley Ward