



23<sup>rd</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/22/1261/FUL**

**Location: Land To The West Of Mill Lane Hatfield Heath**

**Proposal: The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path.**

Dear ██████████

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 additional information submitted after our comments of the 24<sup>th</sup> October 2022 and we are satisfied that our comments are still valid and therefore reiterate them below:

We have reviewed the Ecology Verification 2021: Addendum to the Ecological Impact Assessment (Hopkins Ecology, October 2021), Addendum to the Ecology Verification (Hopkins Ecology, September 2022), Tree Removal plan, drawing no. 571x03 (Pelham Structures Ltd., April 2022), Proposed Site Plan, drawing no. 571x02 A (Pelham Structures Ltd., April 2022) and Planning, Design and Landscape Statement (Pelham Structures Ltd.) as well as documents submitted with a previous application at the site (ref. UTT/17/2499/FUL) including the Ecological Impact Assessment (The Ecology Partnership, August 2017), Arboricultural Implications Assessment and Preliminary Method Statement Rev A (Oakfield Arboricultural Services, August 2017) and associated Tree Protection Plans, drawing no. OAS/16-021-TS01-03-TPP Rev A (August 2017) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.



The Proposed Site Plan, drawing no. 571x02 A (Pelham Structures Ltd., April 2022) shows three proposed plots within the woodland and a revised red line boundary (an area to the south of the site no longer included). Trees T4 and T8 were considered to have negligible to low potential to support roosting bats and so precautionary felling methods have been proposed, following best practice guidance (Collins, 2016). It has also been confirmed that trees with moderate potential to support roosting bats will be retained. 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 Ecology Verification 2021: Addendum to the Ecological Impact Assessment (Hopkins Ecology, October 2021) and Addendum to the Ecology Verification (September 2022) 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 nesting birds and Great Crested Newt.

Following the identification of the presence of a low number of Great Crested Newt (GCN) it is noted that a GCN translocation is proposed in order to undertake the proposed demolition and construction works. Submission of a copy of a Natural England EPS mitigation licence for GCN should be secured by a condition of any consent.

In line with the Ecology Verification 2021: Addendum to the Ecological Impact Assessment (Hopkins Ecology, October 2021), we recommend a Wildlife Sensitive Lighting Strategy should be delivered for this scheme and secured by a condition of any consent to avoid impacts to foraging and commuting bats, especially within and at the edge of the retained woodland. This must follow the [Guidance Note 08/23 Bats and Artificial Lighting At Night](#) (The Institute of Lighting Professionals & Bat Conservation Trust, 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'.

General precautionary mitigation measures should also be followed to avoid impacts to small mammals and amphibians that may enter the site during the construction phase. This includes covering any trenches at night, or leaving a plank leant against a side as a means of escape; storing materials off the ground to prevent animals using them as places of shelter; and removing litter from site. If a protected species is found, works must cease immediately and a professional ecologist contacted.



Any loss of the Lowland Mixed Deciduous Woodland Priority habitat 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. This can be calculated through the Defra Metric v 4.0 (or any successor). It is recommended that a long term landscape and ecological management plan (LEMP) of the retained and new habitats is secured as a condition of any consent to ensure the habitats are managed for the benefit of wildlife.

We note that the development site is situated within the 10.1km 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. Although not yet included within the SAMM, holiday accommodation is expected to result in additional recreational impacts as well.

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 it 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 enhancements including the installation of bat boxes, bird boxes, a Barn Owl box, pond enhancements, new planting on site and the inclusion of green roofs on the proposed villas (as shown in the Planning, Design and Landscape Statement (Pelham Structures Ltd.)), which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. It is recommended that this could also include provision of integrated bird and bat boxes within the proposed development.

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 and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Verification 2021: Addendum to the Ecological Impact Assessment (Hopkins Ecology, October 2021) and Addendum to the Ecology Verification (September 2022) 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 ACTION REQUIRED: SUBMISSION OF A COPY OF NATURAL ENGLAND MITIGATION LICENCE FOR GREAT CRESTED NEWT**

*“Any works which will impact the resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:*

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”*

**Reason:** To conserve protected 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 s17 Crime & Disorder Act 1998.



### 3. 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;*
- b) detailed designs to achieve stated objectives;*
- c) locations of proposed compensation and enhancement measures by appropriate maps and plans;*
- d) timetable for implementation;*
- 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 beneficial use 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).

### 4. PRIOR TO BENEFICIAL USE: 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 beneficial use of the development.*

*The content of the LEMP shall include the following:*

- a) Description and evaluation of features to be managed to include retained and new woodland and trees as well as installed enhancement features.*
- 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)

**5. PRIOR TO BENEFICIAL USE: 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 (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)

**Recommended Informative**

**1. GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE**

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.
- d) Should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

Please contact us with any queries.

Yours sincerely,

**Benjamin Shiells, BSc (Hons), PGDip**  
A Qualifying member of CIEEM  
Assistant 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.