



9<sup>th</sup> October 2024

██████████  
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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**Uttlesford Application Ref:** UTT/24/1958/PINS  
**PINS Reference:** S62A/2024/0058  
**Location:** Land Adj. To Village Hall, East Of Cambridge Road Ugley  
**Proposal:** Consultation on S62A/2024/0058 - Construction of 16 dwellings including 40% affordable housing and associated infrastructure

Dear ██████,

Thank you for re-consulting Place Services on the above application.

No ecological objection	
Recommend approval subject to attached conditions	X
Further information required/Temporary holding objection	
Recommend Refusal	

**Summary**

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. An email from Pelham Structures dated 25<sup>th</sup> September 2024 was also reviewed which stated that a covenant to prevent the removal of trees in proposed residential gardens will be implemented.

We are now satisfied that there is sufficient ecological information available to support 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 Report (A. R. Arbon, April 2024) 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.

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 on the vegetated boundaries. This must follow the [Guidance Note 8 Bats and artificial lighting](#) (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:

- Do not provide excessive lighting. Use only the minimum amount of light needed for safety;
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used;
- LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability;
- A warm white light source (2700Kelvin or lower) should be adopted to reduce blue light component;
- Light sources should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2012);
- Column heights should be carefully considered to minimise light spill and glare visibility. This should be balanced with the potential for increased numbers of columns and upward light reflectance as with bollards;
- Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered - See ILP GN01;
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt;
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow;
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

It is noted that the site is within 50m of Priority habitat Lowland Mixed Deciduous Woodland and so it is recommended that a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) is secured by a condition of any consent detailing how this Priority habitat will be protected during the construction phase.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Net Gain Assessment (Arbtech, July 2024). It is noted that off-site habitat creation will be required to make up the deficit of Habitat Units at the site. The applicant will need to register their site on the biodiversity gain site register in order for it to provide offsite Biodiversity Net Gains. The



LPA should also confirm they are satisfied with the lines of trees and individual trees being given the strategic significance of being 'location ecologically desirable but not in local strategy'. Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric – Calculation Tool, should be submitted prior to commencement as part of the biodiversity gain condition.

In addition, a [Habitat Management and Monitoring Plan](#) should be secured for all [significant on-site enhancements](#), as well as off-site enhancements. This should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We support the proposed reasonable biodiversity enhancements for protected and Priority species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and 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 (as amended) and delivery of mandatory Biodiversity Net Gain.

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 Ecology Report (A. R. Arbon, April 2024) 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), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of Uttlesford Local Plan (2005).

**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 protection of nearby Priority habitat Lowland Mixed Deciduous Woodland.*
- 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.*
- i) Containment, control and removal of any Invasive non-native species present on site*

*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), s40 of the NERC Act 2006 (as amended) and Policies GEN7 and ENV8 of Uttlesford Local Plan (2005).

### **3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

*“Prior to any works above slab level, a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Ecology Report (A. R. Arbon, April 2024), 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 or product descriptions to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

*The works shall be implemented in accordance with the approved details 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, s40 of the NERC Act 2006 (as amended) and Policy GEN7 of Uttlesford Local Plan (2005).



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

*“Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) 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), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of Uttlesford Local Plan (2005).

#### **Biodiversity Gain condition**

Natural England advises that the biodiversity gain condition has its own separate statutory basis, as a planning condition under [paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990](#). The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

Local planning authority are strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using [draft text](#) provided by the Secretary of State:

#### ***“Biodiversity Net Gain***

*The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:*

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

*The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Uttlesford District Council.*

*There are statutory exemptions and transitional arrangements which mean that the biodiversity gain*



*condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.*

*Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”*

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.