



13th August 2024

██████████
Uttlesford District Council
London Road
Saffron Walden
CB11 4ER

By email only

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/23/2496/FUL
Location: Land West Of High Street Stebbing
Proposal: Erection of 28 residential dwellings (comprising 14 affordable and 11 private market homes together with 3 self-build plots) and local affordable employment unit/flexible community space; provision of public open space and associated local amenity facilities (activating Local Green Space allocation); together with integrated landscaping and car parking (to include additional community parking facility)

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 Landscape Masterplan for North Field (A&B), drawing no. SD 200 (Austin Design Works, September 2023), Landscape Masterplan for South Field (C&D), drawing no. SD 201 (Austin Design Works, September 2023), Proposed Planting Plan and Schedules for North field (A&B), Proposed Planting Plan and Schedules for South field (C&D), Landscape Design & Biodiversity Enhancement (Austin Design Works, September 2023), Proposed Masterplan, drawing no. DR_020 (Alistair Downie Studio, September 2023), Tree Quality Survey, Implications Assessment & Arboricultural Method Statement (Austin Design Works, June 2022), Tree Constraints Plan, drawing no. TR02.1 Rev A (Austin Design Works, September 2023), Tree Constraints Plan, drawing no. TR02.2



Rev A (Austin Design Works, September 2023), National Vegetation Classification Survey (MKA Ecology, November 2022), Reptile Survey report (MKA Ecology, November 2022), Tree Assessment Technical Note (MKA Ecology, November 2022), Great Crested Newt Environmental DNA Surveys letter report (MKA Ecology, August 2022), Preliminary Ecological Appraisal (Hybrid Ecology Ltd., September 2021), Update Ecological Site Walkover (Tim Moya Associates, August 2023), Addendum Ecological Response (SLR Consulting Ltd., March 2024), Addendum Ecological Response (SLR Consulting Ltd., April 2024), Biodiversity Net Gain Assessment (Tim Moya Associates, September 2023), Technical Memorandum (SLR Consulting Ltd., June 2024), Hedgerow Mitigation (Austin Design Works, July 2024) and Proposed Hedgerow Mitigation Planting Plans, drawing no. GA 603 (Austin Design Works, July 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation. In addition, documents relating to the Great Crested Newt District Level Licensing scheme have been submitted.

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 National Vegetation Classification Survey (MKA Ecology, November 2022), Reptile Survey report (MKA Ecology, November 2022), Tree Assessment Technical Note (MKA Ecology, November 2022), Great Crested Newt Environmental DNA Surveys letter report (MKA Ecology, August 2022), Preliminary Ecological Appraisal (Hybrid Ecology Ltd., September 2021), Biodiversity Net Gain Assessment (Tim Moya Associates, September 2023), Technical Memorandum (SLR Consulting Ltd., June 2024), Hedgerow Mitigation (Austin Design Works, July 2024) and Proposed Hedgerow Mitigation Planting Plans, drawing no. GA 603 (Austin Design Works, July 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.

Great Crested Newt

The Great Crested Newt Environmental DNA Surveys letter report (MKA Ecology, August 2022) surveyed three ponds within 250m of the site, all of which came back negative for Great Crested Newt (GCN), a fourth was unable to be surveyed as it was dry at the time of the survey. A further two ponds were present within 250m of the site and were unable to be surveyed. These ponds are closest to the site and so it was considered GCN could not be ruled out from the site, and it was recommended that the site is registered under Natural England's GCN District Level Licensing scheme. As discussed in the Update Ecological Site Walkover (Tim Moya Associates, August 2023), the LPA will need an Impact Assessment and Conservation Payment Certificate (IACPC) document countersigned by Natural England as evidence of site registration prior to determination where this European Protected Species is likely to be present and affected by development. A countersigned IACPC document has now been submitted with this application and we recommend securing a copy of the DLL licence by a condition of any consent.



Bats

The Addendum Ecological Responses (SLR Consulting Ltd., March 2024 and April 2024) state that an updated Ground Level Tree Assessment was undertaken in February 2024. This survey included all trees to be removed or located within close proximity to the development. It identified eight trees with PRF-I. The Technical Memorandum (SLR Consulting Ltd., June 2024) provides results of further inspections of six of these trees (the remaining two being offsite). This survey confirmed the surveyed trees provided a maximum of PRF-I suitability and so a Precautionary Working Method Statement (PWMS) has been recommended and outlined. In line with the latest best practice guidance (Collins, 2023; Reason & Wray 2023), it should be noted that as part of the PWMS replacement features should also be provided in retained trees, such as through veteranisation so that the future roost resource for bats is not lost. This finalised PWMS should be secured by a condition of any consent.

In line with the Preliminary Ecological Appraisal (Hybrid Ecology Ltd., September 2021) we recommend that a bat-sensitive lighting plan is implemented at the site and that dark corridors along the site's boundaries are retained. This must follow the [Guidance Note 8 Bats and artificial lighting](#) (The Institute of Lighting Professionals & Bat Conservation Trust, 2023). This lighting design should be secured by a condition of any consent. 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'.

Reptiles

A series of reptile presence/likely absence surveys undertaken in 2022 identified a likely low population of Grass Snake and Slow-worm onsite. It was recommended that a reptile translocation is undertaken prior to commencement of works onsite and therefore a reptile mitigation strategy would need to be secured by a condition of any consent. The Addendum Ecological Response (SLR Consulting Ltd., March 2024) has stated that the reptiles will be retained on site and habitats enhanced. Given the amount of open meadow proposed on site it is considered possible for the current reptile population to be sustained on site. It is recommended that a reptile mitigation strategy is secured by a condition of any consent.

Habitats and Designated Sites

The Addendum Ecological Responses (SLR Consulting Ltd., March 2024 and April 2024) states that adjacent Lowland Mixed Deciduous woodland Priority habitat is to be unaffected by the proposed development.

The Hedgerow Mitigation (Austin Design Works, July 2024) and Proposed Hedgerow Mitigation Planting Plans, drawing no. GA 603 (Austin Design Works, July 2024) show that the hedgerows to be removed will be replaced with species-rich, native hedgerows, planted outside of the curtilage of



proposed dwellings. A Landscape and Ecological Management Plan (LEMP) should outline how the habitats will be managed for the benefit of wildlife and should be secured by a condition of any consent.

The site lies adjacent to Stebbing Brook and is in close proximity to The Downs, Stebbing Special Roadside Verge (SRV)/Local Wildlife Site (LoWS). Although construction is not due to take place in close proximity to Stebbing Brook, it is recommended this habitat is protected during the proposed landscaping works. It is considered possible for the proposed development to indirectly impact upon The Downs, Stebbing SRV/LoWS during the construction phase through airborne pollution and traffic impacts etc. It is recommended that mitigation measures to avoid impacting this river habitat and non-statutory designated sites are outlined within a Construction and Environmental Management Plan for Biodiversity (CEMP: Biodiversity) secured by a condition of any consent.

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 National Vegetation Classification Survey (MKA Ecology, November 2022), Reptile Survey report (MKA Ecology, November 2022), Tree Assessment Technical Note (MKA Ecology, November 2022), Great Crested Newt Environmental DNA Surveys letter report (MKA Ecology, August 2022), Preliminary Ecological Appraisal (Hybrid Ecology Ltd., September 2021), Biodiversity Net Gain Assessment (Tim Moya Associates, September 2023), Technical Memorandum (SLR Consulting Ltd., June 2024), Hedgerow Mitigation (Austin Design Works, July 2024) and Proposed Hedgerow Mitigation Planting Plans, drawing no. GA 603 (Austin Design Works, July 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will 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 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 the Uttlesford Local Plan (2005).

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 breeding or resting place of Great Crested Newt, shall not 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 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 a precautionary working method statement for bats and trees, protection of Stebbing Brook and of The Downs, Stebbing Special Roadside Verge/Local Wildlife Site.*
- 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 onsite*



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 ENV7 of the Uttlesford Local Plan (2005).

4. PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

“No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.*
- b) Review of site potential and constraints.*
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.*
- d) Extent and location/area of proposed works on appropriate scale maps and plans.*
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) Persons responsible for implementing the works.*
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).*
- i) Details for monitoring and remedial measures.*
- j) Details for disposal of any wastes arising from works.*

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

5. 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 National Vegetation Classification Survey (MKA Ecology, November 2022), Preliminary Ecological Appraisal (Hybrid Ecology Ltd., September 2021), Biodiversity Net Gain Assessment (Tim Moya Associates, September 2023), Hedgerow Mitigation (Austin Design Works, July 2024) and Proposed Hedgerow Mitigation Planting Plans, drawing no. GA 603 (Austin Design Works, July 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 Policies GEN7 and ENV8 of the Uttlesford Local Plan (2005).

6. 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 the Uttlesford Local Plan (2005).

7. PRIOR TO OCCUPATION: 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 the occupation of the development.

The content of the LEMP shall include the following:

- a) *Description and evaluation of features to be managed.*
- 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), s40 of the NERC Act 2006 (as amended) and Policies GEN7 and ENV8 of the Uttlesford Local Plan (2005).

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.