



16<sup>th</sup> May 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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**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.

**Holding objection due to insufficient ecological information on European Protected Species (bats) and Priority habitat (Hedgerow)**

**Summary**

We have reviewed the documents supplied by the applicant including 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) and Addendum Ecological Response (SLR Consulting Ltd., April 2024) relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation. In addition, documents relating to the Great Crested Newt District Level Licensing scheme have been submitted.

We are not satisfied that there is sufficient ecological information available for determination of this application due to a lack of information in relation to trees with potential to support roosting bats and Priority habitat.

### **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.

### **Bats**

The Addendum Ecological Responses (SLR Consulting Ltd., March 2024 and April 2024) states 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. It goes on to say that should a feature be identified from aerial inspection deemed suitable to support a maternity roost (PRF-M), works on that tree will stop until further surveys can be undertaken.

Appendix B gives further details into the height of the potential roosting features (PRFs) and whether the trees were climbable or not. It is noted that many of the trees had PRFs over 3m in height and some of which were on trees that were not considered safe to climb. No details about further surveys such as inspections from a Mobile Elevated Work Platforms (MEWP) have been provided so it can be assumed that close visual inspections of these features have not been undertaken.

The latest best practice guidelines (Collins, 2023) states that PRFs cannot be categorised as PRF-I or PRF-M unless a close visual inspection has taken place. Given the above it appears that the PRFs have been categorised as PRF-I without a close visual inspection. Mitigation for PRF-I and PRF-M trees is different. The LPA therefore does not have certainty of impacts in relation to potential bat roosts in trees. The results of a close visual inspection of the trees or results of further bat surveys, such as emergence surveys where a close visual inspection is not safe to be undertaken, should be submitted prior to determination so that the LPA has certainty of impacts on bats prior to determination.

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats, European Protected Species. These surveys are required prior to determination because Government



Standing Advice indicates that you should “*Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby*”.

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.

### **Priority habitats**

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.

There are native species hedgerows at the boundary of both fields which are Priority habitats. Four small sections of these are being removed for the proposed access points. The proposed plans and landscape masterplans show that native hedgerows are to be planted on site, particularly around the boundaries of the proposed back gardens. It should be confirmed that sufficient compensatory planting for the lost hedgerows is due to be provided prior to determination. Hedgerows around proposed back gardens should be separated from them by close board fencing if they are to count towards the compensatory habitat so that residents cannot remove or inappropriately manage the hedgerows. Access will also need to be possible to manage the hedgerows post-development and this should be in a way that benefits biodiversity. A Landscape and Ecological Management Plan (LEMP) should outline how the habitats will be managed and should be secured by a condition of any consent.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: “*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning*”



*permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage (based on the judgement in the Hack Green Group (Appellant) v Cheshire East Council [2006] - APP/R0660/W/15/3131662). Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

In addition we note that the site is in close proximity to The Downs, Stebbing Special Roadside Verge (SRV)/Local Wildlife Site (LoWS). It is considered possible for the proposed development to impact upon this SRV/LoWS during the construction phase through airborne pollution etc. It is recommended that mitigation measures to avoid these 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 look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please contact me with any queries.

Yours sincerely

**Ella Gibbs ACIEEM BSc (Hons)**

Senior Ecological Consultant

Place Services at Essex County Council

**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.