



Date: 10 April 2025

Our ref: 02277

[REDACTED]
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

By email only: Planning Department, planning@uttlesford.gov.uk

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/25/0151/PINS
Location: Land West of High Street Stebbing
Proposal: Consultation on S62A/2025/0077 - Application for Planning Permission for Erection of 28 residential dwellings (comprising 14 affordable & 11 private market homes together with 3 self-build plots); 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)

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

No ecological objection	<input type="checkbox"/>
Recommend approval subject to attached conditions	<input checked="" type="checkbox"/>
Further information required/Temporary holding objection	<input type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	<input type="checkbox"/>

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

Mandatory Biodiversity Net Gains:

Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) and the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#).

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The [Biodiversity Net Gain Planning Practice Guidance \(PPG\)](#) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed the Biodiversity Net Gain Assessment (Tim Moya Associates, April 2025) and are not satisfied that appropriate information has been provided prior to determination. The submitted Statutory Biodiversity Metric – Calculation Tool is not accompanied by condition assessment. This is required to ensure that the habitats within the pre-development baseline have been recorded appropriately.

Where mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. 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](#) and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Traditional Orchards, Mixed scrub, Other

Woodland; Broadleaved, Rural Tree, Other Neutral Grassland, Wet Woodland, Species-rich Native Hedgerow and Ditches.

The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We note that post-intervention values have also been provided. As a result, it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition:

- The proposals include the provision of Traditional Orchard in moderate condition. Creating Traditional Orchard habitat may take more than 30 years, and require specialist establishment and maintenance. Planting immature fruit trees in grassland is not sufficient to achieve this. The applicant's plans should address these challenges.
- There is also a risk that the creation of large areas of Other Neutral Grassland in good condition will be difficult to establish but given the proposed plans it is considered likely to be achievable.

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.

Additional Comments:

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.

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'.

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.

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.

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.

Please do not hesitate to contact us if you have any queries in relation to this advice.

Senior Ecological Consultant

Place Services at Essex County Council

Email: PlaceServicesEcology@essex.gov.uk

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.