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10th April 2025

Section 62A Planning Application: S62A/2025/0077 Land West of High Street, Stebbing

Dear Sir or Madam

Further to my original response to the planning application UTT/23/2496/FUL submitted to Uttlesford District Council, I am writing to register my objections again, with further relevant details of the reasons and explanations for those objections. My original objections relating to other protected species (small heath butterfly and badger) and non-adherence to the methodology used during the reptile survey, still stand.

My objections to the plan can be summarised as:

- Non-compliance with national planning law relating to the protection of wildlife and habitats, owing to oversights with regard to the species and habitats of the two fields and adjacent river (Stebbing Brook)
- overestimation of the assessment of Biodiversity Net Gain (BNG) (Tim Moya Associates, September 2023) in consequence of the above omissions and other factors
- the enclosure of historically open land and loss of Local Green Space (as designated in the Stebbing Neighbourhood Plan) to the human and wildlife communities that use it.

Preliminary Ecological Appraisal (Hybrid Ecology Ltd, 2021)

The results of the Preliminary Ecological Appraisal (PEA) underpin all subsequent commissioned ecological reports on the species and habitats of a proposed development site. It is, therefore, essential that the PEA is factually correct and that key pieces of information are not omitted from it. When carrying out a PEA, it must include a biological records search of the application site itself and a 2-kilometre area extending from the site's boundary. The biodiversity features it should encompass, and which are relevant to my objections to this planning application are:

- Species protected under the Wildlife & Countryside Act 1981 (as amended)
- Species and Habitats of Principal Importance in England (or Priority habitats/species)
- Species/species groups including bats (all species), great crested newt, otter and dormouse covered by The Conservation of Habitats and Species Regulations (2019, EU Exit)
- Species of principle importance in England under section 41 of the Natural Environment and Rural Communities Act (2006)

Stebbing Brook

Stebbing Brook forms the western boundary of Site A. This is a major omission from the Preliminary Ecological Appraisal. Riparian ownership of this stretch of Stebbing Brook would normally be implied (ownership of the Brook up to its centre) so it would fall within the scope of the PEA. No reference was made to Stebbing Brook in the Phase 1 survey – rather, the western boundary was assumed to be a hedge line owing to inaccessibility issues at the time of the survey. See Figure 3. below, reproduced from the PEA, juxtaposed with an aerial view showing the line of the river, Stebbing Brook.

Figure 3. 1A Hedgerows
(North Field, Preliminary Ecological Appraisal, Hybrid Ecology, July 2021)



Stebbing Brook is contiguous with the entirety of western boundary of the North Field (Google maps)

Whether or not a river is considered to be a Priority Habitat is based on a number of criteria. While Stebbing Brook does not meet most of the criteria that would elevate it to the status of a Priority Habitat, the presence of white-clawed crayfish, a priority species, does (see species account below).

“To qualify [as a Priority Habitat], one or more of these criteria must be met:

7. Contains species including

ii) Biodiversity Action Plan (BAP) priority species”

On this basis Stebbing Brook would be classified as **r2a Rivers (priority habitat)**, Status: Priority Habitat, Annex 1.

(The UK Habitat Classification, Version 2.0, UK Hab Ltd. 2023. p229).

White-clawed crayfish

White-clawed crayfish (WCC), *Austropotamobius pallipes*, were recorded in Stebbing Brook on 12/08/2016 at TL6***2*** a little downstream from the proposed development fields. Due to the sensitivity of the data, full details may only be obtained from Essex Field Club, www.essexfieldclub.org.uk/portal/p/Datasearch on request. Annual surveys were carried out by Essex Wildlife Trust/Essex Ecology Services until about 2018. WCC are protected under the Wildlife and Countryside Act 1981. WCC are also included on the list of species of principal importance in England under section 41 of the Natural Environment and Rural Communities Act (2006). Government advice to developers states that conservation of WCC must be considered as part of the planning decision and that “You should ask for a survey if distribution and historical records suggest WCC may be present. Therefore, a survey of Stebbing Brook is required before this application can proceed.



White-clawed crayfish (WCC), *Austropotamobius pallipes* at different stages of development.
Photo M Rufus taken 12/08/2016 during the annual survey of Stebbing Brook

Otter and water vole

The findings of the PEA with respect to otter and water vole are based on the entirely incorrect premise that the North Field is bounded by a hedge on its western flank and not by Stebbing Brook. The PEA notes (see point 7.19 p20) that, with regard to habitat requirements, both species require flowing water, deep enough to support foraging behaviour and with connectivity into the wider landscape and goes on to state that ‘The site does not contain nor is it adjacent to any suitable watercourse’ and therefore, it was concluded, a further survey would not be required. This is factually incorrect as both distribution and historical records suggest otters may be present. A survey is required.

Otters are a European protected species, protected under the Conservation of Habitats and Species Regulations 2017 and also receive protection from the Wildlife and Countryside Act 1981. Additionally, otters are included on the list of species of principle importance in England under section 41 of the Natural Environment and Rural Communities Act (2006). Water voles are protected under the Wildlife and Countryside Act 1981.

National Vegetation Classification Survey

MKA Ecology conducted a National Vegetation Classification (NVC) survey in July 2022. Inexplicably, only the South Field was surveyed (p3 of the report), and then, not in its entirety, rendering the survey incomplete. However, the soil of the lower half of the North Field is dissimilar to all other areas, comprising a deep layer of sedge peat, indicating a past history of regular inundation and permanently wet conditions. The presence of cuckoo flower (*Cardamine pratensis*), hard rush (*Juncus inflexus*) and sweetgrass confirm this still to be the case. A survey of the North field is likely to have returned a different result from that concluded by in the NVC report. A higher biodiversity score for the North field would have contributed to the Biodiversity Net Gain (BNG) calculation.



Wet, spring-fed rift exposing peaty soil.

Biodiversity Net Gain Assessment (Tim Moya Associates, September 2023)

Biodiversity Net Gain (BNG) is mandatory legislation that developers must comply with, but its accuracy and effectiveness are still being evaluated. The limitations with respect to BNG methodology and practice are reflected in the various caveats and assumptions listed throughout the Assessment report (paras 1.6 – 1.11 and 2.11 2.13, 2.19, 2.20).

Point 2.13 in particular states that the calculations do not take into account areas outside the site footprint which are assumed not to be affected by the development and conversely, if areas outside the footprint are to be affected, they should be taken into account in the calculations. Stebbing Brook, as has been established is, by virtue of forming the western boundary and riparian ownership, part of the proposed development site. It is also inconceivable that Stebbing Brook will not be affected by the housing development. That Stebbing Brook does not appear in the list of Existing Water Courses at *Table 4. Value of existing on-site water courses*, (para 4.4) and has not been considered in the calculation of BNG is incomprehensible. It must be considered a biodiversity asset for the purposes of the BNG calculation.

As with the PEA, not all areas were accessed for the purposes of this survey and a “small overgrown area to the south of the site [was excluded] due to dense nettles and brambles” (para 1.11).

It is my view, that the measures described to enhance biodiversity cannot improve upon the extant biodiversity in a sustainable way and without continued inputs, may well lead to a reduction in biodiversity. Indeed, the inherent risks associated with altering a natural functioning ecosystem with an alien one may result in habitat and species loss. Additionally, creation of the features and activities beyond the built environment described in the six-part ‘Landscape Design And Biodiversity Enhancement Stage 3 Planning Report’, will inevitably result in a high level of disturbance to the wildlife, such that the Net Biodiversity Gain (NBG) will be significantly less than the quoted 18.6%.

Landscape Design and Biodiversity Enhancement Stage 3

The Landscape Design & Biodiversity Enhancement Stage 3 Planning Report North (A&B) & South (C&D) Parts 1 to 6 provides a graphic explanation of how it is anticipated the 18.6% BNG and treatment of the landscape will be implemented. The document is lavishly illustrated, showing the many existing attributes of Stebbing and activities that Stebbing residents already enjoy and appreciate. Part 4 onwards illustrates a fantastic panoply of ideas, summarised on page 47 of the report as “the proposal will be a highly functioning and beautiful landscape with buildings in it. What happens beyond the buildings is important to the overall scheme; nature and the way people use the space, is at the heart of the proposal” With so many human-centred land uses it is hard to see how the much emphasised aim of increasing biodiversity is going to be achieved. A more likely scenario is soil compaction, trampling of plants, physical disturbance and noise pollution which would work against the achievement of biodiversity gain

and this pressure on the environment would make any new planting or other initiatives to increase biodiversity hard to establish. The extant wildlife of these two fields such as reptiles, bats, birds and badgers would be driven away by the noise from garden machinery, dogs barking, children playing and increased human activities on the fields. The location of a community compost heap close to a watercourse would also be inadvisable, as nitrates and phosphates would leach via the soil into the watercourse.

The proposed environmental changes to the North and South fields are undesirable from an ecological perspective, while the suggested land uses meet a perceived need that does not exist.

Local Green Spaces

The two adjacent fields that are the site of the proposed development occupy a central position within the village, contributing in a material way to the openness and tranquillity of the village while providing a continuum with their rural surrounds; factors which contributed to them being adopted as Local Green Space (LGS) in Stebbing Neighbourhood Plan. Sloping to the south towards Stebbing Brook, the fields have not been cultivated or received fertiliser inputs for very many years. Given this relative lack of human interference, it is perhaps not surprising that the communities of plants and animals that now populate these fields and river have naturally developed and are in balance with the unimproved soils and hydrology of the fields.

Surrounded by arable fields and with so little accessible unmanaged natural landscape in which to walk, they are particularly valued for their relative wildness and the wildlife that inhabits them.

In contrast, the other three LGS included in the Stebbing Neighbourhood Plan are fully managed, for the purpose of recreational activities – football on Alcott Field in the south of Stebbing, cricket on the central field that abuts the South field of this application and a general recreation at Pulford Field to serve the northern part of the community of Stebbing. All have outdoor play equipment for children and outdoor gym equipment for adults. Stebbing Fayre is held annually on LGS in the centre of Stebbing, and there is a bowling green located a short distance away. The community of Stebbing is very well served by our current managed Local Green Spaces and other facilities – there is no need of more as envisaged in the ‘Landscape Design and Biodiversity Enhancement Stage 3 Planning Report’.

These these two pockets of land, the North and South fields of this planning application but also our village’s LGS, provide a welcome sanctuary for wildlife and peaceful natural spaces for Stebbing residents to enjoy when walking the PRWs that bisect them. Development here, in the very centre of Stebbing would irrevocably spoil the intrinsically rural and distinctive character of the village.

Please disallow this appeal.

Yours faithfully

Margaret Rufus, BSc (Hons) Hort