



Date: 20 June 2025

Our ref: 05390

[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.

Uttlesford Ref.: UTT/25/1343/PINS
PINS Ref. S62A/2025/0107
Location: Former Friends School Field Mount Pleasant Road Saffron Walden Essex
Proposal: Consultation on S62A/2025/0107 - Erection of 75no. dwellings with associated infrastructure and landscaping. Provision of playing fields and associated clubhouse

Thank you for consulting Place Services on the above application.

No ecological objection	<input type="checkbox"/>
Recommend approval subject to attached conditions	<input type="checkbox"/>
Further information required/Temporary holding objection	<input checked="" 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 there is sufficient ecological information available for determination of this application in relation to bats and recommend that details of survey results, mitigation & enhancement measures are provided prior to determination. In addition, 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:

Protected Species:

The Ecological Impact Assessment (ACD Environmental, April 2025) states that a ground level tree assessment was undertaken in February 2024 on eight trees that are due to be removed at the site. Referencing the Tree Protection Plan, drawing no. 2297-KC-XX-YTREE-TPP01RevF (Keen Consultants, April 2025), more than eight trees are due to be removed or have recommendations for tree surgery on them and so it is considered there is missing data in relation to impacts upon bats. Information on all trees impacted by the proposed development and their suitability to support roosting bats is required prior to determination to inform the need for mitigation and potential a licence from Natural England. In addition, this information is considered out of date in line with CIEEM Guidance¹ and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013' as the data is more than 12 months old. We understand that a Tree Survey letter dated 20th September 2024 (ACD Environmental) was submitted with a previous application at this site (UTT/24/1898/PINS, S62A/2024/0057), but it has not been submitted with this application. For this document to be considered, it would need to be submitted as part of this current planning application.

To fully assess the impacts of the proposal the LPA needs 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"*.

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 likely 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

¹ CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys -<https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>

NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

See Appeal Decisions Ref: APP/P1560/W/24/3344547 at The Oaks, Clacton Road Weeley Essex CO16 9EF and APP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also requested by the Inspector even where ecology has not been a reason for refusal.

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. 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.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

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 Ecological Impact Assessment (ACD Environmental, April 2025) and Statutory Biodiversity Metric Rev E (ACD Environmental, April 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The Application Form states that the site is 6.72ha in size whereas the Metric only has an area of 6.55ha.
- Condition Assessment sheets for the baseline habitats have not been submitted. This is important so that we can review justification for the conditions given to each existing habitat.

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: Other Neutral Grassland, Mixed Scrub, Individual Trees and Woodland.

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 matter will also need to be addressed as part of the biodiversity gain condition:

- Heather *Erica carnea* and Christmas Rose *Helleborus niger* have been included within the 'Low Native Shrub Mix', however, these are not native species (although are wildlife-friendly) and so that description is considered misleading.

Additional Comments:

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 woodland onsite is a Priority habitat and so this, as well as the retained vegetated boundaries, should be protected from adverse impacts during the construction phase. It is recommended that a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) is produced and 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 do not hesitate to contact us if you have any queries in relation to this advice.

Ella Gibbs MCIEEM 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.

