

# Preliminary Ecological Assessment

Blue Barn Farm  
Clacton Road  
Colchester  
Essex

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Ref 08/21

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Report Approved  
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Patrick K McKenna BSc (Hons), M.C.I.E.E.M  
Company Director

25 Nayland Road, Bures, Suffolk CO8 5BX

Tel: [REDACTED] mobile: [REDACTED]

Email: [REDACTED]

Company no: 5553720 VAT Reg. No: 980 8484 75

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## 1. Summary

- 1.1 Eco-Planning UK Ltd received instruction to complete a Preliminary Ecological Assessment for an area of land adjacent to Blue Barn farm, Clacton Road, Colchester, Essex.
- 1.2 The Preliminary Ecological Assessment and this associated report will be part of a planning application that will be submitted to the Local Planning Authority, seeking planning consent for residential development on the survey site.
- 1.3 The Assessments were completed January the 22<sup>nd</sup> January 2021 during suitable dry bright survey conditions. Access was available to all parts of the site.
- 1.4 From the on-site Ecological Assessment and desk top study it was determined that:
  - No part of the proposed development site has any type of statutory or non-statutory conservation designation.
  - However, the site is within a “zone of influence” for the Colne Estuary Site of Special Scientific Interest to the south west of the survey area. The proposed development will not reduce the size or conservation status of this S.S.S.I site nor affect its management regimes or future ecological potential, neither does it create new access to these sites.
  - The site is also within a “zone of influence” for the Natura 2000 sites – RAMSAR/SPA Colne Estuary (Mid Essex Phase 2) again to the south west of the survey area. The proposed development will not directly reduce the size or conservation status of these sites nor affect their management regimes or future ecological potential, neither does it create new access.
  - However, the proposed development could have some minor recreational/disturbance impact alone or when considered alongside other new developments within the same zone of influence for these Natura 2000 Sites and so be subject to a Habitat Regulations Assessment (H.R.A.).
  - Natural England now advise that a suitable contribution to the emerging Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) from relevant planning applicants would enable the local authority to be able to

reach a conclusion of “no likely significant effect” - and addressing the need for the suggested H.R.A.

- This type of direct contribution will help ensure that the delivery of the RAMS remains viable and fit for purpose.
- The planning applicant for this site fully supports this direct conservation action and will discuss the RAMS payment required with the local authority.
- There are registered Priority Habitat Deciduous Woodland to the south west of the site, and an Ancient Semi Natural Woodland - Captains Wood - to the south east of the survey site. The proposed development will not directly reduce the size or conservation status of these sites nor affect their management regimes or future ecological potential, neither does it create new access.
- The proposed development area is a flat, open, roughley square site, that has within the last 12 months been stripped of its top soil, rolled and compacted. It has negligible vegetation and no conservation or biodiversity value.
- To all site boundaries are new and established laurel shrub boundary plantings – they have limited wildlife value – a native hedge planting would have more conservation benefit.
- Within the front and right flank boundaries are 4 x young trees, none of these trees have any Potential (bat) Roost Feature.

1.5 No further presence or absence survey efforts are required.

1.6 The on-site ecological assessment along with this report addresses all relevant ecological/conservation related issues as part of the planning application process for this site

## 2. Introduction

- 2.1 The revised National Planning Policy Framework (June 2019) still requires that on-site biodiversity/conservation is given full consideration at the time of a planning development application submission.
- 2.2 For any planning application for this site the Local Planning Authority would be acting in a reasonable and responsible manner under the legislation by requesting that the planning applicant completes a suitable ecological assessment and prepares/submits a subsequent report, if the Authority believes a habitat or species could be threatened by the proposed development.
- 2.3 The Preliminary Ecological Assessment with this report addresses all relevant biodiversity concerns the local planning authority may have in relation to this proposed development.



### 3. Site Assessment

- 3.1. The proposed development site is an area of land at Blue Barn Farm, Clacton Road, Elmstead Market, Essex (Drawing 1- red line).



**Drawing 1**



**Photograph 1**

- 3.2 To the right flank, rear and opposite across the Clacton Road is an open intensive arable agricultural landscape. To the left flank is recent residential development (Photograph 1).

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- 3.3 The proposed development area is a flat, open, roughley square site, that has within the last 12 months been stripped of its top soil, rolled and compacted. It has negligible vegetation and no conservation or biodiversity value (Photographs 2 and 3).



**Photograph 2**



**Photograph 3**

- 3.4 To the rear and right boundary is an established laurel boundray hedge style planting (Photograph 4).



**Photograph 4**

- 3.5 To the front and left flank boundary is a recent laurel hedge style planting (Photograph 5).
- 3.6 None of the 4 x laurel hedges have conservation value.
- 3.7 Within the front and right flank boundaries are 4 x young trees (Photograph 6), none of these trees have any Potential (bat) Roost Feature.

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**Photograph 5**



**Photograph 6**

## 4. Planning Policy and Site Status

- 4.1 The direction to protect sites with a designated conservation status including Local Wildlife Sites has continued in the revised National Planning Policy Framework July 2018/19. Local Planning Authorities are still required to set criteria-based policies against which proposals for any development, on or affecting protected wildlife or geodiversity sites or landscape areas, will be judged. Planning policies should identify and map components of local ecological networks including the hierarchy of international, national, and locally designated sites of importance for biodiversity.
- 4.2 With such extensive legislative/planning policy protection of biodiversity and designated conservation sites against development, it is essential to first establish the status of any site where any ecological related assessment is being made if it is, as in this case, in relation to a feasibility study or subsequent planning application.
- 4.3 No part of the proposed development site has any type of statutory or non-statutory conservation designation (Appendix 1 and 2).
- 4.4 However, the site is within a "zone of influence" for the Colne Estuary Site of Special Scientific Interest to the south west of the survey area. The proposed development will not reduce the size or conservation status of this S.S.S.I site nor affect its management regimes or future ecological potential, neither does it create new access to these sites.
- 4.5 The site is also within a "zone of influence" for the Natura 2000 sites – RAMSAR/SPA Colne Estuary (Mid Essex Phase 2) again to the south west of the survey area. The proposed development will not directly reduce the size or conservation status of these sites nor affect their management regimes or future ecological potential, neither does it create new access.
- 4.6 However, the proposed development could have some minor recreational/disturbance impact alone or when considered alongside other new developments within the same zone of influence for these Natura 2000 Sites and so be subject to a Habitat Regulations Assessment (H.R.A.).
- 4.7 Natural England now advise that a suitable contribution to the emerging Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) from relevant planning applicants would enable the local authority to be able to

reach a conclusion of "no likely significant effect" - and addressing the need for the suggested H.R.A.

- 4.8 This type of direct contribution will help ensure that the delivery of the RAMS remains viable and fit for purpose.
- 4.9 The planning applicant for this site fully supports this direct conservation action and will discuss the RAMS payment required with the local authority.
- 4.10 There are registered Priority Habitat Deciduous Woodland to the south west of the site, and an Ancient Semi Natural Woodland - Captains Wood - to the south east of the survey site (Appendix 3). The proposed development will not directly reduce the size or conservation status of these sites nor affect their management regimes or future ecological potential, neither does it create new access.



## 5. Planning Policy and Wildlife Legislation

- 5.1 Regardless of any planning policy or guideline change certain species are legally protected and any type of development that would injure, kill, ill-treat or intentionally damage or destroy any protected species or place of shelter would be a criminal act.
- 5.2 However some species that do not receive statutory full protection under existing ranges of legislation continue to be identified as requiring conservation action as species of principal importance in the revised (2018 and 2019) National Planning Policy Framework:
- Promote the preservation, restoration and re-creation of priority habitats and the protection of priority species populations.... linked to national and local targets.
  - When determining planning applications local planning authorities should aim to conserve and enhance biodiversity.
  - To achieve this conservation action/protection planning authorities are instructed to refuse planning applications that cause harm to these species or their habitats if no suitable mitigation has been identified.
- 5.3 With legal responsibilities and new planning framework implications it remains essential that any ecological assessment of any feasibility/development site, including the area of this report, must determine the possible presence or absence of any protected species as part of the development process.
- 5.4 Without this assessment the potential developer would be unable to demonstrate due diligence in his legal wildlife responsibilities.
- 5.5 Furthermore the local planning officer will not have been provided with the required information to be able to determine if the ecological based requirements of their relevant planning application for the site are being met in full.
- 5.6 It would however be unreasonable to survey for every protected floral/faunal species. The likelihood of a protected species being present is based on the habitat type/condition and when appropriate any existing record of the species being present within a relevant distance. For this site the relevant development area has been stripped of all top-soil, rolled and compressed. It



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has no conservation or biodiversity value - a data record search would be irrelevant in its present condition/location.

5.7 No further presence or absence survey efforts are required.

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Tel: [REDACTED] mobile: [REDACTED]

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## 6. Conclusions

- 6.1 No part of the proposed development site has any type of statutory or non-statutory conservation designation.
- 6.2 However, the site is within a "zone of influence" for the Colne Estuary Site of Special Scientific Interest to the south west of the survey area. The proposed development will not reduce the size or conservation status of this S.S.S.I site nor affect its management regimes or future ecological potential, neither does it create new access to these sites.
- 6.3 The site is also within a "zone of influence" for the Natura 2000 sites – RAMSAR/SPA Colne Estuary (Mid Essex Phase 2) again to the south west of the survey area. The proposed development will not directly reduce the size or conservation status of these sites nor affect their management regimes or future ecological potential, neither does it create new access.
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- 6.8 There are registered Priority Habitat Deciduous Woodland to the south west of the site, and an Ancient Semi Natural Woodland - Captains Wood - to the south east of the survey site (Appendix 3). The proposed development will not directly reduce the size or conservation status of these sites nor affect their management regimes or future ecological potential, neither does it create new access.

- 6.9 The proposed development area is a flat, open, roughley square site, that has within the last 12 months been stripped of its top soil, rolled and compacted. It has negligible vegetation and no conservation or biodiversity value - a data record search would be irrelevant in its present condition/location.
- 6.10 To all site boundaries are new and established laurel shrub boundary plantings – they have limited wildlife value – a native hedge planting would have more conservation benefit.
- 6.11 Within the front and right flank boundaries are 4 x young trees, none of these trees have any Potential (bat) Roost Feature.
- 6.12 No further presence or absence survey efforts are required.
- 6.13 The on-site ecological assessment along with this report addresses all relevant ecological/conservation related issues as part of the planning application process for this site.



Name	COLNE ESTUARY (MID-ESSEX COAST PHASE 2)
Reference	UK11015
Hectares	2713.99

Name	COLNE ESTUARY
Reference	1064368
Site Unit Condition	UNFAVOURABLE RECOVERING
Citation	1004975
Hectares	26.04

Email:

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## Appendix 2

### Non-Statutory Designated Sites



## Appendix 3

### Habitat Inventory



#### Ancient Woodland (England)

Wood Name	CAPTAINS WOOD
Theme Name	Ancient & Semi-Natural Woodland
Theme ID	1117062
Area (Ha)	13.194828

#### Priority Habitat Inventory - Deciduous Woodland (England)

Main Habitat Present	Deciduous woodland
Confidence in Main Habitat Classification	Low

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