

Aval Group.



# Ecology Desktop Statement

1A Orwell Road, Harwich, CO12 3LD

Architorium Developments Limited

September 2021

## Project Information

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### Disclaimer

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## 1 Introduction

### 1.1 Overview

Architorium Developments Limited ('the client') is seeking consent for a proposed development at 1A Orwell Road, Harwich, CO12 3LD (hereafter referred to as the 'potential development site'), which is within the Tendring District Council.

AVAL Consulting Group Limited (ACGL) was instructed by the client to produce a Ecology Desktop Statement to accompany the planning application to the TDC for consent to undertake the proposed work. The purpose of the Ecology Statement is to assess the feasibility of the site from an ecology perspective.

The proposal is for the construction of a four-storey C3 residential block with a basement to accommodate 5 flats.

An Ecology Desktop Statement has been prepared to assess the site's feasibility for this proposed development and identify need for any further consideration.

Local Authorities are tasked with determining new development and local planning applications against a wide range of social, economic and environmental criteria. The purpose of this report is to assess whether the development proposal is compliant with the relevant local policies in terms of ecological impact as a result of the proposed development.

This assessment has been carried out in accordance with good practice guidelines, including the National Planning Policy Framework (2021) and applicable local supplementary guidance.

The remainder of this report is presented in the following order:

- Section 2: Relevant national, regional, and local applicable policies;
- Section 3: Existing Conditions;
- Section 4: Potential Impacts;
- Section 5: Proposed Mitigation Measures;
- Section 6: Conclusions.

### 1.2 Objectives

- Potential impact on nearby sites of ecological interest;
- Potential impacts on potential protected species; and
- Residential suitability of the proposed development site in terms of existing ecological factors.



## 2 Legislation and Policy

This section summarises the relevant National and Local legislative and policy background, statutory and non-statutory guidelines relevant to the potential commercial development.

### 2.1 National Policy

#### 2.1.1 National Planning Policy (2021)

The principal national planning policy guidance with respect to the potential development is the National Planning Policy Framework (NPPF). The most recent update of the NPPF was published on 19 February 2021 by the Department for Communities and Local Government (DCLG). This guidance sets out the Government's planning policies for England and how they are expected to be applied. Three dimensions to sustainable development have been identified in the NPPF: economic, social, and environmental.

The NPPF Section 174 states that:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

Section 175 states that:

*"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*

Section 172 states that:



*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads<sup>59</sup>. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”*

Section 177 states that:

*“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development<sup>60</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

Section 179 states that:

*“To protect and enhance biodiversity and geodiversity, plans should:*

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”*

Section 180 states that:

*“When determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists; and*



*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."*

Section 182 states that:

*"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*

### 2.1.2 Relevant National Planning Practice Guidance (NPPG, 2014)

NPPG is a web-based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

The guidance note on 'Natural Environment' explains key issues in implementing policy to protect and enhance the natural environment, including local requirements. This has been referred to when preparing this report. It states that:

*"Planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications. Guidance on the law affecting Habitats Sites, protected species and SSSIs.*

*Natural England has issued standing advice on protected species. A protected species mitigation licence from Natural England may be required before any work can start."*

The PPG also states that:

*"Information on biodiversity and geodiversity impacts and opportunities needs to inform all stages of development (including site selection and design, pre-application consultation and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Pre-application discussions can help to scope whether this is the case and, if so, the survey work required.*

*Even where an Environmental Impact Assessment is not needed, it might still be appropriate to undertake an ecological survey, for example, where protected species may be present or where biodiverse habitats may be lost.*

*As with other supporting information, local planning authorities should require ecological surveys only where clearly justified. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Further guidance on information requirements is set out in making an application."*

Biodiversity net gain is mentioned in the PPG and states that:

*"The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. It may help local authorities to meet their duty under Section 40 of the Natural Environment and Rural Communities Act 2006."*



## 2.2 Local Policy

### 2.3.1 Tendring District Local Plan 2013-2033 and Beyond

*"In accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended), Tendring District Council, by decision at the meeting of Full Council on Tuesday 26 January 2021, has formally adopted the Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan (hereafter the 'Section 1 Plan')."*

Policy SP 1 states:

*"Presumption in Favour of Sustainable Development*

*When considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Development that complies with the Plan will be approved without delay, unless material considerations indicate otherwise."*

Policy SP 3 states:

*"Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment."*

Policy SP 7 states:

*"Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions."*

Policy SP 8 states that:

*"To ensure new development does not have an adverse effect on any European Protected or nationally important sites and complies with environmental legislation (notably the Water Framework Directive and the Habitats Directive), the required waste water treatment capacity must be available ahead of the occupation of dwellings."*

*"Create distinctive environments which are based on comprehensive assessments of the surrounding environment and that celebrate natural and historic environments and systems, utilise a multi-functional green-grid to create significant networks of new green infrastructure including a new country park at the garden community, provide a high degree of connectivity to existing corridors and networks and enhance biodiversity."*

*"Secure a smart and sustainable approach that fosters climate resilience and a 21st century environment in the design and construction of the garden community to*



*secure net gains in local biodiversity, highest standards of energy efficiency and innovation in technology to reduce the impact of climate change, the incorporation of innovative water efficiency/re-use measures (with the aim of being water neutral in areas of serious water stress), and sustainable waste and mineral management."*

## Summary

It is considered that the environmental and ecological priorities for development are to reduce the negative impacts on the environment, maximise sustainable development, encourage biodiversity and to ensure the protection of wildlife and protected species.

### 3 Existing Conditions

#### 3.1 Overview

The following section sets out the existing conditions in relation to ecology for the proposed development. Relevant ecological information is available from several sources including local, regional, and national ecological reports and websites. For the purpose of this assessment, data has been obtained from Defra provided geographical sources<sup>1</sup>.

#### 3.2 Site Location

Figure 3.1 shows the proposed site location highlighted in red and the surrounding area. The proposed development is not located on any type of protected land. The closest site of interest to the development site is situated 0.5km north-west and is a Ramsar site, Site of Special Scientific Interest (SSSI's) and Special Area of Conservation (SPA). Other close sites of interest include an SSSI located 2.3km east and a Ramsar site, SSSI and SPA located 2.3km north. Due to the nature and modest scale of development proposed, these Ramsar sites, SSSI's and SPA's are not likely to be significantly or adversely affected by the proposed development.

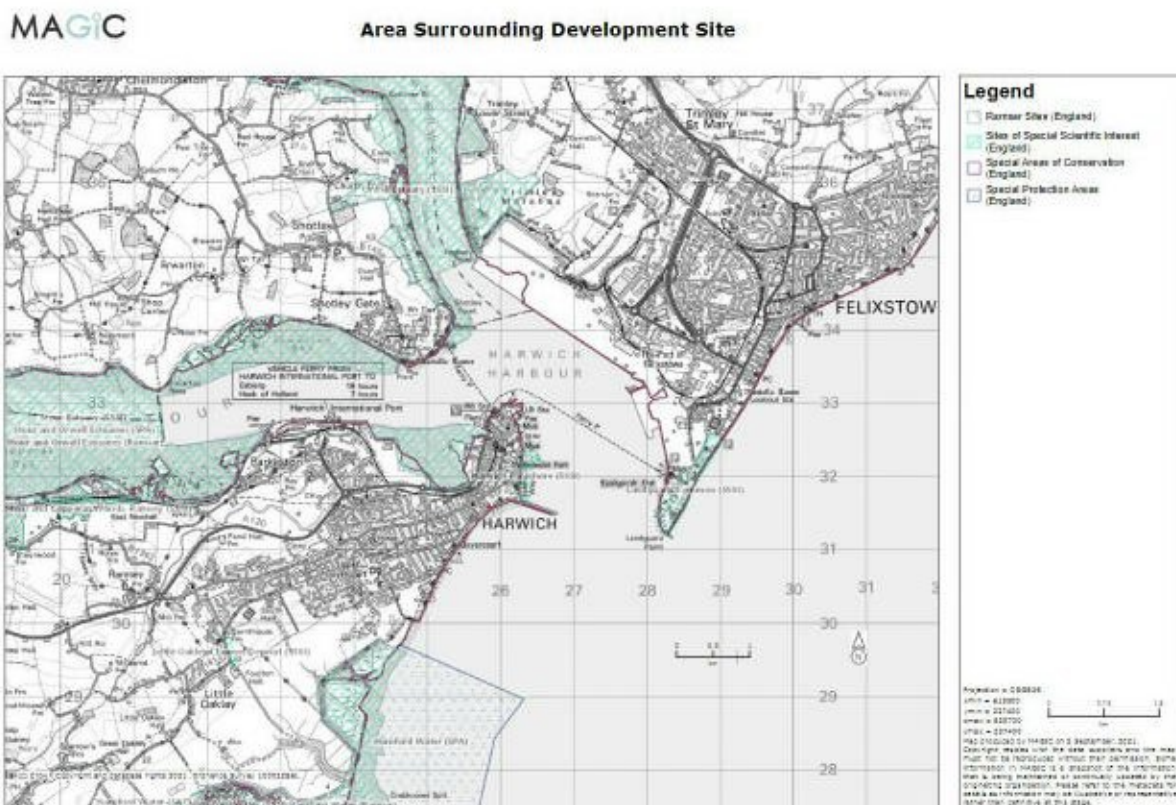


Figure 3.1 Area surrounding potential development site (highlighted in red) (Source: Defra).

<sup>1</sup> Defra (2021). Multi-Agency Geographic Information for the Countryside (MAGiC)  
AVAL Consulting Group Limited, Newhaven Enterprise Centre, Unit 40, Denton Island, Newhaven, BN9 9BA



### 3.3 Existing Baseline Conditions

The development site, highlighted in red, is located on Orwell Road, Harwich. Figure 3.2 shows that the site is bounded by residential buildings to the north-west, parkland to the north-east, a private road to the south and Orwell road to the south-west residential buildings to the east, south and to the west.

The development site is not within close proximity to any ancient woodland or woodland of any type. It is unlikely that this development will affect any nearby woodland habitat as it is located in a built-up area and the proposed site has been previously developed. From the desktop research, there are no woodland habitats of concern on site.

MAGiC

Area Surrounding Development Site

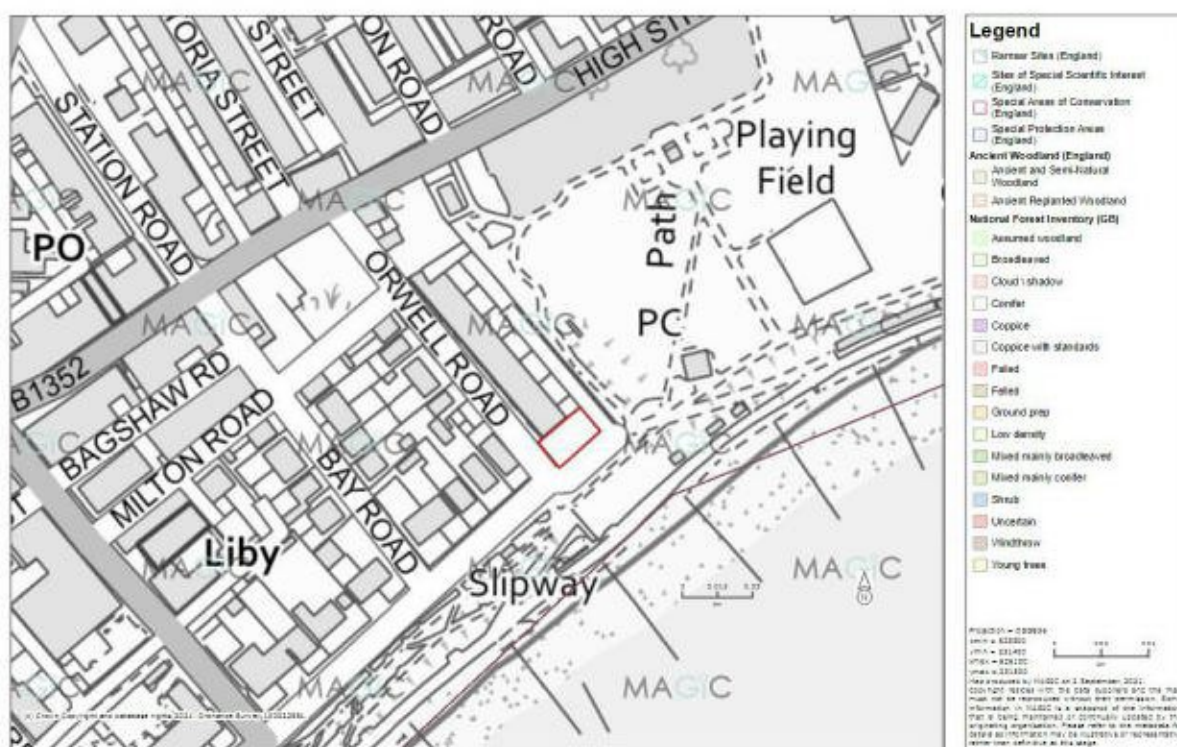


Figure 3.2 Area surrounding potential development site (highlighted in red) (Source: Defra).

#### 3.3.1 Protected Species

Figure 3.3 shows that there have been no recordings of protected species present within 5km of the potential development site. Therefore, this suggests that protected species will not be affected by this development.

MAGiC

Protected Species

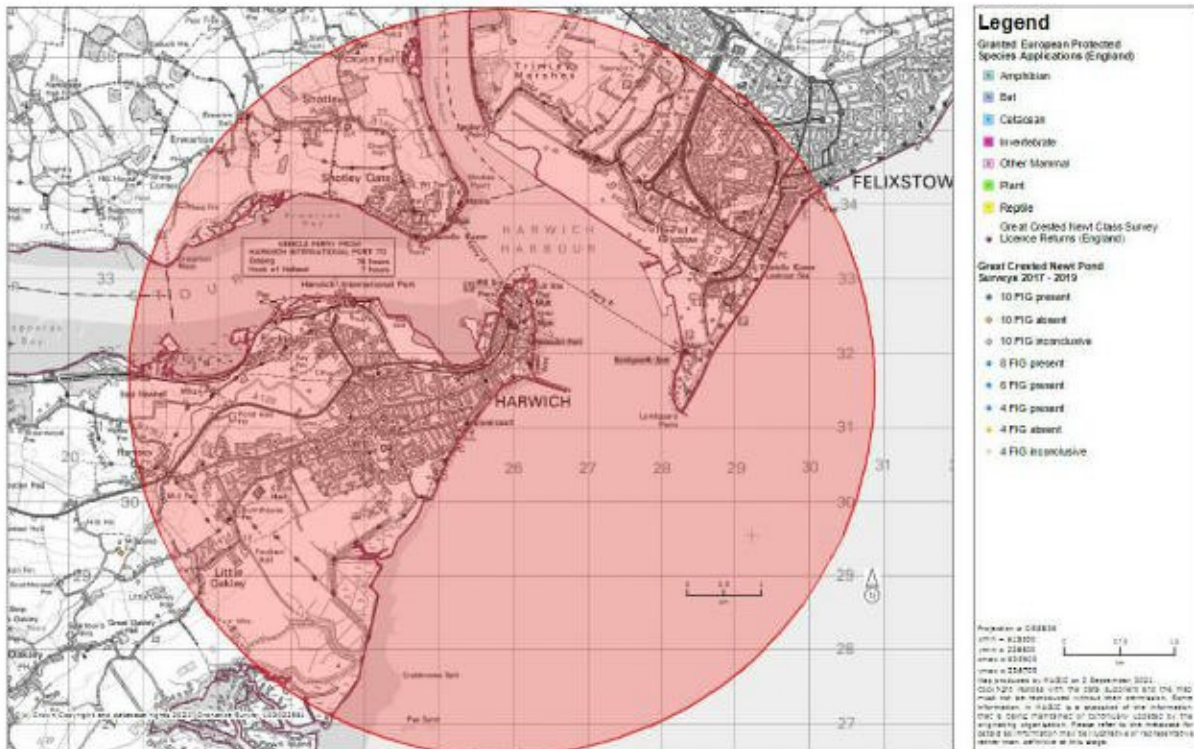


Figure 3.3 Protected species data and surveys carried out in the local area (proposed development site in red) (Source: Defra).

### 3.3.2 Baseline Summary

Based on the data obtained from Defra, the proposed development does not seem to be negatively affecting any nearby habitats for protected sites. Figure 3.3 shows that protected species are not present in the surrounding area as they have not been recorded within 5km of the development site.



## 4 Potential Impacts

### 4.1 Construction Phase

The construction phase of the proposed development is yet to be decided. For the purpose of this assessment, the earliest construction year is assumed to be 2021.

As a good practice measure, an Environmental Management System should be in place for the construction phase of the development to ensure no adverse impact on ecological or other environmentally sensitive receptors.

### 4.3 Operational Phase

There are no significant operational impacts associated with the proposed development.

## 5 Proposed Mitigation Measures

There are no mitigation measures needed associated with the proposed development.



## 6 Conclusion

This report provides an assessment of the following potential key impacts associated with the construction and operational phases of the proposed development at 1A Orwell Road, Harwich, CO12 3LD.

- Potential impact on nearby sites of ecological interest;
- Potential impacts on potential protected species; and
- Residential suitability of the proposed development site in terms of existing ecological factors.

A desktop assessment of possible ecological affects has been undertaken for the proposed development. The development is not anticipated to have any significant or adverse impacts on any surrounding habitats.

It can, therefore, be concluded that the proposed development is not considered to conflict with any national, regional or local planning policies and will not have any significant or adverse impacts on protected species and their habitats.