



CHARTERED TOWN PLANNING CONSULTANTS

# ECOLOGY STATEMENT

**Proposed erection of 9 no. dwellings Old Cottage Start Hill CM22 7TG.**

**On behalf of The Spartan Group**

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## **Introduction**

The application site has an extant planning permission, granted under LPA Ref: UTT/21/3339/FUL. Within the course of the determination of the application the scheme was subject to a preliminary ecological appraisal; review by ecology consultants at Place Services (Essex County Council); the imposition of conditions alongside the approved decision and the discharge of those conditions by way of further ecological information under LPA Ref: UTT/22/3336/DOC.

### **Preliminary Ecological Appraisal (PEA) submitted with LPA Ref: UTT/21/3339/FUL**

#### *Purpose*

The purpose of a PEA is to identify the potential for presence of protected species on a site, in line with UK law and the requirements of The National Planning Policy Framework (NPPF, 2021). The brief of the ecological survey was to assess the habitats found on site and identify the potential for presence on site of protected species.

The site assessment was supported by a desktop study undertaken to identify presence of Statutory/National/Local designations or protected species within the vicinity (up to a 5KM radius) of the site.

Bats are a strictly protected species under European Legislation. The PEA also contained the results of a Preliminary Bat Roost Assessment (PRA) undertaken at the same time as the PEA, comprising an internal/external inspection of the existing building/s that are to be demolished.

An assessment of any potential impacts was made, and further works/appropriate mitigation/enhancements were advised.

The initial PEA was written in October 2021 and is valid for 24 months until October 2023. There have been no material changes on the site and as is demonstrated, the site is not one that is identified as a significant area for the presence of important habitats other than that which were originally identified in the PEA and ultimately assessed for mitigation.

#### *Methodology*

The original PEA survey works were undertaken in accordance with Guidelines for Preliminary Ecological Appraisal produced by the Chartered Institute of Ecology and Environmental Management (CIEEM) in December 2017 and methods were undertaken in accordance with the general principles contained within British Standards Institute (BSI) BS42020 – Biodiversity-Code of Practice for Planning & Development.

The PRA was undertaken employing methods based on the guidance described in the Bat Workers' Manual, English Nature's Bat Mitigation Guidelines, and updated Bat Conservation Trust Bat Surveys Guidelines for Professional Ecologists (2016).

Buildings were inspected externally and internally for evidence of bats and the possibility of bat roosts; trees were inspected from ground level, only where bats are suspected are higher level inspections needed.

#### *Results*

There are important designations within the search radius, the site is neither situated within nor directly bounding a statutory designated location. Whilst the site is situated within 200m of Flich Way LNR, an industrial warehouse and associated hardstanding is situated between the site and Flich Way. The site comprises a

maintained residential dwelling garden. Consequently, it is unlikely that the proposal would result in any adverse direct impact upon statutory designated locations.

Local Wildlife Sites (LWS) (Non-Statutory Designations) protect areas that have substantive, local nature conservation value. The site is not situated within, nor bounds any LWS locations. The Flitch Way situated 150m to the south is an LWS. Priory Wood LWS is the next closest, situated approximately 1.2km northeast. Given these distances, It is unlikely that the proposal would result in any adverse direct impact upon non-statutory designated locations.

### **Possibility of Protected Species**

#### *Bats in Buildings*

No evidence of bat activity was identified inside or outside of any of the buildings on the site; at the very most, there are negligible levels of roosting potential. Further surveys are neither necessary nor appropriate.

#### *Bats in Trees and vegetation*

As a result of age, size and condition, the trees/vegetation that would be impacted by the development, were found to provide 'No' roosting potential. No further surveys are necessary nor appropriate in respect of these trees/vegetation.

Given the presence of established trees located on the western and southwestern boundaries, in addition to offsite copse to the south, it is likely that bats would commute and forage in the area. The use of a bat considerate lighting scheme is considered essential, in conjunction with additional tree planting along the southern boundary (next to brook) to enhance this area and provide additional screening/potential commuting/foraging habitat. Additionally, installation of structurally integrated and tree mounted bat boxes is recommended as part of the development.

#### *Badgers/Transitory Mammals*

Badgers and active setts are afforded protection under the Protection of Badgers Act 1992.

No evidence of badger activity including active or inactive setts, latrines or footprints was identified in the proposed development area, or wider areas bounding site.

No further surveys are considered necessary or appropriate. However, general best practice precautions in respect of the demolition and construction phases shall be undertaken.

#### *Nesting Birds*

Nesting birds and their eggs are protected under the Wildlife & Countryside Act 1981.

The bird breeding season is from March to September. If works to buildings/vegetation is proposed during the season, a check should be made for nests prior to works commencing. If nests are present, they should be left intact and undisturbed until the young have fledged.

If works are undertaken seasonally, and due diligence undertaken as recommended above, the proposals would not have any impact upon nesting birds.

Proportionate ecological enhancement recommendations including replacement planting, and use of nesting boxes (structurally integral and external/tree mounted) is recommended.

### *Reptiles*

Reptiles are afforded protection under the Wildlife & Countryside Act 1981, with smooth snake and sand lizard afforded full protection under the same act and the Conservation Regulations (Habitat Regulations).

The site is not considered to provide potentially suitable habitat and the proposal would not affect any potentially suitable reptile habitat.

The risk of potential impact of the proposals upon individual reptiles is also considered to be negligible. No further surveys are necessary in respect of reptile species.

### *Great Crested Newt*

Great crested newt is strictly protected under the Wildlife and Countryside Act 1981 and the Conservation Regulations (Habitat Regulations).

There is a carp pond at the east of the site. The presence of these large predatory fish would rule out potential presence of amphibian species. Furthermore, the site comprises a garden, subject to usual practices such as maintenance and mowing of lawns etc, thus presenting poor potential terrestrial habitat. No other water bodies are situated on site.

The nearest other ponds are situated approximately 220m northeast and 490m south of the site. At distances greater than 200-250m great crested newts are hardly ever encountered. Intervening land uses between the site and offsite ponds are considered likely to act as dispersal barriers to connectivity.

The presence of GCN is of reduced likelihood; the habitats noted within the application site and not considered to be notable or potentially good quality for the species.

To reduce risk to the species to a negligible level, it is considered that the demolition and construction phase should be appropriately managed. Consequently, to manage the at most low risk to GCN, and control the demolition and construction phases, it is concluded that a Non-Licensed Method Statement should be prepared and be fully adhered to during the development phase. The methods therein would be proportionate and appropriate in the context of existing land use.

### *Hazel Dormouse*

Hazel dormouse is strictly protected under the European Habitat Regulations and the Wildlife and Countryside Act 1981.

The site does not have connectivity to locations where the species has been previously recorded. No records of the species were identified within the search radius undertaken via EFC, and consultation on a wider basis than 2km radius with the Essex Mammal Recorder has not revealed known records of Dormouse within Hatfield Forest or adjoining pockets of woodland.

It is unlikely that a proposal in a residential garden (requiring minimal vegetation removal) would result in adverse impact upon the species. No further surveys are considered necessary or appropriate and the proposal would not have any impact upon the species.

### *Water Vole & Otter*

Water vole and otter are protected under the Wildlife and Countryside Act 1981.

Given the presence of a small brook on the southern boundary, an inspection was made.

No evidence of burrows/spraints was identified, in the section bounding the site. A presence of these species in such a small water course is unlikely. No further surveys are necessary, and it is considered that the risk to species is of a negligible level.

#### *Invertebrates/Plant life*

The site does not provide habitat for protected, priority or notable species. No further surveys are necessary or appropriate.

New landscape planting within the future proposal would provide invertebrate habitat on the site post-development. Night scented plant species such as evening primrose, honeysuckle and jasmine would also attract moths in the evening, which would in turn attract foraging bats.

#### *Invasive Species (Himalayan Balsam)*

Himalayan Balsam was noted as present on the banks of the brook in the south of the site. Eradication be undertaken as part of the implementation of the proposal. It is likely that continued management would be required. It is a highly competitive, dominant plant; an invasive species listed under Schedule 9 of the Wildlife & Countryside Act, which means that it is an offence to plant, or otherwise cause the plant to grow in the wild.

As such, control measures should aim to prevent flowering, and are best carried out before June for maximum effectiveness. Cutting or pulling on a regular basis for approximately three years will be effective and may even eradicate the plant from isolated sites. Plants must be cut below the lowest node to avoid re-flowering. Use of a licenced, specialist contractor is advised.

#### *General Wildlife & Biodiversity*

The wider site and development area may be utilised by a range of transitory wildlife species including deer, fox, hedgehog. Reasonable enhancements incorporated into a development proposal such that biodiversity is maximised as part of the development. Boundaries shall remain relatively open so that wildlife can continue in the area. The use of permeable boundaries such as tree lines and hedgerows, in addition to leaving hedgehog gaps in any new fencing proposals, shall be employed.

#### **Conclusion & Recommendations**

The development area comprises a section of managed garden situated within the wider curtilage of a residential dwelling.

The site is not situated within nor bounding any statutory or non-statutory designated locations. It is not considered reasonably likely that the proposal would have any adverse impact upon statutory or non-statutory designated locations.

The buildings on site are considered to provide at the very most, a negligible level of bat roosting potential.

No trees with bat roosting potential are situated on site nor would be lost to the proposal.

No roosting evidence was discovered on the site.

It is not considered reasonably likely that reptile would be adversely affected by the development proposals.

No active or inactive badger setts were found, with no evidence of badger activity identified. No surveys have been advised.

It is concluded that the proposal can proceed without adverse impacts upon legally protected/priority species and habitats provided the specific mitigatory guidance and enhancement recommendations identified further

hers are fully adhered to. Where necessary, appropriately worded conditions should be placed upon any consent granted to ensure appropriate measures are followed.



Garage Building



Workshop



Carp Pond



Brook- Southern boundary

## Planning Conditions

Considering the PEA details, ECC Place Services decided that the application contained sufficient ecological information available for determination of this application and, with appropriate mitigation measures secured, the development could be made acceptable.

This is necessary to conserve and enhance protected and Priority species particularly Great Crested Newt, nesting birds and mobile mammal species. It has also been agreed that vegetation clearance will follow a precautionary method statement for Hazel Dormouse which, along with a precautionary method statement for Great Crested Newts, should be secured by a condition of any consent.

As recommended in the Preliminary Ecological Appraisal Himalayan (Indian) Balsam found in the brook to the south of site should be eradicated from site. Continued management is likely to be necessary for this invasive species listed on Schedule 9 of the Wildlife and Countryside Act (1981). Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the vegetated boundaries to the north, south and west.

Reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 as updated by the Environment Act 2021. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

As such conditions were applied to the approved decision notice of planning application LPA Ref: UTT/21/3339/FUL.

### These conditions were:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECow) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

2. PRIOR TO COMMENCEMENT: GREAT CRESTED NEWT AND HAZEL DORMOUSE METHOD STATEMENT

A Great Crested Newt and Hazel Dormouse Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt and Hazel Dormouse during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Preliminary Ecological Appraisal Incorporating Bat Survey (T4 Ecology Ltd., October 2021), shall be submitted to and approved in writing by the local planning authority. The



enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings, and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**Applicant Commitment**

Given that the site has been identified within the details of an 'in date' PEA, as having low levels of potential impacts on protected and priority species, and that there are no material ecological changes imbedded in the proposed development compared to the extant scheme, the Council are requested to take a pragmatic view of the status of the site and allow the 'new' developer to take similar measures and precautions that were imposed by way of the above planning conditions.

These measures shall be carried out in line with appropriately worded planning conditions and shall include biodiversity enhancement measures as previously identified but which can be agreed once more by condition; a Great Crested Newt and Hazel Dormouse Method Statement to contain precautionary mitigation measures and/or works to reduce potential impacts during the construction phase; a Biodiversity Enhancement Layout, a wildlife sensitive lighting scheme; and a commitment to eradicate Himalayan (Indian) Balsam.

I hope that these measures are agreeable to Uttlesford District Council and ECC Place Services. If for any reason these steps are problematic; pleased do not hesitate to contact the planning agent at Aitchison Raffety.