

Outline Ecological Assessment

Land to the West of The Moors

Great Bentley

Weeley Road

Great Bentley

Essex

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Ref 21/24

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Report Approved
18th February 2024



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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 an Outline Ecological Assessment for a lawn area adjacent a property off Great Bentley Green known as The Moors, Weeley Road, Great Bentley in Essex.
- 1.2 The Outline Ecological Assessment and this associated report will be part of a planning application that will be submitted to the Local Planning Authority, seeking planning permission for development within the survey area.
- 1.3 The assessments were completed on 16th February 2024 - during suitable dry bright survey conditions. Access was available to all parts of the proposed development area.
- 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 RAMSAR, Special Protection Areas and Special Areas Conservation associated with the Essex Marshes and Colne Estuary to the south-west and the RAMSAR and Special Protection Areas to the east associated with Hamford Water. The proposed development will not impact upon these Natura 2000 sites and it will not reduce their size or conservation status, nor affect their management regime or future ecological potential, neither does it create any new access to or from any of the sites. site.
 - However, the site’s development could in theory have some very 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.
 - The planning applicant for this proposed dwelling that is within a zone of influence fully supports Natural England’s identified way forward with this positive direct conservation action and will gladly discuss any R.A.M.S. payment to the local authority to ensure that this future development would have “no likely significant effect “in combination with any other relevant development - and would not hence require a Habitat Regulation Assessment.

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- There are no registered Priority Habitats on any part of the land. There is a Priority Habitat Deciduous Woodland off-site to the north. The proposed development will not impact upon this area and it will not reduce its size or conservation status or access to any part.
 - The site is a flat open mown amenity lawn that has very limited sward structure or floristic diversity and it has in its present condition no conservation or biodiversity value.
 - There is no badger sett on site or any badger field sign.
 - The site in its present managed condition has no reptile or invertebrate potential. No presence or absence survey or scoping assessment is required.
 - There is no pond or aquatic habitat on or adjacent to the site and so no amphibian assessments are required.
 - A precautionary Potential Roost Feature assessment was completed for the 2 x trees identified for removal (T1 and T3) as part of the proposed development.
 - There are no Potential Roost Features with any bat roost value that require further bat survey efforts. No further bat related survey efforts are required.
- 1.5 The Outline Ecological Assessment will along with this report address all relevant ecological/conservation related issues as part of the planning application process for this site.

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2. Introduction

- 2.1 The National Planning Policy Framework continues to require 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 Outline Ecological Assessment and this report addresses all relevant biodiversity concerns the local planning authority may have in relation to the proposed development.

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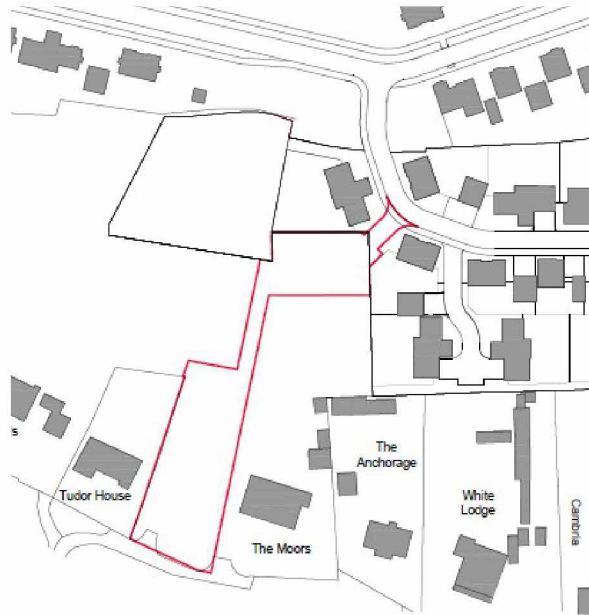
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3. Site Assessment

- 3.1. The proposed dwelling sits on an area of land/rear garden of a property The Moors off Great Bentley Green, Great Bentley in Essex (red boundary line - Drawing 1).



Drawing 1

- 3.2 To the northern boundary is existing residential garden which is mown amenity lawn with residential development beyond. To the east and west existing residential development. To the south the large open public green space – Great Bentley Green (Photograph 1).

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Photograph 1

3.3 All of the proposed development area is mown managed garden lawn. It has very little floristic diversity or structure to the sward (Photograph 2).

3.4 The wider survey site has no biodiversity or conservation value



Photograph 2

3.5 There is no badger sett on site or any badger field sign.

3.6 The site in its present managed condition has no reptile or invertebrate potential. No presence or absence survey or scoping assessment is required.

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- 3.7 There is no pond or aquatic habitat on or adjacent to the site (Map 1) – no amphibian assessments are required.



Map1

- 3.8 There is a formal linear shrub planting managed as a screening “hedge”like feature to the western boundary (Photograph 3). The linear habitat is Beech dominated with occasional Hawthorn and Holly. Although not a mixed native hedge it will have some ecological value on a site that has very little natural cover. Its retention is desirable.



Photograph 3

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Photograph 4



Photograph 5

3.9 Tree Planning Solutions provided the tree survey for the proposed development area. Their report identifies two trees for removal T1 and T3 - Drawing 2 - both Norweigan Maples (Photographs 4 and 5).



Drawing 2

4. Planning Policy and Site Status

- 4.1 The direction to protect sites with a designated conservation status including Local Wildlife Sites continues in the National Planning Policy Framework July 2019. 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 RAMSAR, Special Protection Areas and Special Areas Conservation associated with the Essex Marshes and Colne Estuary to the south-west and the RAMSAR and Special Protection Areas to the east associated with Hamford Water. The proposed development will not impact upon these Natura 2000 sites - it will not reduce their size or conservation status, nor affect their management regime or future ecological potential, neither does it create any new access to or from any of the sites. site.
- 4.5 However the development could in theory have some very 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.
- 4.6 The Conservation of Habitats and Species Regulations 2010 are the principal means by which the Habitats Directive is transposed into UK law in England and Wales. The 2010 Regulations consolidated all the many amendments which have been made since the original enabling legislation came into effect in 1994.

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- 4.7 The Europe-wide network of protected sites of international nature conservation importance are known as Natura 2000. Natura 2000 sites consist of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). For the purposes of this proposed development site, Ramsar sites (wetlands of international importance), any Candidate SACs (cSACs) and potential SPAs (pSPAs) are treated the same as SACs and SPAs.
- 4.8 It is the responsibility of the competent authority to undertake an assessment to consider the effect of the project, such that the requirements of the Regulations are met. This assessment is termed a Habitats Regulations Assessment (HRA).
- 4.9 The governments national directive - Approved Scheme 2013 – NE446 – Coastal Access being implemented by Natural England is a continuous new long-distance trail that will enable people to walk around the whole of the English Coast.
- 4.10 This coastal path with areas of new access and associated disturbance will include the Natura 2000 sites that have been identified in this report.
- 4.11 As part of this Coastal Path initiative Natural England have determined and stated in their planning advice that a suitable contribution to the emerging Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) from a planning applicant for a zone of influence development would enable the local authority to be able to reach a conclusion of “no likely significant effect” - and would remove the need for a H.R.A.
- 4.12 The planning applicant for this proposed development site that is within a zone of influence fully supports Natural England’s identified way forward with this positive direct conservation action and will gladly discuss any R.A.M.S. payment to the local authority to ensure that this future development would have “no likely significant effect “in combination with any other relevant development - and would not hence require a Habitat Regulation Assessment.
- 4.13 There are no registered Priority Habitats on any part of the proposed development (Appendix 3). There is a Priority Habitat Deciduous Woodland off-site to the north. The proposed development will not impact upon this area – it will not reduce its size or conservation status or access to any part.

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

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being present within a relevant distance. This site is all amenity garden space with no potential on or adjacent for any protected species presence - a species data search is not required.

- 5.9 The Site Assessment identified 2 x trees identified for removal – and advised a precautionary P.R.F. assessment be completed.
- 5.10 All bat species in Britain are protected under the Wildlife and Countryside Act 1981 through inclusion on Schedule 5. They are also protected under the Conservation (Natural Habitats &c.) Regulations 1994 (which were issued under the European Communities Act 1972), through inclusion on Schedule 2. From January 31st, 2020, these Regulations were consolidated into the Conservation of Habitats and Species (Amendment) (EU exit) Regulations 2019.
- 5.11 European protected animal species and their breeding sites or resting places are protected under Regulation 39. It is an offence for anyone to deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs. It is an offence to damage or destroy a breeding or resting place of such an animal. It is also an offence to have in one's possession or control, any live or dead European protected species.
- 5.12 The threshold above which a person will commit the offence of deliberately disturbing a wild animal of a European protected species has been raised. Now, a person will commit an offence only if he deliberately disturbs such animals in a way as to be likely significantly to affect (a) the ability of any significant groups of animals of that species to survive, breed, or rear or nurture their young, or (b) the local distribution of abundance of that species. However, please note that the existing offences under the Wildlife and Countryside Act (1981) as amended which cover obstruction of places used for shelter or protection (for example, a bat roost), disturbance and sale still apply to European protected species.
- 5.13 This legislation provides defences so that necessary operations may be carried out in places used by bats, provided the appropriate Statutory Nature Conservation Organisation (in England this is Natural England) is notified and allowed a reasonable time to advise on whether the proposed operation should be carried out and, if so, the approach to be used. The UK is a signatory to the Agreement on the Conservation of Bats in Europe, set up under the Bonn Convention. The Fundamental Obligations of Article III of this Agreement require the protection of all bats and their habitats, including the identification and protection from damage or disturbance of important feeding areas for bats.

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- 5.14 Paragraph 98 of Circular 06/2005 states that *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'*.
- 5.15 Section 15 of the National Planning Policy Framework 2018 (NPPF) states that *'the planning system should contribute to and enhance the natural and local environment byminimising impacts on and providing net gains for biodiversity....'*
- 5.16 Since August 2007, building development that affects bats or their roosts needs a Protected Species Licence under The Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 administered in England by Natural England.
- 5.17 With such a high conservation value a precautionary P.R.F. assessment is advisable for those trees identified for removal.

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6. Bats Potential Roost Feature Assessment

- 6.1 2 x Individual trees were identified for removal as part of the proposed development in the tree survey/report for the site by Tree Planning Solutions.
- 6.2 Both trees identified for removal T1 and T3 to facilitate the proposed development were assessed in relation to any Potential Roost Feature (P.R.F.) they could contain. All individual tree related information (species – size – condition – structure) is provided within the Arboricultural Survey – part of the same planning application.
- 6.3 The 2 x trees were carefully inspected from ground level – using binoculars where appropriate to identify any Potential Roost Feature (P.R.F.) that could be used as a bat roost site.
- 6.4 These features, as per the various bat guidelines, include:
- woodpecker holes;
 - rot holes;
 - hazard beams;
 - other vertical or horizontal cracks and splits (such as frost-cracks) in stems or branches;
 - partially detached platey bark;
 - knot holes arising from naturally shed branches, or branches previously pruned back to the branch collar;
 - man-made holes (e.g. cavities that have developed from flush cuts) or cavities created by branches tearing out from parent stems;
 - cankers (caused by localised bark death) in which cavities have developed;
 - other hollows or cavities, including butt-rots;
 - double-leaders forming compression forks with included bark and potential cavities;
 - gaps between overlapping stems or branches;
 - partially detached ivy with stem diameters in excess of 50mm;
 - bat, bird or dormouse boxes.
- 6.5 For any possible Roost Feature its suitability or likelihood as being a possible bat roost was to be identified as being no potential, low, medium, or high – Table 1.

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6.6 As part of the individual tree evaluation its location and associated habitats were assessed in relation to bat provision/suitability:

- Is the tree a stand-alone feature – does it have good connectivity with potential bat foraging areas.
- Are the trees part of a possible bat dispersal route.
- Are the trees illuminated or disturbed at night?

6.7 For features identified as having a low to high roost suitability a subsequent internal endoscope inspection would be required with potential further emergence survey of the roost feature by a suitably licenced experienced bat ecologist.

Suitability	Description Roosting habitats	Commuting and foraging habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.	Negligible habitat features on site likely to be used by commuting or foraging bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions ^a and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation ^b). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential. ^c	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions ^a and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for commuting such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions ^a and surrounding habitat.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

Table 1

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Survey Results

- 6.8 Both trees were healthy vigorous specimens that have been regularly managed.
- 6.9 **They contained no P.R.F. of any bat roost value – no further bat related survey efforts are required.**

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7. Conclusion

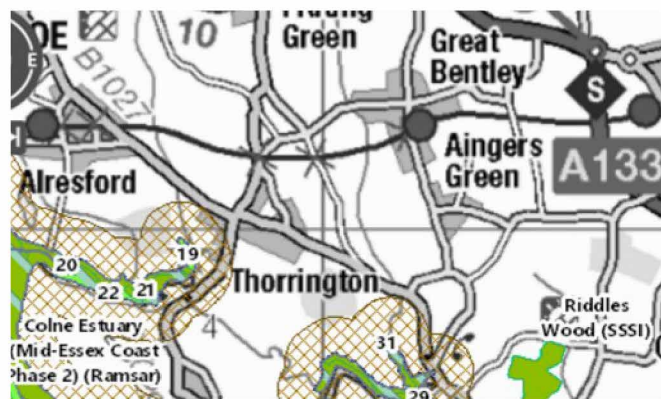
- 7.1 Hills Residential have instructed Eco-Planning Uk Ltd – February 2024 to visit the site and complete any ecological survey effort required as part of a revised layout planning application for the site that will be submitted by the developer.
- 5.2 The Site Assessment was completed with access available to all relevant areas on site.
- 5.3 From the Site Assessment and desk top survey efforts it was determined that:
- 5.4 No part of the proposed revised development site has any type of statutory or non-statutory conservation designation.
- 5.9 The planning applicant for this development site - within a “zone of influence” fully supports Natural England’s identified way forward with this positive direct conservation action and will gladly discuss any R.A.M.S. payment to the local authority to ensure that this future development would have “no likely significant effect “in combination with any other relevant development and would not therefore require a Habitat Regulation Assessment.
- 5.11 No further or repeated ecological survey efforts are required for this site.
- 5.13 There is no badger sett or badger field sign. No reptile or amphibian viable habitat – no reptile/amphibian survey required.
- 5.14 No invertebrate potential. No avian nesting value.
- 5.15 No bat roost potential.
- 5.18 The on-site Ecological Assessment and faunal survey efforts along with this report address in full all relevant ecological/conservation related issues that could require consideration as part of the revised layout planning application.

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Appendix 1

Statutory Conservation Designated Sites



Ramsar Sites (England)

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

Special Areas of Conservation (England)

Name	ESSEX ESTUARIES
Reference	UK0013690
Hectares	46111.43
Hyperlink	http://jncc.defra.gov.uk/protectedsites/sacselect/eucode=UK0013690

Special Protection Areas (England)

Name	COLNE ESTUARY (MID-ESSEX COAST PHASE 2)
Reference	UK9009243



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Ramsar Sites (England)

Name	HAMFORD WATER
Reference	UK11028
Hectares	2188.59

Special Protection Areas (England)

Name	HAMFORD WATER
Reference	UK9009131
Hectares	3532.54

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Non-Statutory Designated Sites



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Appendix 3 Habitat Inventory



Priority Habitat Inventory - Deciduous Woodland (England)

Main Habitat Present	Deciduous woodland
Confidence in Main Habitat Classification	Low