



2nd March 2022

Henrietta Ashun
Uttlesford District Council
London Road
Saffron Walden
CB11 4ER

By email only

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.

Application: UTT/21/2509/OP

Location: Land South Of (East Of Griffin Place) Radwinter Road Swards End

Proposal: Outline application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular access point from Radwinter Road. All matters reserved except for means of access

Dear Henrietta,

Thank you for re-consulting Place Services on the above application.

Holding objection due to insufficient ecological information on European Protected Species (bats)

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application due to a lack of information from the bat activity surveys.

Bats

Results of the bat activity surveys have not been provided. This information is required to help determine potential impacts upon bats and if any hedgerows on site are classified as 'important' for ecology under the Hedgerow Regulations 1997. Results of bat surveys undertaken on tree T5, due to be impacted by the proposals, are also required.



We recommend that details of survey methods, results and any necessary additional mitigation & enhancement measures are required to make this proposal acceptable is provided prior to determination.

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 impacts on legally protected and Priority 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 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Hazel Dormouse surveys are now complete with no evidence present on site and so no mitigation or further consideration for this species are required.

Breeding bird surveys undertaken by FALCO Ecology (October 2021) were undertaken mid-June to mid-July 2021 which missed the early breeding bird season, however, it was considered unlikely that many early breeding species that would be impacted by the proposed development would be present within the survey area.

Four Skylark territories were identified within the site. Other species recorded breeding on site included Dunnock, Song Thrush, Linnet, House Sparrow and Yellowhammer. Although mitigation during construction has been recommended in the Breeding Bird Survey Report (FALCO Ecology; October 2021), mitigation for the loss of foraging and nesting habitat for ground-nesting birds, including Skylark, has not been considered. The open habitats that are provided as part of the proposals are not equivalent to what will be lost.

A bespoke Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Skylark are mitigated and compensated for as part of this application. This will require compensation measures to be provided on site or offsite in nearby agricultural land. This should be secured as a condition of any consent if suitable land can be delivered in the applicant's control. However, if suitable land is not available in the applicant's control, then the compensation measures may be required to be secured via a legal agreement.

An update EIA report and information on non-significant impacts on protected and Priority species and habitats (i.e. in a non-EIA chapter or separate documentation) have not been provided as part of this application. This is necessary in order that the LPA has certainty of all likely impacts, not just significant ones, from the development and can issue a lawful decision with any mitigation and compensation measures needed to make the development acceptable, secured by condition.

Please contact me with any queries.



Yours sincerely

Ella Gibbs ACIEEM BSc (Hons)

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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.