



22<sup>nd</sup> November 2023

Terence Garner  
Castle Point Borough Council

By email only

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*Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Castle point Borough 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.*

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**Application:** 22/0484/FUL  
**Location:** Land At Brook Farm Daws Heath Road Hadleigh Essex  
**Proposal:** Construct 173No. dwellings including public open space, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings

Dear Terence,

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

**No objection subject to securing:**

- a) ecological mitigation and enhancement measures; and
- b) visitor management measures to avoid adverse impacts upon the relevant Habitats sites from increased recreational disturbance (from the development alone and in combination with other plans and projects), in line with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

**Summary**

We have reviewed the submitted documents for this scheme, including the Ecological Impact Assessment and Biodiversity Net Gain Assessment – Rev C (Southern Ecological Solutions Ltd, October 2023), the Biodiversity Metrics 3.1 – Rev B (Southern Ecological Solutions Ltd, October 2023) and the Shadow Habitat Regulations Assessment and Statutory Designated Sites Impact Assessment (Southern Ecological Solutions Ltd, June 2022), relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified the Ecological Impact Assessment and Biodiversity Net Gain Assessment (Southern Ecological Solutions Ltd, October 2023) should be secured and implemented in full, to conserve designated sites, protected and Priority species / habitats. Therefore, detailed



measures should be finalised within a Construction Environmental Management Plan (CEMP – Biodiversity) to be secured as a pre-commencement condition of any consent.

Furthermore, we have the following further comments regarding designated sites, protected and Priority species / habitats, as well as biodiversity net gain:

**International and European Designated Sites - Habitats Regulations Assessment:**

We highlight that the site contains residential development which is situated within the Zone of Influence (ZOI) for the Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Benfleet and Southend Marshes SPA and Ramsar site and Thames Estuary and Marshes SPA and Ramsar site and Essex Estuaries Special Area of Conservation.

We note that the Shadow Habitat Regulations Assessment and Statutory Designated Sites Impact Assessment (Southern Ecological Solutions Ltd, June 2022) has been provided to support this application, which indicates that measures will be provided to avoid adverse effects upon site integrity for the above Habitats sites (from the development alone and in combination of other plans and projects) and ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended). These measures have been approved by Natural England in their consultation response (September 2023, Ref. 404423).

As a result, Castle Point Borough Council, as the competent authority, should either complete their own Habitats Regulations Assessment or choose to adopt the Shadow Habitat Regulations Assessment completed by the applicant. The proportionate financial contribution towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy should be secured within the S106. Agreement to avoid impacts in combination of other plans and projects. The finalised on-site measures (promotion of SANGS / 2.7km walking routes, dogs off lead areas, dog waste bins and signage and leaflets) to avoid impacts from the development alone could also be secured as part of the legal agreement or finalised via a condition of any consent.

**Nationally Designated Sites - Great Wood & Dodd's Grove SSSI:**

We note that Great Wood & Dodd's Grove Site of Special Scientific Interest (SSSI) is present on the south-east boundary of the site. Therefore, we are please to see the outline scheme has been designed to contain open space adjacent to this statutory designated site and that there are proposals to further buffer planting the designated and wider ancient woodland. As a result, a minimum 15m buffer zone adjacent to the SSSI must be secured, as well as precautionary measures during the construction phase to be outlined within the CEMP: Biodiversity.

**European Protected Species – Hazel Dormouse:**

We note that that evidence Hazel Dormouse has been identified to the north-east of the site. As a result, a European Protected Species Mitigation Licence (EPSML) will be required prior to the removal of any scrub and hedgerows as part of the scheme.

The Ecological Impact Assessment and Biodiversity Net Gain Assessment (Southern Ecological Solutions Ltd, October 2023) indicates that European Protected Species Mitigation Licence will contain the provision of 0.47km of new hedgerow compensation will be provided to compensate the loss of 0.12km loss of native hedgerow as part of the scheme. In addition, the provision of Hazel Dormouse boxes provided at appropriate locations within the site. These measures are additional to proposed



scrub creation, hedgerow creation and enhancement measures outlined within the Biodiversity Metrics 3.1 – Rev B. Therefore, we are satisfied that an appropriate mitigation and compensation strategy has been outlined within the further information submitted for this application.

#### **European Protected Species – Bats:**

It is indicated that we support the assessment provided by the applicant's ecologist in regard to bat species. Therefore, it is recommended that a wildlife friendly lighting scheme should be provided for this development, to be secured as a condition of any consent prior to occupation, which follows BCT & ILP Guidelines<sup>1</sup>. Therefore, it is highlighted that a professional ecologist should be consulted to advise the lighting strategy for this scheme. In addition, the following measures should be indicated to avoid impacts to foraging and commuting bats:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Environmentally Sensitive Zones should be established within the development, where lighting could potentially impact important foraging and commuting routes for bats.
- Warm White lights should be used preferably at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Light columns should be as short as possible as light at a low level reduces the ecological impact.
- Lux levels and horizontal lighting should be directed away from boundary edges and Environmentally Sensitive Zones and kept as low as possible. This should preferably demonstrate that the boundary features and Environmentally Sensitive Zones are not exposed to lighting levels of approximately 1 lux, via lighting contour plans. This is necessary to ensure that light sensitive bat species, will not be affected by the development.

#### **Protected Species – Reptiles:**

It is indicated that we note that an exceptional population of Slow-worm and a small historic population of Grass Snake has been recorded within the site. The majority of the recordings of reptiles were found to the east of the site and will not be impacted by the proposal. As a result, we support the proposal to translocate to the identified receptor site, which is a heavily grazed pasture that can be enhanced to support the on-site population of reptiles. This pasture must be enhanced before reptile translocation is undertaken and any finalised measures must be secured within CEMP: Biodiversity, finalised landscape schemes and landscape management plans.

#### **Protected Species – Badger:**

It is indicated that we note development will require the closures to a number of Badger setts (1, 3, 5, 6, 7 and 8), including the removal of one main sett. As a result, a Natural England badger mitigation licence will be required to facilitate these sett closures and an artificial badger sett will be required prior to the closure of the main sett. As a result, the finalised mitigation measures, exclusion zones and artificial sett details must be provided within the CEMP: Biodiversity, which will need to be informed by up-to-date surveys.

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<sup>1</sup> Bat Conservation Trust and Institute of Lighting Professionals (2018) *Guidance Note 08/18: Bats and artificial lighting in the UK*. ILP, Rugby



We agree that the proposals will likely result in badgers being affected post-development through increased recreational disturbance. However, the proposed soft landscape scheme will ensure that there will be greater high-quality habitat for foraging purposes within the site and the development will not separate the species from other woodland habitat within the wider landscape. As a result, we are satisfied that sufficient measures have been outlined within the development for this protected species to demonstrate compliance under the Protection of Badgers Act 1992.

### **Biodiversity Net Gain:**

We have assessed the Biodiversity Metrics 3.1 – Rev B (Southern Ecological Solutions Ltd, August 2023) and we are satisfied that the calculations have been completed appropriately, with realistic and deliverable targets for the habitat creation and enhancement. This demonstrates that a 26.79 net increase in Habitat units (38.08% gain) and a net loss of 0.73 in hedgerow units (2.48% gain). Therefore, we are satisfied that the proposals are realistic, deliverable and have been completed appropriately in line with the proposed application. Consequently, measurable biodiversity net gains can be delivered for this application, in line with paragraph 174d and 180d of the NPPF.

As a result, we recommend that a Biodiversity Management Plan should be secured as a condition of any consent to demonstrate that measurable biodiversity net gains will be secured for this scheme and that management and monitoring shall be completed for the proposed on-site habitat. This should be completed in conjunction with the finalised Landscape Management Plan for the finalised scheme.

In addition, it is indicated that we support the proposed bespoke biodiversity enhancement measures outlined within the Ecological Impact Assessment and Biodiversity Net Gain Assessment (Southern Ecological Solutions Ltd – Rev C, October 2023). As a result, we recommend that the finalised measures are secured prior to any works above slab level and concurrent with reserved matters.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

### **Recommend Conditions**

#### **1. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

*“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the details contained with the Ecological Impact Assessment and Biodiversity Net Gain Assessment – Rev C (Southern Ecological Solutions Ltd, October 2023).*

*The CEMP (Biodiversity) shall include the following.*

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “biodiversity protection zones”.*



- c) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) *The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) *The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) *Responsible persons and lines of communication.*
- g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) *Use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"*

**Reason:** To conserve designated sites, protected and Priority species / habitats and allow the LPA to discharge its duties under the Conservation and Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

## **2. PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF HAZEL DORMOUSE: SUBMISSION OF A COPY OF THE EPS LICENCE**

*"Any works which will impact the breeding or resting place of Hazel Dormouse shall not in any circumstances commence unless the local planning authority has been provided with either:*

- a) *a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) *a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."*

**Reason:** To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

## **3. PRIOR TO COMMENCEMENT AND CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY MANAGEMENT PLAN**

*No development shall commence unless and until a Biodiversity Management Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time and the Biodiversity Management Plan shall include:*

- a) *Proposals for the on-site biodiversity net gain;*
- b) *A management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards*



*achieving its objectives, evidence of arrangements and any rectifying measures needed;*

- c) Proposals for any off-site biodiversity net gain provision;*
- d) A management and monitoring plan for all offsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;*

*The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan.*

**Reason:** To conserve and enhance protected and Priority species / habitats and allow the development to demonstrate measurable biodiversity net gains.

#### **4. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

*"A Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the Ecological Impact Assessment and Biodiversity Net Gain Assessment – Rev C (Southern Ecological Solutions Ltd, October 2023), shall be submitted to and approved in writing by the local planning authority.*

*The content of the Biodiversity Enhancement Strategy shall include the following:*

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

*The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."*

**Reason:** To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

#### **5. PRIOR TO OCCUPATION: DELIVERY OF ONSITE MEASURES IN LINE WITH THE APPROVED HABITATS REGULATIONS ASSESSMENT**

*"On site measures to avoid impacts from the development alone from recreation disturbance to the Blackwater Estuary SPA and Ramsar site, Benfleet and Southend Marshes SPA and Ramsar site and Thames Estuary and Marshes SPA and Ramsar site and Essex Estuaries SAC shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.*

*The content of the of the onsite measures will be in line with the approved Habitats Regulations Assessment and shall include the following:*

- a) Purpose and conservation objectives for the proposed measures;*





- b) Detailed designs of the interpretation board and leaflets;*
- c) Timetable for implementation demonstrating that measures are aligned with the proposed phasing of development;*
- d) Locations of proposed dog waste bins and interpretation boards by appropriate maps and plans; and*
- e) details of initial aftercare and long-term maintenance.*

*The measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."*

**Reason:** To avoid adverse effects on site integrity, from increased recreational disturbance from the development alone, on the relevant Habitats sites and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended).

#### **6. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

"Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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."

**Reason:** To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

Please contact us with any queries.

Yours sincerely,

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**Place Services provide ecological advice on behalf of Castle Point Borough 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.