



Date	08 June 2023
Client	This Land Development Ltd.
Site	Land East of Rayleigh Road, Thundersley, Essex
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Title	Response to Essex Wildlife Trust (EWT) comments regarding ecological surveys and assessments

### **Introduction and Aims**

This letter report has been prepared as a response to comments received from Essex Wildlife Trust (EWT) (Annie Gordon) which were received in association with an outline planning application for residential development of up to 455 homes at Land East of Rayleigh Road, Thundersley, Essex (herein referred to as the site) (planning reference 23/0085/OUT). Comments were received via email on 5 May 2023.

### **EWT Comments**

Thank you for consulting us in relation to the above planning application. Essex Wildlife Trust has significant concerns regarding the principle of development at this location for the following reasons:

- This is an ecologically sensitive location supporting protected species including bats and badgers
- Development of the site would result in increased disturbance and recreational impacts on nearby designated local wildlife sites/EWT nature reserves
- While the site was included as an allocation (Policy HO13) in the Castle Point Local Plan (2018-2033), this document has now been withdrawn, providing an opportunity to reconsider the suitability of the site for development

Essex Wildlife Trust's core charitable objectives are the protection of wildlife and securing nature's recovery in Essex. The current climate and nature emergency and the accompanying alarming decline in wild species and natural habitats is now widely recognised. Almost half of all UK wildlife is in long term decline and 15% of species are at risk of extinction. The climate emergency is hastening this destruction of the natural environment, damaging habitats and disrupting ecosystems. Yet it is these very habitats that have the potential to lock up carbon and fight back against rising global temperatures. Nature's recovery is vital for tackling climate change. Nature fundamentally underpins

a thriving and sustainable economy and a healthy society. It is essential that we not only protect natural and semi-natural spaces, but let them thrive - for the benefit of people, wildlife and the planet.

## **1. EWT Little Haven Nature Reserve**

The application site lies directly adjacent to the Little Haven/Tile Wood Complex Local Wildlife Site (LoWS). Essex Wildlife Trust manages Little Haven as a nature reserve for our partners, Havens Hospices. The nature reserve comprises a rich mosaic of ancient woodland, hedgerows, meadows and flower-rich acid grassland. It forms an important wildlife corridor in an urban area, and is part of the historical Daws Heath woodlands which span from Hadleigh Great Wood in the east to Valerie Wells Wood in the west.

The nature reserve supports a thriving population of Heath Fritillary butterflies, which extends east along the pylon rides to Pound Wood LoWS. The Heath Fritillary is one of our rarest butterflies and was considered to be on the brink of extinction in the late 1970s. It is protected in the UK under the Wildlife and Countryside Act, 1981 and is listed as a Priority Species under the UK Post-2010 Biodiversity Framework.

Given the scale of the proposed development and its close proximity to the Little Haven Nature Reserve, it is inevitable that the reserve will be subject to increased recreational disturbance, including increased trampling of vegetation along the woodland rides which provide essential habitat for the continued successful conservation of Heath Fritillary butterflies. This poses a risk of harm, not only to the conservation effort to conserve the Heath Fritillary but also to the wider biodiversity of the reserve.

## **2. EWT Valerie Wells Wood Nature Reserve**

The application site lies in close proximity to Cottage Plantation and Rag Wood LoWS. Cottage Plantation is managed by Essex Wildlife Trust as the Valerie Wells Wood Nature Reserve. The reserve supports the Southern Wood Ant, which is listed as a Priority Species under the UK Post-2010 Biodiversity Framework.

Given the scale of the proposed development and its close proximity to the Valerie Wells Wood Nature Reserve, it is inevitable that the reserve will be subject to increased recreational disturbance, which poses a risk of harm to the biodiversity of the reserve.

In addition to these concerns, it is inevitable that many of the new residents occupying the proposed development will own cats. It is widely recognised that domestic cats can have a serious impact on wildlife through the predation of mainly small mammals and birds, although they will also kill insects, reptiles and amphibians. Studies have also shown that the mere presence of cats close to bird nesting sites can result in reduced provisioning of nestlings by parent birds, with impacts on nestling condition and survival. Alarm calling by blackbirds in response to the presence of a cat close to their nest site has also been shown to attract increased predation of nestlings by corvids.

### **3. Badgers**

The application site supports a notable population of badgers, as evidenced by the presence of a large number of active setts, including a very substantial main sett in the centre of the site. This sett would be destroyed under the development proposals and a compensatory artificial sett constructed on the southern boundary of the application site. The proposed development would also result in a significant loss of suitable badger foraging habitat in the form of rough grassland.

We note that badger mitigation and enhancement measures are outlined in the Ecological Impact Assessment (EclA) (SES, Jan 2023). These include landscape enhancements such as dense scrub thickets providing connectivity to existing areas of suitable habitat to ensure the continued provision of sheltered foraging habitat. Traffic control measures are also proposed to be included within the scheme to reduce the risk presented by increased traffic on the new road network and badger underpasses will be installed to facilitate movement corridors.

While we welcome these mitigation and enhancement proposals we remain concerned that the impacts of the development will result in considerable perturbation of this badger clan, leading to potential conflict between new residents and badgers if the animals access new gardens in attempts to find food.

### **4. Provision for nesting birds**

We note that the developer has proposed the provision of 4 integral sparrow terraces, 10 integral house martin nests and 20 swift bricks as part of the development. This provision is insufficient, given that the development would comprise 455 dwellings. Best practice guidance is to provide an average of 1 nest box per dwelling. For example, Exeter City Council was the first to adopt this as a standard. A useful guide is to install 2 to 4 Swift Bricks on a medium to large house, from 4 to 10 on a small block of flats, and 10 to 40 or more on a large site like a school, hospital or warehouse, or a major apartment development.

### **5. Allocation of the site for housing**

The application site was included in the now withdrawn Castle Point Local Plan (2018-2033). The local plan included the site as an allocation under policy H013. which allocated the site for "around 455 new homes". However, this allocation would require removal of the site's Green Belt designation.

We acknowledge that during examination of the now withdrawn local plan, the Planning Inspector concluded, in regard to site H013. "Whilst there would be harm to the Green Belt, the Policy requirements would serve to reduce that harm. Overall, given the need for housing which cannot be accommodated within the existing urban area, and subject to my recommendations, there are exceptional circumstances for releasing the site from the Green Belt."

However, given that the local plan was subsequently withdrawn by Castle Point DC in response to considerable opposition from local residents, we take the view that this presents an opportunity to reconsider the suitability of this site for housing. The current habitats already provide excellent connectivity linking the nature reserves at Little Haven and Valerie Wells Wood and have the potential

to form part of a Nature Recovery Network in the district, delivering considerable gains in biodiversity. The site also offers good potential for some rewilding.

We acknowledge that under the current outline application boundary habitats would be largely retained and additional habitats to be created and enhanced would include woodland, orchards, hedgerow, scrub and grassland. These measures are proposed to mitigate for the loss of existing habitats and to provide a biodiversity net gain of 10.48%. We also recognise that the masterplan offers habitat connectivity throughout the development and care has been taken to provide buffer habitats to protect Little Haven nature reserve.

Unfortunately, biodiversity net gain calculations do not account for the indirect impacts of a development on nearby habitats. The application site lies in a very sensitive location between areas of high value for wildlife and biodiversity. The indirect impacts of recreational disturbance, cat predation, noise, artificial lighting and increased traffic pose a risk of harm to Little Haven and Valerie Wells Wood nature reserves resulting in a reduction in the biodiversity resource of these sites.

## **6. National Planning Policy Framework (NPPF)**

### *Paragraph 174*

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

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;

### *Paragraph 179*

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 stepping stones 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.

### *Paragraph 180*

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;

### *Paragraph 185*

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Our position, comments and suggestions are supported by the above NPPF guidelines.

## **7. Local Planning Policy**

The policies related to nature conservation within the Castle Point Borough Council (CPBC) Adopted Local Plan (CPBC, 2007) and the CPBC Local Plan (2018) which has now been withdrawn:

### *Policy EC7 - Natural and semi-natural features in urban areas*

Natural features, semi-natural features and open spaces within urban areas shall be retained and enhanced wherever possible in order to safeguard their physical, visual, recreational and wildlife value.

### *Policy EC14 - Creation of new wildlife habitats*

The council will encourage proposals for further nature reserves. It will also promote the creation of new wildlife habitats in conjunction with development proposals. In considering planning applications, the council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.

### *Policy LP NE 8 - Determining Applications affecting Ecologically Sensitive and Designated Sites*

3. Proposals which may result in adverse impacts to other sites with biodiversity interest, including those sites with protected species, priority species and/or priority habitats, will only be supported if they can meet the following requirements:

a. Firstly, the developer must demonstrate that impacts to biodiversity cannot be avoided through the location of development on an alternative site with less harmful impacts

Our position, comments and suggestions are supported by the above Local Planning Policies.

In conclusion, we reiterate that we would encourage Castle Point BC to reconsider the allocation of this site for housing given its sensitive location. The site offers an ideal opportunity to contribute to the Nature Recovery Network by retaining and enhancing existing habitats, the potential for some rewilding and the creation of a new nature reserve for the considerable benefit of wildlife and the local community.

## **Response to above comments**

### **1. EWT Little Haven Nature Reserve**

It is acknowledged that without mitigation the proposals would likely result in adverse indirect impacts to local non-statutory designated sites. Paragraph 4.27 of the EclA outlines these impacts, including reference to increased recreational pressure and cat predation. Mitigation measures are proposed in paragraphs 4.10 to 4.16, and paragraphs 4.28 to 4.30 of the EclA. Measures will include the following:

- Implementation of a Construction and Environmental Management Plan (CEMP) during the construction phase to prevent and control pollution events, should they occur.
- Creation of Sustainable Urban Drainage (SuDS) throughout the site to filter and control surface water, to prevent offsite impacts.
- Provision of 14.27ha of multi-functional open space within the development site for informal recreation. These habitats include species rich grasslands scrub and woodland habitats which have been designed to complement retained habitats such as the sites woodlands. In addition, a waymarked path network will be created with attractive destination locations such as a traditional orchard and the onsite lake.
- Provision of dog waste bins.
- Provision of a welcome pack to new residents containing information leaflets detailing the open space facilities available on-site and locally off-site.
- Location of access to the northern Public Right of Way (PRoW) away from the Little Haven Nature Reserve, as well as strategic planting of thorny scrub and creation of wetland grassland along the eastern and north-eastern site boundaries, to prevent and deter unrestricted / unmanaged access to the reserve.
- Implementation of a Landscape and Ecological Management Plan (LEMP) to ensure long-term maintenance of created habitats.

In addition, there are Public Rights of Way and permissive pathways which provide access through the adjacent woodlands. Indeed, the reserve is promoted by the EWT as a destination to enjoy nature in a responsible way (<https://www.essexwt.org.uk/nature-reserves/little-haven>). Visitors are currently managed via a number of methods to deter unrestricted access from visitors who are encouraged to enjoy the great outdoors and the health benefits contacts with nature are proven to provide. Access is managed through information boards, way marked path networks and physical items such as dead hedging which act to deter and guide people (as well as animals) from accessing sensitive areas. It is considered with the onsite mitigation proposals and mitigation currently provided that adverse impacts are adequately mitigated.

### **2. EWT Valerie Wells Wood Nature Reserve**

Valerie Wells Wood Nature Reserve is located on the opposite side of Daws Heath, to the south of the site. With regard to cat predation, research suggests that a buffer zone of 335m between urban edge housing and areas of conservation concern would be appropriate to mitigate cat predation (Hanmer et al, 2017). As Valerie Wells Wood Nature Reserve lies adjacent / within an existing urban area, it is reasonable to assume that the habitats and species present already experience and are habituated to

a level of cat predation. The nature reserve also lies on the opposite side of a busy road, which would dissuade cats from crossing.

### **3. Badgers**

EWT's comments are acknowledged, and we note that they welcome the recommended mitigation and enhancement measures. The provision of 14.27 ha of open space will provide alternative and varied foraging opportunities (traditional orchards, woodland planting, scrub planting, species rich grassland, retained and enhanced hedgerows, woodlands). The main sett will be relocated to the southern boundary in proximity to the old sett but away from direct public disturbance (with defensive thorny planting) this is adjacent to retained woodland with the significant amount of connecting green infrastructure providing dispersal routes to the wider landscape.

### **4. Provision for nesting birds**

It is acknowledged that the British Standard *BS42021:2022 Integral nest boxes – selection and installation for new developments – specification* (BSI, 2022) Section 8.4.1 recommends that *“the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e. the ratio of integral nest boxes to dwellings is 1:1”* therefore at least 455 integral bird boxes would be provided through the proposed development if this ratio were to be applied.

Professional judgement has been applied in this instance and given the retention, creation and enhancement of nesting habitats throughout the site (e.g. woodland, scrub, scattered trees) which will provide additional / enhanced nesting opportunities in addition to the bird boxes provided within the development.

### **5. Allocation of the site for housing**

It is noted that EWT responded to previous consultations on the now withdrawn Castle Point Local Plan (2018-2033). The comments submitted with regard to the proposed allocation of land east of Rayleigh Road were reasonably similar to the comments now made in relation to the submitted planning application. The Council's comments in response to the submissions of the EWT, through the local plan process are noted, as follows: *“It is noted that EWT are concerned about the impact of this development on off-site wildlife assets located to the south and east of the allocation. Essex Wildlife Trust manage the Little Havens Complex to the east of the site. The scale of this allocation, and its housing requirement figure provide sufficient scope to avoid development along the site eastern boundary, and the previous application for the site (withdrawn) indicated this to be the case. The Council is therefore satisfied that the plan allows for sufficient buffering. The matter of increased recreational pressures is however noted, and it is agreed that some additional wording introduced into policy HO13 may be appropriate to ensure that this is dealt with as part of the development.”*

The planning application, as submitted, has been significantly guided by the now withdrawn policy HO13 and its requirements in relation to ecological mitigation. The Council has not raised any concerns regarding the ecological mitigation to date. Whilst the withdrawal of the local plan does present an opportunity for the Council to prepare a new local plan (with renewed consideration of potential

allocation sites), the comments made in response to the EWT through the consultation on the previous local plan remain valid.

It is also pertinent to note that the examining inspector's report also concluded, at paragraph 93, *"The Policy and text should be amended so that it is clear that net gain in biodiversity should be measurable, that a buffer is applied to the neighbouring nature reserve, to ensure that Habitats sites are safeguarded, and to clarify the requirements for greenways to provide multi-use access so that it would be effective."* The inspector raised no concerns regarding the allocation of the site and its potential impacts upon the Little Haven Nature Reserve.

## **6. NPPF**

No additional comments to be made, reference to the NPPF has been made to demonstrate that EWTs position, comments and suggestions are supported by the guidelines.

## **7. Local planning policy**

No additional comments to be made, reference to local planning policies have been made to demonstrate that EWTs position, comments and suggestions are supported by the guidelines.



## **References**

British Standard BS42021:2022 *Integral nest boxes – selection and installation for new developments – specification* (BSI, 2022)

Hanmer, H.J., Thomas, R.L., & Fellowes, M.D.E. (January 2017) *Urbanisation influences range size of the domestic cat (Felis catus): consequences for conservation*. Journal of Urban Ecology, Volume 3, Issue 1

Southern Ecological Solutions (January 2023) *Land East of Rayleigh Road, Hadleigh –Ecological Impact Assessment*. Unpublished