

From: Liam Ryder | Code DP
Sent: 24 October 2023 10:35
To: Terence Garner
Cc: Stephen Garner; Mark Sperrin
Subject: RE: Biodiversity Applications - 23/0085/OUT East of Rayleigh Road and 23/0104/OUT South of Daws Heath Road

Good morning, Terry

Thank you for your email and apologies for any confusion. I had been working back through the email chains over the past couple of weeks to ensure that we had picked up everything which still requires action. This was following our discussion last week in which you confirmed your new report writing deadline is 6 November 2023 and in the interest of working together to continue to make good progress towards the receipt of all outstanding consultee responses, including Natural England and Place Services.

We received Place Services' HRA from Hamish yesterday afternoon and reviewed the proposed mitigation with our client. As noted in my email to you this morning, the proposed mitigation included within Place Services' HRA mirrors the suggested mitigation package outlined within the submitted Ecological Impact Assessment and HRA from the applicant's ecologist, and therefore we are happy to agree to suitably worded planning conditions and obligations as appropriate. It was in light of the proposed mitigation mirroring the package contained within the applicant's submitted files that led me to think the HRA could have already been shared with Natural England. However, given the email trail over the past 24 hours, we recognise that these matters are now agreed and hopefully Hamish can finalise the HRA as soon as possible for this to be shared with Natural England.

With regard to the email trail and timings of receipt of the HRA, I would note Hamish's email to you on 16 October 2023 stated, *"I don't have any issues with the Project Habitats Regulations Assessment (Southern Ecological Solutions Ltd, November 2022) submitted for this scheme and have attached a draft HRA on behalf CPBC - Please see attached. This should be reviewed by the developer and then submitted to Natural England."* I did request the HRA from you on 16 October 2023, but only received once I approached Hamish for this directly on 23 October 2023. In any event, and as confirmed in my earlier email (and above) I would hope this matter is now agreed and the HRA can be finalised for sending to Natural England for their final comments on our application.

Finally, as confirmed in my email on 16 October 2023, and with regards to reptiles, the submitted Ecological Impact Assessment (January 2023) includes a reptile mitigation strategy (please see pages 61-63 of the report), which includes the creation of a reptile receptor area within the site, trapping and translocation and precautionary clearance of suitable habitats. I trust that this will address Hamish's concerns. The Ecological Impact Assessment states, *"It is considered that the extent and quality of suitable reptile habitat on site will be increased post-development. The above mitigation should be detailed within a reptile mitigation strategy which can be secured by an appropriately worded planning condition."* I can confirm the applicant would be happy to agree to an appropriately worded condition on this basis. I confirmed this with Hamish directly on the same day and so I would hope that this matter is resolved but perhaps this will be discussed in our meeting with Hamish on Friday (or within any notes forwarded by Hamish in advance of this discussion).

I think we are starting to make good progress with Place Services now and so I would hope that our combined chasing will help to encourage the outstanding comments to be received as soon as possible.

Kind regards
Liam



CODE Development
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From: Terence Garner <TGarner@castlepoint.gov.uk>
Sent: Tuesday, October 24, 2023 10:09 AM
To: Liam Ryder | Code DP <liamryder@codedp.co.uk>
Cc: Stephen Garner <SGarner@castlepoint.gov.uk>; Mark Sperrin <marksperrin@this-land.co.uk>
Subject: RE: Biodiversity Applications - 23/0085/OUT East of Rayleigh Road and 23/0104/OUT South of Daws Heath Road

Hi Liam, sorry but I do not understand why you feel I should have sent the HRA to Natural England already. If you look at the email trail, you can see that I received the original email from Hamish on the 16th October and I immediately sent this on to you on 16th October asking for you to have a read through and see if you have the information already to hand to provide Hamish with, or you can obtain from your consultants. I also said it might be a good idea to post copies to Hamish and myself directly, to save a little time, as we will need to have a **complete agreed position** prior to sending the HRA to Natural England. This was all done on 16th October, therefore Hamish appeared to have all he needed to complete the HRA however, Hamish did not respond until his email of 23rd Oct 2023, requesting additional information and he then provided a **draft HRA** for us to review and agree and asked for a number of additional matters to be agreed,

'see the attached HRA AA Record Draft and the comment that you should agree with the Council to provide the following as part of the mitigation package:

- *dog waste bins and dedicated 'dogs off lead' areas*

- 2.7km daily walking route for new residents and Informal open space and recreational opportunities promoted by way of leaflets and an interpretation board
- £156.76 per dwelling in line with the Essex Coast RAMS
- The management and maintenance of these provisions to be secured via condition (e.g. LEMP + Bespoke condition for interpretation board) and S.106 agreement (RAMS contribution).'

'I am aware that Heath Fritillary has been recorded within Little Haven Nature Reserve, but note the invertebrate surveys don't appear to list this invertebrate (protected under the Wildlife Countryside Act 1981 and a Priority species under the NERC Act 1981. It is highlighted that larva foodplant is Common Cow-wheat and Ribwort Plantain and associated with the species associated with sunny early coppiced woodlands. Therefore, I will review the woodland plant species listed in the ecological impact assessment and consider the likely impacts upon the butterfly, as well as potential recreational impacts upon Southern Wood Ant.'

From his email it highlights *'that my response will likely be **holding objection** if an appropriate translocation and compensation strategy has not been secured in advance for the reptile population identified on-site'*.

I therefore fail to see how I could have sent the HRA and also fail to see how we could deal with these matters any quicker than we have.

Kind regards,

Terry

Terence Garner Dip TRP MRTPI
Principal Planning Officer (Strategic)
Place and Policy

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From: Liam Ryder | Code DP <liamryder@codedp.co.uk>
Sent: 23 October 2023 16:45
To: Terence Garner <TGarner@castlepoint.gov.uk>
Cc: Stephen Garner <SGarner@castlepoint.gov.uk>; Mark Sperrin <marksperrin@this-land.co.uk>
Subject: RE: Biodiversity Applications - 23/0085/OUT East of Rayleigh Road and 23/0104/OUT South of Daws Heath Road

Good afternoon, Terry

Hope you are well.

Further to Hamish's email of 16 October 2023, could I please ask you to send me a copy of the HRA completed by Place Services for our planning application? I note his comment that, *"I don't have any issues with the Project Habitats Regulations Assessment (Southern Ecological Solutions Ltd, November 2022) submitted for this scheme and have attached a draft HRA on behalf CPBC - Please see attached. This should be reviewed by the developer and then submitted to Natural England."* I noted in your email of 16 October 2023 that you considered, *"we will need to have a complete agreed position prior to sending the shadow HRA to Natural England."*

Could I please ask why this has not yet been sent to Natural England (if it has, then please accept my apologies)? The reason for asking is that Natural England's defined role in the determination of planning applications is as follows: *"Natural England is a statutory consultee in the planning system for development plans, Environmental Impact Assessments, Strategic Environmental Assessment, Habitats Regulations Assessments, Local Development Orders and for certain planning applications relating to Sites of Special Scientific Interest (SSSI) and best and most versatile agricultural land. We may also be consulted on a range of other development proposals. Natural England is also a competent authority, issuing consents where there will be impacts on protected species and sites."* Given the description of Natural England's role in commenting upon planning applications, and conscious of the timeframe before your committee report is due to be finalised (6 November 2023), I would be grateful if Place Services' HRA could be shared with us and Natural England as soon as possible to enable a consultee response to be received ahead of determination by the planning committee.

Kind regards
Liam



Liam Ryder MPlan (Hons) MRTPI
Associate Director

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From: Terence Garner <TGarner@castlepoint.gov.uk>
Sent: Monday, October 16, 2023 2:54 PM
To: Liam Ryder | Code DP <liamryder@codedp.co.uk>
Cc: Stephen Garner <SGarner@castlepoint.gov.uk>
Subject: RE: Biodiversity Applications - 23/0085/OUT East of Rayleigh Road and 23/0104/OUT South of Daws Heath Road

Hi Liam, this is hot off the press. **Can you have a read through and see if you have the information already to hand to provide Hamish with, or you can obtain from your consultants.**

It might also be a good idea to post copies to Hamish and myself directly, to save a little time, as we will need to have a complete agreed position prior to sending the shadow HRA to Natural England. Any questions please let me know.

Kind regards,

Terry

Terence Garner Dip TRP MRTPI
Principal Planning Officer (Strategic)
Place and Policy

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From: Hamish Jackson – Senior Ecological Consultant <Hamish.Jackson@essex.gov.uk>

Sent: 16 October 2023 14:43

To: Terence Garner <TGarner@castlepoint.gov.uk>

Cc: Stephen Garner <SGarner@castlepoint.gov.uk>

Subject: RE: Biodiversity Applications - 23/0085/OUT East of Rayleigh Road and 23/0104/OUT South of Daws Heath Road

Hi Terrance,

I am currently drafting comments for this application, but note that following information has not been included within the planning website:

- Ecological Impact Assessment v1 (Southern Ecological Solutions Ltd, 2020)
- Full Biodiversity Metric calculation 3.1 (Appendix 6 of the Biodiversity Net Gain Stage Report)

In addition, it would be useful to have unredacted copies of the following documents:

- EWT Comments (May 2023)
- Ecological Impact Assessment v2 (Southern Ecological Solutions Ltd, 2020)

Therefore, is it possible for me to have this information sent to me directly to allow me to understand all potential ecological issues with this scheme?

I am aware that Heath Fritillary has been recorded within Little Haven Nature Reserve, but note the invertebrate surveys don't appear to list this invertebrate (protected under the Wildlife Countryside Act 1981 and a Priority species under the NERC Act 1981. It is highlighted that larva foodplant is Common Cow-wheat and Ribwort Plantain and associated with the species associated with sunny early coppiced woodlands. Therefore, I will review the woodland plant species listed in the ecological impact assessment and consider the likely impacts upon the butterfly, as well as potential recreational impacts upon Southern Wood Ant.

However, it highlighted that my response will likely be holding objection if an appropriate translocation and compensation strategy has not been secured in advance for the good reptile population identified on-site.

I don't have any issues with the Project Habitats Regulations Assessment (Southern Ecological Solutions Ltd, November 2022) submitted for this scheme and have attached a draft HRA on behalf CPBC - Please see attached. This should be reviewed by the developer and then submitted to Natural England.

Kind regards,

Hamish

Hamish Jackson ACIEEM BSc (Hons)
Senior Ecological Consultant at Place Services

telephone: 03330 320980 mobile: 07740901139

email: hamish.jackson@essex.gov.uk / PlaceServicesEcology@essex.gov.uk

web: www.placeservices.co.uk

linkedin: www.Linkedin.com/in/hamishjackson/

Pronouns: He / Him



From: Terence Garner <TGarner@castlepoint.gov.uk>

Sent: 16 September 2023 12:53

To: Hamish Jackson - Senior Ecological Consultant <Hamish.Jackson@essex.gov.uk>

Cc: Stephen Garner <SGarner@castlepoint.gov.uk>

Subject: RE: Biodiversity Applications - 23/0085/OUT East of Rayleigh Road and 23/0104/OUT South of Daws Heath Road

CAUTION: This is an external email.

Hi Hamish, hope your well sorry for the mix up here but the above applications require a level of input from you to assist us with determining the applications.

23/0085/OUT East of Rayleigh Road – Outline planning application for the development of up to 455 new homes, a new multi-use community hall, land for the provision of a healthcare facility, land for a stand-alone early years and childcare nursery, new vehicular/pedestrian access points from Stadium Way in the north and Daws Heath Road in the south, new greenways and green links, multi-functional open space, green infrastructure, surface water attenuation, landscaping and associated infrastructure. All matters reserved except access.

I am writing this application up to try to get it on the October planning committee list and need some input from you in regard to:

- Essex Wildlife Group - Little Haven Nature Reserve - Heath Fritillary butterflies (priority species under uk post 2010 bio-diversity framework) & Valerie Wells Wood Nature reserve – Southern Wood Ant - (priority species under uk post 2010 bio-diversity framework)
- Essex Badger Protection Group - Badgers fully protected by Badger Protection Act 1992 and Wildlife and Countryside Act 1981, surveys are out of date, this area has large number of active setts (33) including one substantial sett in the middle of the site which is proposed to be removed and relocated. Development will also remove a very large area of foraging for them as well as being displaced. Appreciate

mitigation works but issues are whether this is achievable without damaging the setts forever.

- Provision for nesting birds is inadequate
- The site also falls within the Hadleigh and Daws Heath Complex Living Landscape, an area identified for its network of wildlife-rich habitats.
- The site falls within the Impact Risk Zone (IRZ) for four statutory designated sites of international importance, with Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site the closest at 3.0km south of the site. A project level Habitats Regulations Assessment was undertaken and is reported on separately (with the application submission - SES, 2022a).

I would appreciate your comments as I am concerned at the damage that will ensue to the badger setts and in particular to the Heath Fritillary butterflies as I am informed they were nearly extinct in the 1970's and the southern wood ant only survives in this location.

Attached is a draft layout for the site, which as can be seen is quite intensive and extensive across the site, leaving little area for badgers to forage.



s, together with

23/0104/OUT South of Daws Heath Road – Outline application for 58 dwellings with associated vehicular access, parking, public open space, play space and attenuation basin landscaping enhancements (all matters reserved except access) with this one Natural England are asking for an HRA to support the developers case on biodiversity etc.

I hope the above is sufficient, but if you need any further information please do not hesitate to contact me.

Kind regards,

Terry

Terence Garner Dip TRP MRTPI
Principal Planning Officer (Strategic)
Place and Policy

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From: Hamish Jackson - Senior Ecological Consultant <Hamish.Jackson@essex.gov.uk>

Sent: 15 September 2023 18:52

To: Stephen Garner <SGarner@castlepoint.gov.uk>

Cc: Terence Garner <TGarner@castlepoint.gov.uk>; Place Services Ecology <PlaceServicesEcology@essex.gov.uk>

Subject: RE: Biodiversity Applications

Hi Stephen,

These applications have not been on my consultation list, as I had requested a formal consultation to be sent to PlaceServicesEcology@essex.gov.uk to allow us to demonstrate the Castle Point had formally requested our support on these applications (see the attached emails highlighting this).

I can add both to our tracker now as you have requested this, but please can the formal consultation be arranged? We typically request that a 21 day consultation deadline is required for all new applications, but I could do a 14 day deadline if the response is urgent.

Kind regards,

Hamish

Hamish Jackson ACIEEM BSc (Hons)
Senior Ecological Consultant at Place Services

telephone: 03330 320980 mobile: 07740901139
email: hamish.jackson@essex.gov.uk / PlaceServicesEcology@essex.gov.uk
web: www.placeservices.co.uk
linkedin: www.Linkedin.com/in/hamishjackson/
Pronouns: He / Him



From: Stephen Garner <SGarner@castlepoint.gov.uk>
Sent: 13 September 2023 16:06
To: Hamish Jackson - Senior Ecological Consultant <Hamish.Jackson@essex.gov.uk>
Cc: Terence Garner <TGarner@castlepoint.gov.uk>; Place Services Ecology <PlaceServicesEcology@essex.gov.uk>
Subject: Biodiversity Applications

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Hi Hamish,

Just after an update on a couple of applications 23/0085/OUT East of Rayleigh Road and 23/0104/OUT South of Daws Heath Road which Terry has been dealing with and has been emailing you about.

For East of Rayleigh Road there are some issues with Badgers and protected species I think (butterfly's and ants).

For South of Daws Heath it is the HRA that we need.

My main question is are you working on these ones which Terry has brought up and if so what is the timeframe for getting a response as we need one pronto on the Rayleigh Road site? If not what do you require from us to get going on these?

Kind regards

Stephen Garner BSc (Hons) MSc MRTPI
Planning Manager
Place and Policy

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