



27th October 2023

Terence Garner
Castle Point Borough Council

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 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.

Application: 23/0085/OUT
Location: Land East Of Rayleigh Road Thundersley Essex SS7 3UB
Proposal: 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.

Dear Terence,

Thank you for consulting Place Services on the above application.

No objection subject to securing:

- a) ecological mitigation and enhancement measures; and
- b) visitor management measures towards the Foulness Estuary SPA and Ramsar site, Benfleet and Southend Marshes SPA and Ramsar site, the Blackwater SPA and Ramsar site & Essex Estuaries SAC, in line with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

Summary

We have reviewed the submitted documents for this scheme, including the following documents relating to the likely impacts of development on designated sites, protected and Priority species & habitats:

- Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023)
- Addendum to Ecological Impact Assessment (Southern Ecological Solutions Ltd, April 2023)
- Response to Essex Wildlife Trust (EWT) comments regarding ecological surveys and assessments (Southern Ecological Solutions Ltd, June 2023)
- Project Level Habitats Regulations Assessment (Southern Ecological Solutions Ltd, November 2022)



In addition, we have reviewed the Biodiversity Net Gain Design Stage Report (Southern Ecological Solutions Ltd, January 2023) and the associated Biodiversity Metric – Calculation Tool 3.1, submitted to demonstrate how measurable biodiversity net gains can be achieved for this application, based on the proposed outline landscape masterplans.

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 in the Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) and the Addendum to Ecological Impact Assessment (Southern Ecological Solutions Ltd, April 2023) should be secured and implemented in full, as this is necessary to conserve Protected and Priority Species. As a result, finalised mitigation measures should be outlined within a Construction Environmental Management Plan (CEMP: Biodiversity) to be secured as a pre-commencement condition of any consent. The CEMP: Biodiversity must outline the finalised measures for Badger to be secured under via mitigation licence (A24) with Natural England and must also be informed by up-to-date pre-commencement surveys for mobile species.

In addition, we note that the Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) recorded a Common Pipistrelle day roost within 'building 1' and a Soprano Pipistrelle day roost within 'building 5', following surveys carried out in 2020/21. These surveys were updated in 2022 as part of the Addendum to Ecological Impact Assessment (Southern Ecological Solutions Ltd, April 2023) and confirmed that only 'building 1' contained a Common Pipistrelle day roost. Therefore, we agree that if the roost feature is still suitable for bats for 'building 5', the proposed mitigation and measures outlined within the Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) are still applicable, regardless that bats were not confirmed in the updated surveys. As the two roost sites contain small numbers of common and widespread bat species, a registered consultant with a Bat Mitigation Class Licence (CL21) could be used to undertake the works under their licence. Alternatively, a traditional bat mitigation licence (A13) could be applied for this application. A copy of the licence application or evidence the site has been registered under a Bat Mitigation Class Licence should be supplied to the LPA prior to commencement of any works that will affect the known roost sites with 'building 1' and building 5'.

Furthermore, we note that reptile survey carried out in 2022 identified an increase of reptile populations, with a 'good' population of Common Lizard (peak count 24) and a 'low' population of Slow-worm (peak count 2), based on standard methodology¹. Previous surveys carried out in 2020 identified 'low' populations of both species with a peak count of five Slow-worm and two Common Lizard. The Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) outlines that large areas of multifunctional use land will be created or enhanced for reptiles, including rough grassland, species-rich other neutral grassland and scrub. In addition, it was outlined that the majority of the suitable habitat for reptiles lies on boundary edges of the modified grassland (SES Ltd pers comm, October 2023) and that the majority modified grassland is unsuitable. As a result, based on the submitted on Appendix 5 - Proposed Habitat Post Development within the Biodiversity Net

¹ Froglife (1999) Froglife Advice Sheet 10: reptile survey. Froglife, London.



Gain Design Stage Report (Southern Ecological Solutions Ltd, January 2023), we are satisfied that appropriate reptile habitat can be delivered within the red line boundary to support the on-site population. However, it is indicated that the mitigation strategy proposed within the Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) will need to be updated within the CEMP to a '60 days translocation scheme or five free clear days' based on the good population of Common Lizard present. In addition, we recommend that the Landscape and Ecological Management Plan should be provided to outline how the site will be enhanced to support the known reptile populations.

In addition, we have the following further comments for this application:

International and European designated sites:

It is also indicated that the application falls within the within the Zone of Influence (ZOI) for the Blackwater Estuary Special Protection Area (SPA) & Ramsar site, the Foulness Estuary SPA and Ramsar site, Benfleet and Southend Marshes SPA and Ramsar site and the Essex Estuaries Special Area of Conservation (SAC). As a result, measures are required to demonstrate how adverse impacts to site integrity will be avoided upon the indicated international and European designated sites (either alone or in combination with other plans and projects) from increased recreational disturbance.

A Project Level Habitats Regulations Assessment (Southern Ecological Solutions Ltd, November 2022) has been submitted by the developer. This demonstrates that there will be a total of 14.60ha of informal open space that will provide a range of different experiences for new residents. This includes a lake, woodlands, orchards, wet grasslands, scrub grasslands and meadow grasslands which are all interlinked. The provision of this informal open space provision is greater than 8.74ha required in line with Natural England Thames Basin Heaths guidance on SANGs, which recommends 8ha per 1,000 persons. This is based on the conclusion that the development will likely support 1092 new residents (based on 2.4 people/dwelling - UK 2011 Census Data).

In addition, it indicates that the developer is happy to provide recreational opportunities for a 2.7km daily walking route for new residents, away from nearby Local Wildlife Sites, with dogs off lead areas and dog waste bins. This will be promoted by the way of leaflets and signage, with the finalised measures secured via a s.106 agreement or condition of any consent.

Furthermore, a financial contribution (£156.76 per dwelling – 2023/2024) should be sought from the residential development, in line within the Essex Recreational Avoidance and Mitigation Strategy (RAMS) to demonstrate recreational disturbance will be avoided from this application in combination with other plans and projects. This financial contribution will also be required to be secured via a s.106 agreement.

A Habitat Regulations Assessment (HRA) – Appropriate Assessment Record has been prepared by Place Services on behalf of the Council (as the competent authority), which has been approved by the developer. This has been submitted to Natural England on the 27th October 2023 to review and we note that no concerns were raised in Natural England's initial consultation response (March 2023, ref. 425626). As a result, we are satisfied that appropriate measures will be undertaken for international and European designated sites for this application.

**Non-statutory designated sites:**

We note the close proximity of the site to Little Haven/Tile Wood Complex Local Wildlife Site (LoWS), which has been designated due to its mosaic of ancient, coppiced woodlands, hedgerows, hay meadows and acid grassland, with the site supporting populations of Heath Fritillary and Hazel Dormouse.

However, we are satisfied that the proposed measures outlined within the Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) will ensure that direct impacts will not be caused upon the LoWS, with finalised measures to be secured via the Construction and Environmental Management Plan.

Will acknowledge that there will likely be increased visitor usage of the Local Wildlife Site. However, the developer has implemented significant measures to minimise impacts from daily recreational needs of new residents, via the inclusion of 14.27ha of multi-functional open space, a commitment of an advertised 2.7km walking route away from the LoWS. In addition, there will be no direct access to the LoWS from the new development with thorny scrub and grassland provided on the boundary of the LoWS to deter unrestricted / unmanaged access to the reserve.

The Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) and subsequent further walkover surveys recorded no evidence of Common Cow Wheat within the hedgerows and on-site woodland (SES Ltd pers comm, October 2023), which is the primary larva food plant of Heath Fritillary. In addition, the butterfly was not recorded during the invertebrate surveys. Furthermore, Hazel Dormouse surveys in line with standard methodology^{2,3} was carried out for this scheme and likely absence was confirmed for the species.

As a result, we are satisfied that sufficient measures have been undertaken to minimise impacts upon the Little Haven/Tile Wood Complex Local Wildlife Site (LoWS). No other non-statutory designated sites are expected to be impacted by the proposed development, with consideration of the submitted ecological information.

Foraging and Commuting Bats:

We support the conclusions of the Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) and the Addendum to Ecological Impact Assessment (Southern Ecological Solutions Ltd, April 2023) in regard to foraging and commuting bats. As a result, a wildlife friendly lighting scheme should be provided for this application to be secured as a condition of any consent prior to occupation, which follows the ILP & BCT 2023 guidelines⁴. 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.

² Bright, P. Morris, P. & Mitchell-Jones, T (2006). The Dormouse Conservation Handbook, Vol. 75. Peterborough, English Nature.

³ Bullion, S., Burrough, K., Chanin, P., Langton, S. & Looser, A. (2021) Detecting hazel dormice Muscardinus avellanarius with nest tubes and tracking tunnels: maximising the probability of success. Mammal Communications 7: 38-46, London.

⁴ Bat Conservation Trust and Institute of Lighting Professionals (2023) Guidance Note 08/23: Bats and artificial lighting in the UK. ILP, Rugby

- Environmentally sensitive zones should be established within the development, where lighting could potentially impact important foraging and commuting routes for bats.
- Lux levels should be directed away from 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 (equivalent to twilight), via the provision of contour plans / isolux drawings.
- Lighting should have a maximum correlated colour temperature of 4000K. However, warm-white light (<3000K) should be used if lighting is required near to Environmentally Sensitive Zones. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect 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.
- The provision of motion sensors and timers should also be considered to minimise the amount of 'lit time'.

Badger:

In regard to Badger, it is indicated that we are satisfied with the proposed measures outlined within the Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) and the Addendum to Ecological Impact Assessment (Southern Ecological Solutions Ltd, April 2023). This demonstrates that the proposed new development will provide sufficient land to support the known Badger population within the site. The scheme has been designed to ensure the foraging and commuting options will be maintained. However, as the main sett will be impacted by proposed works, as a result we agree that a new artificial sett replacement will be required in line with mitigation measures proposed within the Ecological Impact Assessment. The finalised details and location of the artificial sett should be secured within a separate method statement as part of the CEMP.

Invertebrates:

We note that the invertebrate surveys identified the presence of Shrill Carder Bee (*Bombus sylvarum*) and Small Heath (*Coenonympha pamphilus*), which are both Priority species under S.41 of the NERC Act 2006 (as amended), with the Shrill Carder Bee also being Nationally Scarce. Cinnabar (*Tyria jacobaeae*) was also identified, but this is a Priority species for research purposes only. In addition, a Nationally Scarce beetle (*Mordellistena neuwaldeggiana*) was also identified.

It is indicated that Shrill Carder Bee is associated with tall, but open sward grassland and requiring flower-rich areas of foraging, whereas Small Heath is associated with short swards and bare grounds, with the larva foodplant being fine-leaved grassland (e.g. Fescue sp.).

As a result, the proposed tussock grassland and scrub will likely be suitable for Shrill Carder Bee. However, there will likely be a need for the planting schedule and Landscape and Ecological Management Plan to incorporate some habitat creation and aftercare suitable for Small Heath butterfly. The proposal to provide loggeries within the woodland will further enhance the Nationally Scarce beetle (*Mordellistena neuwaldeggiana*) as well as Stag Beetle (*Lucanus cervus*), but consideration should be made on the choice of logs, as the larvae are only associated with Oak sp., Hornbeam, Alder sp. and Hazel. The finalised details of the loggeries can be secured as part of a Biodiversity Enhancement Strategy.

**Biodiversity Net Gain:**

We welcome the provision of the Biodiversity Net Gain Design Stage Report (Southern Ecological Solutions Ltd, January 2023) and the associated Biodiversity Metric – Calculation Tool 3.1. These calculations state that a net gain of 11.69 habitat units (10.48%) and 2.49 of hedgerow units (11.99%). We note that calculations submitted use the Governments Biodiversity Metric 3.1 and indicate that Biodiversity Metric 4.0 is currently available. Nevertheless, we are aware that the calculations have already been updated from 2.0 to 3.1 and it is up to the Local Planning Authority to indicate whether they wish the most recent metric to support this application.

We generally support the submitted calculations which reflect the habitat baseline and post-intervention habitat proposals, and we are generally satisfied that measurable biodiversity net gains can be achieved for this application. However, we wish to highlight the following points in regard to the habitat creation and enhancement measures:

- We note that 0.05ha (0.65 habitat units) of Lowland mixed deciduous woodland will be lost to the proposal to create the access of the site and that impacts will be off-set by habitat enhancement to remaining Lowland mixed deciduous woodland. However, the proposal to enhance the habitat from moderate – fairly good has not been justified via the use of condition criteria. In addition, it is highlighted that it is difficult for all woodland to achieve a 'good' condition score based on the criteria and we acknowledge that the use of intermediary condition criteria has been provided to reflect this difficulty. As a result, further evidence within the Landscape and Ecological Management Plan must be provided to demonstrate how this will be achieved, to allow the LPA to demonstrate compliance with the S.40 of the NERC Act 2006.
- We note that 95 moderate sized 'urban trees' are proposed to be created, which provides a total of 10.64 Habitat units. Therefore, it is highlighted that it is necessary to demonstrate that the growth rate of trees will achieve a >30cm DBH (Diameter at Breast Height) in line with version 4 of the Biodiversity Metrics⁵ (i.e. tree species, tree vigour, geography, soil conditions, sunlight, precipitation levels and temperature). Therefore, it would be beneficial to have some additional clarification from the applicant's ecologist / landscape consultant at reserved matters stage on this matter, to ensure that the measurable biodiversity net gains can be achieved.
- We note that the Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) outlines that there is running water present within the Phase 1 Habitat Map. However, this is not referenced within the Appendix 5 - Proposed Habitat Post Development within the Biodiversity Net Gain Design Stage Report (Southern Ecological Solutions Ltd, January 2023). Therefore, query why Watercourse units have not been incorporated into this metric.

As a result, it is recommended that finalised biodiversity net gain plan is secured as a condition of any consent alongside the reserved matters scheme (at each phase, if applicable). The planting specifications / schedules and a Landscape Ecological Management Plan must be secured in line with aims and objectives of the updated Biodiversity Metrics, with the LEMP reflecting the target condition criteria for the proposed habitat creation / enhancement. The biodiversity net gain plan should include

⁵ Panks, S. et al., 2023. The Biodiversity metric 4: Auditing and accounting for biodiversity – User Guide, London: Natural England.



a monitoring strategy to assess whether the objectives of the soft landscaping is on track to reach the proposed habitat creation / enhancement proposals. This is necessary to demonstrate that measurable biodiversity net gains can be achieved in line with paragraph 174d of the NPPF 2023 and compliance with the NERC Act 2006 (as amended).

Additionally, we support the proposed bespoke biodiversity enhancement measures contained within the Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) and indicate that a finalised strategy should be provided via Biodiversity Enhancement Strategy to be secured by a condition of any consent.

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.

Recommended 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 Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) and the Addendum to Ecological Impact Assessment (Southern Ecological Solutions Ltd, April 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 Protected and Priority 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 s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: BADGER METHOD STATEMENT

"A Badger Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain finalised mitigation measures and/or works to reduce potential impacts to Badger during the construction phase, including the finalised location and details of the artificial badger sett.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To conserve protected and Priority 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 s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE RESTING PLACE OF BATS: BAT LICENCE

"Any works which will impact the resting place of bats, shall not in 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) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or*
- c) 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.

4. PRIOR TO COMMENCEMENT: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*



- f) *Preparation of a work schedule (including an annual work plan in line with the finalised biodiversity metric).*
- g) *Details of the body or organisation responsible for implementation of the plan.*
- h) *Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

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)

5. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY NET GAIN PLAN

Concurrent with reserved matters, a finalised Biodiversity Net Gain Plan shall be 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 agreed Biodiversity Metric as applied in the area in which the site is situated at the relevant time.

The content of the Biodiversity Net Gain Plan should include the following:

- 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;*

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

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

6. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 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 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

7. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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)

Optional – dependent on s.106 agreement wording:

8. 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 Foulness Estuary SPA and Ramsar site, Benfleet and Southend Marshes SPA and Ramsar site, the Blackwater SPA and Ramsar site & 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 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 the Integrity to the Foulness Estuary SPA and Ramsar site, Benfleet and Southend Marshes SPA and Ramsar site, the Blackwater SPA and Ramsar site & Essex Estuaries SAC and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended).

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.