



13 November 2019

Steven Stroud
Babergh District Council
Endeavour House
8 Russell Road
Ipswich IP1 2BX

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 Babergh District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: DC/19/04105
Location: Land West Of Brantham Hill Brantham Manningtree Suffolk CO11 1ST
Proposal: Outline Planning Application (some matters reserved - access to be considered)-
Erection of up to 150 dwellings, use of land for community facilities, public open space, landscaping, a sustainable drainage system (SuDS), and vehicular access point from Brantham Hill (following demolition of existing bungalow and outbuildings). |
Land West Of Brantham Hill Brantham Manningtree Suffolk CO11 1ST

Dear Steve,

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

Holding objection due to insufficient information on Priority species (farmland birds e.g Skylark)

We have now reviewed the submitted Great Crested Newt Report (FPCR, July 2019) and note that there are no ponds on the site though all offsite ponds within a 500m radius were surveyed following the methods recommended by Natural England as detailed in the *Great Crested Newt Mitigation Guidelines* (English Nature, 2001). We also note that waterfowl and large numbers of medium-large sized fish were observed within many of the ponds although Pond P7 remained dry throughout the survey season and therefore could not be surveyed. As Ponds 1,2 and 5 have Habitat Suitability Index (HSI) scores of "good" and Ponds 3 & 6 have HSI scores of "average" suitability for Great Crested Newt (GCN), this triggered further, aquatic survey and assessment for this European Protected Species as it was likely to be present and affected by the development. As GCN were not recorded during these surveys in any of these waterbodies and we agree with the conclusion that the LPA now has certainty of likely impacts and no specific mitigation or compensation is necessary for this protected species. However good practice measures during construction will conserve other amphibians and reptiles straying into the construction zone is likely to be a condition of any consent to avoid any killing & in jury of these species and allow the LPA to demonstrate its compliance with s17 Crime & Disorder Act 1998.



We still do not consider that the proposed compensation for loss of nesting habitat for ground nesting farmland birds such as Skylark is likely to be effective. At least one breeding pair of Skylark is noted in the Bird Survey report (although 5 birds were recorded on the site during each of the three surveys in April, May and June) and the proposed wildflower meadow in the greenspace is, due to its functional role for recreation, unlikely to remain undisturbed to support nesting despite providing foraging opportunities particularly for wintering flocks. Appropriate mitigation measures for Skylarks are therefore required. As there is an outstanding concern which is unresolved, we wish to maintain a holding objection to the development

Unless the meadow can remain “out of bounds” during the breeding season under the long-term management plan, we recommend that off-site provision of nest plots within arable crops under a condition for a farmland bird mitigation strategy.

We are therefore still not satisfied that there is sufficient ecological information available for determination. This is necessary to provides certainty for the LPA of the likely impacts on Priority species (farmland birds including Skylark) with appropriate mitigation measures secured. This is necessary to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We draw your attention to a recent Appeal (APP/P1560/W/18/3201067 Land off Grange Road, Lawford, CO11 2JB) which was dismissed partly due to insufficient evidence to demonstrate that on-site biodiversity interests including species protected by s41 of NERC – Priority species - and the Wildlife & Countryside Act could be satisfactorily conserved or adequately mitigated or compensated by imposition of conditions.

Please contact me with any queries.

Yours sincerely,

Sue Hooton CEnv MCIEEM BSc (Hons)

Principal Ecological Consultant

Ecology.placeservices@essex.gov.uk

Place Services provide ecological advice on behalf of Babergh District Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.