

Date: 19 February 2024
Our ref: 465478
Your ref: 22/0484/FUL



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BY EMAIL ONLY

Dear Mr Garner

Planning consultation: 22/0484/FUL - HRA Construct 173No. dwellings, public open space, landscaping, access, drainage, parking, servicing, utilities etc.

Location: Land at Brook Farm Daws Heath Road Hadleigh Essex

Thank you for your consultation on the above dated 29 January 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England would like to draw your authority's attention to inconsistencies in the HRA AA Record provided. Part of the record refers to a development of "up to 455 dwellings", whilst other parts refer to 176 dwellings. It is Natural England's understanding that these inconsistencies are the result of human error, and since the majority of the documentation we have reviewed (including the Site Layout Plan) refers to 173 dwellings, we have assessed it as such.

The comments provided in this letter therefore refer **only** to a development of 173 dwellings.

If this assumption is incorrect and there is in fact a larger number of dwellings being proposed, please contact us at your earliest convenience to explain the discrepancy.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

have an adverse effect on the integrity of Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site, the Blackwater Estuary SPA & Ramsar site, the Thames Estuary and Marshes SPA and Ramsar site and the Essex Estuaries Special Area of Conservation (SAC).
damage or destroy the interest features for which Great Wood and Dodd's Grove Site of Special Scientific Interest (SSSI) has been notified.

Natural England welcomes the applicant's commitment to provide an appropriate financial contribution toward the Essex Coast RAMS, and are in agreement that this would be sufficient to address any effects arising from this development "in combination" with other development.

However, in order to mitigate adverse effects from this development “alone”, the following mitigation measures are required:

Detailed design and long-term management proposals for the proposed high quality, accessible green space (to divert people away from visiting more sensitive coastal sites)
Details of measures to ensure that public access from the development into the SSSI will be minimised as far as possible
Details of a suitable “buffer zone” between the development and the SSSI
Details of appropriate planting schemes in the open green space that are complementary to the SSSI

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England’s advice on other natural environment issues is set out below.

Further advice on mitigation

Essex Estuaries SAC, Benfleet and Southend Marshes SPA and Ramsar site, Blackwater Estuary SPA & Ramsar site and Thames Estuary and Marshes SPA and Ramsar site

Natural England is satisfied that payment of the current Essex Coast RAMS tariff would sufficiently mitigate for “in combination” impacts on the coast. We advise that the current tariff only applies for the 2023-2024 Financial Year, and in the event that a payment is made on or after April 1st 2024, the tariff is likely to increase due to indexing. It is your authority’s responsibility to ensure that the appropriate financial contribution is collected.

Furthermore, we are content that high quality, universally accessible green space (if provided at the level indicated in the Site Layout Plan available on the council website) will sufficiently mitigate the recreational disturbance impacts on the nearby coastal sites from this development “alone”.

However, we advise that more detailed design and long-term management proposals for the proposed green space be provided, in line with Natural England’s published [Accessible Greenspace Standards](#). As formal mitigation under the Habitats Regulations 2017, ongoing management of the green space throughout the development’s operational phase (i.e. at least the occupational lifetime of the dwellings) should be secured via planning condition.

Should the provision of green space deviate significantly from that currently described in the documentation, Natural England should be consulted again.

Sites of Special Scientific Interest

Great Wood and Dodd’s Grove SSSI

Natural England has concerns about the potential for impacts on the neighbouring woodland SSSI.

We consider that the provided Construction Environmental Management Plan (CEMP) is sufficient to avoid adverse impacts arising in the construction phase of this development.

However, we have outstanding concerns about the impacts arising from the operational phase, notably the recreational disturbance impacts of additional visits to the SSSI, which sits in close proximity to the proposed residences. Such impacts may include, but are not limited to:

Dog fouling

Littering
Soil erosion & compaction
Intentional or accidental damage to trees

Whilst we support the measures already proposed by the developer to deter visits, including erection of a fence, planting of woody shrubs in a “buffer zone” (which deter access), we recommend the following mitigation is also provided:

Details of a planting scheme which is sympathetic to the needs of SSSI features, such as the Heath Fritillary butterfly (please see detailed comments below)
A commitment to adequate provision and management of dog bins throughout the open green space (in line with our previous comments above)

A planting scheme sympathetic to the SSSI and its features should be secured by way of planning condition. Specifically, planting should be in line with [National Vegetation Classification \(NVC\)](#) woodland community types W10 & W8, including the proposed "thorny buffer" to deter access. Special efforts should be made to conserve any Cow Wheat (*Melampyrum spp.*) and Foxglove (*Digitalis spp.*) occurring in the ground flora. Additionally, ongoing land management should include the removal of invasive species and planting of flora to enhance habitat provision for the Heath Fritillary butterfly (*Mellicta athalia*).

Natural England will be pleased to review the applicant's additional information to address our advice above, through our [Discretionary Advice Service](#) (DAS).

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

...

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

Yours sincerely

Alexandra Nunns
Sustainable Development Adviser
West Anglia Area Team

Annex A –Natural England general advice

Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework](#) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. [Section 245](#) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Biodiversity duty

The local planning authority has a [duty](#) to conserve and enhance biodiversity as part of its decision making. Further information is available [here](#).

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on '[appropriate assessments](#)'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via [Impact Risk Zones](#) or as standard or bespoke consultation responses.

Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species [licence](#) may be required in certain cases.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant

development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local Nature Recovery Strategies](#) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](#).

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [NPPF glossary](#)) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on biodiversity net gain, including [draft Planning Practice Guidance](#), can be found [here](#).

The statutory [Biodiversity Metric](#) should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the [Small Sites Metric](#) may be used. This is a simplified version of the [Biodiversity Metric](#) and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the [Biodiversity Metric](#) and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance for the natural environment](#).

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the [Ancient Woodland Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website and the [Data.Gov.uk](#) website

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

[Green Infrastructure](#)

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the [natural environment](#)