

Planning Consultation Response

Application No: 26/00731/OUT
To: Planning Department
From: BDC Ecology
Date: 03/06/2026

OUTLINE APPLICATION WITH ALL MATTER RESERVED EXCEPT ACCESS, FOR THE CHANGE OF USE OF STURMER HALL AND ASSOCIATED BUILDINGS TO A SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) SCHOOL, ERECTION OF NEW HYDROTHERAPY AND WELLNESS CENTRE, 7 NO. DETACHED BUILDINGS FOR STUDENT ACCOMMODATION AND ASSOCIATED ACCESS ARRANGEMENTS.
STURMER HALL , CHURCH WALK, STURMER

Thank you for consulting BDC Ecology on the above application.

Holding Objection due to insufficient information on European Protected Species (Great Crested Newts), and Mandatory Biodiversity Net Gains

Summary

We have reviewed the submitted information including the Preliminary Ecological Appraisal (Arbtech Consulting Ltd, September 2025), relating to the likely impacts of development on designated sites, protected and Priority species / habitats. We have also reviewed the Biodiversity Net Gain (BNG) File Note (Arbtech Consulting Ltd, March 2026), and the Statutory Biodiversity Metric calculations (March 2026).

However, we are not satisfied that sufficient ecological information is available for determination for European Protected Species (Great Crested Newts), and Mandatory Biodiversity Net Gains for the reasons set out below:

Great Crested Newts

The Preliminary Ecological Appraisal (Arbtech Consulting Ltd, September 2025), has summarised that a non-licensable mitigation plan for Great Crested Newts (GCN), would be appropriate for the proposed development. However, we note that the larger pond to the south has been assessed as having suitable aquatic habitat to support GCN and there appears to be suitable terrestrial habitat available within the adjacent development site (proposed hydrotherapy building). We also highlight that although there is no emergent vegetation to the 'curved pond' this is a historical moat remnant which can be favourable to GCN and we would not rule out presence without further investigation.

We also highlight that the application site is located in a Natural England GCN amber risk zone, and we note that neither pond has been assessed for suitability to support GCN via a Habitat Suitability Index (HSI) score. As a result, we request that further evidence is provided to justify that a non-

licenced method statement is suitable for this application and that further GCN surveys or District Level Licence route is not required to be undertaken.

This information is required prior to determination because the Local Planning Authority must consider the guidance under paragraph 99 of the ODPM Circular 06/2005. This advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. Therefore, if there is a reasonable likelihood of protected species being present and affected by the development, the surveys should be completed and any necessary measures to protect the species should be in place before the permission is granted.

Biodiversity Net Gain

Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) and the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#).

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The [Biodiversity Net Gain Planning Practice Guidance \(PPG\)](#) sets out how biodiversity net gains should be applied through the planning process. At application stage the following should be submitted if statutory biodiversity net gains apply to the development:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), [either on the date of application or earlier proposed date \(as appropriate\)](#);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- [the completed metric calculation tool](#) showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('[degradation](#)'), and where they have:
 - a statement to the effect that these activities have been carried out;
 - the date immediately before these activities were carried out;
 - the pre-development biodiversity value of the onsite habitat on this date;
 - the completed metric calculation tool showing the calculations, and
 - any available supporting evidence of this;
- a description of any [irreplaceable habitat](#) (as set out in [column 1 of the Schedule to the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

As a result, we are not satisfied that sufficient ecological information has been submitted to meet requirements of mandatory biodiversity net gains at application stage. This is because of the following reasons:

- The submitted Statutory Biodiversity Metric calculations (March 2026) have recorded an 'estimated' number of small and medium trees. Therefore, the actual number of trees present at the base line should be confirmed.
- We recommend that the completed condition assessment sheets, to justify the condition given to the baseline habitats, are submitted. This will enable the LPA to review that the statutory metric assessment is correct.

We highlight that, once sufficient information has been provided, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under [paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990](#). As a result, government has recommended that it is not included in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be implemented via as an informative of the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the finalised Statutory Biodiversity Metric – Calculation Tool or Small Sites Metric calculation.

We look forward to receiving the additional information required to support a lawful decision and overcome our holding objection.

Amanda Wilkin BSc (Hons)
Ecology and Natural Environment Officer
Braintree District Council