

Statement Chris Standell.

Main Matter 6 – South Colchester (Policies SC1 to SC3), especially Middlewick Ranges (SC2): Are the policies and site allocations for South Colchester justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the CLP 1?

1. Ecology
2. Transport
3. Procedure
4. Climate Emergency
5. Air Pollution
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1. Ecology

The decision to allocate Middlewick for housing was based on out of date and incomplete evidence. The Wildlife site review in 2016 is unsound because it is out-of-date, the timing was not optimal and only limited time was available. Chartered Institute of Ecology and Environmental Management (CIEEM) guidance states: “It is important that planning decisions are based on up-to-date ecological reports and survey data.” And that after three years “the report is unlikely to still be valid and most, if not all, of the surveys are likely to be need to be updated.”

The Green Infrastructure Strategy 2011 is out-of-date, being ten years old. It shows previous growth areas not current allocations in south Colchester and refers to the Ranges as farmland plateau, not acid grassland.

Local Plan Section 2 itself is vague on green infrastructure selection – how was this done? What were the criteria? Under ‘Monitoring’, Section 2 says “Zero % loss of LWS, ancient woodland, priority habitats & species.” Is the goal. Where does CBC take account of Ranges species? The inclusion of the Middlewick has not been justified.

In the past couple of years, the DIO has commissioned various surveys and new evidence was presented late in 2020. I shall discuss the following two documents:

- Middlewick Ranges Vision Document (December 2020)
- Local Plan Evidence Base – Middlewick Ranges (December 2020)

Under the heading 2.7. Landscape Designation (2.7), the Vision Document states about Middlewick and the wider area:

In the wider area, the Site is in close proximity to several local wildlife sites and local nature reserves, some of which are centred on the River Colne to the east. The river itself forms a coastal protection belt. The University of Essex campus, which forms part of this cluster of local wildlife, also partly forms a historic park and garden.

The Site lies in Site of Special Scientific Interest (SSSI) impact zones which centres on three SSSI sites to the south and east, which will be material considerations in the determination of planning applications. (2.7.1)

Two Local Wildlife Sites (LWS) lie within the site boundary, which are material considerations:

1. Co122 Middlewick Ranges: significant habitat for invertebrates and a UK Biodiversity Action Plan (BAP) Priority Habitat for Lowland Dry Acid Grassland.
2. Co128 Birch Brook Wood: stream valley wood with “remarkable” variation in woodland types. A UK BAP Priority Habitat for Lowland Mixed Deciduous Woodland and Wet Woodland. (2.7.2)

Even though site allocation in 2017 was based on insufficient evidence, these basic facts were known in 2017 and should have been enough to reject the inclusion of Middlewick into the Local Plan for housing, if the commitments in the Emerging Local Plan (ENV1), to protect and enhance biodiversity, protected species and nature sites of national, regional and local designations are to have any meaning.

In the period 2017-2020 ecological surveys were carried out, the results of which were presented late in 2020. The Vision Document provides a summary of the ecology findings (3.4.2):

Ecology – Summary

The surveys have found that any development at Middlewick Ranges should respond to three types of ecological constraint: designated sites, protected or notable habitats and protected or notable species. Specifically, the ‘key’ ecological constraints to the development (at allocation stage), are:

- Internationally designated sites in the wider area (to include Abberton Reservoir Ramsar and Special Protection Area (SPA) Colne Estuary (Mid-Essex Coast Phase 2) Ramsar and SPA, Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar and SPA, and Essex Estuary Special Area of Conservation (SAC);
- Nationally Designated sites - Roman River Site of Special Scientific Interest (SSSI);
- Locally designated sites – Middlewick Ranges and Birch Brook Local Wildlife Sites (LWS)
- Acid grassland;
- Broadleaved semi-natural woodland;
- Habitat suitable for roosting, foraging and commuting bats, including barbastelle (a rare bat species);
- Terrestrial invertebrate habitat; and
- Breeding bird habitat (including that suitable for nightingale).

weedkiller in 2019 and is thus of lesser ecological value than the grassland to the north which has never been treated with weedkiller.

(2) Retention of Birch Brook.

Comment: While the site is retained it will be negatively affected through increased pressure from people and dogs, giving rise to problems such as dog fouling, littering, fly tipping and vandalism.

(3) Retention of Middlewick Ranges

Comment: There will be more pressure from the increased number of people, dogs and cats (the latter being predator of small mammals and birds) on a much-reduced site. This will put species and habitats at risks, for example ground nesting skylarks and the fragile lichen heath behind the butts. The reduction and fragmentation of habitat will result in lowering resilience of habitats and species, especially in the wake of climate change. The smaller the site, the lesser the biodiversity.

(4) Habitat retention. (See comment on no. 1 and 3)

(5) Habitat provision: "retention of the two existing and high value remnant hedgerows in the north".

Comment: The hedgerows, together with the adjacent grassland, form part of a network of interconnected habitats that provide nesting and feeding grounds for many species. If they are separated from the grassland, the biodiversity value of these hedgerows will shrink. It is also not guaranteed that these hedgerows will survive at all. At Salary Brook local nature reserve an important protected hedgerow was destroyed by the developer and later grassland was also destroyed, with the council appearing powerless to prevent lawless destruction by developers. What procedures will the council put in place to prevent this from happening again? Developers will often make wide ranging promises in their shiny brochures but the reality often looks quite different (local residents at a new development off Abbey Field have been waiting for years for a promised new playground). We think policy ENV1 should include a provision for this.

It is odd that the map also shows the area allocated for sports pitches as habitat provision. This will likely be hard surface or turf, thus the existing grassland will be destroyed. The same concern will apply to the area marked as 'village green'.

(9) Biodiversity Net Gain.

Comment: The claim to biodiversity net gain is being challenged in other statements. I would like to comment here on one aspect: the fact that the Mitigation Land to the south of Birch Brook (which is ranked zero in the biodiversity metric used by Stantec) was scarified and reseeded in 2018. Previously the land, while being cut for hay or silage, was much richer in wild flowers, as many local residents will testify. We would like to know why the biodiversity value of these fields was deliberately reduced after Middlewick as included into the Local Plan, a mere two years before it was announced that this land would be assigned as mitigation land?

2. Transport.

The second aspect I wish to comment on is transport. It is well known that road congestion is a major problem in Colchester and that many of the roads barely cope with the ever-increasing traffic. This is true for the main routes leading from the Middlewick area into town centre, Mersea Road to

the west and Old Heath Road/Wimpole Road/Brook Street to the east. The Vision Document states under the heading Transport and Movement (3.4.1):

The local road network around Middlewick is mature, with considerable existing frontage development and constrained junctions in places, and so it was considered important to be able to demonstrate that the allocation at Middlewick could be accommodated. Current best practice requires that transport assessment should highlight the opportunities for sustainable forms of movement and accessibility first and then deal with highway access once sustainable modes have been provided. This is certainly the approach that needs to be taken at Middlewick and will be the guiding principle of any future Transport Assessment, should the site come forward under a planning application.

Thus, the report admits that the main routes cannot be widened, meaning the congestion problems have no solution as long as cars are the preferred means of transport. The separation between sustainable means of transport and highway access is artificial, as one of the sustainable means of transport in southeast Colchester, and the only locally available form of public transport, are buses. There is no easy access to a railway station. However, without a solution to the road congestion issues, buses cannot be considered an attractive option as, even if services were more frequent, problems with their reliability will only get worse as they keep getting stuck in traffic. Colchester Borough Council's South Colchester Transport Policy (SC2) has failed to provide a satisfactory answer to this problem.

The DIO proposal, as in the vision document, is this:

The opportunity exists as part of the Middlewick scheme to provide greater permeability to the local road network with a new link provided between Mersea Road and Abbot's Road. This will provide an alternative route for some of the existing traffic that switches between the Mersea Road and Old Heath Road routes into the Town and so spread traffic loads across the network. The site access junctions, which would provide for this link to be provided through the site, are therefore positioned as far to the south as practicable on Mersea Road, and as far to the east as practicable on Abbot's Road, to provide the maximum potential alternative to using the current road network.

This new road does not address the problem further down stream (Wimpole Road/Brook Street and bottom of Mersea Road). Furthermore, it is not guaranteed that building more roads will ease traffic congestion; quite the opposite is often true.¹ Building a new cut through road would also affect the efficiency of the 'green corridors' within the new development, as roads act a barrier to wildlife migration. A road such as this will further reduce the availability of open green space. Building a new major road on an ecologically sensitive site is in opposition to CBC's principles of environmental protection and commitment to sustainable transport.

3. Procedure

Finally, I would like to comment on the way public involvement has been handled by Colchester Borough Council in the Local Planning process. Other statements already explain in detail the

¹ <https://www.smartertransport.uk/does-building-more-roads-reduce-congestion/>

concerns over the late inclusion of the site, preventing meaningful consultation and involvement of the local community. I would like to add a point on something that happened more recently. It has come to the attention of the Save the Middlewick Ranges group that after most statements had already been submitted, Colchester Borough Council released a new document on Middlewick Ranges (Final Topic Paper 5), which includes a major revision of Policy SC2 on Middlewick Ranges.² We believe that the late release of this document goes against established planning procedures, as stated in The Procedure Guide for Local Plan Examinations:

Once the plan has been submitted for examination, no additional written material should be submitted, by the LPA or any other party, unless it has been requested by the Inspector. For example, if the LPA wishes to submit topic papers, they should form part of the evidence base submitted with the plan. (3.18)

A footnote adds: 'However, the Inspector has discretion to accept additional documents provided it would not be unfair to other participants.' We hold that presenting major new evidence and policies after statements have been submitted is unfair to the participants. We request that every participant gets the chance, and sufficient time, to respond to the new Policy Paper in writing.

Climate Emergency

In 2019 Colchester Borough Council issued a climate emergency declaration and in January 2020 this was followed by the Colchester Borough Council Climate Emergency Action Plan (Jan 2020). The Action Plan briefly references planning: "The planning system does this by shaping new and existing developments in ways that reduce carbon emissions, sustains and enhances biodiversity and positively builds community resilience to challenges such as extreme heat or flood risk."

Appendix 1 states under the heading Urban Impact Assessment:

The local plan and resulting significant decisions all require a substantial impact assessment. Colchester's Cabinet agreed in November 2019 that environmental and carbon considerations are required to be taken into account in all decision making. All formal Council reports and decisions are now required to set out the environmental and sustainability implications of the decision, with particular reference to the definition of sustainable development set out in the National Planning Policy Framework.

Appendix 2 references biodiversity net gain:

Explore options for a long term, strategic biodiversity net gain strategy Medium:
Investigation Delivery: Medium -long term •Follow the progress of the Environment Bill & Defra Metric 2.0.

We content that allocation of Middlewick Ranges contradicts the definition of Sustainable Development in the NPPF. We would also like to raise the question to what extent the Local Plan, and the Middlewick allocation in particular, is taking into account recent updates, in the form of strengthening of environmental protection, in the NPPF (2019) as well as the progress of the Environmental Protection Bill. A decent climate mitigation strategy should consider the many 'ecosystem services' (acknowledged in NPPF 2019) a site such as Middlewick can provide, including

² As of 5 April 2021, this document had not yet been released into the public realm.

the absorption of carbon emissions and other pollutants. Destruction of natural or seminatural green space should be a thing of the past.

Air pollution

The problem of air pollution is ever worsening in urban Colchester and has, in many areas, reached levels dangerous to health. Yet, Colchester's spatial strategy still considers development in urban Colchester a sustainable option. Is the health of the people living inside urban Colchester no matter for consideration?

Legislation

I contend that a plan which includes an allocation at Middlewick Ranges cannot be found sound because the process by which the site was assessed and identified as suitable does not meet the four soundness tests set out in paragraph 182 of the NPPF. The Local Plan is not consistent with national policy, not based on proportionate evidence and not effective or positively prepared. The policies in the paragraphs below have not been followed:

- 113. LPAs should set criteria-based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged
- 114. LPAs should set out a strategic approach in Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure
- 117. To minimize impacts on biodiversity, local policies should: Plan for biodiversity; Identify and map components of local ecological networks; Promote preservation, restoration, re-creation of priority habitats, ecological networks, protection and recovery of priority species populations,
- 123. Policies should aim to identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value
- 157. A LP should identify land where development would be inappropriate
- 158. Adequate, up-to-date evidence base

An NPPF compliant local plan process would not have resulted in the allocation of Middlewick Ranges for housing because it would have picked up on the following three key reasons against allocation and concluded that development is inappropriate:

1. It is a designated **Local Wildlife Site and Priority Habitat**, with European protected species;
2. The site is one of the last significant remaining pieces of **undisturbed lowland dry acid grassland/heath**, formerly widespread across the region.;
3. It is a **valued green space**, much used by local people, as evidenced by the Save the Middlewick Ranges Facebook group, with more than 2700 members each (as of 5 April 2021).

