
Statement of Common Ground

Between Marden Homes and Colchester Borough
Council

RAMS

APP/A1530/W/21/3278575

Land adjoining The Gables, Kelvedon Road,
Tiptree, Essex



Contents

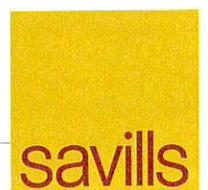
1.	Introduction	1
2.	Common Ground	4

Appendices

Appendix 1 - Colchester Borough Council's Habitat Regulation Assessment

Appendix 2 - Natural England Consultation Response

Appendix 3 – Opportunities for Enhancements at Borough and Ward Project Locations



1. Introduction

- 1.1 As confirmed in Colchester Borough Council's Delegated Report dated 12th August 2021, had it remained for the Council to determine this application, planning permission would have been refused for four reasons – design, impact on protected areas, lack of mechanism to secure mitigation/obligations/financial contributions and highways.
- 1.2 Since this assessment and associated report was published, the appellant has worked with their consultants and Colchester Borough Council to demonstrate that the concerns raised in the proposed reasons for refusal that relate to impact on protected areas and the lack of a mechanism to secure mitigation/obligations and financial contributions have been addressed.
- 1.3 These two proposed reasons for refusal were worded as follows (**emphasis added**):

*2.0 Under the Habitat Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a Special Protection Area must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. **The proposed residential development does not meet these tests or requirements, and it must provide appropriate mitigation of likely adverse effects in this context.***

***There is no mechanism in place to secure appropriate on-site mitigation** in accordance with The Conservation of Habitat and Species Regulations 2017. Furthermore, **there is no legal mechanism in place to secure a financial contribution in accordance with the requirements of the adopted Essex Coast RAMS SPD (May 2020).** In the absence of this on-site and off-site mitigation there is no certainty that the development would not adversely affect the integrity of Habitats sites. The proposal is therefore considered contrary to Regulation 63 of The Conservation of Habitat and Species Regulations 2017 and contrary to the Local Development Framework Development Policy DP21 – Nature Conservation (adopted 2010, revised 2014), and Policy ENV1 - Environment of the emerging Local Plan (2017-2033).*

*3.0 **The application fails to include a legally binding mechanism to secure essential planning obligations and financial contributions** required to deliver the proposed development and provide essential infrastructure to support growth and the needs of new residents. The Obligations comprise 30% affordable housing provision, provision of public open space and relocation of a Gypsy and Traveller site to a nearby off-site location (as set out in the applicants supporting statement to facilitate delivery of the development). The financial contributions necessary to deliver the essential requisite local infrastructure comprise: the expansion of GP healthcare facilities, sport and recreation facilities; community facilities, education (primary and secondary school places).*

In the absence of a legally binding mechanism to secure delivery of these obligations/contributions, the proposal is therefore contrary to national and local policies which together seek to ensure that the requisite infrastructure is delivered to support growth and mitigate the impact of development. National policies comprise the sustainable development principles within the NPPF (paragraphs 8, 61, 62, 92 and 96) and specifically paras 34, 55-58. The absence of an appropriate delivery mechanism would also be contrary to adopted Local Plan 2017-2033 Policy SP6 Infrastructure and Connectivity, and LDF policies (2010, revised 2014) comprising Core Strategy Policy Policy H4 (Affordable Housing) together with adopted Development Policies DP3 (Planning Obligations and the Community Infrastructure Levy), DP16 (Private Amenity Space and Open Space Provision for New Residential Development), Policy H5 (Gypsies, Travellers, and Travelling Showpeople) and Policy SA H2 (Gypsy and Traveller Accommodation) . Furthermore, such an omission and resulting non-provision would be contrary to the relevant adopted Supplementary Planning Documents titled: Affordable Housing (adopted 15th August 2011); Provision of Community Facilities (adopted 28th September 2009 updated July 2013), Provision of Open Space, Sport and Recreational Facilities (adopted 24 July 2006) Finally, such an omission is contrary to Supplementary Guidance issued by Essex County Council (Developers' Guide to Infrastructure Contributions (revised 2016) and NHS England (A Health Impact Assessment).

- 1.4 The two reasons for refusal therefore primarily related to the fact that a Section 106 agreement had not yet been agreed between Colchester Borough Council and the appellant at the point at which the Council provided proposed reasons for refusal.
- 1.5 Since these reasons for refusal were proposed however, the Appellant has been working with Colchester Borough Council and their solicitors to prepare a Section 106 agreement. This agreement includes commitments on the following points:
- Archaeological Information Contribution
 - Community Contribution
 - Parks and Recreation Contribution – for Borough and Ward projects
 - RAMS Contribution
 - Healthcare Contribution
 - Education Contribution
 - Provision of affordable housing – 39 dwellings with 37 of the Affordable Housing Dwellings to comply with Building Regulations 2015 Part M(4) Category 2 and 2 of the Affordable Housing Dwellings to comply with Building Regulations 2015 Part M(4) Category 3(2b) and be wheelchair accessible
 - Open Space Maintenance Sum & Management Plan
 - Relocation of gypsy and traveller pitch

Statement of Common Ground

RAMS



- 1.6 Of relevance to this Statement of Common Ground, the portion of Parks and Recreation Contribution to be used for Ward projects has been agreed to be used for enhancements to Warriors Rest, Grove Lake and Grove Road Recreation Ground. These are all local areas used for leisure by the residents of Tiptree and specifically, residents of new development at the appeal site would be able to access these areas on foot for dog walking and other recreational activities.

2. Common Ground

- 2.1 Based on the work that has been completed and outlined above, we now propose that the following statements can be agreed between the Appellant and Colchester Borough Council, and will directly address reasons 2.0 and 3.0 as set out in Colchester Borough Council's delegated report.
- I) A financial contribution of £127.30 per dwelling towards the measures in the RAMS alongside the measures set out within Colchester Borough Council's Habitat Regulation Assessment (Appendix 1) will mitigate adverse effects from increased recreational disturbance to ensure that Habitat Sites are not adversely affected and the proposal complies with the Habitat Regulations. This has been mitigation has also been deemed acceptable by Natural England (Appendix 2).
 - II) With mitigation, the project will not have an Adverse Effect in the Integrity of the European sites included within the Essex Coast RAMS.
 - III) The draft Section 106 agreement makes provision for the required RAMs payment of £127.30 per dwelling to be made prior to the commencement of development on the site.
 - IV) The site proposals include a main area of public open space which is centrally located, and connected to pedestrian routes within the site.
 - V) The proposed landscaping scheme will include the provision of benches and dog bins in locations which will support the use of space and routes through the site.
 - VI) The proposals allow for a dropped kerb crossing of Kelvedon Road onto the existing footway network. This provides the site with connectivity to Tiptree and access to surrounding footpaths which in turn provide access to Warriors Rest, Grove Lake and Grove Road Recreation Ground which are all important recreational destinations for Tiptree. Example pedestrian routes have been shown within the advisory note provided at Appendix 3. There are additional opportunities for further highway works to improve pedestrian connectivity along Kelvedon Road as set out in the Highways SoCG.
 - VII) Contributions agreed in the draft Section 106 agreement could be used to make improvements to Warriors Rest, Grove Lake and Grove Road Recreation Ground to increase their attraction and usability for dog walkers and leisure uses, and to reduce the need for new residents to visit the Essex Coast RAMS sites for these uses. The potential for the enhancement of Warriors Rest in particular is recognised following ecological advice (Appendix 3).



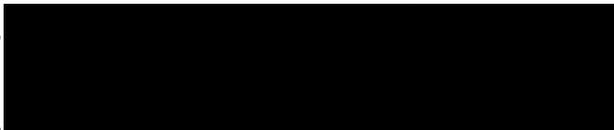
3. Signed Agreement

3.1 It is agreed that this statement confirms the matters which are agreed and not agreed between both parties.

Signed by Colchester Borough Council:



Date:



Signed by Marden Homes.

Date: 28 MARCH 2022

Statement of Common Ground

RAMS



Appendix 1

Colchester Borough Council's Habitat Regulation Assessment

Habitat Regulation Assessment (HRA) Record
 • >100 dwellings
Colchester Borough Council

Application details	
Case officer	James Ryan
Application reference	190647
Application description	Residential Development (130 dwellings)
Application address	Land off Kelveden Road, Tiptree

HRA Stage 1: screening assessment

Test 1 – the significance test: Based on the development type and proximity to European designated sites, a judgement should be made as to whether the development constitutes a ‘likely significant effect’ (LSE) to a European site in terms of increased recreational disturbance¹

The whole of Colchester Borough is within the zone of influence (Zol) for the Essex Coast RAMS.

The proposal is for > 100 dwellings and it is anticipated that such development is likely to have a significant effect upon the interest features of Habitat sites [Colne Estuary SPA and Ramsar site, Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site (south shore) and Essex Estuaries SAC] through increased recreational pressure, when considered either alone or in-combination with other plans and projects. Therefore, an appropriate assessment is needed to assess recreational disturbance impacts. The qualifying features of these sites are set out at the end of this report.

HRA Stage 2: Appropriate Assessment

Test 2 – the integrity test: The applicant must provide sufficient evidence to allow the Appropriate Assessment to be made, which is the stage at which avoidance and/or mitigation measures can be considered

The appropriate assessment will need to consider both alone and in-combination effects and incorporate bespoke mitigation measures into the proposal. The following are examples of bespoke mitigation measures that may be necessary, in addition to a contribution to the Essex Coast RAMS:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated ‘dogs-off-lead’ areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

A contribution in line with the Essex Coast RAMS should be secured to address likely significant effects in-combination.

Summary of the Appropriate Assessment

Summary of recreational disturbance mitigation package:

The applicants have provided a shadow HRA which the LPA is broadly in agreement with.

A contribution to the Essex Coast RAMS at the following amount will be secured via the Legal Agreement:

130 dwellings x £127.30 = **£16,549.00**

The shadow HRA/note provided by the applicants also suggests the following provisions:

10% of site provided as public open space, centrally located, and well connected to circular pedestrian routes within the site

Provision of benches/dog bins at key points around site to encourage use of routes within

Proposal for crossing over Kelvedon Road for connection to existing footpaths

Western and southern site boundaries maintained open to allow pedestrian through-routes

Proposed contributions for improvements at Warriors Rest (Tiptree Heath), and Highwoods Country Park as requested by the relevant service at Development Team. Warriors Rest would be accessible on foot from the site, and Highwoods whilst Country Park would require car use, the purpose of RAMS is to relieve pressure on the 3 local SPAs, which this would therefore do. Visits have been made to these locations to establish the benefits that such improvements could make and a note on this assessment accompanies this letter, confirming the potential for improvements at Warriors Rest to reduce the need for local residents to travel to the coast in particular.

Conclusion

Having considered the proposed avoidance and mitigation measures above, Colchester Borough Council concludes that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS.

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that (those) site(s)'s conservation objectives, and having consulted Natural England and fully considered any representation received, the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Local Planning Authority Case Officer comments, signed and dated:

It considered the financial payment towards the Essex RAMS and the on site measure suggested above (along with other financial contributions secured via the DT process towards the improvement of local alternative sites) is sufficient to mitigate against the off-site harm on the Integrity of the European sites included within the Essex Coast RAMS.

James Ryan
14.4.2021

Qualifying features

Colne Estuary SPA (Mid Essex Coast Phase 2) and Ramsar site

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and
- The distribution of the qualifying features within the site.

Qualifying features of the Colne Estuary SPA:

Dark-bellied brent goose (non-breeding) (*Branta bernicla bernicla*)

Common pochard (breeding) (*Aythya farina*)

Hen harrier (non-breeding) (*Circus cyaneus*)

Ringed plover (breeding) (*Charadrius hiaticula*)

Common redshank (non-breeding) (*Tringa totanus*)

Little tern (breeding) (*Sterna albifrons*)

Waterbird assemblage

Blackwater Estuary SPA (Mid Essex Coast Phase 4) and Ramsar site

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and
- The distribution of the qualifying features within the site.

Qualifying features of Blackwater Estuary SPA:

Dark-bellied brent goose (non-breeding) (*Branta bernicla bernicla*)

Common pochard (breeding) (*Aythya farina*)

Hen harrier (non-breeding) (*Circus cyaneus*)

Ringed plover (breeding) (*Charadrius hiaticula*)

Grey plover (non-breeding) (*Pluvialis squatarola*)

Dunlin (non-breeding) (*Calidris alpina alpina*)

Black-tailed godwit (non-breeding) (*Limosa limosa islandica*)

Little tern (breeding) (*Sterna albifrons*)

Waterbird assemblage

Dengie SPA (Mid Essex Coast Phase 1) and Ramsar site

Ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- the extent and distribution of the habitats of the qualifying features
- the structure and function of the habitats of the qualifying features
- the supporting processes on which the habitats of the qualifying features rely

- the populations of qualifying features
- the distribution of qualifying features within the site

Qualifying features of the Dengie Estuary SPA:

Dark-bellied brent goose (non-breeding) (*Branta bernicla bernicla*)

Grey plover (non-breeding) (*Pluvialis squatarola*)

Hen harrier (non-breeding) (*Circus cyaneus*)

Knot (non-breeding) (*Calidris canutus*)

Waterbird assemblage

Stour and Orwell Estuaries SPA and Ramsar site

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

Qualifying features of the Stour and Orwell Estuaries SPA:

Dark-bellied brent goose (non-breeding) (*Branta bernicla bernicla*)

Northern pintail (non-breeding) (*Anas acuta*)

Pied avocet (breeding) (*Recurvirostra avosetta*)

Grey plover (non-breeding) (*Pluvialis squatarola*)

Red knot (non-breeding) (*Calidris canutus*)

Dunlin (non-breeding) (*Calidris alpina alpina*)

Black-tailed godwit (non-breeding) (*Limosa limosa islandica*)

Common redshank (non-breeding) (*Tringa tetanus*)

Waterbird assemblage

Essex Estuaries SAC

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Condition Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats, and
- The supporting processes on which qualifying natural habitats rely.

Qualifying features of the Essex Estuaries SAC:

Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks
Estuaries

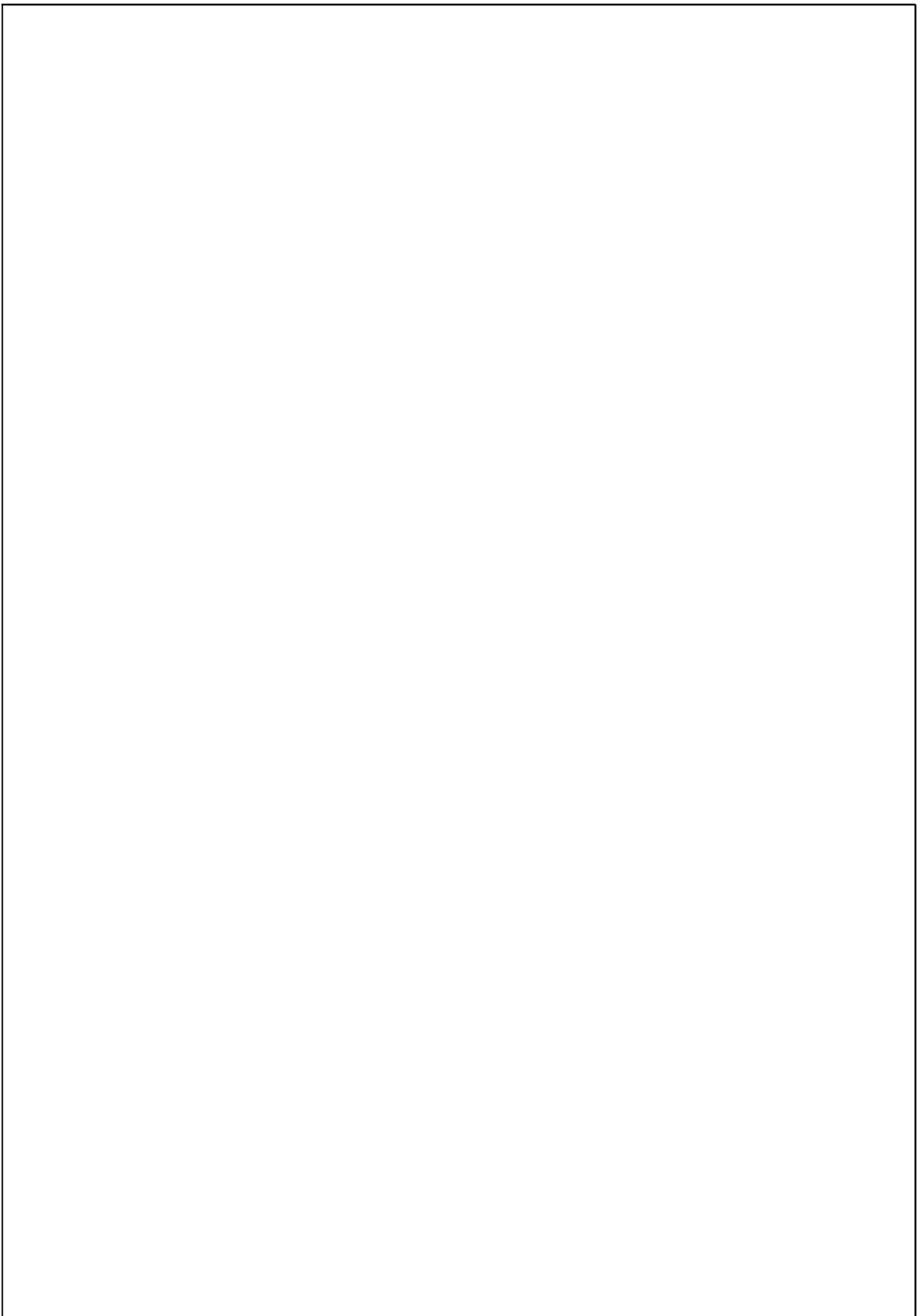
Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats

Salicornia and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand

Spartina swards (*Spartinion maritimae*); Cord-grass swards

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

Mediterranean and thermos-Atlantic halophilous scrubs
(*Sarcocornetea fruticose*); Mediterranean saltmarsh scrub



Statement of Common Ground

RAMS



Appendix 2

Natural England Consultation Response

Date: 04 May 2021
Our ref: 349975
Your ref: 190647



Hornbeam House
Crewe Business
Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Mike Fawcett
Colchester Borough Council

BY EMAIL ONLY

Dear Mr Fawcett

Planning consultation: Demolition of existing buildings on the site and redevelopment to provide 130 residential dwellings with access, link road to allow for potential future connections, associated parking, private amenity space and public open space. REVISED DRAWINGS ETC.

Location: Land adjoining, The Gables, Kelvedon Road, Tiptree Colchester CO5 0LU

Thank you for your consultation on the above which was received by Natural England on 15 April 2021

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE – European designated sites¹

It has been identified that this development site falls within the 'Zone of Influence' (ZoI) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Colchester Borough Council, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the [Conservation Objectives](#) and [Information Sheets on Ramsar Wetlands](#) which explain how each site should be restored and/or maintained

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is therefore anticipated that, without mitigation, new residential development in

¹ Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites; the latter are listed or proposed Wetlands of International Importance under the Ramsar Convention and are protected as a matter of Government policy. Paragraph 176 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

² Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations'). Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided in **APPENDIX 1** of this letter.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Camilla Davidge
Lead Adviser – Land Use Planning
West Anglia Area Team

Annex I – Natural England’s recommendations for larger scale residential developments within the Essex Coast RAMS zone of influence (100 units +, or equivalent, as a guide)

Developments of this scale should include provision of well-designed open space/green infrastructure, proportionate to its scale. Such provisions can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary away from European sites. We advise that the Suitable Accessible Natural Green Space (SANGS) guidance [here](#) can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles are more widely applicable. As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km³ within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated ‘dogs-off-lead’ areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

Natural England would be happy to advise developers and/or their consultants on the detail of this at the pre-application stage through our charged Discretionary Advice Service (DAS), further information on which is available [here](#).

However, the unique draw of the above European sites means that, even when well-designed, ‘on-site’ provisions are unlikely to fully mitigate impacts when all residential development within reach of the coast is considered together ‘in combination’. We therefore advise that consideration of ‘off-site’ measures (i.e. in and around the relevant European designated site(s)) is also required as part of the mitigation package for predicted recreational disturbance impacts in these cases.

As such, in the interim period before the RAMS is adopted, a financial contribution should also be agreed with and collected from the developer, prior to commencement, on the basis that it can be used to fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s)). These measures should be targeted towards increasing the relevant European site(s) resilience to recreational pressure and be in line with aspirations of the emerging RAMS. As an example in this interim period, this could include funding towards existing wardening schemes at the relevant European designated site(s). A suitable delivery mechanism for the measures must be agreed to secure them and ensure they are implemented from the first occupation of dwellings. Alternatively, we understand that it may be acceptable at the outline planning stage to include a suitably-worded planning condition which secures full adherence with the emerging Essex Coast RAMS at the Reserved Matters stage.

Once the RAMS has been adopted, a financial contribution should be secured from these developments prior to commencement.

³ Taken from *Jenkinson, S., (2013), Planning for dog ownership in new developments: reducing conflict – adding value. Access and greenspace design guidance for planners and developers*

APPENDIX 1

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (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 in order to respect 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 & 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.

Protected Species

Natural England has produced [standing advice](#)⁴ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 170 & 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. 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.

Priority habitats and Species are of particular importance for nature conservation and 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. List of priority habitats and species can be found [here](#)⁵. 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](#).

Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forest Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 8, 118 170, 174-175 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.

⁴ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

⁵ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).



Appendix 3

Opportunities for Enhancements at Borough and Ward Project Locations



Landscape Architecture



Landscape Planning



Arboriculture & Tree Works



Ecology & Habitat Management



Land Adoption & Weed Eradication



Urban Design

JAMES BLAKE ASSOCIATES

Our Ref: JBA 21/346 ECO04 SR

RE: Local Connections to the Proposed Development at The Gables, Kelvedon Road, Tiptree, Essex.

The proposed development site is located south of Kelvedon Road (B1023) on the outskirts of the town of Tiptree, Essex. The proposed development will be providing a mixture of residential units, with areas of public open space and associated infrastructure.

The proposed development will provide contributions to Ward and Borough projects as requested, which could include the following;

- Grove Lake – dredging of both ponds and appropriate landscaping.
- Grove Road Recreation Ground – provide a multi-use games surface that will be free to the residents of Tiptree, which could include Five-a-Side kick about area and basketball and/or netball hoops. To also provide an adult gym area.
- Facilities at Warriors Rest – provision of woodland footpaths, seating/picnic area which will be free to the residents of Tiptree.
- Caxton Close/Community Centre – enhancing of infants’ playground.
- Leisure World, Tiptree – improvement works to courts and flood lighting, the provision of an outreach site for tennis/coaching operator and/or provision of a gate access system.

Warriors Rest and Leisure World is located to the east off Maypole Road (B1022) and is within easy walking distance from the proposed site (1.1km), therefore this site is likely to be an attraction to recreational uses, including dog walkers. An assessment of Warriors Rest was undertaken by Eco Planning (2021) which highlighted the potential of this area for recreational uses and therefore, this area will benefit from the improvements highlighted above.

Grove Lake is located to the north of The Cut and west of Church Road. Grove Road Recreational Ground is located to the south east of Grove Road. Grove Lake and Grove Road Recreational Ground are both also within walking distance, at 1.1km and 1.3km respectively. Both of which are also connected to the site via public rights of way (PRoW) and roadside footpaths. Grove Lake and Grove Road Recreational Ground would be attractions to new residents within the area, particularly those with children, and would be a further attraction if adult gym facilities were provided.

The proposed development site itself will provide a small circular route through the public open space and around the site, which would be approximately 1km. Dog waste bins and benches will be provided at suitable locations.

There are also several PRoW which connect the site from the northern boundary of the development to the wider landscape, providing suitable circular routes for dog walkers, encouraging people to use local walks rather than driving outside Tiptree for walking areas. Four potential circular routes of varying distances have been present in Appendix A; two of which (orange and purple route) show the connection of the site to Warriors Rest, Grove Lake and Grove Road Recreational Ground. These routes will be presented to new residents to further reduce the risk of increased recreational pressure to designated areas.

It is considered that the contributions requested are proportionate to what is required to offset the potential recreational pressures on local areas and surrounding designated sites, as highlighted within the Habitat Regulation Assessment (HRA) produced by Colchester Borough Council.

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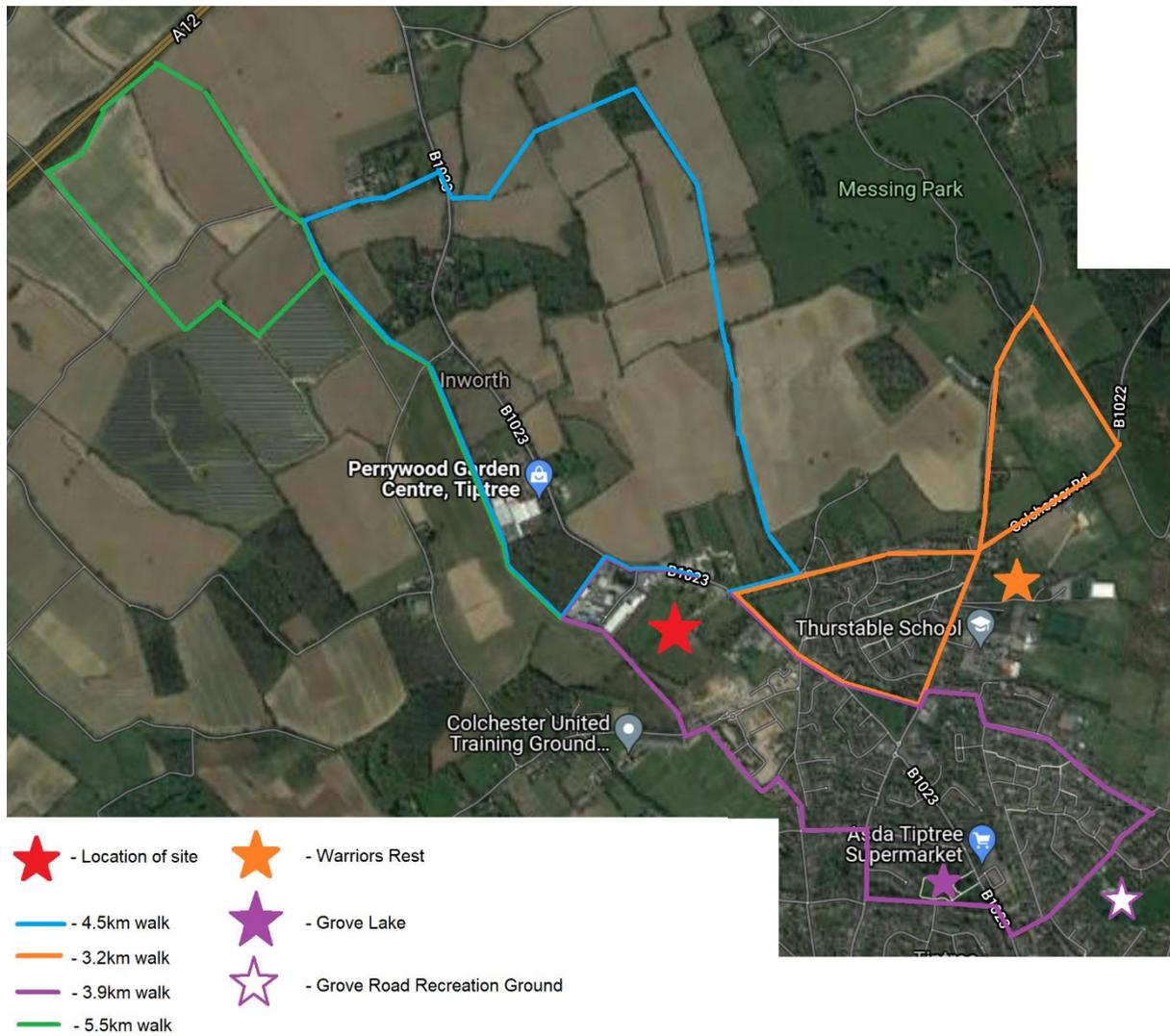
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Yours sincerely,

Sam Rigg
Ecologist
James Blake Associates

Appendix A: Local circular public rights of ways connecting to the proposed development site from northern boundary to other local areas



Guidance Note – 26/3/2021

Off-site public open space provision – supplementary to RAMS payment and on-site provision – Tiptree Development – Marden Homes

We attended and assessed the potential of two off site locations (24th March 2021) as requested in relation to their potential for off-site public exercising provision – dog walkers. This off-site provision is to supplement the on-site efforts and payments being made to reduce possible coastal disturbance impact by the residents driving to the coast with their dogs, at high tide off the lead predominately during the winter and possibly disturbing wintering waders/wildfowl.

As requested we have been very much to the point to give initial views - any subsequent ways forward would require detailed management plans – timetable – specifications etc.

High Woods Country Park

The proposed visitor centre and playground improvements would have no value in relation to the stated intention – off site provision- public/dog walkers that perhaps would otherwise may attend a coastal location within the Natura 2000 designated sites in the district.

The pathway improvements to the wider site especially Brinkley Grove Wood are required – erosion is a problem with several rides now wide mud road like in their nature (Photographs 1 and 2). The ever- widening rides to avoid the mud is now directly impacting upon vegetation especially Bluebell areas that are being trampled underfoot (Photograph 3).



Photograph 1



Photograph 2



Photograph 3

The lack of signage - information direction indicators throughout these areas was a surprise – it was very poor.

We informally spoke to numerous walkers on site from a respectful distance to gain a feel of what they felt about the site – they all very much appreciated the woods but unfortunately again all agreed that it was becoming overcrowded especially in the summer. Attracting more visitors from further distances may not be advisable.

Warriors Rest

A short distance from the proposed development area. Accessed from the B1022 along a well maintained hard access track (Photograph 4) to the car parking (Photograph 5) associated with the football club and onwards through a controlled access into a large open green space.



Photograph 4



Photograph 5

The open area has evidence of clay pigeon shooting and perhaps past paint ball games (Photograph 6).



Photograph 6

The wider site has large sections of early self-sown secondary woodland – mainly Oaks with no indicative sign of past silvicultural management (Photograph 7).



Photograph 7

In the open areas where there had been disturbance the soil appeared mainly sand and light in nature. The wider area could have been former heath where lack of management has allowed successional development with the establishment of the self-sown Oaks described.

The site gives significant opportunity for the required public access off-setting but also a great opportunity for valuable conservation works – perhaps a future Local Wildlife Site.



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