

**Further objections by Tiptree Neighbourhood Plan Steering Group to the Ecological documents submitted by Aspect Ecology in January 2022. Presented by Jonathan Greenwood, Chairman, Tiptree NP Steering Group**  
**With respect to:**

**Planning Application by Kler Group Ltd.**

**LPA reference: 202604**

**Site: land at Brook Meadows, Tiptree, Colchester, Essex, CO5 0QF**

With regard to the Planning Application for Brook Meadow, Tiptree (Planning ref 202604), submitted by Kler group, Tiptree Parish Council Neighbourhood Plan Steering Group stands by its previous comments submitted in December 2020 (General comments) and April 2021 (A detailed ecology response). However Aspect Ecology has, in January 2022, uploaded seven further Ecology papers. With reference to these latest documents and, in particular, the Technical Briefing Note, the Steering Group would like to **object** to this planning application and address the following issues:

**Aspect Ecology claims current planning policy in Colchester does not require developments to achieve a measureable net gain (in biodiversity).** This is not correct. Firstly it is a requirement of the NPPF that developments should provide net gains for biodiversity (Para 174 d). In keeping with the recent Environment Bill (Nov 2021) which requires a biodiversity net gain of 10%, Colchester's emerging Local Plan Policy ENV1 also specifies a measurable biodiversity net gain of at least 10%. The current Local Plan is a bit out-dated in this respect, however Colchester Local Plan policy DP21 requires biodiversity to be conserved or enhanced and also states: *proposals for development that would cause direct or indirect adverse harm to national designated sites or other designated areas or protected species will not be permitted unless:*

- a. *They cannot be located on alternative sites that would cause less harm;*
- b. *The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and*
- c. *Satisfactory prevention, mitigation and compensation measures are provided.*

As a Local Wildlife Site, Brook Meadow qualifies as a designated site and it also contains protected species (see below). In this respect alone, development should be refused because the proposal cannot meet all three of these conditions.

**Aspect Ecology has resorted to mitigation and offsite compensation to justify its planning proposal.** This is clearly turning planning policy 'on its head'. Both the NPPF and Colchester Local Plan specify avoid – mitigate – compensate, in that order. Avoidance is clearly the best option as there are other, far more suitable sites available for development as identified by the Neighbourhood Plan. This site is highly valued for its wildlife and the beauty of the countryside. In the wake of the Environment Act (2021), the recognition of the need to strategize for nature's recovery and the need to reduce our carbon footprint, local areas of green space are becoming increasingly important, especially as communities like Tiptree continue to grow. If not provided, residents have no choice but to get in their cars and drive to an area of wide open space for exercise and recreation. It is of vital importance that valued green spaces are protected if development is to be considered sustainable. For Tiptree, Brook Meadow LWS is the number one open space.

**Aspect Ecology has consistently 'down played' the value of the meadow.** We have previously pointed out that, whilst it is true that the meadow is in sub-optimal condition, it contains a rich community of grass meadow species (many of which were completely overlooked by Aspect Ecology's survey work) as detailed in our response of April 2021. Natural unimproved grassland is a

very scarce habitat in Essex and the stated aim of the Essex Climate Action Committee (set up in response to the Environment Bill (2021)) is to identify and map existing meadows and even create new meadows as part of the Local Nature Recovery Strategy for Essex. With the stated aim of increasing wildlife habitats such as meadows it clearly makes no sense at all to develop a site when there are plenty of alternative sites which would not incur such drastic environmental damage and which give far better returns to the community. All the mitigation and compensation in the world cannot replace a scarce habitat and the rare species it contains.

**Aspect Ecology claims the meadow is managed infrequently and inappropriately and will 'inevitably be lost'.** In terms of management, to some extent this is true. The meadow has been mowed annually for over 20 years, with the exception of 2019 and 2021. Whilst the annual mowing is not ideal in that the clippings have not been removed it has nevertheless allowed a rich grassland community to develop. One can only wonder why the meadow was not mowed in 2019 and 2021 but this has contributed to the encroaching dwarf willow gaining a foothold over the area. The community of Tiptree is concerned about this and is working to achieve a long-term management plan. Brook Meadow clearly has the potential to be a high quality species rich meadow. The suggestion that it will *inevitably be lost* is premature and no justification for a planning proposal that will certainly lead to the loss of the unimproved grassland and the species, including the orchids, it currently contains. Despite the less than ideal management, there was a magnificent floral display in 2021 with over 3000 Green-winged Orchids (*Anacamptis morio*) – the highest count ever recorded here (NB this is the only site within the 10KM square for this species). Additionally Bee Orchids and Southern Marsh Orchid were present and over 100 spikes of Greater Tongue Orchid (*Serapias lingua*).

**A note concerning Greater Tongue Orchid (*Serapias lingua*).** Brook Meadow remains the only site in the UK for this species and it attracts a great deal of interest nationally as can be judged from the number of objections made by botanists from all over the UK. In 2021 this species was added to the Vascular Plant Red Data list (ref BSBI News 147, April 2021). It should be afforded protection accordingly.

**If granted, Tiptree's own Neighbourhood Plan will be dead.** The community of Tiptree has worked long and hard to identify and promote sustainable development in the village. We have a plan, approaching Regulation 14, that promotes development to meet the housing need and which strategically places that development to ensure new growth beyond this planning period is sustainable – particularly with respect to traffic flow as well as other infrastructure including a badly needed Health Centre (and of course, Green Space). In these respects the Neighbourhood Plan conforms to the stated aims of eLP policy SS14. However due to the limited capacity of existing infrastructure in the village there is a limit to how many new houses can be accommodated in a planning period. Consequently, following the granting of planning permission for 200 homes in Barbrook Lane on appeal in 2019, both the Tiptree Neighbourhood Plan examiner and the eLP inspector judged that 200 homes should be removed from the Neighbourhood Plan. If that happens again there will be no Neighbourhood Plan or relief roads, or Health Centre or Green Space. Neither will development be in line with eLP policy SS14 that specifies the construction of a northern relief road. That cannot be allowed to happen.

We respectfully request that Colchester Borough Council refuses permission for this application.