
Project: Land off Brook Meadows, Tiptree (1005786)

CD 5.30

Planning Ref: 202604

ADDITIONAL ECOLOGY CLARIFICATION & INFORMATION

14th January 2022

1. Introduction

- 1.1. Aspect Ecology prepared the Ecological Appraisal (with associated Biodiversity Net Gain Assessment, 'BNGA') and Shadow Habitats Regulations Assessment ('sHRA'), dated November 2020, which accompanied planning application ref. 202604, submitted in November 2020. Aspect Ecology has subsequently been appointed by the applicant to address relevant consultation responses received in relation to the planning application.
- 1.2. The following note refers to the consultation response from Place Services dated 30th November 2021 and discussions that arose during a subsequent consultation meeting with Place Services and Colchester Borough Council on 6th January 2022, and provides further clarification in respect of the following key topics:
 - i. Wintering Birds;
 - ii. Biodiversity Net Gain;
 - iii. Botanical Assessment of Grassland Habitats; and
 - iv. Visibility of Faunal Enhancements

2. Response

i. Impacts on Wintering Birds

- 2.1. During the meeting, it was discussed that Colchester Borough Council's Habitat Regulations Assessment (HRA) of the Publication Draft Colchester Local Plan Section 2: Proposed Main Modifications (LUC, September 2021) identifies potential impacts of new residential development on wintering birds associated with a number of statutory ecological designations, with respect to loss of 'functionally linked land' outside of the designations. With respect to Policy SS14 of the Draft Local Plan, which seeks to allocate a minimum of 400 new dwellings within Tiptree, the Local Plan Inspector is therefore understood to have suggested the following additional text:

'Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat.'

- 2.2. A review of the HRA (para. 4.10) identifies that Natural England has advised that its recognised distance for the consideration of offsite functionally linked land for wintering birds is generally 2km, but for certain wader species, namely Golden Plover and Lapwing, a greater distance of 15km may be appropriate. The 15km zone was therefore considered within the HRA for each of the relevant European sites that are designated for supporting these qualifying bird species.

- 2.3. Accordingly, a summary of European-level designations within 15km of the application site is provided below, with further consideration of the site's suitability to support overwintering Lapwing and Golden Plover, and likelihood of it supporting functionally linked land:
- **Abberton Reservoir SPA (4.8km):** Supports both Lapwing and Golden Plover as part of the overall bird assemblage;
 - **Blackwater Estuary SPA (6.5km):** Golden Plover is a qualifying species;
 - **Colne Estuary SPA and Ramsar (11.6km):** Supports Golden Plover as part of the overall bird assemblage.
 - **Dengie SPA and Ramsar (12.6km):** neither Lapwing nor Golden Plover are qualifying species, therefore can be scoped out.
- 2.4. The Council's September 2021 HRA states that Lapwing and Golden Plover 'may rely on offsite pastures and arable fields for feeding' (para. 4.12 re: Abberton Reservoir, 4.14 re: Blackwater Estuary, 4.15 re: Colne Estuary). As such, proposed developments within 15km of the relevant designations, that comprise of pasture and / or arable, may need to consider the potential presence of functionally linked land within the site.
- 2.5. The application site does not contain any pasture or arable and therefore, as per the HRA, does not trigger further consideration in respect of the relevant wintering bird species. Furthermore, the application site is bound by tall vegetation along most boundaries and partly overlooked by housing, which are counter-indicators for wintering waders. In addition, the application site is subject to regular disturbance by local residents and dog walkers and, as such, is highly unlikely to support Lapwing or Golden Plover associated with the above designations during winter. Further, the site is separated from the nearest designations (Abberton Reservoir and Blackwater Estuary) by the existing settlement of Tiptree, with extensive intervening arable and pasture, making it unlikely birds would travel beyond these more suitable areas to the application site, which does not support suitable habitat. Therefore, it is concluded that the application site is highly unlikely to be a preferred feeding area or provide functionally linked land to any of the relevant ecological designations. As such, based on this analysis, and in accordance with the approach outlined in the September 2021 HRA, it was agreed with Place Services and CBC during the meeting of 6th January 2022 that it is not reasonable or proportionate for a wintering bird survey to be required to inform the planning application, and no further consideration of wintering birds is therefore necessary.
- 2.6. Nonetheless, as agreed during the consultation meeting, Aspect Ecology's November 2020 Shadow Habitats Regulations Assessment (sHRA) has been revised to reflect the above analysis in respect of wintering birds.

ii. Biodiversity Net Gain

- 2.7. It was discussed and agreed during the consultation meeting that there is currently no Local or National Policy basis to require Biodiversity Net Gains to be calculated using a formal metric, or indeed for a particular percentage gain to be demonstrated by planning applications. Nonetheless, it is understood that demonstrating at least a 10% biodiversity net gain is identified as a future policy requirement within the emerging Local Plan and given the advanced status of the emerging policy this requirement can be afforded significant weight.
- 2.8. Notwithstanding the existing policy situation, as alluded to above, a BNGA has been carried out for the application proposals to help objectively quantify the effects of the proposed development and to determine an appropriate level of mitigation / compensation, as set out within the original November 2020 BNGA and subsequent updated BNGA, September 2021.

- 2.9. Given the illustrative nature of the Concept Masterplan and Landscape Strategy Plan, the previously submitted BNGAs did not seek to quantify the change in hedgerow units, although the BNGAs noted that due to the size of the site and limited extent of the existing hedgerow network present, any minor reductions in hedgerow length could be readily compensated on-site under the proposals. During the consultation meeting, it was agreed that, in line with the emerging policy aspirations, the proposed development should seek to achieve a minimum 10% net gain in hedgerow units. Accordingly, the previous, September 2021 Defra 3.0 metric calculator has been updated to demonstrate how a 41.84% net gain in hedgerow units can be achieved, through enhancing existing, retained hedgerows within the site. The full landscape details, including planting and specifications would be provided at the Reserved Matters stage.
- 2.10. It is noted Place Services' latest consultation response confirms that an offsite solution to deliver Biodiversity Net Gain is acceptable in ecological terms, notwithstanding Aspect Ecology's view remains that this is only necessary if the Wildlife Trust's position regarding the condition of the existing onsite grassland is accepted, which in contrast to Aspect Ecology's BNGA is neither evidenced-based nor in line with the Defra 3.0 technical guidance. During the consultation meeting it was agreed with Place Services that the existing grassland within the site cannot be categorised as the Priority Habitat Lowland Meadow, as the grassland is not managed as meadow, with only *ad hoc* 'topping' by the farmer in order to reduce the height of developing scrub, and the site was previously arable. Furthermore, neither the LWS citation nor the survey data obtained by previous consultants (Skilled Ecology, 2017) and Aspect Ecology support this categorisation, notwithstanding the presence of more notable species such as Green-winged Orchid.
- 2.11. With respect to Place Services' comment that sufficient information needs to be submitted to show that certain habitat would not lose out under the proposals, it is confirmed that under both scenarios assessed using the Defra metric, the 'trading rules' are fully satisfied, such that there would be no reduction in habitat distinctiveness under the proposals.
- 2.12. During the consultation meeting Place Services identified that a Local Nature Recovery Network is not yet in place for Essex, however it was agreed that this could be referenced as part of any future Reserved Matters application, if the Network has been published by that point in time. Place Services confirmed that the precise location for offsite land to deliver BNG does not need to be agreed at outline stage, providing there is a suitable legal agreement in place to secure a minimum 10% BNG. Place Services noted it would be necessary to carry out a design-stage BNG calculation to inform any future Reserved Matters application, in order to reflect the detailed plans. This agreed approach has the advantage of making sure any offsite land which may be required is provided in the best possible place, as better locations may exist in the future particularly as the Local Nature Recovery Network emerges, rather than tying down a specific location now. Nonetheless, in the interim, the Defra metric has been revised (see Scenario 3 calculation) to show that 9.25ha of offsite land would be required to achieve a 10% net gain and the Environment Bank has confirmed that sufficient land is available within Colchester Borough to provide a suitable offset.

iii. Botanical Assessment of Grassland Habitats

- 2.13. Following the relevant comment within the latest consultation response, the potential status of grassland communities / NVC communities within the application site, were they to be subject to appropriate management, was discussed during the consultation meeting; albeit it was agreed it is not possible to predict this with accuracy. This is largely because the site has been heavily disturbed, being previously under cultivation as Strawberry fields and as a plant nursery, and with part of the site having been quarried. The site does not represent a degraded meadow

or pasture where one could more reliably predict what would occur with appropriate management.

- 2.14. Of note, in the absence of development, appropriate management is not a realistic future scenario for the site, i.e. it would likely be left unmanaged and fenced off with no public access or revert to Strawberry fields / agriculture. The existing grassland would inevitably be lost under either scenario and there is no viable prospect of the site being managed for biodiversity, in the absence of development. It is noted that the proposals include the retention and enhancement of 3.5ha of the existing grassland, which can be secured through planning obligations / conditions. This is in contrast to the 'do nothing' scenarios under which the existing grassland interest would inevitably be lost.
- 2.15. With regards the presence of more acid-favouring plants recorded at the site (e.g. Sheep's Sorrel) it was outlined in the meeting that these were restricted to a relatively small area (approximately <50m²) in the west of the site, which is subject to extensive rabbit grazing and are most likely the result of slightly more elevated, more free-draining soil. This area was subject to NVC survey in 2020 and no acid grassland communities were identified, with the closest community being OV23 – an open vegetation community, which largely reflects the rabbit grazing. It was discussed that an acid grassland habitat has been created within the adjacent section of Inworth Grange Pits Local Wildlife Site (LWS), and so it is possible that species have colonised from there, albeit the species recorded are all relatively common on free-draining soils and often occur in gardens for example and there is no evidence of acid grassland habitat being present within the site. There is also no reference to acid grassland occurring within the site in the Wildlife Trust's LWS citation. In addition, survey work undertaken by a third-party ecologist (Skilled Ecology) in 2017, also noted the presence of Sheep's Sorrel at the site but did not consider acid grassland to be present.
- 2.16. During the meeting, it was recognised that extensive botanical survey work has been carried out at the site to date, including the original LWS survey, the 2017 survey by Skilled Ecology, and the Phase 1 and NVC surveys undertaken by Aspect Ecology in 2020. These all confirm that it is appropriate to consider the existing grassland as 'other neutral grassland' in the Defra 3.0 Biodiversity Metric. Therefore, it was agreed that sufficient survey information is already available and that no further botanical assessment is necessary to inform the planning application, or would indeed be likely to alter the proposed mitigation strategy.
- 2.17. A query was raised with regards the botanical skill level of the surveyors, and it was confirmed that the Phase 1 survey was undertaken by one of Aspect Ecology's Principal Ecologists who is a Chartered Ecologist and full member of CIEEM, with over 13 years' experience in botanical survey and assessment, and the NVC survey was carried out by one of Aspect's Senior Ecologists under the direction of the Principal Ecologist and Ecology Director, who holds a BSc and PhD in Environmental Sciences, and has over six years' experience in ecological consultancy, during which time they have demonstrated a high degree of competency in botanical survey work and have received relevant training, including through attendance at courses such as Grasses, sedges and rushes (FSC), Using indicator species for habitat assessment (Phase 1 & NVC) – grasslands (Species Recovery Trust), Using indicator species for habitat assessment (Phase 1 & NVC) – Heathlands, bogs and acid grassland (Species Recovery Trust), Plant Family Identification (Aspect Ecology workshop) and Winter Grassland Identification and introduction to NVC (Aspect Ecology field training session). It was discussed that Aspect Ecology's surveyors do not typically hold a FISC qualification, and this is not required under Phase 1 / NVC survey guidance, but Place Services is in agreement that this is not necessary if equivalent experience is held by surveyors and is satisfied that the above skills and experience are appropriate for the survey work carried out.

- 2.18. It was agreed that no further botanical survey work or assessment is necessary to inform the outline planning application, albeit update survey work may be prudent in advance of commencement and/or to inform a future Reserved Matters application, in order to reflect the baseline ecological status of the site at that time.

iv. Visibility of Faunal Enhancements

- 2.19. Place Services identified that the additional ecological enhancements listed at paragraph 3.3 of the previous (November 2020) BNGA Technical Note have not been embedded into the Concept Masterplan and Landscape Strategy Plan. This paragraph referred to faunal enhancements such as bat and bird boxes, Hedgehog domes, etc. It was discussed that such information would typically be provided on more detailed plans at the Reserved Matters stage or dealt with by condition. Place Services confirmed its preference for an illustrative Ecological Enhancements Plan to be provided, showing numbers of bat / bird boxes, etc. at this stage. Accordingly, an illustrative Ecological Enhancements Plan has been prepared and accompanies this note.

3. Summary and Conclusions

- 3.1. In summary, a number of points of clarification have been provided above and the following additional information has been prepared to inform the outline planning application:
- Updated Shadow Habitats Regulations Assessment (sHRA);
 - Updated Biodiversity Net Gain Assessment (BNGA), to include an indicative assessment of hedgerow unit gains and a third scenario to demonstrate how 10% BNG can be achieved;
 - Digital copies of the completed Defra 3.0 Biodiversity Metrics (Scenarios 1 – 3); and
 - Illustrative Ecological Enhancement Plan (faunal features).
- 3.2. It is understood that subject to receipt of the above clarification and further information Place Services will be in a position to remove its holding objection to the planning application.

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