
Project: Land off Brook Meadows, Tiptree (1005786)

Planning Ref: 202604

RESPONSE TO ECOLOGY CONSULTATION COMMENTS

March 2021

1. Executive Summary

- 1.1. The following note provides a response to the consultation responses received from Essex Wildlife Trust (EWT), Natural England and various third-party comments in respect of planning application 202604, which seeks outline consent for the erection of up to 221 dwellings and associated infrastructure and works.
- 1.2. The application site is located within part of the non-statutory designation known as Inworth Grange Pits Local Wildlife Site (LWS), the majority of which lies off-site to the west but was extended in 2015 to include the application site, based on the presence of grassland that supports several orchid species. The LWS designation is non-statutory, meaning it confers no legal protection to the site and none of the designated features, i.e. orchids, is legally protected. Natural England has confirmed that it has no objection to the application.
- 1.3. Approximately 16% of the LWS will be lost as a result of development, therefore, the majority of the LWS (>80%) will be retained. The loss of a relatively small proportion of the LWS is unlikely to represent a significant impact on the overall ecological function of the designation, particularly as the LWS functioned as a whole prior to it being extended.
- 1.4. As recognised in the LWS citation, the grassland and its orchid populations are vulnerable to inappropriate management or the lack of management. At the time of designation the presence of encroaching scrub was noted and this has continued to encroach across the site due to a lack of management. In the absence of management the scrub encroachment will continue and ultimately the orchid populations will be lost. This is a point EWT has failed to acknowledge, despite this being raised as a clear threat within its own citation for the LWS.
- 1.5. As an alternative to this 'do nothing' scenario, the site could be returned to strawberry fields, or other intensive agricultural use, which would equally result in the loss of LWS interest features. As noted above, none of the orchid species present is legally protected, therefore the orchids could be legally removed by the landowner at any point.
- 1.6. In contrast, the proposed development presents the opportunity to introduce positive management to those areas of the LWS that will remain within the application site, addressing the current scrub encroachment and unmanaged public access. As part of the proposed mitigation strategy, the more species-rich areas of grassland and associated orchids will be relocated from the development footprint and retained on-site.
- 1.7. EWT originally contended that the grassland within the application site was 'fairly poor other neutral grassland' but following the unsupported claims of third parties has since changed its position and claims the grassland is Priority Habitat Lowland Meadow, despite the absence of any corroborating evidence and contrary to the results of detailed survey work reported in the

submitted Ecological Appraisal. This directly contradicts EWT's own citation for this part of the LWS, which shows that it was designated on the basis of 'other neutral grassland' and not Lowland Meadow. EWT has also failed to recognise that the site is not an ancient hay meadow or traditional pasture but rather land that was until relatively recently under intensive agricultural use for strawberry cultivation.

- 1.8. Notwithstanding that there is no policy requirement to do so, the applicant has submitted a Biodiversity Net Gain Assessment (BNGA) with the application to help illustrate the net gains provided by the proposals. EWT has sought to criticise the BNGA based on its spurious claim that the application site supports Lowland Meadow habitat. However, even under this unrealistic, unproven scenario it would still be possible to demonstrate a quantifiable net gain (with off-site measures if necessary) such there would not be a defensible reason for refusal of the planning application.
- 1.9. EWT and various third parties raise concerns over the presence of the Mediterranean species known as Greater Tongue Orchid, which occurs as a small colony at the site. This species does not have any conservation status in the UK and in all likelihood was artificially introduced to the site. The species is not a material planning consideration and will in any event be retained under the proposals.
- 1.10. Policy ENV1 of the Local Plan seeks to safeguard biodiversity and protect sites of local ecological importance. In this context, the planning balance must surely favour the certainty offered by the proposed development in terms of securing the future of the remaining LWS, compared to the inevitable loss of the entire LWS interest features from the application site through lack of management or reversion to agriculture. In summary, there is no justifiable reason to refuse the planning application on ecology grounds.

2. Background

- 2.1. 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 the consultation responses received from Essex Wildlife Trust (EWT), Natural England and various third-party comments.
- 2.2. It should be noted that, following receipt of its original consultation response (7th December 2020), Aspect Ecology has contacted EWT on numerous occasions seeking to clarify and discuss its comments, including the apparent errors in its own Biodiversity Net Gain Assessments. Disappointingly, EWT has refused to engage with the project, enter into constructive dialogue or to seek to resolve matters with the applicant. EWT has also failed to clarify its comments or provide any supporting evidence for its position. Instead, EWT has submitted additional comments (2nd February 2021), again with no supporting evidence, which appear to have largely been derived from various third parties, as is apparent from the similarity in comments. EWT was effectively responsible for designating the Local Wildlife Site that overlaps the application site and therefore has a vested interest in objecting to the proposals. Furthermore, EWT's apparent reliance on third-party comments indicates a further lack of impartiality.
- 2.3. Natural England provided its original consultation response on 14th January 2021. NE's response did not specifically raise an objection to the application, however it did make comments on the LWS issue and the BNGA, which seemed to largely parrot those of EWT.

- 2.4. NE has since confirmed that it has not undertaken its own impartial BNGA and had instead referred to and reiterated the flawed findings of EWT's assessment, which were found to be inaccurate and subsequently withdrawn. Upon further discussion, and as summarised in the correspondence at Appendix 5786/1, Natural England has since clarified its consultation response in writing, confirming that **Natural England has no statutory objection to the proposals.**
- 2.5. It should be noted that an internet campaign, based on inaccurate and unfounded claims about the proposals and potential for impacts on orchids, in particular, has likely contributed to the number of responses provided by third parties. As such, it is highly likely that the number of 'objections' raised to the proposals is artificially inflated. That said, it is clear that local users / dog walkers appear very fond of the site and as such the tone of the responses generally appears to be good natured and informative, rather than malevolent. There is considerable overlap between the comments and therefore the following response is intended to address all relevant concerns.
- 2.6. EWT's consultation responses and the third-party comments focus almost exclusively on the LWS issue, however can be broken down into the following main themes:
- i. Impacts on Inworth Grange Pits LWS;
 - ii. Habitat Status of the Application Site;
 - iii. Biodiversity Net Gain Assessment (BNGA);
 - iv. Orchid species present within the site.

3. Response

- 3.1. The following section provides a commentary of the concerns raised by EWT and third parties, and Aspect Ecology's response.
- i. **Impacts on Inworth Grange Pits LWS**
- 3.2. The application site is part of the non-statutory designation known as Inworth Grange Pits Local Wildlife Site (LWS), the majority of which lies off-site to the west but was extended in 2015 to include the application site. The larger, original, western component is focused on the disused parts of the former Tiptree Quarry and comprises a series of lagoons and wet woodland that support a good assemblage of breeding birds. Areas of acid grassland have also been created within the former quarry.
- 3.3. The smaller, eastern section of the LWS, which covers the application site, was added in 2015 and is dominated by former strawberry fields. The fields were added to the LWS designation on the basis of the grassland habitat that has developed following the cessation of strawberry cultivation, which includes a variety of orchid species, including a significant population of the Red Listed Green-winged Orchid (*Orchis morio*). The LWS citation (see Appendix 5786/2) refers to the fields as supporting '*unimproved grassland, albeit of recent origin*'. However, the exact status of the grassland at the time of designation is unclear because to date EWT has been unable to provide any supporting information such as field survey data, photographs or notes on habitat condition at the time of the 2015 review.

Loss of Area

- 3.4. As recognised within the Ecological Appraisal, approximately half of the LWS designation that falls within the application site would be permanently lost as a result of the development proposals; this represents approximately 6.17ha of the designation, which accounts for 16.4% of its total area. Therefore, **the majority of the LWS (>80%) will be retained**. The loss of a relatively small proportion of the LWS is unlikely to represent a significant impact on the overall ecological function of the designation, particularly as the LWS functioned as a whole prior to it being extended to include the application site in 2015.
- 3.5. As set out in the LWS citation, under the heading '*Management Issues*', it states:
- 'The field and its orchid populations are vulnerable to inappropriate management or the lack of it.'**
- 3.6. The LWS citation identifies the Willow scrub that is heavily encroaching the site as a particular threat to the orchid populations. Indeed, this threat has been realised, as there has been a lack of management since the application site was included within the LWS designation, as demonstrated by the survey findings presented within the Ecological Appraisal, such that the grassland has suffered from extensive Willow scrub encroachment. This has undoubtedly resulted in a reduction in diversity of the grassland and loss of some of the orchids for which the LWS was designated. Over time, if left unchecked the scrub will continue to encroach across the grassland and ultimately the orchid populations will be lost. This is a point EWT has failed to acknowledge, despite this being raised as a concern within its own citation for the LWS.
- 3.7. In the absence of development, i.e. the 'do nothing' scenario, there is no reasonable prospect of this part of the LWS being subject to positive, ecologically-directed management, as it lies within private ownership. Therefore, as set out above, there will be a continued expansion of Willow scrub and reduction in biodiversity across the site, such that any remaining ecological interest associated with the LWS will eventually be lost. Alternatively, the site could be returned to strawberry fields, or other intensive agricultural use, with the associated ploughing, use of fertilisers, herbicides, pesticides, etc., which would equally result in the loss of LWS interest features. **It should be noted that the LWS is a non-statutory designation and none of the orchid species present is legally protected.** As such, the orchids present could be legally removed by the landowner at any point.
- 3.8. In contrast, the proposed development presents the opportunity to introduce positive management to those areas of the LWS that will remain within the application site, addressing the current scrub encroachment and unmanaged public access (see below). The presence of the non-statutory Inworth Grange Pits LWS has represented a key consideration in the masterplanning and design of the proposals, since the project's inception. This has led to considerable re-design of the proposals to ensure the most sympathetic and ecologically inclusive proposals have been brought forward. In the first instance, the built-form of the development has intentionally been positioned at the furthest point away from the original, most established areas of the LWS. The proposals do not fragment or isolate any area of the LWS from wider ecological networks. In addition, the more diverse areas of grassland have been proposed for retention and / or relocation, including notable plants such as Green-winged Orchid, with proportionate safeguarding and enhancement strategies detailed within the Ecological Appraisal (Chapter 6).

- 3.9. Policy ENV1 of the Local Plan seeks to safeguard biodiversity and protect sites of local ecological importance, e.g. LWS. In this context, the planning balance must surely favour the certainty offered by the proposed development in terms of securing the future of the remaining LWS, notwithstanding the loss of a relatively minor part of the designation, compared to the inevitable loss of the entire LWS interest features through lack of management or reversion to agriculture.

Recreational Effects

- 3.10. EWT raises a concern that the proposals will increase recreational use of the remaining habitats within the application site. There are currently no formal public rights of way across the application site, however there are numerous informal routes present and it is well used by local residents, particularly for dog-walking. The current public use of the application site is unmanaged, with no regard to existing ecological interests and frequent dog-fouling is a consequence of this unregulated access.
- 3.11. Recreational effects are not listed as a concern within the LWS citation. Nonetheless, it is accepted that the proposals will introduce new residents to the area. However, the proposals present the opportunity to secure a dedicated 'off leads' area for dogs within the site, which would be managed and maintained with necessary facilities such as dog-waste bins. Interpretation boards and signage can also be provided, to educate recreational users about the retained ecological features, with strategic planting and paths designed to encourage users to restrict their movement to specified routes. The on-site routes will link with the off-site local footpath network providing access to the wider countryside beyond the LWS and application site. These specific and clearly beneficial measures would mitigate potentially adverse effects, whilst allowing new and existing residents to enjoy the benefits of access to green space, such as physical and mental wellbeing, the importance of which is recognised by EWT.

ii. Habitat Status of the Application Site

- 3.12. In its original consultation response, EWT accepted Aspect Ecology's categorisation of the existing grassland habitat as 'Grassland – other neutral grassland', which was selected from the drop-down list of habitats for the purposes of the BNGA (see section iii below). Indeed, this categorisation is fully appropriate (if not somewhat conservative given the degraded status of the grassland) given that the LWS citation states that the grassland within the application site was designated under LWS criterion '**HC11 – Other Neutral Grasslands**'.
- 3.13. 'Poor' condition was selected by Aspect on the basis that the grassland has >15% cover of undesirable species, in particular encroaching scrub, in accordance with recognised guidance¹. However, EWT took issue with categorisation of the condition as 'poor', instead contending that it should be treated as 'fairly poor'. EWT sought to support this contention by reference to guidance stating that the importance of habitats in suboptimal condition should not be underestimated '*where there is potential for restoration*'. However, the site is privately-owned, is not subject to sympathetic management and in the absence of development there is no realistic prospect of restoration. On the contrary, as explained above, in the absence of development the habitat will continue to deteriorate. As such, there is no justification for EWT's suggestion to increase the condition scoring for the existing grassland habitat.
- 3.14. Having previously accepted that the grassland within the application site can be categorised as 'other neutral grassland', in its latest response EWT contends that the grassland qualifies as

¹ Natural England (2019) Technical Supplement on The Biodiversity Metric 2.0, Natural England Joint Publication JP029

the Priority Habitat 'Lowland Meadow'. This apparent change in position seems to have been influenced by, if not directly as a result of, various third-party comments. EWT states that it believes the grassland qualifies as Lowland Meadow on the basis of a number of plant species that are *indicative* of this habitat type. As set out in the Ecological Appraisal (paragraph 4.4.3) a number of indicator species of Priority Habitat grassland are present, however these are not sufficiently abundant for the grassland to qualify as a Priority Habitat. As set out in the Ecological Appraisal, this has been established by reference to objective guidance as opposed to EWT's subjective and speculative approach. Furthermore, it should be recognised that the presence of indicator species in isolation does not provide confirmation of habitat classification, for example the presence of ancient woodland indicator species does not confirm the presence of ancient woodland. It is necessary to consider not only the presence of indicator species but their abundance and frequency, and importantly the history of the site; something which EWT has ignored.

- 3.15. With the possible exception of roadside verges, Priority Habitat 'Lowland Meadows' are flower-rich grasslands on ancient turf that have escaped destruction or agricultural improvement², which arise from traditional systems of hay-cutting and grazing that have persisted for centuries³. By contrast, the grassland present within the application site originates from intensively managed and improved agricultural land (i.e. strawberry fields), which has been ploughed, and indeed part of the site was previously quarried. The grassland has not been subject to any form of traditional management; indeed, it has had no management at all beyond occasional topping since it became lapsed agricultural land approximately 15 -20 years ago. Furthermore, as alluded to above, EWT's own citation for the LWS demonstrates that it was designated on the basis of 'other neutral grassland' rather than 'Lowland Meadow'. EWT has ignored all of the above factors. **EWT's contention that the grassland within the site qualifies as Lowland Meadow is therefore unsubstantiated and misleading.**

iii. Biodiversity Net Gain Assessment (BNGA)

- 3.16. While biodiversity net gains are encouraged under the National Planning Policy Framework, there is nothing in the NPPF that states this should be demonstrated through use of a biodiversity metric calculation. Indeed, the current Defra metric exists only in 'draft' format and is subject to ongoing revision. The requirement to utilise a biodiversity metric calculation will be brought forward under the Environment Bill, which is unlikely to become law until autumn. In addition, there is no current local policy requirement to provide a metric calculation to support planning applications in Colchester Borough.
- 3.17. Nonetheless, the Ecological Appraisal included a Biodiversity Net Gain Assessment, using the Defra 2.0 Metric, in order to help demonstrate that the proposals can deliver net gains for biodiversity. Instead of supporting the opportunities to benefit biodiversity provided under the proposals, EWT has sought to criticise the submitted BNGA and to bolster its in-principle objection, rather than impartially assessing the proposals on their merits.
- 3.18. For the purposes of this response, and due to clear errors in EWT's original consultation response, the following commentary largely relates to the three Biodiversity Net Gain scenarios provided in EWT's 'corrected' 2nd February 2020 response, based on Defra's Metric 2.0. Each scenario is provided on EWT's unsubstantiated premise that the condition of on-site habitats is greater than the objective assessment clearly demonstrated within the Ecological

² Vision for Essex Lowland Meadows

³ The Wildlife Trusts – Lowland Meadows and Pastures (online website)

Appraisal, and that the proposals are unable to achieve the stated outcomes (despite the government's biodiversity metric supporting the approach taken).

- 3.19. **Scenarios 1 and 2** provided by EWT both suggest that the condition of the existing on-site grassland be increased to 'Fairly Poor' from 'Poor'. As already explained above (section ii), this is not reflective of the condition of on-site habitats as documented in the Ecological Appraisal and is completely unjustified.
- 3.20. EWT also questions the ambition of the project to enhance and introduce positive ecological management to retained areas of the site, claiming that recreational pressure may be too great to create a high-quality habitat. The current effects of unmanaged recreational pressure on the site appear to have been overlooked by EWT. Under the specific measures described within the Ecological Appraisal and sHRA, which can be secured via a suitably worded planning condition, bringing the site under positive ecological management, including access management, is anticipated to significantly improve the grassland condition. The Defra metric supports and allows the ability to create 'Good' condition 'Grassland – Lowland Meadow' and that is precisely what the project intends to encourage.
- 3.21. **Scenario 3** provided by EWT relies on the unfounded and unsupportable assertion that the site currently supports 'Grassland – Lowland Meadow', which is clearly not the case, as explained above (section ii). When selecting 'Grassland – Lowland Meadow' as the baseline habitat, as suggested under EWT's unrealistic **scenario 3**, the metric generates a warning of 'unacceptable loss'. However, this is automatically generated when any habitat of 'high distinctiveness' is present and merely identifies the need to identify 'bespoke compensation' before the calculations are able to proceed any further, and reflects a limitation of the metric. The proposals do indeed include bespoke compensation, including grassland / orchid translocation and specialist habitat creation and management within the site. Subject to such compensation the metric is able to calculate a net gain under the proposals.
- 3.22. In addition to the clear errors in calculations provided in EWT's original consultation response, which Aspect Ecology brought to EWT's attention and were subsequently 'corrected' in its follow up consultation response on 2nd February 2021, EWT is choosing to overlook the fact that specific faunal enhancements are being provided under the proposals, which are not taken into account within the metric calculation. A recognised limitation of the use of metrics is that they only quantify habitat losses and gains. Therefore, other measures which can deliver biodiversity net gains, such as the delivery of faunal enhancements (such as those proposed by the application) or ecosystems services are not taken into account. This is reflected in current guidance for assessment of biodiversity net gains⁴, which states that:
- 'Measures of biodiversity are not absolute values. They are proxies of biodiversity value before and after a development and might not capture all the features affected. For example, Defra's biodiversity metric calculates biodiversity units, but does not reflect other features such as a vital wildlife corridor within an urban locality. Both quantitative and qualitative assessments should be used when designing, implementing, maintaining and monitoring biodiversity net gains to capture all aspects of biodiversity, and to avoid decisions being based purely on numbers.'*
- 3.23. EWT appears intent on ignoring the clear additional benefits that would be delivered under the proposals, including:

⁴ CIEEM, IEMA and CIRIA (2019) Biodiversity Net Gains – Good Practice Principles for Development Gain, A Practical Guide

- Positive ecological management to considerable areas of retained habitats that are identified in EWT's own words as 'vulnerable to inappropriate management';
- Grassland creation;
- Increased tree planting;
- New pond creation;
- Extensive new hedgerow planting;
- Increased roosting opportunities for bats;
- Increased nesting opportunities for birds;
- Nesting opportunities for Barn Owl;
- Habitat management for reptiles and amphibians;
- New long-term opportunities for Hedgehogs.

3.24. In addition, and as described above, the Defra metric cannot take into account the bespoke measures provided in relation to the grassland and orchid translocation exercise, which go far beyond the generic approach to achieving biodiversity net gains.

3.25. Despite all of the above and the overwhelming weight of evidence that supports Aspect Ecology's assessment and prediction of measurable biodiversity net gains under the proposals, should the Council ultimately accept EWT's unrealistic and unsubstantiated net gain calculations and require additional net gains to be delivered by the proposals, notwithstanding there is no policy basis, then an off-site solution can be brokered (for example through a provider such as The Environment Bank). Lowland Meadow is not an irreplaceable habitat and for the purposes of the Defra metric this habitat type can be created within a relatively short time period. This would result in high quality habitat being created, managed, and monitored off-site (albeit within the same administrative area) and is an entirely acceptable alternative approach in planning terms, supported by a recent appeal decision⁵. **As such, even under scenario 3 there would not be a defensible reason for refusal of the planning application.**

iv. Orchid Species Present within the Site

3.26. EWT and a number of third parties have raised concerns in relation to the potential 'loss' or reduction in extent of orchid species within the site and the potential for Greater Tongue Orchid, in particular, to be adversely impacted.

3.27. The Inworth Grange Pits LWS citation, prepared by EWT, confirms the presence of a number of orchid species within the site, and also confirms that this area of the LWS designation is dominated by widespread species and coarse grasses, with dense Willow scrub growth. The citation also acknowledges that inappropriate management of the site is likely to represent the greatest threat to orchid populations. In the absence of positive ecological management, which would be delivered by the proposed development, the ecological value of the site and its associated LWS designation will continue to erode. As explained previously, the 'do nothing' scenario would result in the expansion of Willow scrub and reduction in biodiversity across the site, including the inevitable loss of orchid species. As such, the proposals represent a tangible and effective opportunity to secure the long-term retention and positive management of orchids within the site.

3.28. The Ecological Appraisal, informed by extensive field survey and background research, confirms the presence of orchid species within the site, including Green-winged Orchid and Greater Tongue Orchid (*Serapias lingua*). For context, **none of the species of orchid, or indeed any other plant species within the site, is legally protected or listed as a Priority Species** (a

⁵ See Appeal Ref: APP/Y0435/W/20/3251121

material consideration for planning). **As such, the presence of these species does not represent a defensible reason for refusal of the planning application.**

3.29. Despite there being no statutory or specific planning requirement to retain or safeguard the species of orchid present within the site, the proposals include undertaking a translocation exercise to redistribute these species to areas of the retained LWS designation within the site. Grassland and, in particular, orchid translocation is a widely used technique that, if undertaken in an appropriate manner with proportionate monitoring and aftercare will provide the greatest chance of long-term survival for these species. Again, to reiterate, the alternative under a 'do nothing' scenario is that the orchids are lost naturally over time due to unsympathetic management or as a result of a return to active cultivation.

3.30. With regard to the presence of a discrete patch of Greater Tongue Orchid within the site (not listed in EWT's LWS citation), this is a Mediterranean species, distributed from the Azores and Canary Islands in the west to the Caucasus in the east, south to North Africa and north as far as Brittany in France. EWT refers to sources identifying this species as '*possibly native*' and reaches an extremely misleading conclusion that the population of Tongue Orchid at the application site is of '*national importance*'. The Vascular Plant Red List for England (2014) does not include any reference to Greater Tongue Orchid at all. With respect to 'native' species, the List sets out that:

'A native plant is defined as one that has not been deliberately or accidentally introduced by man'

3.31. The Vascular Plant Red Data List for Great Britain (2019) includes Greater Tongue Orchid on the 'Waiting List', confirming that its GB status is 'uncertain', albeit acknowledging that it may possibly be a recent natural colonist. However, even for new colonists, the species would need to be present for at least 25 years before a conservation status can be given to it. As such, it is entirely inappropriate and misleading for EWT to suggest that the population of Tongue Orchid present at the site is of national importance.

3.32. In terms of origin, orchid seed is particularly fine and easily carried by the wind, therefore it is hypothetically possible that seed from the continent has blown over naturally and landed within the site. Similarly, seed blown artificially from plants growing in a pot in a nearby garden could have potentially started a colony at the site. Equally, a single specimen could have been planted out by a keen botanist or gardener, and seeds of this species are available for sale online. However, when the site was used as strawberry fields, a plant nursery was present that was known to grow tropical orchids. It is therefore entirely feasible that Tongue Orchid seed was accidentally or deliberately imported and found its way into the soil or cuttings discarded on site, eventually creating the small colony present today. This is the most likely explanation of its origin, especially compared to seed arriving by natural means from the continent, for example, and also given that its natural pollinator is not known to occur in Britain, making seed set very unlikely without assistance.

3.33. As such, although potentially interesting to local / interested parties, the presence of Greater Tongue Orchid does not represent a material consideration for planning.

3.34. Irrespective of the origin and status of the Greater Tongue Orchid colony present within the site, **the proposals do in any event retain it in its entirety, in situ, a point that has been singularly ignored by EWT.** As such, no adverse impacts on this species are predicted. Should EWT prefer to translocate these individual plants to one of their nearby reserves, this would be possible under the proposals.

- 3.35. As such, notwithstanding that none of the orchid species present within the site are afforded any legislative or policy protection, proportionate measures are outlined within the Ecological Appraisal which would safeguard the orchids within the site. Such measures can be secured by a suitably worded planning condition.

4. Conclusions

- 4.1. The proposals represent an opportunity to secure long-term positive ecological management of part of the Inworth Grange Pits LWS, which has been identified by Essex Wildlife Trust as being vulnerable to inappropriate management or the lack of it. In the absence of this intervention, the current botanical interest of the site will inevitably be lost along with its status as a non-statutory designation.
- 4.2. In light of the clarifications above, it is concluded that no overriding ecological constraints to the development proposals exist, and no significant adverse effects on statutory or non-statutory designations would occur as a result of the development proposals, subject to the imposition of suitable planning conditions.

Enclosed

Appendix 5786/1 – Natural England’s Confirmation of no Objection

Appendix 5786/2 – Inworth Grange Pits LWS Citation

Copyright

The copyright of this document remains with Aspect Ecology. All rights reserved. The contents of this document therefore must not be copied or reproduced in whole or in part for any purpose without the written consent of Aspect Ecology.

Legal Guidance

The information set out within this report in no way constitutes a legal opinion on the relevant legislation (refer to the original legislation). The opinion of a legal professional should be sought if further advice is required.

Liability

This report has been prepared for the exclusive use of the commissioning client and unless otherwise agreed in writing by Aspect Ecology, no other party may use, or rely on the contents of the report. No liability is accepted by Aspect Ecology for any use of this report, other than for the purposes for which it was originally prepared and provided. No warranty, express or implied, is made as to the advice in this report.

Appendix 5786/1:

Natural England's Confirmation of no Objection

From: [REDACTED] <[REDACTED]@naturalengland.org.uk>

Sent: 16 February 2021 14:22

To: [REDACTED] <[REDACTED]@aspect-ecology.com>

Subject: RE: Land at Brook Meadows, Tiptree, Essex - Consultation Response

Dear [REDACTED],

Yes, it is the case that Natural England has not raised a statutory objection to the application, subject to confirmation/review of the Council's HRA.

Regards

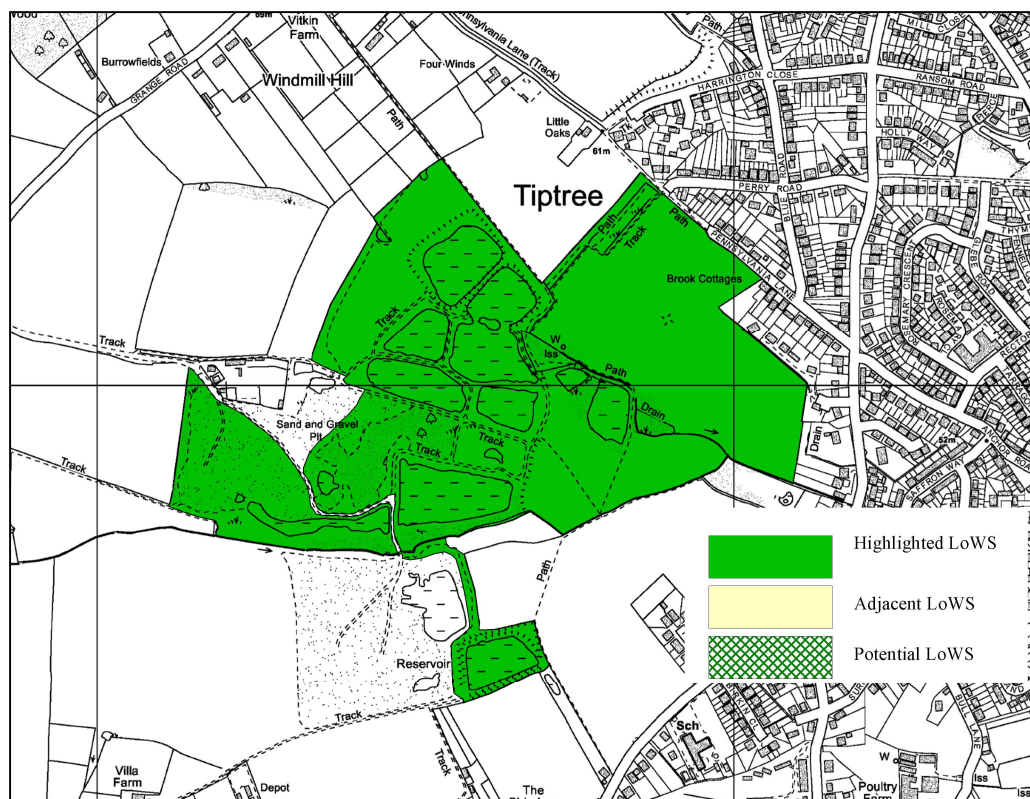
[REDACTED]

Appendix 5786/2:

Inworth Grange Pits LWS Citation

LOCAL WILDLIFE SITES COLCHESTER DISTRICT

Co10 Inworth Grange Pits, Tiptree (37.6 ha) TL 885159



Reproduced from the Ordnance Survey® mapping by permission of Ordnance Survey® on behalf of The Controller of Her Majesty's Stationery Office. © Crown Copyright. Licence number AL 110020327

This complex site is focussed on the now disused parts of Tiptree Quarry, comprising wet woodland, ponds, reedbeds and acid grassland, together with an old strawberry field to the east and some smaller meadows.

The quarry part of the site is made up of a series of lagoons, some containing deeper standing water, some shallower with broad fringes of Common Reed (*Phragmites australis*), emergent willow (*Salix* sp.) scrub and floating mats of pondweed (*Potamogeton* sp.), and some with different aged stands of wet willow woodland. Emergent and marginal plants species include Bulrush (*Typha latifolia*), Gipsywort (*Lycopus europaeus*), Soft-rush (*Juncus effusus*) and Water-plantain (*Alisma plantago-aquatica*) with the Essex Red Data List species Common Spike-rush (*Eleocharis palustris*). The fringes of the larger lagoons are now mostly shaded by willows.

Between the lagoons, the topography is varied with banks of exposed substrate, hummocks and hollows, which should provide good conditions for invertebrates. In the northwest part of the site is an extensive area landscaped to produce acid grassland, including an enclosure with introduced Heather (*Calluna vulgaris*). Other open parts support sparse swards and rough grassland, depending on their age and soil profile. Acid grassland species include Sheep's Sorrel (*Rumex acetosella*), Wood Sage (*Teucrium scorodonia*), Common Bird's-foot-trefoil (*Lotus corniculatus*), Common Cudweed (*Filago vulgaris*), Common Centaury (*Centaureum erythraea*), Red Bartsia (*Odontites vernus*), Creeping Cinquefoil (*Potentilla reptans*) and parsley-piert (*Aphanes* sp.).

In places there is scattered scrub, with Bramble (*Rubus fruticosus* agg.), Gorse (*Ulex europaeus*), birch (*Betula* sp.) and Broom (*Cytisus scoparius*) amongst young Pedunculate Oaks (*Quercus robur*). There are some small areas of young oak woodland, planted in the 20th Century, and also scattered older oaks predating the quarry.

The former strawberry field to the east and the meadows to the south support unimproved grassland, albeit of recent origin. Six species of orchid have been recorded across this area including a significant population of Green-winged Orchid (*Orchis morio*) with smaller numbers of Bee Orchid (*Ophrys apifera*), Southern Marsh Orchid (*Dactylorhiza praetermissa*), Pyramidal Orchid (*Anacamptis pyramidalis*), Common Spotted Orchid (*Dactylorhiza fuchsii*) and Common Twayblade (*Neottia ovata*). The sward is dominated by Yorkshire-fog (*Holcus lanatus*) and bent (*Agrostis* sp.) and dense growth of willows. Other species in the meadows include Hope Trefoil (*Trifolium campestre*), Smooth Tare (*Vicia tetrasperma*), Fleabane (*Pulicaria dysenterica*) and Common Centaury (*Centaureum erythraea*).

The site also supports a good assemblage of breeding birds including in recent years more noteworthy species such as Pochard, Lapwing, Little Ringed Plover, Cuckoo, Skylark, Song Thrush, Cetti's Warbler, Willow Warbler and Linnet.

Ownership and Access

The site is in private ownership. Restoration activity still occurs in some areas and access is restricted to public footpaths along the southern and eastern edges of the quarry. The meadows have no public rights of way but are heavily used by local residents.

Habitats of Principal Importance in England

Open Mosaic Habitats on Previously Developed Land

Selection Criteria

HC3 – Other Priority Woodland Habitat Types on Non-ancient Sites

HC11 – Other Neutral Grasslands

HC13 – Heathland and Acid Grassland

HC27 – Post-industrial Sites

HC28 – Small-component Mosaics

SC1 – Vascular Plants

Rationale

Much of this site could be classed as post-industrial and it includes a wide range of features that are likely to be of significant benefit to invertebrates, although there is a lack of records to confirm this at present. Within the post-industrial area there are also clear examples of acid grassland and wet woodland communities that would meet HPIE descriptions. The meadows outside of the quarry area are essentially unimproved, despite a recent origin and their conservation value is sufficient to justify their selection, but here the Other Neutral Grasslands criterion is primarily used to define the extent of the habitat that is supporting the significant Green-winged Orchid population.

Condition Statement

Mostly favourable.

Management Issues

The field and its orchid populations are vulnerable to inappropriate management or the lack of it. Willow has become dominant over large parts of the field, although it has been cut during this review period. The field has also been proposed as a site for housing development. The habitats in the quarry part of the site will decline naturally as succession takes place and so

management will be necessary to slow this process if the diversity of habitats and species is to be maintained.

Review Schedule

Site Selected: 2008

Reviewed: 2015 (extended)

ecology • landscape planning • arboriculture

The logo for Aspect Ecology Ltd. It features the word "aspect" in a white, lowercase, sans-serif font. Above the letter "p" is a stylized, white, upward-pointing arrow or swoosh.

Aspect Ecology Ltd
West Court
Hardwick Business Park
Noral Way
Banbury
Oxfordshire OX16 2AF

T: 01295 279721
E: info@aspect-ecology.com
W: www.aspect-ecology.com