



20/09/2023

For the attention of: **Terry Burns**

**ESS/42/23/BTE: This application is for the proposed relocation of plant site, ready mixed concrete plant, bagging plant and associated ancillary facilities, including for establishment and use of a field conveyor network with bridge over Braxted Road; along with enhancement and use of existing points of access off Braxted Road, together with restoration to agricultural land and nature conservation habitats, in advance of the A12 road widening and improvement national infrastructure project on land at Colemans Farm Quarry.**

Thank you for consulting us on this application at Appleford Farm CM8 3EZ (Colemans Farm Quarry Processing Plant Site Relocation).

The following response summarises the specialist views of Place Services' Landscape, Urban Design, Arboriculture, Ecology, Archaeology and Historic Buildings Teams.

**1.0 Landscape (Megan Cowell)**  
**Impact/harm**

- 1.1 The submitted information outlines the proposal for the relocation of a plant site, ready mix concrete plant, bagging plant, ancillary features, field conveyor over Braxted Road, access enhancements and restoration. The Site is located adjacent to previously excavated Colemans Reservoir to the south-west, and is also in the vicinity of other Colemans Quarry mineral extraction sites which extend along the River Blackwater valley.
- 1.2 The application Site is located within the Blackwater/Brain/Lower Chelmer Valleys (C6) Landscape Character Area (LCA) and comprises a number of characteristic features, including the shallow valley floor of the River Blackwater, the well hedged arable farmland and the extensive linear poplar and willow plantations. Localised areas of hedgerow fragmentation are a key issue to the condition of the surrounding landscape, in combination with the prevalence of gravel workings which are visually prominent. The tranquillity of the landscape in some parts is threatened by mineral extraction proposals, and the integrity of the valley floor is also a key local sensitivity.
- 1.3 The Site is also located in the Blackwater River Valley (A9) Landscape Character Area (LCA). Key characteristics comprise the arable farmland located within the shallow valley floor. The land planning and management guidelines include managing HGV traffic along minor roads owed to narrow bridges, conserve and enhance existing hedgerow pattern and strengthen planting and enhancing and managing the ecological structure of hedges and ditches.
- 1.4 Whilst there are no designated habitats or sites on the immediate boundaries of the Site, an existing woodland is located on the northern boundary and is proposed to be retained as part of the proposal (New Plant Site – Site Layout Plan with field conveyor). There are however a number of priority habitats (deciduous woodland) located surrounding the Site to the south and east alongside the River Blackwater.
- 1.5 The Site is currently bound by mature vegetation on the east, west and south boundaries of the main parcel. Ensuring the integrity and condition of this vegetation is essential to this application, to guarantee that the visual impact is minimised and the impact on the declining

quality of surrounding hedgerows is reduced. We therefore have concerns regarding the proposed removal of hedgerows and trees to facilitate the overbridge conveyor which will impact the biodiversity links on both sides of the Braxted Road. We also have concerns regarding the potential impact of the proposed bunding on the southern hedgerow boundary of the Site. Ensuring the bunds do not encroach onto the existing vegetation putting additional strain into the already declining condition is important.

- 1.6 The submitted Site Layout Plan does not include details of the smaller southern parcel of the Site. We have concerns that the proposals may have an impact on the existing vegetation associated with the restoration scheme proposal under Colemans Quarry, which includes the retention of existing habitats/vegetation as part of biodiversity net gain.
- 1.7 Existing mineral excavation is currently in operation along the River Blackwater valley to the south-west. The proposed extension to the vast mineral extraction within the surrounding landscape will contribute to the cumulative impact on users of the surrounding public right of way network, which are currently already impacted by the current extraction works.
- 1.8 The proposed conveyor bridge that crosses Braxted Road will also generate additional visual and noise impact on the local landscape, affecting the perceptual quality of the rural lanes. At present, the local landscape character is currently under pressure due to the working quarries in the surrounding area, although are currently confined to the south of Braxted Road. We therefore have concerns that the proposed conveyor will extend the boundary of cumulative effects to the north of Braxted Road and in turn impact the perceptual quality of the intimate local landscape character.
- 1.9 The Essex Minerals Local Plan (2014) identifies Land at Colemans Farm (A46) located to the west of the Site on the opposing side of Colemans Reservoir. Bridleway 105\_29 currently runs through the Site, adjacent to Land at Colemans Farm (A46) and alongside existing working quarries. The required diversion of the bridleway will further impact the public right of way network within the River Blackwater valley landscape and the enjoyment of the local landscape character.
- 1.10 The application has been supported by a Landscape and Visual Impact Assessment (LVIA) undertaken by David Jarvis Associates. Following a review of the assessment, we have the following comments:
  - Bridleway 105\_29 has not been included as a viewpoint as indicated on the Viewpoint Locations plan (Dwg no. 2853-4-4-4 LV-0006 Rev.S5-P1). Considering the bridleway crosses through the Site, we would expect the bridleway to be a primary viewpoint within the assessment. We therefore have concerns regarding the preceding assessment whereby the overall sensitivity of the proposal has likely been assessed as too low, owed to the omission of a key viewpoint. We would therefore advise that the assessment is revised to include this key viewpoint.
  - The LVIA primarily focuses on the visual impact of the northern parcel of the Site. We would have expected further review of the visual impact of the southern parcel, and of the overbridge conveyor which will potentially significantly alter the setting of the road users along Braxted Road. We would therefore expect an additional viewpoint to be included in the assessment directly along Braxted Road to show the visual impact of the overbridge conveyor. Considering the rural roads through the River Blackwater valley are considered important to the LCA, we would expect further consideration for the visual impact due to the potential impact of the 8m~ overbridge conveyor.
  - The Site is located within a flat river valley setting, where the proposed 4m bund would be seen as uncharacteristic of the local landscape character area and would appear incongruous with the surrounding landform. The Site does however benefit from hedgerow and tree planting along the roadside boundary, and although sparse

in places, is separated from the proposed bund by a substantial buffer which will reduce the visual impact.

- We also have concerns that some of the proposed restoration works (Dwg no. C45/11/07) are proposed outside of the red line boundary associated with this application and therefore their implementation and maintenance cannot be guaranteed. Considering that the proposed orchard and woodland screen planting located on the western boundary are being relied upon for reducing the visual impact of the proposals from Braxted Road, we would have preferred this to be included within the red line boundary proposals.
  - The assessment does not include cumulative impacts of the proposals in relation to the existing mineral extraction works at Colemans Quarry, and the A46 Site included within the Essex Minerals Local Plan (2014). The cumulative impact on the landscape within the River Blackwater valley needs further consideration within the LVIA.
- 1.11 Overall, based on our desktop study we judge the proposed changes will have an adverse impact on the landscape character of the River Blackwater valley, in combination with the cumulative effects of mineral extraction within the local area. In turn, the proposals would not be compliant with Policy S10 (Protecting and enhancing the environment and local amenity) of the Essex Minerals Local Plan (2014) and the NPPF. We therefore judge that this proposal will cause impact/harm to the surrounding landscape.

**2.0 Urban Design (Elisha Belfon Thompson)**  
**No comment**

- 2.1 There are no significant urban design comments relating to this proposal.

**3.0 Arboriculture (Joseph Beznosiuk)**  
**Can be mitigated through conditions**

- 3.1 The proposals include, relocation of plant site, ready mixed concrete plant, bagging plant and associated ancillary facilities, including for establishment and use of a field conveyor network with bridge over Braxted Road; along with enhancement and use of existing points of access off Braxted Road, together with restoration to agricultural land and nature conservation habitats, in advance of the A12 road widening and improvement national infrastructure project on land at Colemans Farm Quarry.
- 3.2 An Arboricultural impact assessment, method statement and tree protection plan has been provided, which has highlighted three category B trees within (G15 and G16) and one category C tree (T2) which will require removal to facilitate the current proposals. No other trees will be removed as a part of the development proposals. One category A tree (T5 oak) was highlighted within the survey which will be retained throughout the development. Four individual trees (T4, T6, T7 & T8) and fourteen tree groups (G2, G3, G4, G5, G7, G8 G9, G11-G17) have been categorised under category B, which will be retained throughout the proposals. Facilitation pruning will be required, prior to the installation of the conveyor, on T8, G2, G15 and G16 to allow for sufficient clearance.
- 3.3 Mitigation planting has been outlined to compensate for the loss of four trees to be removed as part of the proposals. A minimum of four replacement trees will be planted. Sufficient detail has been provided within the Arboricultural impact assessment, method statement and tree protection plan, outlining the impacts and mitigation measures. The impact on the local character by removing four trees is considered low in conjunction with the Arboricultural impact assessment. The proposals are not deemed to be detrimental to retained tree(s) condition or amenity value, in which they provide to the surrounding area. If changes are made to the design, the Local Planning Authority must be notified of the changes in writing.

#### 4.0 Ecology (Emma Simmonds)

##### More information/amendments required

**Holding objection due to insufficient ecological information on designated sites (SPA, SAC, Ramsar, SSSI, LNR, LoWS), European Protected Species (Great Crested Newts, bats), protected species (reptiles), Priority species (wintering birds) or Priority habitats (Hedgerow)**

4.1 We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation including the following:

- Biodiversity Checklist (65205322-SWE-ZZ-XX-T-J-0005)
- Preliminary Ecological Appraisal Report (SWECO, 11/07/2022)
- Appendix 6 Ecological Impact Assessment Rev. C01 (SWECO, 27/04/2023), including bat surveys, breeding bird survey results and Biodiversity Net Gain Assessment
- Biodiversity Metric Calculations (SWECO), 65205322-SWE-ZZ-XX-T-J-0004 CL - BNG Spreadsheet)
- Shadow Habitat Regulations Assessment (SWECO, 24/04/23) (65205322-SWE-ZZ-XX-T-J-0003-C02)
- Appendix 8 Construction Environment Management Plan (biodiversity) (Brice Aggregates, April 2023)
- Appendix 9 Arboricultural Impact Assessment
- Appendix 10 Biodiversity Enhancement Plan (David L Walker Ltd and SWECO, April 2023)
- Hydrological Impact Assessment 3279/HIA Version F1 (Hafren Water, March 2023)
- New Plant Site Outline Restoration Proposal (Drwg no C45/11/07 (Brice Aggregates, April 2023)
- New Plant Site-Site Layout Plan with Field Conveyor, Drawing Number C 45/11/03 (Brice Aggregates Ltd, April 2023)

4.2 We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional details of mitigation & enhancement measures are required to make this proposal acceptable including additional information on designated sites, bats, Great Crested Newts and Otters. The Biodiversity Metric and Biodiversity Enhancement Plan should also be updated and provided prior to determination. The BEP for this site is required by the [Supplementary Planning Guidance: Mineral Site Restoration for Biodiversity \(June, 2016\)](#)

4.3 To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for designated sites, bats and Great Crested Newts (GCN), both European Protected Species. Protected species information is required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

4.4 This information is therefore required to provide the MPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

4.5 With respect to Habitats sites, in general, we are broadly satisfied with the conclusions of the Shadow Habitats Regulations Assessment (SWECO, 24/04/23). However, 7.10 states that, *"pollution control measures such as the wheel wash area and freshwater and silt lagoons with a 30 m stand off from the River Blackwater for managing any runoff from the site, will reduce likelihood of significant water pollution events"*. However, this does not consider the likelihood

of residual effects. This is important as they must be considered with respect to the potential for in combination effects.

- 4.6 It is also unclear as to why the Hydrological Impact Assessment (HIA) did not identify any water-dependent ecology and conservation sites when it is in close proximity to the River Blackwater, which creates a pollution pathway to the Blackwater Estuary SSSI, SPA and Ramsar site and Essex Estuaries SAC (as well as other designated sites). The HIA states that *"No environmental or ecological water-supported sites have been identified down-gradient of the site. The River Blackwater is a tributary to the Blackwater Estuary SSSI/SAC/SPA/ RAMSAR, located approximately 8 km to the southeast of the site."* Further information is requested for clarification.
- 4.7 The site is close (30 metres) to the River Blackwater which could be adversely affected if there are not adequate controls in place to protect water quality and riparian habitats. It is also situated close to a woodland and the field is bounded by hedgerows and lines of trees. The access route and conveyor passes between the River Blackwater and Colemans Reservoir and would affect Priority Hedgerow habitat adjacent to Braxted Road, require removal of a strip of scrub and an area of grassland. This access route is already used as a secondary route under ESS/98/21/BTE but the level of use could be significantly increased. The conveyor would have to pass through/over the hedgerow in order to cross Braxted Road. A new visibility splay onto Braxted Road would also require removal of some vegetation including a tree and scattered scrub. The site development (red line) boundary avoids the perimeter vegetation and surrounding habitats.
- 4.8 The ecological assessments for the proposed development found the site and adjacent habitats to have potential to support farmland nesting birds, amphibians and reptiles, foraging Badger, Hedgehog, foraging and commuting bats, Brown Hares and Harvest Mice. The Ecological Impact Assessment found the proposed scheme is likely to have significant adverse effects upon Local Nature Reserves and Local Wildlife Sites; hedgerows; trees; woodland; amphibians; reptiles; breeding birds; foraging, commuting and roosting bats; badger; brown hares and harvest mice. It proposes a number of avoidance and mitigation measures to prevent/ mitigate these effects.
- 4.9 It should be noted that there are some discrepancies which need resolving. The red line boundary has been altered since the PEA assessment was undertaken in 2022, to incorporate a visibility splay on to Braxted Road; an additional strip of vegetation along the access route south of Colemans Reservoir on the west side of Braxted Road, and an area of grassland beyond (west of) this. This involves removing some scrub and trees and removing the grassland. The PEA also contains a different restoration plan. The offsite wetland area in the southwest corner adjacent to the River Blackwater is incorrectly mapped on the habitat map in the EclA 65205322-SWE-XX-XX-D-J-0002 (SWECO) as it is marked as an arable field margin; this is grassland and ruderal with scattered scrub and trees including some cricket bat willow trees. There is also some confusion regarding the woodland to the north and extent and type of habitats to be enhanced and created. These issues are explored further below.

#### 4.10 **Protected Species**

**Bats:** There are a number of trees around the perimeter of the site which have bat roosting potential (BRP). There is a tree with a high BRP is on the southern boundary of the woodland. These are not due to be felled and so were not surveyed. However, they could be indirectly affected e.g. through inappropriate lighting of the site.

Based on the bat survey results, the surrounding hedgerows, trees, woodland and river provide locally important foraging and commuting habitats for common and rarer species of bat. Several species of bat were found to use the surrounding / perimeter vegetation for commuting and foraging just outside the red line, particularly the vegetation along Braxted Road, the woodland to the north and the River Blackwater riparian corridor. The southern parcel along the farm track between the River and Colemans Reservoir and Pond 1 within the



woodland were not surveyed for bat movements and so the use by them is not clear. However, we support the EclA's view that that the scrub in the southern parcel provides foraging and commuting habitat for bats. Scrub clearance and subsequent development related activities on the western end of the site to accommodate the access route could therefore affect bats.

Barbastelle bats– one of the rarer species of bat which is listed in Annex II of the Bern and Bonn conventions- were recorded along the Braxted Road hedgerow and the EclA considers that this hedgerow may be a locally important commuting corridor for Barbastelle. A few Alders and some smaller vegetation require removal to create the access point and provide a visibility splay onto Braxted Road for more frequent large vehicles using the junction. This would create a larger gap along the hedgerow/tree line which may serve to dissect this important bat corridor. Potential impacts of this should be considered in more detail by the EclA and to confirm whether the remaining vegetation would be sufficient to provide a realistic sized bat 'hop over'.

**Otters:** The River Blackwater is considered suitable for supporting Otter. Otters are mobile species and can cover reasonable distances along watercourses. They also cross terrestrial habitat to access other waterbodies and watercourses and so may move between the River Blackwater and Colemans Reservoir in search of food (it is used for fishing). Therefore, the area where additional access between the River Blackwater and the Reservoir should be considered further for potential impacts to Otters; this needs additional consideration in the EclA and CEMP.

**Great Crested Newts/ ponds:** There is suitable terrestrial habitat for amphibians within the woodland, hedgerows and ruderal ephemeral vegetation. The pond to the north of the site on the edge of the woodland (P1) was dry when surveyed and therefore was considered unsuitable for breeding newts. However, the EclA considers that there could be a relict population within the woodland and other terrestrial habitats, which use the site terrestrially. This pond contained water when we visited it in late May 2023 (photos can be provided). We therefore recommend that the pond should be re-assessed with respect to impacts upon Great Crested Newts. This should be considered further in the EclA and CEMP and measures put in place to ensure that they would not be harmed.

This is required prior to determination because Government Standing Advice indicates that you should *"Survey for great crested newts if there's a pond within 500 metres of the development, even if it only holds water some of the year"*.

A tree (T3) near to this pond is proposed for removal and there is a gap in the bund on the northern boundary in the vicinity of this location and a reduction in protection as the development would be closer to vegetation. The pond requires sufficient protection too, particularly as it would be vulnerable to pollution. We recommend that there should be a continuous bund around the woodland and pond without the gap.

**Reptiles:** The southwestern parcel contains suitable hibernation or refuge habitat. Habitat clearance at this end of the site could affect reptiles and amphibians; this should be considered further in the EclA and CEMP and measures put in place to ensure that they would not be harmed.

**Birds:** Table 7.1 of the PEA (entitled Ecological Constraints and Recommended Action(s)) stated that the hedgerow, trees, grassland and dense scrub on site offer potential important wintering bird foraging opportunities and it recommended that a wintering birds survey should be undertaken, including a minimum of four visits between November and February. This survey has not been submitted; it should still be provided or there should be an explanation as to why this is now not required after all.

We draw your attention to the two Barn Owls recorded on site during the bat surveys. This species listed on Schedule 1 of the Wildlife and countryside Act 1981 (as amended).

- 4.11 **Residual Effects and Cumulative Effects (EcIA 7.5 and 7.6):** Sufficient information on non-significant impacts on protected and Priority species and habitats should be provided in order that the MPA has certainty of all likely impacts, not just significant ones, from the development. These have not been included in the EcIA. Cumulative effects should also take into account non-significant impacts.
- 4.12 **Compensation (EcIA 7.7):** Most habitats have been avoided and the EcIA states that compensation is not required; however, there are some trees and scrub that are being removed, which in turn, may affect the movement of mobile species such as bats, Otters and birds.
- 4.13 Furthermore, it appears that all of the triangular area of grassland would be cleared and re-created to accommodate the conveyor and hopper. This area of land is part of the off-site enhancement area for ESS/98/21/BTE, identified as Area of Floodplain Grazing Marsh Priority habitat on the Revised Restoration Plan C45/08/05 (Brice Aggregates). The Biodiversity Enhancement Plan (BEP) and Section 106 for ESS/98/21/BTE could therefore be impacted by this application (ie ESS/42/23/BTE) and the BEP may need to be revised if this application is approved. It is currently not clear how this will be addressed and how the commitments made for this area in relation to ESS/98/21/BTE will be delivered.
- 4.14 Should the MPA decide to permit this application, then suitable compensation should be provided, taking into account the temporal effects for it being removed for ten years or more.
- 4.15 Any extension to the time that the development is in place would need to provide additional proportional and appropriate mitigation and compensation for impacts on this site.
- 4.16 **Hydrological Impact Assessment 3279/HIA Version F1 (Hafren Water, March 2023)**

It is unclear as to why the Hydrological Impact Assessment did not identify any water-dependent ecology and conservation sites when it is close to proximity to the River Blackwater and to mature woodland (which is a water dependent habitat). The HIA states that *"No environmental or ecological water-supported sites have been identified down-gradient of the site. The River Blackwater is a tributary to the Blackwater Estuary SSSI/SAC/SPA/ RAMSAR, located approximately 8 km to the southeast of the site."* Please can this be clarified, including that the hydrology of the adjacent woodland would not be adversely affected.

We also note that the HIR advises that, *"water removed from the site of the proposed lagoons will be returned to Burghey Brook and the River Blackwater via the existing discharge consent"*. It is not clear where the pipeline/s to transport the water for this would be located and whether it could affect any habitat or species.

This is needed to enable the MPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We also draw your attention to the red line boundary not including the surrounding vegetation. We recommend that the red line boundary includes all of the habitats requiring compensation or mitigation in order to be ensure its effective delivery through the planning permission. In addition, as it is adjacent to an existing area of Colemans Quarry (including the overlapping triangular area of grassland mentioned above which is also part of this application), it would help to clarify the area included in this application geographically.

- 4.17 **Construction Environment Management Plan (biodiversity) (Brice Aggregates, April 2023)**

The submitted CEMP should be amended to also include the following.

- A risk assessment of potentially damaging construction activities, providing more detail than is currently provided in Section 2.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. Section 4 requires elaboration in this respect. Specific cross-referencing to sections within other documents is acceptable, if they are appended. Additional species may be required as referred to above, e.g., Otters and Great Crested Newts. Additional features require further details such as tree/ scrub removal in relation to nesting birds and reptiles/ amphibians. Species Method Statements should be included to provide details of the appropriate mitigation.
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The specific time periods during construction when specialist ecologists need to be present on site to oversee works.
- Details of protective fences, exclusion barriers and warning signs. This should include the location and type of the fence and distance of fences and (foot of) bunds (if used instead) from the sensitive features. The woodland currently appears to be very close to the bund.
- A sensitive wildlife lighting plan in accordance with GN 08/23 (Bat Conservation Trust & Institute of Lighting).

These details could be provided post determination in a revised CEMP, required by planning condition. Some of these details are currently set out in the Biodiversity Enhancement Plan.

#### 4.18 Biodiversity Net Gain Assessment

A Biodiversity Net Gain (BNG) Assessment is provided within the EcIA and the Biodiversity Metric Calculation Tool is provided separately. The calculations show that the development will result in a trading gain of 34.19% when including all on-site and off-site habitat retention, creation and enhancement.

There are two automatically identified error messages present on the Headline Results Page of the spreadsheet. Boxes highlighted in orange do not fail the Metric but indicate that further information may be required. We have the following comments which will need to be addressed prior to determination to provide additional clarification and demonstrate clearly that a measurable biodiversity net gain can be achieved for this application:

- The start page has not been completed; assessor details, date and the other details should be provided at the front of the BNG spreadsheet on the 'start' tab.
- The EcIA states that the "Biodiversity Metric calculations ... are based on the UKHab and Habitat Condition Assessment undertaken May 30, 2022, and drawing no. C45/11/07 provided by Brice Aggregates Ltd." The red line boundary has been altered since the PEA assessment was undertaken in 2022. Therefore, the calculations may be out of date; this should be clarified and updated if necessary.
- An area cross check on the Site Habitat Creation tab has 'failed' (and so is highlighted in orange), i.e., the baseline habitat lost does not match development footprint plus area of new habitat creation. This is due to the length of time to target condition. This needs additional consideration and explanation.
- The off-site hedgerow baseline units are given as 3.39. Hedgerows are not included elsewhere in the spreadsheet (under creation or enhancement) and so this is also highlighted as an error. A small length of hedgerow will be lost. The hedgerow immediately adjacent to the site will also be adversely affected by dust, will require cutting back to accommodate the conveyor and the junction and cut back next to Braxted Road (*"The hedgerow on Braxted Road will also require managing for the duration of the development to maintain visibility splays"*), so it is not clear how it will be enhanced. Further consideration to hedgerows should be provided. Please note



that calculations for hedgerows must always be completely separate from other habitats in the Metric, as they are linear features.

- A woodland offsite enhancement area and adjacent new woodland creation is proposed. The woodland enhancement area to the south of the existing woodland is shown as scattered scrub and grassland mosaic on the restoration plan. The off-site Site habitat creation tab on the Metric does not include the scrub and grassland mosaic proposed. It includes woodland enhancement but not creation. Please can this be resolved.
- As stated above, the offsite area in the southeast corner adjacent to the River Blackwater is incorrectly mapped on the habitat map in the EclA as an arable field margin; it is shown on the restoration plan and BEP as wet grassland; this area has not been included correctly within the Metric.
- The area of the orchard is not included in the Metric.

In accordance with the Metric calculations, all off-site habitat creation and enhancement should commence as soon as the development commences. A Biodiversity Net Gain Management and Monitoring <sup>1</sup>Plan should be provided; as this is not yet mandatory, these details can be incorporated into a long term LEMP.

We draw your attention to Version 4 of the Biodiversity Metric being now available, so the Council may consider it beneficial for this application to be supported by the most recent version of the Metric.

Should the development continue beyond 2034, the Metric will be required to be recalculated to accommodate the extra time involved until habitats can be created.

#### 4.19 **Biodiversity Enhancement Plan (David L Walker Ltd and SWECO, April 2023)**

We have the following comments to make on the Biodiversity Enhancement Plan (BEP):

- The BEP should highlight proximity to the River Blackwater and associated habitats, woodland and downstream designated sites in the risk assessment. The wetland area between the southeast of the site and the river should be included.
- As set out above, the summary risk assessment may need to be updated to include Otters, Great Crested Newts and wintering birds.
- The location of hedgerows is not correct and so should be reviewed and updated in section 2.5. Section 4.2 should set out when (frequency, timing, season) and how the hedgerows should be cut in order to retain the hedge structure and prevent them from turning into lines of trees.
- The existing woodland habitats being enhanced is confused, as highlighted above. The proposed woodland enhancement area is also identified as scattered scrub grassland mosaic on the restoration proposals; this should be clarified. Part of it the woodland is quite old and can be found on First Edition OS maps. It doesn't appear to include the southern section, which may be more recent. The existing habitat should be managed appropriately to improve the woodland structure and more ecology focussed objectives and prescriptions should be included in the LEMP. Management of the woodland should also be included. The Metric assumes an immediate start (i.e., at the same time as the development starts).

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<sup>1</sup> [CIEEM-BNG-Report-and-Audit-templates2.pdf](#)

- Details for the new woodland area creation should provide tree species, density of planting and grassland/flower seeding.
- The potential errors surrounding the biodiversity enhancement area just beyond the site boundary in the southeast between the site and the river shown as wet grassland are highlighted above. It is not clear whether the willow crop would be retained, but we suggest that the trees are not replaced once removed.
- Orchard creation should include a list of trees species and density, and wildflower rich grassland species and trees. Long term management of traditional orchard trees should be included.
- Management should be included for the swale.
- Section 3 may need to be revised to reflect any necessary amendment to the Metric, as set out above.
- Section 6 would benefit from being included within the CEMP. In terms of the BEP, the persons responsible for the habitat creation and management should be qualified to manage the habitats involved in the long term. Much of the focus here is not related to quarry restoration.
- 6.13 – this is a little confusing at this stage as there is currently no S106 agreed, and the BEP is referencing itself.

Habitats should be managed/ created as soon as possible and not wait until the development finishing due to the length of the timescale involved.

We would encourage efforts to conserve and enhance the River Blackwater and associated riparian habitats, for example, the remaining scrub and reedbed between the river and Colemans Reservoir may benefit from being managed.

- 4.20 A separate long term Landscape and Ecology Management Plan will be required, as referred to in the Biodiversity Net Gain Assessment, by a suitably worded condition. This should be of at least 30 years in duration and long term management should be delivered through a legal agreement. The LEMP should make reference to the details set out within the [Supplementary Planning Guidance: Mineral Site Restoration for Biodiversity \(June, 2016\)](#). Specific monitoring should be included. It should also include demonstration that the appropriate soil conditions for the habitat creation should be provided.
- 4.21 We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection. Once the details requested above are provided, we would be happy to recommend suitably worded conditions.

## **5.0 Archaeology (Richard Havis)**

### **Subject to conditions or recommendations**

- 5.1 The application includes supporting information which provide an archaeological background (desk-based assessment) and archaeological evaluation through geophysical survey and trial trenching. The work carried out in advance of the application is sufficient to provide an understanding of the significance of the archaeological remains which are preserved below ground within the development site. While significant concentrations of archaeological remains were recorded within the site none have been identified which would be considered of national significance and require preservation *in situ*. Although there will be a level of harm on the archaeological remains within the site, it is considered this can be mitigated through further archaeological investigation and preservation by record.

- 5.2 A geoarchaeological assessment has been submitted with the application due to the high potential for Palaeolithic archaeology and significant Pleistocene deposits recorded in the vicinity. A programme of mitigation is proposed in areas where these deposits may be impacted through deeper excavations, the mitigation strategy is not considered appropriate for the limited scale of the mineral extraction and a geoarchaeological evaluation should first be completed to ensure an appropriate mitigation strategy can be carried out.
- 5.3 Condition 1: No development or preliminary groundworks can commence until the submission of a mitigation strategy for archaeological remains submitted to the Planning Authority, which has been agreed by its historic environment advisors.
- Reason for Condition 1: To enable the submission of a mitigation strategy defining how all archaeological deposits will be appropriately excavated and recorded in advance of removal of the archaeological resource.
- Condition 2: No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in a mitigation strategy, and provision of written confirmation of sign off by the historic environment advisors.
- Reason for Condition 2: To ensure that all fieldwork is carried out in accordance with the mitigation strategy submitted prior to sign off by the historic environment advisor.
- Condition 3: The applicant will submit to the local planning authority a post-excavation assessment and Updated Project Design (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
- Reason for Condition 3: To ensure that all fieldwork is reported on, and post-excavation assessment is carried out and presented as a published report following the completion of all archaeological investigations.
- Condition 4: No development or preliminary groundworks can commence until the submission of a Written Scheme of Investigation (WSI) for geoarchaeological evaluation submitted to the Planning Authority, which has been agreed by its historic environment advisors.
- Reason for Condition 4: To ensure an appropriate evaluation of geoarchaeological deposits is carried out in advance of development.
- Condition 5: No development or preliminary groundworks can commence until the satisfactory completion of geoarchaeological evaluation, as detailed in the WSI, and provision of written confirmation of sign off by the historic environment advisors.
- Reason for Condition 5: To ensure that geoarchaeological fieldwork is carried out in accordance with the Written Scheme of Investigation submitted prior to sign off by the historic environment advisor.
- Condition 6: No development or preliminary groundworks can commence until the submission of a Mitigation Strategy for geoarchaeological remains submitted to the Planning Authority, which has been agreed by its historic environment advisors.
- Reason for Condition 6: To enable the submission of a mitigation statement (including a timetable of events) defining how all geoarchaeological deposits will be appropriately excavated and recorded in advance of removal of the geoarchaeological resource.

Condition 7: The applicant will submit to the local planning authority a geoarchaeological report including details of any post excavation analysis (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report (if identified in the post excavation assessment).

Reason for Condition 7: To ensure that all fieldwork is reported on, and post-excavation assessment is carried out and presented as a published report following the completion of all archaeological investigations.

## **6.0 Historic Buildings (David Sorapure)**

### **Impact/harm**

- 6.1 The application seeks the extension of the present quarry complexes activities further to the east, with the relocation of processing plant and other facilities. In addition, a proposed conveyor overbridge would span across Braxted Road. It is understood that these activities are likely to be for the duration of the existing quarry's lifespan, up to December 2034, although it is noted that the end date could be extended to serve future quarry expansion.
- 6.2 The application site is within the setting of a number of heritage assets. The nearest is the Grade II Listed Appleford Bridge (List UID: 1111108), which dates to 1767. The bridge spans the River Blackwater and is built in red brick, with black brick coping and has three semi-circular arches. The bridge is narrow and traffic crosses in single file, with priority being given to traffic travelling south. Just to the southeast of the bridge is the Grade II Listed Appleford Bridge Cottage (List UID: 1317172), which dates to the seventeenth century or earlier.
- 6.3 To the northeast is the Scheduled Monument of a Neolithic long mortuary enclosure (List UID: 1008980). To the southwest of the Site is Braxted Park, which is a Grade II\* Registered Park and Garden, which contains numerous designated heritage assets. The Witham Lodge and Entrance Gates to the park on Braxted Road are Grade II Listed (List UID: 1337342), as is the wall enclosing the park (List UID: 1111073), both fronting onto Braxted Road.
- 6.4 The part of Braxted Road that runs along the north-western boundary of Braxted Park has been identified as a Protected Lane within the district of Malden (MALLANE8, Maldon District Protected Lanes Assessment, Place Services 2015).
- 6.5 There are numerous key points within setting of the heritage assets from which they can be experienced including from the public highway and the public right of way (Bridleway 29), which runs adjacent and to the south of the Site. Notwithstanding the experience from the public realm, the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. The existing character of the Site is undeveloped and pastoral, and this surviving rustic character is a positive element within the heritage assets' setting, enhancing their significance.
- 6.6 The setting of a heritage asset is described in the glossary of the National Planning Policy Framework (NPPF) as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. While the extent and importance of setting is often expressed by reference to visual considerations and views of or from an asset will play an important part, the way in which an asset is experienced in its setting, it is also influenced by other environmental factors such as noise, dust, vibration, artificial light and from other land uses in the vicinity.
- 6.7 Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering an application for development which affects a listed building or it's setting the local planning

authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (66.1).

- 6.8 The NPPF states that local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. (Paragraph 206).
- 6.9 The Cultural Heritage Assessment document states that there are no visual connections towards or from the site and that there is no historic association (e.g., through land use and ownership) between the land comprising the site and the Braxted Estate. It also finds that the grade II listed Appleford Bridge Cottage is visually separated from the application site by a dense area of woodland and there is no intervisibility between it and the Site. I agree with these findings.
- 6.10 In general, I agree with the Landscape and Visual Impact Assessment that there would be no significant, direct visual impacts on the designated heritage assets, although I find the visual impact on the Grade II Listed Appleford Bridge resulting from the conveyor overbridge has been understated in the both the Cultural Heritage Assessment and Landscape and Visual Impact Assessment documents. This aspect of the scheme may be the most visually prominent element from the public highway and its close proximity to the Grade II listed bridge is problematic. I disagree with the statement in the Cultural Heritage Assessment document to the effect that “given the functional nature of its (the bridge’s) setting this is not considered to pose any impact to its significance, which stems primarily from its own architectural and (and to a lesser extent) historic interests”. The setting of the bridge has historically been undeveloped and pastoral in character and this character remains today, making a positive contribution towards the ability to appreciate the historic significance of the bridge. The introduction of the proposed conveyor bridge will alter this character and diminish the ability to appreciate its significance.
- 6.11 Further to the above, I have concerns regarding the environmental impacts of the proposal on the setting of the heritage assets, resulting from increased traffic, noise, dust and vibration. Downward facing lighting is proposed for winter months, although it is not clear where this would be located. The increase of dust on the roads, along with greater volumes of traffic, in particular HGVs could potentially have a detrimental impact on the setting of the heritage assets. Quarrying activities and the movement of HGVs inevitably result in a spread of dust and grit along routes and roads to the quarry access, for some considerable distance. Also, a bund is proposed around the site and while this may screen the site, the bund itself would have a negative impact on the character of the assets’ setting.
- 6.12 The Transport Statement states that HGVs would be routed along Braxted Road to enter the A12 to the northeast. HGVs would be prohibited from using Henry Dixon Road and Oak Road due to residential properties. No mitigation is provided for the heritage assets in the Transport Statement, and I recommend that HGVs are also prevented from travelling southeast on Braxted Road and that they are prohibited from crossing the Grade II Listed Appleford Bridge and from passing the designated heritage assets to the southeast, on Braxted Road, Braxted Park Road and those associated with the Registered Park and Garden. The bridge was severely damaged following a collision in August 2022 and its north parapet was rebuilt. The use of the narrow-listed bridge by HGVs for the prolonged period indicated, could potentially result in structural harm or damage to the 250-year-old structure. The Cultural Heritage Impact Assessment states that “wherever possible HGVs will be routed towards the A12”. I do not find this adequate and a statement from the applicant demonstrating their commitment to prohibiting the crossing of the bridge by all HGVs as traffic mitigation measure is therefore needed.
- 6.13 I note the proposed site access drawings show visibility splays and the localised maintenance of verges. In the recent past, the construction of the existing access from Junction 22 of the A12 along Little Braxted Lane (to the west), led to the removal of hedgerows and it is not



clear from the drawings if this is the intention for the new proposed access. The loss of hedgerows would have a detrimental impact on the character of the heritage assets' setting.

- 6.14 The Screening Option Decision document states that the "current state of Braxted Road would raise concerns as to the volume of HGV traffic being envisaged". The document states that while the applicant has indicated that use of the Braxted Road would be utilised for export of minerals, they have confirmed that no design work of the Braxted Road has yet been commissioned. The intention is that the works to the road would be developed off the back of the A12 widening programme. It is therefore uncertain as to how changes to the character of the road would be managed and mitigated. Yet the potential for negative change on the setting of the heritage assets has been acknowledged in the Cultural Heritage Impact Assessment.
- 6.15 The proposal as shown in the application documents would not enhance or better reveal the significance of the nearby heritage assets, particularly the Grade II listed bridge. The existing pastoral character of its setting makes a positive contribution to its significance and this character would be diminished by the conveyor overbridge, resulting in a low level of less than substantial harm to its significance. Without a commitment from the applicant to prevent HGV traffic over the listed bridge, the level of harm to this particular asset has the potential to increase drastically from the low level of less than substantial harm already identified. Should HGV traffic result in damage occurring to the bridge, there is the potential for a level of substantial harm to its significance.
- 6.16 With regard to the Scheduled Monument, I agree with the Cultural Heritage Impact Assessment's conclusion that development of the proposed plant site will cause a low level of less than substantial harm to its significance, through the loss of associated early prehistoric remains that form part of its wider complex and its associative setting.
- 6.17 Due to environmental impacts (traffic, noise, dust, vibration, removal of hedgerows, etc), the scheme would not preserve or enhance the rustic character of Braxted Road, an element of setting which makes a beneficial contribution to the significance of other nearby heritage assets. This will have a detrimental impact and the scheme would result in a low level of less than substantial harm to their significance.
- 6.18 Therefore, Paragraph 202 of the NPPF is relevant in this case, which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In accordance with Paragraph 199 of the NPPF, in the assessment of the balance of heritage harm to public benefit, great weight should be given to the conservation of heritage assets (the more important the asset, the greater the weight should be), irrespective of the level of harm identified.
- 6.19 Condition 1: A traffic management plan which explicitly prohibits the HGV use of the Grade II Listed Appleford Bridge for the duration of the quarry's lifespan shall be submitted for approval, prior to the implementation of the scheme (or words to that effect).

Reason for Condition 1: To preserve the Grade II listed bridge and its historic fabric and prevent damage to its structure through accidental vehicle strikes and long-term HGV traffic use.

If you have any queries regarding the above matters, please do not hesitate to contact me.

Kind Regards,

**Peter Dawson**  
Built Environment Manager  
Place Services | Essex County Council

Email: [peter.dawson@essex.gov.uk](mailto:peter.dawson@essex.gov.uk)  
Web: [www.placeservices.co.uk](http://www.placeservices.co.uk)

**Place Services provide and coordinate specialist planning advice on behalf of Essex County Council.**

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

