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07 October 2020
Place Services

F.A.O. Terry Burns
Minerals and Waste Planning Team
Essex County Council

Dear Terry,

Application No: ESS/45/18/COL Birch Quarry Additional Information

Proposal: Continuation of use of land for mineral extraction and ancillary use without compliance with Conditions 1 (Approved Details) and 3 (Duration) of planning permission ESX/27/92/COL originally granted for "Winning and working of sand and gravel, erection of a concrete batching plant and associated facilities, construction of a new site entrance and restoration to agriculture and amenity" to enable a revised restoration scheme and to accommodate an extension of time to achieve site restoration through until 31st December 2029. Land at Birch Pit, Maldon Road, Birch

Location: Birch Pit, Maldon Road, Birch, CO5 9XE

Further to our last formal comments on this scheme we provide an update following the receipt of information in June 2020, a covering letter from SLR dated 04.06.2020, three plan scenario options BP10/5 and a LVA summary.

This primarily addresses additional landscape mitigation offered by Hanson to deal with the loss, part loss or retention of the mature line of oak trees

Landscape (Anne Westover)

My comments on the three options put forward for further consideration are as follows. Please note that these should be read alongside my previous comments in the Place Services letters dated 20th March and 25th April 2019.

Please note that whilst we have not received an actual tree or topographical survey, we are relying on the Phase 1 Habitat Plan for data.

We have stated previously that part of the small woodland (1 Phase 1 Habitat Survey) appears to be shown to be removed by the scheme. This is the section located to the south west side of the farm track and containing a number of mature oak and woody undergrowth.

1. Scenario 1 Plan BP10/5 No hedge retained

This plan shows the hedge and most importantly the six mature oak trees removed (Phase 1 Habitat Survey).

The removal of the mature oaks along with the hedgerow in which they grow will result in the loss of a significant landscape feature. Whilst it is recognised that the feature has become fragmented by the previous removal of hedgerows, trees and copses this remaining feature presents an important landscape feature linking and providing connectivity with the small woodland and further hedges/large trees extending east across the landscape. The feature could form a key role in future landscape restoration post excavation. Any further fragmentation of landscape features should be resisted.

The large mature oaks are visible in the wider landscape extending out from the woodland. Photographs taken in both winter and summer months indicate their presence within the wider landscape. Whilst there are no 'more' sensitive receptor viewpoints from footpaths or bridleways in the vicinity there are views of this landscape from the road and from residential properties.

The historic hedge/oak trees form an important element of the baseline landscape character and helps to assist with some screening of the current mineral extraction operations. The loss and fragmentation of any element of this will represent a major/moderate adverse landscape impact. I have previously stated that the hedgerow is '*important*' under the criteria in the 1997 Hedgerows Regulations.

Mitigation offered

Any additional planting of hedgerows such as those indicated will be beneficial. The proposed hedge crossing the restored agricultural land may have some habitat connectivity benefits but is unlikely to have the wider landscape or visual benefits afford by the oak trees.

If on balance this option (as per the planning application) is accepted then I would wish to see a further hedgerow offer in addition to the roadside, northern extent and cross field hedge. This being the enhancement of the field boundary with hedgerow to create connectivity between the woodland and Top Pond Holes woodland to the north.

2. Scenario 2 Plan BP10/5 Half hedge retained

The above concerns apply albeit to a lesser degree, any retention of the landscape feature will assist reduce landscape impact and loss of character. However, this would seem to be a halfway/compromise measure only and does not address the loss of landscape character.

Mitigation offered

If on balance this option is accepted then I would wish to see further compensation as outlined above. I am less concerned about seeking the hedge across the restored field but would like to see the other hedges referred to above at Scenario 1.

The precis loss of oak trees i.e. which trees is not clarified but would likely be T1, T2 and T3; possibly T4. The trees are not specifically marked on the plans.

3. Scenario 3 Plan BP10/5 Full Hedge retained

With respect to retention of the landscape feature, Hedge H1, all six oaks and the entirety of the woodland this scenario is preferable. Successful retention would need to be guided by suitable buffer zones and operational practices. Impacts may arise from changes in soil structure and availability of soil moisture/water for the trees whilst excavation is underway, this may require some specific operational measures to be carried out.

If this Scenario is accepted by the applicant (and processed as an amendment/amended application) I would support this option subject to appropriate conditions. I note that in respect of Scenario 3 mitigation Hanson will offer the northern perimeter hedge to the edge of excavated zone only. Whilst any wider offer of any additional off-site hedge/tree creation/restoration would always be beneficial I do not consider that off-site hedging would be needed to form part of the restoration scheme.

Arboriculture (Anne Hooper)

No specific tree report e.g. BS5837 has been provided in support of this application. Tree and hedge removals have been noted within the Ecological Impact Assessment however, although the hedgerows have not been identified as 'important' under the Hedgerow Regulations (11.70) but are still priority habitat. The proposals would see a loss of 330 metres of hedgerow (H1 and H2).

My previous comments still stand with regard to the potential removal of six mature trees (T1-T6), aged between 250-300 years old, five of which are situated within the hedgerows (Priority Habitat) to be removed, despite all of them being noted as being of good quality.

Had a BS5837:2012 Trees in Relation to Design, Demolition and Construction (recommendations) survey been carried out, it is highly likely that these trees would have been classified as 'A' grade, i.e. 'trees of high quality and value capable of making a significant contribution to the area for 40 or more years'. These cannot be replaced in the medium term; It is not indicated how their loss could be mitigated. This is confirmed by the EclA which states in 11.117 that "The mature trees within Hedgerow 1 are good specimens and their loss could not be meaningfully compensated for in the short to medium term".

An arboricultural method statement has still not been provided, so it is still unclear how trees to be retained are to be protected. This includes the small woodland to the north east of the hedgerow which is apparently proposed for retention and which has been identified by our Ecological Team as a Lowland Mixed Deciduous Woodland Priority habitat. Because no arboricultural method statement has been provided, it is not clear if any provision has been made for a buffer zone to protect that area.

With regard to the three scenarios presented by the applicant (full retention, half retention and complete removal), we strongly support the Landscape Team's comments above.

1. Scenario 1 Plan BP10/5 No hedge retained

This results in the removal of a hedgerow (H1) and six mature oaks of good quality, in good health with good vitality with life expectancies of hundreds of years and the potential to become the veteran trees of the future. Whilst mitigation can be discussed in broad terms, the oaks are effectively irreplaceable in respect of both habitat and landscape character.

2. Scenario 2 Plan BP10/5 Half hedge retained

It is agreed that this appears to be a compromise measure but would still lead to a loss of landscape character and habitat. Again, as a result of no tree survey having been undertaken, it is not clear which trees would be removed in this scenario.

3. Scenario 3 Plan BP10/5 Full hedge retained

This option retains the hedge and all six trees, and of the options presented is the most preferable, offering as it does a key element which can be incorporated into future site restoration whilst maintaining the landscape character and habitat.

Ecology (Emma Simmonds)

Thank you for providing three copies of the Defra Metric. In summary, I consider that some of the habitats have been incorrectly categorised within the metric. This affects the calculations, and therefore the outcomes, of the Metric.

I would consider that the habitat category used within the metric for the old hedgerows proposed for removal is not correct and it underestimates their value. The native hedgerows to be removed have a ditch associated with them, as well as the mature oak trees. Inclusion of a ditch or bank increases the metric baseline score for the hedgerow.

The existing baseline habitat -which will be lost- has all been entered into the Defra Metric as 'sandpit'. However, the actual situation is more complex. The area of semi-improved grassland/scrub, an area of relatively high biodiversity, will be lost, as well as some arable and some other areas of former quarry that have become vegetated. Some of these habitats might now fall under the category of *Open Mosaic On Previously Developed Land* (a priority habitat), and should not have just been categorised as 'sandpit'. In addition, I don't believe that the loss of mature tree (T1) standing alone has been included. Please note that colleagues saw a buzzard's nest in one of the oak trees.

I am concerned that, with two all the hedgerows removed, the area of newly created grassland has been reduced from 7.3ha wildflower grassland to 5.1 neutral grassland. This would be slightly better with half hedgerow retention (5.8ha) and better still 6.1ha with full retention, though still less than that proposed previously.



I trust the above comments will be of use to you, should you have any queries please do not hesitate to contact me, or the named specialists detailed.

Yours sincerely,

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