



Mr Terry Burns
Essex County Council, County Planning

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Our ref: P01559985

Your ref: ESS/34/23/COL

Date: 24 May 2023

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BY EMAIL

Dear Mr Burns

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017

Land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Colchester
Application No. ESS/34/23/COL

Thank you for your letter of 9 May 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist the Council in determining the application.

Summary

Historic England considers the application would cause harm to the significance of a Scheduled Monument. The development would permanently change the setting of the Scheduled Gryme's Dyke, resulting in loss of significance. This is contrary to policy for sustaining and enhancing heritage assets. We consider this should be given great weight in the planning balance.

Disagree. The morphology, landform and contour heights of the Roman River Valley have been used as a design guide to ensure the restored site's landscape character and visual nature fully reflect and replicate those of the current Scheduled Grymes Dyke and its immediate and local environmental setting. As such there will be no material changes to topography and no material change to the setting of the Scheduled Grymes Dyke (and thus no significant impact). There would be no conflict with policy relating to sustaining and enhancing heritage assets, and, on the contrary, the proposal incorporates important enhancement measures that will ensure the asset is not further degraded by agricultural activity.

Consequently, we recommend the Council should refuse the proposed development on heritage grounds. We recommend that alterations are sought to the proposed development to reduce the level of harm to the significance of the Scheduled Monument.

Disagree. No evidence or assessment has been provided to justify this Historic England comment which is totally subjective. It also does not take account of informal pre-application discussions with Historic England, the draft scheme was revised to provide a greater standoff margin to the Dyke, the extraction of a reduced tonnage of sand, and revisions to the restored landform with the express objective of creating a landform which would have no material effect on the setting of the Dyke.

We consider further information should be provided to allow the cumulative impact of

this application and the wider redevelopment of Colchester Zoo to be fully assessed.

This is not the function of the prior extraction application, and it is not a requirement of Policy WC3 of the Colchester Local Plan.

We also note this is a proposal for a quarry extension site that is not allocated in the Essex Minerals Local Plan and so is contrary to policy.

This is a fundamental misunderstanding of the nature and function of the planning application which is for the prior extraction of minerals pending future expansion of Colchester Zoo – ref Colchester Local Plan policy WC3 which expressly requires the prior extraction of mineral to avoid sterilisation of mineral resources. This is not a conventional proposal for ‘a quarry extension site’ and the absence of an allocation in the Essex Mineral Local Plan is not relevant to the determination of the application.

Historic England Advice

The significance of the historic environment

Gosbecks Iron Age and Romano-British site

The eastern edge of the application boundary extends into the Scheduled Monument known as ‘Gosbecks Iron Age and Romano-British site’ (List Entry Number: 1002180).

The eastern edge of the application site extends into the Schedule Monument, but there would be no physical works undertaken within the Scheduled Monument. The application site has been defined to provide land within the application site boundary to facilitate management and enhancements to the Monument. It should also be noted that the Colchester Local Plan Policy WC3 allocation similarly encompasses the Monument, but to a greater extent with the incorporation of land within and on the eastern side of the Monument. Within the Local Plan consultation process it should be noted that the eastern extent of the WC3 allocation was assessed by Colchester City Council and the Planning Inspector and its land area reduced to address this specific matter (see attached plans).

The complex commonly known as Gosbecks is an extensive area of settlement, military and ceremonial activity dating from the pre-Roman Iron Age to the 4th century AD. This was part of – and potentially the central part – of the late Iron Age territorial centre or oppidum of Camulodunon (sic- *Camulodunum*), a capital for British kings. The oppidum was defended by an extensive dyke system.

The significance of the centre was such that it was the main strategic objective of the Roman invasion force in AD 43, and the place where the victorious emperor Claudius accepted the submission to Roman rule of a number of British tribes. Clearly, Gosbecks remained an important ceremonial centre into the Roman period, with the construction of a fort, temple enclosure and theatre.

That part of the Scheduled Monument known as Gryme’s Dyke extends into the east side of the application redline boundary (see comments above). Gryme’s Dyke is thought to be a Roman earthwork, the latest in the series of large, linear earthworks on the west side of Colchester. It comprised a large ditch on the outer, west side and a substantial rampart on the east side, probably originally with a timber palisade on the top of the rampart.

At this location, to the east of the proposed Prior Extraction Area (PEA), Gryme’s Dyke

survives as buried archaeological remains. The recent trial-trenched evaluation accurately established the western edge of the Dyke. The section to the north, alongside Butcher's Wood, survives as an earthwork.

The trial trenching undertaken by Tarmac as part of the EIA cultural heritage study allowed Historic England to accurately position the scheduled monument boundary to include the western edge of the Dyke for the first time.

The Scheduled Monument has demonstrably high potential to contain important stratified archaeological deposits and structural remains that could considerably increase our understanding of the size, construction and date of Gryme's Dyke. Buried artefacts and palaeoenvironmental remains will have potential to increase our knowledge of the social and economic functioning of Gosbecks, and its relationship with the surrounding landscape.

Noted, but it must be recognised that no physical works are proposed within the Scheduled Monument and that it has been included within the 'red line' application site boundary simply to facilitate future management and protection of the Monument.

The Scheduled Monument draws a considerable amount of significance from how it is experienced in the open, rural landscape. It is situated in a prominent location and overlooking the Roman River. As a linear boundary, and defensive earthwork, much of the significance of Gryme's Dyke relates to the visibility over, to and from, the land that surrounds it. This includes the proposed development area, immediately to the west of the Dyke.

The scheduled monument as it runs along the edge of the prior extraction area is not 'experienced' given that since the 19th century it has been ploughed over and no visitor can appreciate its existence in its current form – hence the inaccurate extent of the Scheduled Monument boundary before the current evaluation. Through pre-application consultation with Historic England, Colchester City Council's and Essex County Council's historic and landscape officers, the iterative design of the scheme has taken account of how the Scheduled Monument is experienced in the open, rural landscape. It has been demonstrated within the Historic and Landscape Chapter of the ES that during the short-term operational period the effects of the development can be mitigated, and the existing experience maintained and enhanced post restoration.

We consider the setting makes a strong positive contribution to the significance of the Monument. Moreover, the section of Gryme's Dyke to the south of Maldon Road, which includes the proposed development area, is the only part of the Monument that has not been harmed by later development and where the rural landscape context can be still readily appreciated.

The section south of Butcher's Wood that runs along the east of the proposed prior extraction area has been levelled and ploughed over and as noted above, is not a feature which is visible in the landscape, or where the Dyke 'can be appreciated in the landscape'. For this reason, the prior extraction scheme includes measures to define the alignment of the Dyke by hedgerow planting and the provision of interpretation boards to explain the location and significance of the Dyke. In addition, the restoration scheme would re-create the 'rural landscape context'.

Remains of All Saints Church, 60m north west of Stanway Hall Farm

There is a second Scheduled Monument to the north-west of the PEA, 'Remains of All Saints Church, 60m north west of Stanway Hall Farm' (LEN 1019879). The Remains

of All Saints Church are also Grade II* Listed (LEN 1266610).

Non-designated Archaeology

The trial-trenched evaluation to support this application defined previously unknown archaeological remains dating to the Late Iron Age-early Roman period within the PEA (Appendix 7.4). It also defined early to middle Iron Age remains, including an assemblage of prehistoric pottery, as well as undated archaeological remains. We also note the potential for Palaeoarchaeology within the PEA (Appendix 7.5).

While not designated, the archaeological remains within the proposed development area have an important spatial and chronological relationship with the adjacent Scheduled Gryme's Dyke. They are thus important for understanding the significance of the Monument. Together with the Scheduled Monument, these remains form part of a fascinating, complex and multi-layered historic landscape.

This has been recognised by the inclusion of a fully funded programme of further excavation to provide an understanding of the relationship between the proposed prior extraction area and the Dyke. Without this further excavation, the features will be progressively destroyed by ongoing ploughing. They have already experienced significant truncation.

A detailed cultural heritage assessment has been carried out to support this planning application. We welcome ES Chapter 7 on Cultural Heritage with supporting Appendix 7. This includes a desk-based assessment (Appendix 7.2), as well as the report on a geophysical survey (7.3) and trial-trenching evaluation (7.4). It also includes a palaeoarchaeology assessment, which includes borehole data (7.5).

In addition, we note ES Chapter 6 and Appendix 6.1 on Landscape and Visual Impact. We note Montages 1 and 2 (Appendix 6.1) which show photomontages from Gryme's Dyke and also from the 'Remains of All Saints Church'.

The proposals and their impact on the historic environment

Our primary concern relates to the impact of the proposed development upon the significance of the Scheduled Monument known as 'Gosbecks Iron Age and Romano- British site' and, particular, that part of the Monument known as Gryme's Dyke that is located within the east side of the application redline boundary.

See comments above regarding the reasons for the inclusion of the Scheduled Monument within the 'red line' application site boundary. If Historic England prefers then the red line boundary could be adjusted to exclude the Monument and the associated enhancement and management measures.

We consider the proposed development would result in harm to the significance of the Scheduled Monument.

Disagree. There would be no physical harm to the Monument, there would be no material change to the landform setting, the proposal provides for enhancement to and management of the Monument, and further evaluation of the spatial significance of the Monument.

We consider the proposed extraction phase would result in harm to the significance of the Scheduled Gryme's Dyke. (Repetition of the sentence above). This would be caused principally by the visual intrusion of temporary bunds and extraction equipment within the historic landscape as well as noise from the mineral operations.

These would be very short-term temporary effects, on a Scheduled Monument that is not seen and cannot be appreciated in its current form along the eastern side of the prior extraction area. The short-term effects need to be balanced against the longer-term enhancements which the scheme would bring and would be funded by Tarmac rather than from the public purse.

The proposed restoration would result in harm to the significance of the Scheduled Monument. This is because the proposed restoration would result in considerable changes in the ground level; the restored ground level would be up to 6.0m lower than the current, pre-extraction level on the west side of Scheduled Gryme's Dyke. This will result in a considerable change to the setting of the Scheduled Monument. We consider this will permanently alter how the Monument is experienced in the landscape, resulting in harm to the significance of the Monument.

This is either an incorrect or disingenuous interpretation of the submitted plans. There would be no 'considerable changes in ground level'. The land would fall gently from a level of 32m AOD in the north to 24m AOD in the south, a 6-metre fall, but this is exactly the same as the existing contours which fall from 32mAOD to 24m AOD. A proper analysis of the contours to the west of the Dyke (Current Situation plan B030-00706-2 and Concept Restoration plan B030-00706-6) confirms the way in which the restoration contours would tie-in to the undisturbed contours with no material change in slope on the west side of Grymes Dyke from the existing. Historic England suggest the creation of a 6m deep artificial void to the west of the Dyke which is fundamentally incorrect.

In essence, the restoration landform will provide only minor, subtle changes. The final scheme has been modified through consultations, including with Historic England, to create a landform that resembles a shallow valley running down to the Roman river. This is in keeping with the historic landscape, as evidence by the geophysical survey and palaeo-geoarchaeological work that identified palaeochannels running broadly south through the prior extraction area and down to the Roman river.

Moreover, the restoration contours will not change the way in which the Monument is 'experienced' in the landscape especially as it is not a visible feature in the landscape.

We are also concerned about the potential cumulative impact of the masterplan for Colchester Zoo, which also has the potential to impact – and harm – the significance of the Monument. The minerals application does not illustrate how the extraction site would fit into the wider redevelopment of Colchester Zoo, however, to allow the cumulative impact of both proposals to be assessed.

The potential effects of a Zoo expansion will be separately considered as part of a separate planning application and EIA associated with that development. The function of the related prior extraction scheme is to create a landform which would be suitable for a Zoo expansion, at restoration levels which would not give rise to any significant effect on the setting of Grymes Dyke Monument and avoid the unnecessary sterilisation of minerals, so that the proposed prior extraction scheme fully conforms with Policy WC3 to provide for the phased delivery of the non-mineral development.

The proposed extraction would result in the 'total loss of the archaeological resource', i.e. the non-designated archaeological remains defined by evaluation (ES Section 7.13.2).

The loss of the archaeological resource within the prior extraction area would be

preceded by a full archaeological investigation to record, analyse and publish the findings. It has the potential to add significantly to our knowledge of late Iron Age and early Roman *Camulodunum* in an area that is not scheduled nor disturbed by later development, except by ploughing (see also comments above).

Policy considerations for this proposal

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development in the planning system (paragraphs 7, 8, 10 and 11) which also identifies protection of the historic environment as an important element of achieving sustainable development. Further policy principles relating to the historic environment are set out in Chapter 16 of the NPPF.

NPPF also confirms that that 'planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise', where, in this case Colchester Local Plan policy WC3 is the primary element of the development plan.

In particular, it emphasises the importance of conserving heritage assets, which are an irreplaceable resource, in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations (NPPF paragraph 189).

The Monument adjoining the prior extraction site cannot be 'enjoyed' since it is not visible.

Paragraph 194 states that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.

This requirement has been fulfilled via the cultural heritage study undertaken as part of the EIA.

Paragraph 195 requires the LPA to identify and assess the particular 'significance' of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This policy also states that the significance of the heritage assets should be taken into account 'when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

'Conflict' in this case has been 'minimised' by the sensitive design of the prior extraction scheme and restoration landform to ensure no material change to the setting of the Monument.

Paragraph 196 states, 'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'.

Not directly relevant to this scheme, although adverse effects by ploughing, whilst not deliberate damage, are a factor which will affect the long-term future of the archaeological resource.

Paragraph 197 states, 'in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their

conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness’.

The prior extraction scheme incorporates positive proposals for enhancement and management, consistent with these requirements.

Paragraph 199 requires the planning authorities to place ‘great weight’ on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be, ‘this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.

Similarly, paragraph 211 requires that when determining planning applications, ‘great weight’ should be given to the benefits of mineral extraction, including to the economy.

Paragraph 200 states that ‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification’.

There is a clear and convincing justification in this case, and a separate planning policy requirement (WC3) regarding prior extraction of mineral in advance of separate development.

The letter omits reference to paragraph 201 which confirms that *‘where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.....’*

This provides an important context to the quoted paragraphs 202 and 203 below with a hierarchy of significance. There would not be substantial harm to or total loss of significance to a designated heritage asset in this case, and it is noteworthy that the paragraph is not relied upon in support of the Historic England objection.

Paragraph 202 states, ‘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’.

It follows from the above that Historic England’s objection is not based upon ‘substantial harm’ but ‘less than substantial harm’ which itself needs to be weighed against other considerations.

Paragraph 203 states that ‘the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

Noted, and the required ‘balanced judgment’ should be undertaken in this case.

Paragraph 205 states that ‘local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost

(wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted’.

Noted, and this would be undertaken in the conventional way by a further programme of archaeological investigation.

Paragraph 206 goes on to state that, ‘Local planning authorities should look for opportunities for new development... within the setting of heritage asset, 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’.

The proposed scheme is fully in accordance with this requirement with the measures to ‘enhance and better reveal’ the alignment of the Dyke, and the positive contribution to the asset which this would provide.

Setting is then defined in the 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 and may affect the ability to appreciate that significance or may be neutral’.

The Planning Practice Guide (PPG), on managing change within the settings of heritage assets states that *a “thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.”*

The assessment of setting within the EIA was carried out using the guidelines within Historic England’s GPA3, *The Setting of Heritage Assets*. This recommends a 5-stage approach to assessment, which was followed. This concluded that during extraction there would be no effect upon our ability to appreciate the significance of the monument due to:

- a lack of intervisibility from the earthwork section of the monument, where the visitor can appreciate the form and significance of Grymes Dyke
- the absence of a visible monument south of Butcher’s Wood and a visitor’s inability to appreciate any significance in this location.

Post- restoration the assessment concluded that there would be no effect upon any views from the earthwork section of the monument. The hedging in the section adjoining the PEA will mature over time and define a linear grassland corridor that reflects a continuation of the alignment of Grymes Dyke south from Butcher’s Wood. An educational trail along the footpath will include interpretation panels that will enhance the visitor’s appreciation of Gryme’s Dyke and the wider archaeological landscape, including the results of the archaeological excavation within the prior extraction area. These enhancements were assessed as offsetting the harm to the setting of the monument during operation.

The key phrase is ‘*the ability to appreciate*’ the significance. A robust assessment, using Historic England’s guidance concluded that both during extraction and following restoration there would be no effect upon our ‘*ability to appreciate*’ the significance of the monument.

It should be noted that Historic England's response has been entirely subjective with no assessment nor any reference to their own Guidelines.

In terms of local plan policy, this is a proposal for a quarry extension site that is not allocated in the Essex Minerals Local Plan (adopted 2014).

Fundamentally incorrect. This is not a proposal for a quarry extension, and there is no such reference in any of the documents accompanying the application. The application relates to the prior extraction of sand in the context of the requirements of Policy WC3 of the Colchester Local Plan. The non-allocation of the site in the Essex Minerals Local Plan (MLP) is not relevant, albeit policy S6 of the MLP makes provision for extraction outside of the preferred sites in exceptional cases, and where express reference is made to prior extraction to prevent mineral sterilisation (para 3.106). See also para 3.140 of 'Regulation 18' draft amendments to the current MLP and the section headed 'the benefits of prior extraction', cross referenced in Section 3.2 of the Planning Application Statement.

In terms of the adopted Colchester Local Plan 2017 – 2033, Policy WC3: Colchester Zoo, the application site has been allocated for the development of the Zoo. Policy WC3 also states, 'the mineral shall be worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development'.

This is glossed over in the Historic England letter, but it is the underlying context to the application, which itself is accompanied by a masterplan programme illustrating the way in which the prior extraction scheme is part of the 'phased delivery' of the future expansion of Colchester Zoo (ref Planning Application Statement Appendix 1).

Our advice reflects guidance in the good practice advice notes produced by Historic England on behalf of the Historic Environment Forum in GPA 2; Managing Significance in Decision-Taking in the Historic Environment and GPA 3; The Setting of Heritage Assets.

Historic England's Advice

We have serious concerns that the proposed development would result in harm to the significance of the Scheduled Monument known as 'Gosbecks Iron Age and Romano-British site'. This is because the proposed restoration scheme would result in considerable and permanent change in the ground level and how the Monument is experienced in the landscape.

The concerns expressed are incorrect. There would be no 'considerable change' in the ground level, and the restoration profiles have been consciously designed to avoid any 'considerable' changes. In practice, there would be a gentle fall across the site which mirrors and ties into the topography of the immediately adjoining area, with no marked changes in slope, and no 'artificial' topographical features.

We consider the proposed restoration scheme would need to be revised to mitigate the impact of the development on the setting of the Scheduled Monument. In particular, the restored ground level would need to be significantly increased to reduce the difference between the current and restored levels.

There are no further opportunities to increase the restoration ground levels without the use of imported fill.

We also consider the proposed extraction phase would result in harm to the significance of the Scheduled Gryme's Dyke. This would be caused principally by the visual intrusion of temporary bunds and extraction equipment within the historic landscape as well as noise from the mineral operations. We note, however, the extraction would be undertaken and restoration completed within a relatively short-term period of three years.

The scheme has been consciously designed to limit the volume of sand to be extracted, both to minimize the duration of the development and to assist in the creation of appropriate restoration contours. Any form of prior extraction will result in some degree of temporary short-term disturbance, and this should not be a determining factor in this case.

In terms of local plan policy, this is a proposal for a quarry extension site that is not allocated in the Essex Minerals Local Plan (adopted 2014). We are concerned that development of this nature would normally be expected to be brought forward through the plan-led process as an allocation in the Minerals Local Plan. This site is not in the Plan so is contrary to policy.

Fundamentally incorrect, for the reasons explained above, and it is beyond the remit of Historic England to pronounce on the plan making process.

We are also concerned about the potential cumulative impact of the redevelopment of Colchester Zoo. This also has the potential to harm the significance of the Monument. We consider the minerals application must illustrate how the extraction site will fit into the wider redevelopment of the Zoo, to allow the cumulative impact of both proposals to be fully assessed. This is in accordance with Policy WC3 of Colchester Local Plan 2017 – 2033.

Again, an incorrect interpretation of Policy WC3. The function of the prior extraction scheme is straightforward in avoiding the sterilisation of minerals, and providing a restoration landform which would be compatible with a Zoo expansion in accordance with Policy WC3. It will be for a subsequent Zoo expansion application and EIA to consider the effects of that scheme on cultural heritage interests.

We note the proposed heritage benefits set out to offset the harm to the significance of the Scheduled Monument. We consider this would principally be delivered by improved and sustainable management of the Scheduled Monument, coupled with interpretation that is designed to improve public perception of the asset.

Disappointing that this is simply 'noted' given the benefits which would arise.

We welcome the proposed creation of grassland on the Scheduled Gryme's Dyke, and the removal of the Monument from cultivation (ES Figure 4-1). We consider this would be a heritage benefit. We are also keen to ensure this area is beneficially managed, with an appropriate conservation and landscape management plan, secured with adequate resourcing for ongoing maintenance, that benefits the Scheduled Monument.

This could be readily secured by planning condition and / or a Section 106 Agreement.

We are of the view that an adequate no-development buffer zone, beyond the edge of the Scheduled Monument, should be provided. We welcome, therefore, the proposal to create an open area/zone of managed grassland in order to create a buffer of open land alongside Gryme's Dyke — the proposed 50m stand-off between the Extraction Void Mineral Extraction and the Scheduled Gryme's Dyke (Appendix 6.1, Montage 1).

Noted

We consider the 50m stand-off should be taken from the edge of the Scheduled Monument, however, and not from the edge of the N-S trackway as currently illustrated on Montage1. This is because the Monument is up to c.54m wide, i.e. the Scheduled Monument extends c.40m to the west of the track (and c.10m to the east).

We consider, therefore, the appropriate stand-off, marked by the new hedgerow, should be c.40m + 50m from the track, to provide an open area of grassland that is 50m wide beyond either side of the Monument. This would be consistent with the approach for the Fiveways Fruit farm Extension at Stanway Quarry to the north.

Tarmac would be content to consider this further and to make modifications to the submitted scheme if the Planning Authority deem this to be necessary.

We note that all restored areas within the confines of the PEA would be subject to a detailed five-year Aftercare Management Programme (ES Section 4.4). We consider a management plan should be provided for the whole site, if planning permission is granted, including the Scheduled Monument. This is to ensure the area of new landscaping and planting is properly managed. In addition, we would recommend a planning obligation should be secured to resource the implementation of the management plan.

Noted, and can be discussed with the Planning Authority.

We welcome the proposal to create an education trail and interpretation panels (ES Section 7.3.15) to improve public perception and understanding of the Scheduled Monument and wider historic landscape. We would recommend that interpretation panels are provided in a suitable and publicly accessible locations the line of the Monument. We would recommend this is also secured via a planning obligation, if permission is granted.

Again noted, but disappointing that the acknowledged benefits of improved and sustainable management of the Dyke Monument, removal of the monument from cultivation, provision of a buffer zone, management plan, and education trail / interpretation facilities have not resulted in a more positive balance by Historic England.

We note that the northern field would remain as (and or be returned to) agricultural land (ES Section 4.3). Given the extent of archaeological remains that have been defined in this field, we would strongly recommend this field is also turned to managed grassland. We consider this would be a significant heritage benefit towards offsetting the harm we have identified to the significance of the Monument.

Noted, but this does not form part of the prior extraction scheme or application site boundary (other than the narrow corridor for the temporary conveyor).

We also note the total loss of buried archaeological remains by the proposed extraction. For non-designated archaeology, the remit for detailed advice lies with the relevant Local Authority Archaeological Advisors, in this case ECC Place Services. If planning permission is granted, we would recommend that, as well as a full programme of archaeological investigation, the scheme should also make suitable provision for the museum-quality display of artefacts and presentation of discoveries revealed by the proposed development. It should also include provision for public engagement during the investigation, to increase knowledge and understanding of the historic environment.

Noted

While we welcome the proposed management of the Scheduled Gryme's Dyke, in our view, this management could be achieved via other means, such as agri-environmental stewardship. It could thus be provided without any harm to the significance of the Scheduled Monument, that we have identified above, caused by the proposed development.

There is no obligation on landowners to engage with such a scheme, and it thus cannot be relied upon to secure the management referred to.

Recommendation

Historic England recommends refusal of the application on heritage grounds as currently submitted. We consider the application does not meet the requirements of the NPPF and, in particular, it fails the policy test in paragraph 202.

The reliance by Historic England on the policy test in NPPF paragraph 202 acknowledges that the objection is not based upon 'substantial harm' (NPPF paragraph 201) but 'less than substantial harm' which itself needs to be weighed against other considerations. With the mitigation measures enshrined within the scheme, there would be no material harm to the setting of the Scheduled Monument, and any short-term effects would be more than outweighed by the package of long-term enhancements.

Historic England has serious concerns in relation to the impact of the scheme on the historic environment. We consider the proposed development would result in harm to the significance of a Scheduled Monument. This is contrary to policy for sustaining and enhancing heritage assets.

See comments above.

We consider the proposed restoration scheme would need to be substantially amended, and the restored ground level increased, to reduce the level of harm to the significance of the Scheduled Monument. We would also recommend that an adequate stand-off would need to be provided between the edge of the Scheduled Monument and the proposed extraction area.

Again, disagree. The restoration landform would provide contours which would be imperceptible in terms of change from the current landform, with no discernable effect on the setting of the Dyke Monument.

In terms of local plan policy, we note this is a proposal for a quarry extension site that is not allocated in the Essex Minerals Local Plan (adopted 2014). This site is not in the Plan so is contrary to policy.

As above, this is a fundamental misinterpretation of planning policy.

We also consider the application also fails Policy WC3 of the Colchester Local Plan 2017 – 2033. Further information should be provided in this application to assess how the extraction site will fit into the wider redevelopment of Colchester Zoo to allow the cumulative impact of both proposals to be fully assessed.

Again, not correct, and not required by Policy WC3. If Historic England had wished Policy WC3 to include reference to 'cumulative effects', then they had an opportunity to express this during the preparation of the Local Plan. However, we note that Historic England responded on three separate occasions to invitations to comment on the emerging policy WC3 where no such comments were made. The comments were initially confined to minor changes of wording ('scheduled ancient monument' to be changed to 'scheduled monument'). At the main modifications stage, it is noted that Historic England requested amendments to policy WC3 to stipulate that any proposed



scheme for a Zoo expansion should incorporate significant public benefit for the historic environment, with the area of the Scheduled Monument within the WC3 allocation taken out of cultivation, and the need for a conservation management plan to preserve, interpret, promote and make accessible the important site. Colchester Council did not incorporate these requests into the adopted version of the Plan, but the underlying sentiments have been included as part of the prior extraction scheme, as acknowledged above, but with, in our view, insufficient weight being afforded to these positive elements of the scheme.

We recommend these representations are taken into account. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, and send us a copy of your report at the earliest opportunity.

Yours sincerely,

Dr Jess Tipper MCIfA FSA
Inspector of Ancient Monuments (Essex and Hertfordshire)
Data Protection Act