



25 April 2019
F.A.O. Terry Burns
Essex County Council

Dear Terry,

Application No: ESS/45/18/COL – Additional comments

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

With reference to the above named application, asking for comments from Ecology and Landscape. As per the agreed timescale, our comments on the Planning Application as submitted are made below:

Updated comments further to 1st April site visit below:

Ecology (Emma Simmonds)

The woodland to the north-east of the RLB (Red Line Boundary) - It appears that the corner of the South West corner of this woodland would need to be removed, including several mature trees, at least some of which have potential bat features. These are shown as scrub on the Phase 1 survey. The loss thus appears to be greater than described in the EclA and the woodland remaining will be situated very close to the steep drop into the restored lake.

Given the quantity of mature and semi-mature trees to be removed we need *greater certainty* of the scale of the likely impacts of populations of bats and likely roost status. The potential roost features should be scoped out at this stage with an endoscope to provide more certainty of the status of the roost. This should be done with a suitably qualified ecologist carrying out an inspection using an endoscope, in accordance with the Natural England's Standing Advice:

"Visually inspect trees

You should:

- *inspect using high quality binoculars*
- *use endoscopes to inspect cavities if possible"*

The loss of the mature trees and the potential for impact on bat roosting and foraging is also not reflected in the Ecology section of the Planning Statement (SLR, December 2018).

Once the issues raised have been resolved, information regarding habitat creation and long term management (for ecology) of the restored site should be provided, which could be in the form of a LEMP (Landscape and Ecology Management Plan). This should take into account the advice



provided within the [Supplementary Planning Guidance: Mineral Site Restoration for Biodiversity \(June, 2016\)](#), We will also wish to recommend a number of planning conditions.

Landscape (Anne Westover)

The application will result in further long term visual impacts arising from both the operational excavations and from the lorry movements along the B1022. There will be landscape impacts arising from the removal of mature habitat albeit this was anticipated within the consented scheme. Delays to the final restoration resulting from the extended excavation time period are also of concern.

I have the following queries regarding the current submission:

Landscape Chapter 10

With respect to para 10.77 I find that the landscape impacts of excavation in this area have been under estimated. I have noted that the larger part of the woodland copse is now proposed to be retained, however I remain to be convinced that it is appropriate to remove sections of woodland, mature hedgerow and oak trees to facilitate the extension to the quarried area. There have been no alternative options given for an excavation which could enable the retention of the mature landscape features.

I note that the stand-off zones to the retained woodland have not been specified. There is reference to compensation being provided by the incorporation of new hedgerows and woodland planting but with respect to the latter these are actually small copses in the zone around the new water body.

The form and propose future use of the water body are still unclear and my comments/queries put forward in the pre-application still apply.

Restoration plan:

There are some difficulties in matching/comparing the restoration plan with the original approval and the current Extended Phase 1 Habitat survey plan.

Cross sections; one has been provided but I consider that more are needed to show how the excavations relate to the retained woodland and hedgerow on the east side of the excavation. In terms of the retained hedgerow there is need for some clarification regarding the existing alignment and the need for new planting. The position of the dogleg in this hedge and shown on the habitat plan is not clear on the restoration plan.

Brown zone denoting the small agricultural field. I think this denotes current agricultural land but the colour is not keyed in. It would be useful to have clarification relating to the treatment of the field boundaries and the location of the access to this field from the restored area.

I cannot support the loss of mature/veteran oak trees and the habitat linkage that these create to the existing woodland. Neither the Ecology nor Landscape chapters indicate any suitable mitigation for the loss of these trees or any proposals for propagation and maintaining local provenance. I highlighted this in the scoping response. Both the landscape and visual impacts arising will be significant and these have been inadequately assessed.

Para 10.39 I support the proposal for advanced hedgerow planting along the new northern boundary of the quarry extent however I think there is a need to consider whether this should be accompanied by a wider planted belt of woodland with a buffer zone between. The viewpoint 5 chosen from Blind



Lane is not helpful as it is situated adjacent to the roadside tree belt, this provides a screening element at this point. The tree belt will provide some visual mitigation in views from the first part of the lane, however once this is passed there are clear views across the landscape to both the site area and the existing tree line.

Para 11.79 of the Ecology chapter refers to the need for management to take place within the tree belt running along Blind Lane. If this is not already set out it will need to be addressed in conditions relating to longer term management. There is little current management of either the tree belt or roadside hedgerow being carried out at present, this matter should be given priority.

The five year aftercare period will not be a sufficient time period for establishment of the restoration scheme given the complexity of the landscape and habitats being proposed

Ecology Chapter 11

There are references to overgrown/moribund hedgerows with elm and willow in them. I am surprised by the assessment having seen the hedgerows on site. The report states that the hedges do not fulfil the ecological criteria in the 1997 Hedgerows Regulations in terms of species. However they have not been assessed in terms of historic value or plant/woody species. The hedgerow line appears on the first edition OS map and is likely to be pre-enclosure therefore important under the historic criteria applying to the regulations.

There is no tree survey included with the application but it is noted in para 11.117 that the oak trees are good specimens and their loss cannot be compensated for.

There may be impacts arising on the existing retained woodland in terms of proximity of the excavations, disturbance and water table changes. Note para 11.119, not clear. Following the site visit it is clear that a section of woodland adjoin the south west corner of the existing has been omitted from the Habitat survey and assessment process. This contains some 8 mature oak, birch and understorey shrub and flora.

I consider that there needs to be a more precise assessment of impact, alternative options, detail relating to mitigation of any losses and detail for the proposed buffer zones to remaining woodland and hedgerows.

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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