

MIDDLEWICK OBJECTIONS: 1

Summary of Documented Concerns & Objections Submitted to Colchester City Council Regarding **Middlewick Ranges** and its Inclusion in the Local Plan (2019-23): From County/National Nature Organisations and Experts



Necklace Ground Beetle *Carabus monilis* – “The fastest declining ground beetle in Britain”.

Current resident of Middlewick Ranges. “The beetle was one of 10 species named by the ARC 2031 project that seem likely to go extinct in Britain in the next decade without our help” ~ Guardian, September 2021

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Introduction

This document summarises and consolidates critical ecological evidence from 2019 to 2023 against the development of Middlewick Ranges. It is a broad overview of extensive, technical submissions to Colchester City Council, including recent new evidence from Essex Wildlife Trust, RSPB, Buglife and national invertebrate expert Steven Falk – as well as earlier submissions during the Local Plan consultation periods. This document is designed as an accessible summary before delving into the original, detailed sources.

The letter summarises over 20 technical submissions to Colchester City Council, from 12 leading nature organisations, national experts and ecologists. The evidence can be found in the following Google Drive folder; where this and sister document Middlewick Objections: 2 (MO:2) will be periodically updated.

https://drive.google.com/drive/folders/1J5WXI-DeOyRUzHY0BoKbnY2SbeF2R1fx?usp=drive_link

Middlewick Objections: 1 (MO:1) presents compelling arguments from notable organisations and experts, underscoring the flawed rationale behind including Middlewick Ranges in the Local Plan; this includes detailed criticism of the Stantec report which forms the foundation of the Evidence Base, and challenges the underlying assumption and proposal which relies on unproven methods to replace the irreplaceable habitat and unique wildlife assemblage which Middlewick Ranges currently supports.

The following organisations and experts have contributed to this overwhelming evidence, the majority of which was made available to inform the review of the Local Plan during 2021 and 2022 (see link above for access to these representations with reference numbers given).

1. [1] Natural England
2. [2] Essex Wildlife Trust
3. [3] Essex Field Club
4. [4] Colchester Natural History Society
5. [5] RSPB
6. [6] Buglife
7. [7] Steven Falk FRES (Hymenoptera expert; see
8. [8] Butterfly Conservation
9. [9] Midland Ecology
10. [10] Richard Kilshaw CIEEM
11. [11] Lawyers for Nature
12. [12] Community Planning Alliance

In addition – and significantly – the Lawford Tye case study [13] is highlighted, setting a local legal precedent in planning law relevant to Middlewick Ranges Local Wildlife Site. This example illustrates the critical role of thorough reporting and the potential oversight of valuable data from local naturalists, challenging the reliance on potentially biased commercial reports. It also includes the latest ‘headline’ findings from the Pantheon Software analysis of invertebrate taxa [15].

Relevant NPPF guidelines are also presented [14], Local Wildlife Site citations [16] as well as – at the end of the document – maps showing Middlewick Ranges Local Wildlife Site (Co122) in context.

This document provides a general overview of these detailed and technical reports, intended to help a lay person understand the core points; however, it is not intended as a replacement to the original documents and submissions. These letters, documents and reports should be referred and deferred to for any technical detail. These summaries may, however, provide a potentially helpful initial overview into the issues.

A Summary of all Summaries

We thought it would be useful to begin with a ‘Summary of all Summaries’. Two pages to distil the main concerns, objections and potential legal repercussions arising from Middlewick Ranges continued inclusion in Colchester City Council’s Local Plan – where, at the time of writing, this Local Wildlife Site is **still** earmarked for destruction and building of up to 1000 houses. A Local Wildlife Site which supports unique heritage and natural history, one of Essex’s most important acid grasslands and invertebrate populations – regarded as also of national level interest; alongside an abundance of other wildlife and habitats.

Most of this evidence was provided well in advance of previous Local Plan consultations and reviews but has so far not been adequately considered, addressed or acted upon. Some of the new records and concerns have arisen more recently, further casting very serious concerns over the proposals and the evidence behind them. We hope this new evidence – and summary of the old – will spark a long-overdue and urgent rethink; and that Middlewick Ranges can now finally be protected and removed from the Local Plan.

Overview

The summaries of letters of concern and objections to Colchester City Council regarding the inclusion of Middlewick Ranges Local Wildlife Site in the Local Plan for housing development highlight significant ecological, legal, and procedural issues.

These objections come from various county and national nature organisations and experts, presenting a strong case against the allocation and proposed development. These include: Natural England, Essex Wildlife Trust, RSPB, Essex Field Club, Colchester Natural History Society, Butterfly Conservation, Buglife as well as county and national experts and legal advice from Lawyers for Nature.

A Break Down of the Main Concerns, Objections and Potential Legal Ramifications Relating to the Allocation of Housing on Middlewick Ranges in the Local Plan:

1. High Wildlife Value and Biodiversity

1.1 Significance of Middlewick Ranges

- **Diverse Habitats and Species:** Middlewick Ranges is a vital Local Wildlife Site (LoWS) with a range of invertebrates, including rare and threatened species. Birch Brook LoWS forms a habitat mosaic.
- This site is particularly noted for being one of the largest areas of **acid grassland** in Essex with associated specialist and rare invertebrate communities of national interest.
- **Key Species:** Notable species include digger wasps, cuckoo-wasps, and the Small Blue Carpenter bee. Over 1400 species of invertebrate are recorded with over 150 with a conservation status.
- **Protected Species:** The area supports numerous species afforded legal protections including reptiles, bats, Badgers and various birds including Red Listed breeding Nightingale and Skylark.

1.2 Impact of Development (not applying Mitigation Hierarchy)

- **Biodiversity Loss:** Development would permanently destroy a unique assemblage of invertebrates some of which are of national level significance, as well as the habitats on which they rely.
- **Ecological Connectors:** Local Wildlife Sites like Middlewick Ranges are crucial for biodiversity, acting as core habitats and connectors within Colchester linking SSSIs and urban green spaces.

2. Fundamental Basis for Proposals

2.1 Inadequate Justification

- **Lack of Sufficient Reasons:** Colchester City Council (CCC) has not provided adequate justification for allocating this sensitive habitat for housing resulting in the loss of a significant Local Wildlife Site.

2.2 Experimental Technique Concerns

- **Habitat Translocation:** The use of experimental techniques like sulphur-spreading for habitat compensation of ancient acid grassland lacks sufficient evidence of success. The Minsmere case study has been strongly dismissed as justification by RSPB for various reasons e.g. it was never intended to replace Priority acid grassland habitat and the soil types are entirely different.

3. Poor and Inadequate Reporting

3.1 Flaws in Evidence Base

- **Inadequate Ecological Surveys:** Comprehensive ecological surveys, especially for invertebrates, are lacking. Numerous errors and omissions have been flagged both within reporting and surveying.
- **Misguided Site Allocation:** The decision seems based more on land availability and plans to sell off MoD land – rather than a carefully considered allocation including ecological and amenity value.

4. Council's Obligations and Planning Law

4.1 Non-Compliance with National and Local Policy

- **Contradiction with NPPF:** The allocation conflicts with National Planning Policy Framework guidelines on protecting biodiversity: the destruction of an important Local Wildlife Site.
- **Policy ENV1 Concerns:** The proposed development fails to conserve or enhance biodiversity value as required by Policy ENV1, and would result in significant fragmentation of existing green network.

5. Legal Challenges and Timing Issues

5.1 Potential for Legal Challenges

- **Non-Compliance Issues:** The problematic nature of the proposals and questionable Biodiversity Net Gain calculations could lead to legal challenges under the newly introduced Environment Act.
- **Statutory Duties:** Failure to comply with statutory duties toward biodiversity might result in objections from organisations like Natural England; they reserves the right to object to specific development applications, and wish to remain involved.

5.2 Timing and Public Inquiries

- **Protracted Processes:** Legal challenges and objections could lead to delays and extended public inquiries.

6. Reversing the Decision

6.1 Removal from Local Plan

- **Advocacy for Protection:** Experts and conservation organisations advocate for the removal of Middlewick Ranges from the Local Plan and protection for wildlife and people in perpetuity.
- **Alternative Uses:** Nature reserve/country park instead of a housing development.

Conclusion

The overwhelming case presented by various experts and organisations against the inclusion of Middlewick Ranges in the Local Plan for housing development is based on its high ecological value, biodiversity, and the significant adverse impacts the proposed development would have.

The objections highlight inconsistencies with national planning policies, inadequate reporting, and potential legal challenges.

There is a strong recommendation for reversing the decision and protecting Middlewick Ranges as a nature reserve, aligning with statutory obligations and promoting biodiversity conservation.

1. Natural England

1.1 Representation to CBC Local Plan Consultation 2021

Referenced Letter: '[1-1] Natural England to CC (SC2 MM), 15-11-2021.pdf'

Letter Date: 15th November 2021

Addressed to: Karen Syrett, Colchester Council Planning

From: Tessa Lambert, Natural England Lead Adviser – Land Use Planning, West Anglia Area Team

Overview

The letter from Natural England to Karen Syrett of Colchester City Council raises concerns to the inclusion of Middlewick in the Local Plan and proposed modifications. It discusses the Colchester Local Plan Section 2, focusing on concerns regarding biodiversity and geodiversity particularly with respect to Middlewick Ranges.

Key Concerns and Recommendations

1. MM20 - Policy ENV1 Concerns:

- Concerns about the wording of Part C of Policy ENV1, which relates to Biodiversity and Geodiversity.
- The policy wording suggests less stringent expectations for developments adversely affecting biodiversity.
- Quote: "It is a concern that the proposed wording for the policy indicates that the expectations in relation to mitigation and biodiversity net gain (BNG) for developments that have adverse effects on biodiversity are less stringent..."

2. MM47 - Middlewick Ranges:

- Middlewick Ranges is a Local Wildlife Site, and the Local Planning Authority must demonstrate adherence to statutory biodiversity duties.
- Recent survey information highlights the site's considerable significance for diverse invertebrate fauna.
- Quote: "The site is designated as a Local Wildlife Site and, accordingly, the Local Planning Authority will need to demonstrate that it has had regard to its statutory duty to conserve biodiversity..."

3. Consistency and Clarity in Policy Wording:

- The need for consistent terminology and clear definitions in policy wording, especially regarding "compensation/mitigation land" and "net gain land."
- Quote: "There should be consistency in the terms used to describe this land and it should also be defined on the proposals map for clarity..."

4. Biodiversity Net Gain (BNG) Expectations:

- Clarification needed on whether BNG can be secured on "mitigation land" to avoid confusion between compensatory measures and BNG.
- Quote: "As a result, it is not clear whether the BNG could be secured on the 'mitigation land' which would risk confusion between measures which are compensatory and those which are clearly BNG."
- Quote: "...the Local Authority should give careful consideration to survey information that has very recently come to light concerning the presence of a number of Section 41 invertebrate species at the site."

5. Precautionary Principle and Evidence for Habitat Translocation:

- The Local Planning Authority must ensure there is sufficient evidence to support claims of successful habitat translocation.
- Quote: "Without the evidence, there must be doubt that the relocated habitat... qualifies as 'compensation'!..."

6. MM66 - Policy SS12b Concerns:

- Recommendations for amending wording to ensure consideration of direct and in-combination impacts on adjacent Habitats sites.
- Quote: "As these development proposals could include residential development, there is the potential for both direct impacts as well as in-combination impacts..."

7. MM81 - Clarity in Policy Wording:

- Suggestion for minor modification to improve clarity regarding the proximity of proposals to habitats sites.
- Quote: "Proposals in close proximity to a habitats site must demonstrate through HRA screening that the scheme will not lead to likely significant effects to the integrity of the habitats site."

Conclusion

Natural England's letter provides detailed feedback on the Colchester Local Plan Section 2, emphasising the need for clear, consistent policy wording and adherence to statutory biodiversity duties, particularly concerning the development of Middlewick Ranges. The letter highlights the importance of considering the latest ecological data and ensuring that Biodiversity Net Gain is appropriately applied and understood within the planning framework.

[1.2 Representation to CBC Local Plan Consultation 2022](#)

Letter Referenced: [1-2] 'Natural England Middlewick Ranges 28 June 2022.vf.pdf'

Letter Date: 28th June 2022

Addressed to: Sandra Scott, Colchester Council Planning

From: Justin Tilley, Natural England Manager - West Anglia Team

Overview of the Letter

The letter from Natural England to Colchester City Council addresses concerns about the proposed housing allocation on the Middlewick Ranges site, emphasising the importance of biodiversity considerations in the planning process.

Key Points of Concern

1. Advice on Mitigation and Biodiversity Net Gain:

- Advised on strengthening policy regarding mitigation and biodiversity net gain in their formal response (November 2021).
- Quote: "We advised clarification and strengthening of your proposed policy on mitigation and application of biodiversity net gain..."

2. Significance of Middlewick Ranges as a Local Wildlife Site:

- Highlighted the site's recognition as a Local Wildlife Site with diverse biodiversity interests.
- Quote: "This site is recognised as a Local Wildlife Site that holds a variety of biodiversity interests."

3. Importance of Up-to-Date Ecological Data:

- Stressed the need for current and complete ecological data to inform the planning process.
- Quote: "The use of the most up to date and complete ecological data is essential..."

4. New Survey Data from Third Parties:

- Acknowledged additional survey data from Essex Field Club and Butterfly Conservation, indicating significant invertebrate diversity.
- Quote: "This information was provided to your Authority in representations from Essex Field Club in Autumn 2021..."

5. Underestimation of Habitat Value:

- Noted that the full extent of lowland dry acid grassland habitat might not have been fully understood previously.
- Quote: "It may be that the value of the area was not fully understood previously."

6. Policy Requirements for Biodiversity at Middlewick Ranges:

- Emphasised that amended policy requires extensive considerations for biodiversity, and non-compliance should lead to refusal of consent.
- Quote: "Natural England would expect full adherence with the proposed policy..."

7. Challenge of Securing Development Consent:

- Recognised the challenge of securing development consent given the extent and quality of habitat present.

- Quote: "This rightly presents a significant challenge to securing development consent at the site."

8. **Reservation of Right to Object:**

- Natural England reserves the right to object to any proposal that does not fully account for the site's biodiversity and comply with statutory duties.
- Quote: "We would reserve our right to object to any proposal at this site that did not fully take account of the specific biodiversity interest..."

9. **Continued Collaboration and Upholding Statutory Duties:**

- Expressed willingness to work with the Council and interested parties to address these matters and uphold statutory duties toward biodiversity.
- Quote: "We would welcome the opportunity to continue to work with the Council and all interested parties..."

Conclusion

Natural England's letter to Colchester City Council highlights the ecological significance of Middlewick Ranges and the necessity of incorporating comprehensive ecological data into the planning process. The letter underscores the importance of adhering to biodiversity commitments and statutory duties. Natural England reserve the right to object to any future proposals/planning applications.

2. Essex Wildlife Trust

2.1 Essex Wildlife Trust Objection Letter 2019

Letter Referenced: '[2-1] Essex Wildlife Trust 'EWT response to public consultation 0719' 19-07-2019.pdf'

Letter Date: 19th July 2019

Addressed to: Defence Infrastructure Organisation

From: Essex Wildlife Trust

Overview of Letter

This letter from Essex Wildlife Trust expresses strong objection to the proposed housing development at Middlewick Ranges, emphasising its significance as a Local Wildlife Site (LoWS) and the detrimental impact the development would have on the area's biodiversity.

Summary of Concerns

1. Significance of Middlewick Ranges

- Middlewick Ranges is a vital LoWS in Colchester, comprising diverse habitats and species.
- Middlewick Ranges hosts a wide range of invertebrates, including several rare and threatened species, particularly notable within the Hymenoptera group.

- A sample of key species includes UK BAP Priority species digger wasps *Cerceris quadricincta* and *Cerceris quinquefasciata*, cuckoo-wasp *Hedychrum niemelai*, and the Small Blue Carpenter bee *Ceratina cyanea*.
- The area may support Hazel Dormice, a European Protected Species, necessitating surveys and careful management. Other protected species in the area include bats, Common Lizard, Grass Snake, Slow Worm, Badger, and various breeding birds.
- **Quote:** "Middlewick Ranges is one of the most important and valuable Local Wildlife Sites in the Colchester Borough."

2. Impact of Development on Middlewick Ranges

- Development would lead to significant biodiversity loss, affecting invertebrate populations and habitats.
- LoWS like Middlewick Ranges are crucial for biodiversity, acting as core habitats and ecological connectors.
- The Trust stresses that these sites, though not currently statutorily protected, are essential for nature's recovery and should be prioritised in spatial planning.
- **Quote:** "The loss of a large part of this open grassland foraging habitat to development will have a detrimental impact on both invertebrate population size and species diversity."

3. Implications for Birch Brook Wood LoWS

- Although not within the development footprint, the development would increase anthropogenic pressures on Birch Brook Wood, impacting its biodiversity.
- Potential impacts include increased disturbance, light pollution, littering, and habitat degradation due to higher human and pet activity.
- **Quote:** "While the proposed development of Middlewick Ranges will not damage Birch Brook Wood LoWS directly, the considerable increase in anthropogenic pressures as a result of the new housing will likely have a serious detrimental impact on the quality of the habitat."

1. Non-Compliance with National Planning Policy Framework (NPPF):

- The proposed development fails to align with National Planning Policy Framework (NPPF) guidelines, particularly in protecting and enhancing valued landscapes, sites of biodiversity, and achieving sustainable development.
- **Quote:** "The proposals do not conform with the guidelines in paragraph 170; the development does not protect and enhance a valued landscape and site of biodiversity value."

Conclusion

Essex Wildlife Trust emphasises the importance of Middlewick Ranges for both wildlife and the local community. The proposed housing development is seen as unsustainable, contradicting planning policies and leading to significant biodiversity loss. The Trust urges reconsideration of the site's inclusion in the Local Plan, advocating for its preservation and suggesting alternative, environmentally sustainable uses.

Key Quote

"It is our contention that the loss of a large part of Middlewick Ranges LoWS to development will result in a significant reduction in biodiversity and therefore cannot be considered sustainable. The ecological value of

Middlewick Ranges LoWS must be recognised and protected if Colchester Borough Council's new local plan is to deliver an overall biodiversity net gain."

2.2 Essex Wildlife Trust Objection Letter 2021

Referenced Letter: '[2-2] Essex Wildlife Trust (SC2 MM Consultation) 14-11-2021.pdf'

Letter Date: 14th November 2021

Addressed to: Planning Policy, Colchester Borough Council

From: Essex Wildlife Trust

Overview of Letter

This letter from Essex Wildlife Trust details objections to the allocation of Middlewick Ranges as a housing area in Colchester's Section 2 Local Plan Main Modifications. The Trust argues that the proposed modifications fail to meet certain soundness criteria outlined in the National Planning Policy Framework (NPPF).

Summary of Concerns

1. Lack of Justification

- Colchester Borough Council (CBC) has not provided sufficient reasons for allocating a highly sensitive ecological habitat for housing.
- The Trust asserts that the current housing supply exceeds the need, negating the necessity for such development.
- Quote: "Given that Colchester BC has been delivering new housing in excess of housing need, there are clearly no wholly exceptional reasons to justify the allocation of a significantly important and highly sensitive designated ecological habitat for housing."

2. Inconsistency with National Policy

- The modifications to Middlewick Ranges' policy do not align with NPPF guidelines and Colchester BC's Policy ENV1.
- NPPF guidelines emphasise protecting and enhancing natural environments and biodiversity, which the proposed modifications fail to meet.
- Quote: "The policy is not sustainable, given that the proposals will result in the destruction of rare and threatened lowland dry acid grassland, which is classified as a habitat of very high distinctiveness."

3. Lack of Clarity and Misapplication of Mitigation Hierarchy

- The modifications lack clarity and fail to adhere to the mitigation hierarchy, which is central to national planning policy on environmental impacts.

- Quote: "The wording of the Main Modifications lacks clarity due to the conflation of the terms mitigation and compensation. These are quite distinct terms and are applied differently."

4. Misapplication of Biodiversity Net Gain

- The proposed modifications incorrectly apply the principles of Biodiversity Net Gain.
- The Defra Metric indicates that habitats of Very High Distinctiveness, like Middlewick Ranges, require bespoke compensation outside of net gain calculations.
- Quote: "It is also important to note that the Defra Metric states that to achieve good condition when recreating lowland dry acid grassland will take 30 years."

Conclusion

Essex Wildlife Trust firmly states that the proposed modifications for Middlewick Ranges are unsustainable and do not comply with NPPF guidelines. The plan is deemed unsound due to its lack of clarity, misapplication of biodiversity net gain, and unjustified allocation of a sensitive ecological habitat for housing. The Trust reiterates the need for sustainable development that aligns with national policies and properly addresses ecological impacts.

Key Quote

"We reiterate that this is patently not sustainable and does not conform to the guidelines in the NPPF. The Main Modifications pertaining to Middlewick Ranges lack clarity, have misapplied Biodiversity Net Gain, and are unjustified. This renders the plan unsound."

2.3 Dr Jeremy Dagley, Director of EWT Conservation & EECOS - Statement to CCC

Letter Reference: '[2-3] Essex Wildlife Trust Statement on Middlewick Ranges, Dr Jeremy Dagley 11-12-23'

Date: 11th December 2023

Addressed to: Colchester City Council Local Plan Committee

From: Dr. Jeremy Dagley, Director of Conservation, Essex Wildlife Trust; A Director of EECOS (Essex Ecology)

Overview of Letter

The statement by Dr. Jeremy Dagley, was presented at the Colchester City Council Local Plan Committee Meeting, and emphasises the ecological importance of Middlewick Ranges and objects to its development.

Highlighting the site's significance in regional biodiversity, especially its rare acid grassland habitat, Dr. Dagley expresses concern over **insufficient consideration** of its insect biodiversity in the Local Plan. He urges the Council to **fully protect Middlewick Ranges and reconsider its housing allocation**, aligning with the Council's commitment to enhancing Colchester's green network and addressing the biodiversity crisis.

Summary of Main Concerns:

1. Importance of Middlewick Ranges:

- Encompasses a significant portion of the District's Local Wildlife Site acreage.
- Contains extensive and rare acid grassland habitats.
- Quote: "Middlewick Ranges is one of the largest Local Wildlife Sites in the area."

2. Inadequate Consideration of Insect Biodiversity:

- Insect biodiversity at Middlewick Ranges was not sufficiently addressed.
- Potential SSSI-level quality of the site was highlighted by EECOS.
- Quote: "Its insect biodiversity was not addressed sufficiently during the Local Plan preparation."

3. New Data and Recommendations:

- New data submitted in 2022 underscores the site's exceptional biodiversity.
- Natural England's recommendation for safeguarding the site's biodiversity. Dr. Dagley's statement reflects the need to prioritise ecological conservation in urban planning.
- EWT as well as EECOS do not approve the proposals or the inclusion of Middlewick Ranges in the local plan; this **effectively removes the previous third party sign-off and approval by EECOS** (now Essex Ecology).
- Quote: "New data ...including at least 23 Red Data Book Species and a quarter of all Essex's known moths and butterflies."

Conclusion:

- Dr. Dagley's statement responds to Colchester City Council's Local Plan Review, focusing on the importance of Middlewick Ranges as a Local Wildlife Site and advocating for its protection and removal from the plan.

"In the face of the UK's deepening biodiversity crisis – and climate crisis – and with your Council's strengthened duties to **enhance** biodiversity, **full protection** of Middlewick Ranges' wildlife is, in the Trust's view, essential.

I am speaking for **both** the Wildlife Trust **and** Essex Ecology (or EECOS) as your former technical adviser, requesting and advising that your Council, through its green spaces' consultation, now fully protects Middlewick Ranges and **removes** the current site allocation for houses there, providing revised housing allocations at alternative sites."

For complete details, please refer to the original statement or the recording of the committee meeting <https://www.youtube.com/watch?v=xYA6ApFZEnA&t=1380s> (From 23 minutes)

3. Essex Field Club

Introduction

The following document presents bullet-pointed summaries of the three objection letters submitted by Essex Field Club to Colchester Borough Council during their consultation phase – against the proposed housing allocation on Middlewick Ranges. They are written by Peter Harvey, Past President of Essex Field Club and follow an initial representation submitted on 03/08/2017 which emphasised that the Local Wildlife Site actually warrants SSSI designation.

The three PDF letters written by Peter Harvey representing Essex Field Club are named as follows:

1. Letter 1: '[3-1] Essex Field Club further representation 05-04-2021.pdf'
2. Letter 2: '[3-2] Essex Field Club additional representation 05-04-2021.pdf'
3. Letter 3: '[3-3] Essex Field Club representation to modifications 12-11-2021.pdf'

3.1 Combined Summary of Letters 1-3

A broad summary of the key points contained in **all three letters** from Essex Field Club to Colchester Borough Council.

Letter Date: 5th April 2021 (Letters 1 and 2); 12th November 2021 (Letter 3)

Addressed to: Colchester Borough Council

From: Peter Harvey, Past President of Essex Field Club

Headline Summary:

The proposed housing development on Middlewick Ranges, as outlined in the Colchester Borough Local Plan, is in direct conflict with the National Planning Policy Framework (NPPF) and other environmental legislation, given its significant ecological value and the potential adverse impacts on biodiversity.

Detailed Summary

1. Inconsistency with National and Local Planning Policies:

- **Contradiction with NPPF:** The Essex Field Club (EFC) letter highlights that the allocation of Middlewick Ranges for housing directly conflicts with NPPF guidelines, which emphasise the protection and enhancement of valued landscapes and biodiversity (NPPF, Paragraphs 170 and 175).
- **Failure to Meet CLP 1 Requirements:** The EFC asserts that the inclusion of Middlewick Ranges does not comply with the requirements of the Colchester Local Plan (CLP) 1, indicating a lack of soundness in the plan.

2. Ecological Significance and Potential SSSI Status:

- **High Conservation Value:** The EFC letter states that Middlewick Ranges is a Local Wildlife Site (LoWS) of exceptional nature conservation importance, hosting diverse flora and fauna, including several scarce plants and a range of rare, scarce, and characteristic invertebrates.
- **SSSI Qualification Potential:** The EFC suggests that the site would qualify as a Site of Special Scientific Interest (SSSI) based on specialist surveys adhering to Natural England invertebrate survey guidelines. The presence of invertebrate species assemblages in favourable SSSI condition, including the Near Threatened Nationally Rare *pipunculid* fly *Tomosvaryella minima*, underscores this potential.

3. Flaws in Evidence Base and Decision-Making:

- **Inadequate Ecological Surveys:** The EFC criticises the evidence base provided by CBC for lacking comprehensive ecological surveys, particularly for invertebrates, failing to meet Natural England and Invertebrate Standard Advice for Essex guidelines.
- **Misguided Site Allocation:** The EFC argues that the decision to include Middlewick Ranges appears to be based on land availability from the Ministry of Defence (MoD), rather than ecological value, suggesting a lack of objective site evaluation.

4. Policy ENV1 and Biodiversity Concerns:

- **Non-Compliance with Policy ENV1:** The EFC points out that the proposed development fails to conserve or enhance biodiversity value and does not minimise habitat fragmentation as required by Policy ENV1.
- **Inadequate Biodiversity Net Gain (BNG) Approach:** The EFC notes that the use of a bespoke Biodiversity Metric and the approach to BNG do not adequately address the loss of irreplaceable habitats. The CIEEM principles state that BNG does not apply to irreplaceable habitats like Middlewick Ranges.

5. Recommendations for Plan Revisions:

- **Requirement for Comprehensive Surveys:** The EFC recommends that detailed specialist ecological surveys should be conducted prior to any development, in line with Natural England guidelines.
- **Environmental Impact Assessment Necessity:** The EFC insists that a full Environmental Impact Assessment must accompany large development allocations, which is currently lacking.

Conclusion

- **Unsustainability of Development:** The EFC concludes that the proposed allocation for housing development is unsustainable and will result in significant biodiversity loss.
- **Need for Removal from Local Plan:** The EFC advocates for the removal of Middlewick Ranges from the Local Plan Housing Allocation to ensure compliance with NPPF and to protect its ecological integrity.

In summary, the detailed analysis based on the EFC letters strongly argues against the inclusion of Middlewick Ranges in the Local Plan for housing development. The letters provide a comprehensive critique, highlighting conflicts with national planning policies, significant ecological value, and the adverse impacts development would have on biodiversity. The EFC advocates for the protection of Middlewick Ranges and its removal from the Local Plan to comply with the NPPF and other relevant environmental legislation.

3.2 Letter 1: 'Essex Field Club Further Representation'

Letter Referenced: '[3-1] Essex Field Club Further Representation 05-04-2021.pdf'

Date of Letter: 5th April 2021

Addressed To: Colchester Borough Council

Overview of Letter

This is the initial letter in response to the Local Plan consultation raising serious concerns about the inclusion of Middlewick Ranges in Colchester Borough Council's Local Plan; and the SC2 Modifications.

This includes concerns about Matter 6: South Colchester (Policies SC1 to SC3), and details a strong objection against the inclusion of Middlewick Ranges as a housing site.

Objection Grounds

1. Inconsistency with National Policy and Local Context:

- Concerns over the justification of Middlewick Ranges allocation based on national guidance and local context.
- Claim: Allocation does not meet the requirements of Colchester Local Plan (CLP) 1.
- Reference: Essex Field Club's Representation ID: 6273 (03/08/2017).

2. Evidence Base Challenge:

- Strong opposition to the inclusion of Middlewick Ranges Local Wildlife Site (LoWS) in the housing allocation.
- Highlight: Middlewick Ranges holds exceptionally high conservation importance, including rare invertebrates.
- Doubt expressed on its qualification as an SSSI pending specialised surveys.
- Quote: "We have little doubt that it would qualify as a Site of Special Scientific Interest (SSSI) if subject to specialist surveys..."

3. Biodiversity and Conservation Significance:

- Recognition of Middlewick Ranges as the most important site in Colchester for invertebrates.
- High value for spiders and likely other groups in the northern grassland area.
- Quote: "Middlewick Ranges is the most important site in the Colchester local authority area for almost all groups where data are available."

4. **Inadequate Assessment by CBC:**

- Lack of objective process to quantify the natural capital value and avoidance of high ecological value areas.
- Concerns over the decision-making process influenced by land availability from the Ministry of Defence (MoD).
- Quote: “We question what consideration CBC has given to the choice of alternative sites that would cause less harm as required by the National Planning Policy Framework.”

5. **Impact of Development on Biodiversity:**

- Lack of assessment on habitat loss impact and regional metapopulations.
- Concerns about increased amenity use and its negative impact on acid grassland.
- Quote: “We also do not see any assessment in the evidence base of the likely impacts of adjacent housing and greatly increased amenity use...”

6. **Challenges to Stantec Ecological Evidence Base Report:**

- Stantec report's inadequacy and failure to provide a comprehensive ecological evaluation.
- Concerns over outdated data and non-compliance with CIEEM guidance.
- Quote: “The Stantec report needs to be evaluated against the perspective provided by the Midland Ecology Middlewick Ranges Ecological Evaluation report February 2021...”

7. **Environmental Impact Assessment Necessity:**

- Argument for the necessity of an Environmental Impact Assessment for large development allocations.
- CBC's failure to fulfil NERC Act (2006) duties in decision-making.
- Quote: “All large development allocations must be accompanied by an Environmental Impact Assessment, which has not been undertaken...”

Conclusion

- Essex Field Club concludes that the inclusion of Middlewick Ranges in the Local Plan for housing allocation is unjustifiable, potentially violates national planning policies, and fails to safeguard crucial biodiversity and ecological integrity.
- They assert the necessity of recognizing and protecting the ecological value of Middlewick Ranges to ensure overall biodiversity net gain in Colchester's new Local Plan.

3.3 Letter 2: ‘Essex Field Club additional representation’

Letter Referenced: ‘[3-2] Essex Field Club additional representations 05-11-2021.pdf’

Letter Date: 5th April 2021

Addressed To: Colchester Borough Council

Overview of Letter

Essex Field Club's second objection letter to Middlewick Ranges' Inclusion in Colchester Borough Council's Local Plan raises additional points and concerns – Including new information and emerging records following recording efforts. This also refers to the Section 2 Examination of the Colchester Borough Local Plan 2017-2033, including Main Matter 6: South Colchester (Policies SC1 to SC3).

This objection is made on various grounds including inadequate public consultation, modification of policies, an inadequate and flawed evidence base including serious deficiencies in the crucial invertebrate data.

Objection Grounds

1. Inadequate Public Consultation:

- Objection to last-minute documents provided by Colchester Borough Council (CBC), lacking prior public consultation.
- Quote: "This is...related to Representation Statement: Main Matter 6 – South Colchester...not been subject to any prior public consultation."

2. Modification of Policy ENV1:

- Concern over the watering down of the Env1 Irreplaceable habitat policy, which may justify the proposed housing allocation of Middlewick Ranges.
- Quote: "The Env1 Irreplaceable habitat text now waters down policy by deleting the text...to a situation where proposals...will not be permitted unless there are wholly exceptional reasons..."

3. Questioning CBC's Evidence Base:

- Strong dispute of CBC's claims regarding the evidence base supporting Middlewick Ranges allocation.
- Assertion of Middlewick Ranges' potential SSSI status and significant invertebrate assemblages.
- Quote: "We strongly dispute claims...that (1.1) The allocation was supported by an evidence base proportionate to that stage of plan-making."

4. Challenges to Proposed Masterplan:

- Rejection of CBC's and EECOS's claims that the masterplan process minimises habitat loss.
- Dispute of the appropriateness of a bespoke metric favouring development allocation.
- Quote: "We cannot agree with (3.3.7) the Council's client-led Ecologist or EECOS...that the scope and content of the ecological evidence are satisfactory."

5. Inadequacy of Invertebrate Surveys:

- Criticism of lack of invertebrate surveys required to evaluate Middlewick Ranges' ecological importance.

- Quote: "The evidence base simply does not begin to address the invertebrate surveys required to properly identify the national importance of the invertebrate fauna of the LoWS..."

6. Implications of Proposed Policy Changes:

- Objection to significant policy changes under the guise of minor modifications.
- Concern over the lack of public consultation on these proposed changes.
- Quote: "There are many more far from minor changes proposed to the wording which undermine the supposed commitment by CBC to deliver sustainable development..."

Conclusion

- Essex Field Club strongly objects to the inclusion of Middlewick Ranges in the Local Plan, highlighting significant ecological concerns and disputing CBC's justification and process.
- They argue that these actions contradict CBC's commitment to sustainable development and biodiversity net gain, and call for the removal of Middlewick LoWS from the housing allocation.

Quote: "It appears that there is unlikely to be any Statement of Common Ground...unless CBC remove Middlewick LoWS from the allocation for housing."

3.4 Letter 3: 'Essex Field Club Representation to Modifications'

Letter Referenced: '[3-3] Essex Field Club Representation to Modifications 12-11-2021.pdf'

Letter Date: 12th November 2021

Addressed To: Colchester Borough Council

Overview of Letter

This is the third letter which sets out Essex Field Club's main objections to Middlewick Ranges' Inclusion in Colchester City Council Local Plan and the SC2 Modifications to this. This letter tackles the concerns and objections by Essex Field Club echoing that of many other organisations and concerned naturalists, regarding the allocation of 1000 residential units on Middlewick Ranges in Local Plan Housing.

One of the key concerns is that the proposals are not compliant with environmental legislation and planning law such as the National Planning Policy Framework (NPPF); and would destroy one of the best sites for acid grassland invertebrates in the county.

Key Points of Objection

1. Inconsistency with National Policy:

- Claim: Inclusion of Middlewick Ranges is not consistent with NPPF.
- Specific Policy Concern: Policy SC2, referenced as MM37 in the Local Plan.
- Additional References: MM35, 38, 39, 40, 43, 46, 47.
- Quote: "We do not believe that the inclusion of the Middlewick Ranges Local Wildlife Site (LoWS) in the Local Plan Housing Allocation is consistent with national policy..."

2. Ecological Significance and SSSI Potential:

- 2021 surveys from just 4 field meetings identified 548 invertebrate species, indicating SSSI condition.
- Discovery of rare species, including the Near Threatened *pipunculid* fly which is the only confirmed record in Britain that the national scheme organiser has for the last 50 years.
- Based on these initial data only, Natural England's Chief Scientist Directorate states the site has merit in being considered as an extension of the existing SSSI
- Quote: "Natural England's Chief Scientist Directorate invertebrate specialist has now looked at these 2021 data and states the site has merit in being considered as an extension of the existing SSSI..."

3. Flawed Evidence Base:

- Criticism of the evidence provided by Colchester Borough Council (CBC).
- The northern area of the site also holds high ecological value.
- Inadequate survey methodology for a site of this size and value.
- Quote: "...these results have only scratched the surface, emphasising the flawed evidence base currently provided by CBC."

4. Policy ENV1 and NPPF Compliance:

- Claim: Development contradicts ENV1 and NPPF regarding habitat loss.
- Quote: "It is abundantly clear that invertebrate survey undertaken by competent, professional, independent specialists would find that development on any part of the Middlewick Ranges LoWS could not pass the tests contained in ENV1 or the NPPF..."

5. Biodiversity Net Gain Misapplication:

- Argument against the application of Biodiversity Net Gain to Middlewick.
- CIEEM principles and Defra Metric suggest special treatment for habitats of Very High Distinctiveness.
- Quote: "CIEEM Good practice principles for development states that Biodiversity Net Gain does not apply to irreplaceable habitat and we argue that this is the case for the old unimproved grasslands and acid grassland habitat at Middlewick Ranges."

6. Recommendations for Revising Local Plan:

- Insistence on independent ecological advice for assessments.
- Requirement for full ecological surveys as part of any planning application.
- Emphasis on no development without confirmation of suitable habitat creation.
- Quote: "...no development can commence on Middlewick Ranges (SC2) until a team of independent ecologists are satisfied that the new acid grassland mitigation habitat has established to a satisfactory level..."

Conclusion

- Essex Field Club strongly opposes the allocation of Middlewick Ranges for housing development due to its ecological importance and incompatibility with national environmental policies.
- The club stresses the need for an independent, comprehensive ecological assessment and warns of legal challenges if the allocation proceeds.

This summary encapsulates Essex Field Club's detailed and technical objection, emphasising the ecological value of Middlewick Ranges and the legal implications of its inclusion in the Local Plan.

4. Colchester Natural History Society

Letter Reference: [4] Colchester Natural History Society 'CNHS LOCAL PLAN REVIEW STATEMENT' 11-12-23

Letter Date: 11th December 2023

Addressed to: Colchester City Council

From: Dougal Urquhart, Chair, Colchester Natural History Society

Overview of Letter

This statement from the Colchester Natural History Society, an organisation with a long-standing history of wildlife monitoring, strongly advocates for the removal of Middlewick Ranges Local Wildlife Site from the Local Plan. The Society emphasises the site's rich biodiversity and criticises the inadequacy of the Stantec Report that informed the Council's decision.

Summary of Concerns

1. Critique of Stantec Report

- The Stantec Report is deemed inadequate and misleading, failing to accurately represent the biodiversity of Middlewick Ranges.
- The report has been criticised by the Midland Ecology Evaluation Report (see below and document [9]) for its lack of detail on species and downplaying the site's species diversity.
- Quote: "The wholly inadequate Stantec Report of November 2020 misinformed the Council with its lack of actual species detail and downplaying the richness of the site for wildlife."

2. Society's Wildlife Surveys and Findings

- Members conducted extensive surveys primarily between 2021 and 2023 discovering 1480 invertebrate species, including 167 species with a conservation status.
- Found nationally rare and red data book species, highlighting the site's ecological importance.
- Quote: "As well as finding nationally rare species and red data book species, there are 15 section 41 priority species of principal importance – doubling the number from two years ago."

3. Habitat Quality and Importance

- Middlewick Ranges is identified as one of the most important acid grassland sites in Essex for invertebrates.
- The site's current status exceeds that of many existing SSSIs in the county.
- Quote: "This makes Middlewick Ranges one of the most important acid grassland sites in the whole of Essex, especially for invertebrates – and richer than many current SSSI's in the county."

4. Local Plan and Environmental Policy

- The Society urges adherence to Colchester City Council's commitment to protect and enhance local biodiversity.

- Emphasises the incompatibility of the proposed development with ENV1 policy and Habitat of Principal Importance designation.
- Quote: "Colchester City Council has made a commitment in their Local Plan Environmental Policy ENV1, '...to conserve and enhance Colchester's natural and historic environment, and to safeguard the Borough's biodiversity and landscape character.'"

Conclusion

- The Colchester Natural History Society strongly opposes the inclusion of Middlewick Ranges in the Local Plan, citing significant ecological value and the Council's own environmental commitments.
- They highlight the need for the Council to consider the forthcoming Local Nature Recovery Strategy in their planning decisions. The Society underscores the irreplaceable nature of the habitat and the inadequacy of proposed mitigation measures.

"The Society insists Middlewick Ranges Local Wildlife Site is taken out of the Local Plan to protect the incredibly rich biodiversity of the site."

5.RSPB

Letter Referenced: '[5] RSPB letter regarding Middlewick Ranges 11-12-23.pdf'

Letter Date: 11th December 2023

Addressed to: Officers Karen Syrett, Simon Cairns, Sandra Scott CC Councillors at Colchester City Council

From: Mark Nowers, Conservation Team, Kent & Essex, RSPB

Overview of Letter

This letter from the RSPB's Conservation Team addresses concerns about the housing allocation for Middlewick Ranges in the Colchester City Local Plan. It specifically critiques the Ecological Evidence Base report by Stantec, highlighting its reliance on a non-comparable case study from the Minsmere reserve in Suffolk and outlining principles for responsible planning.

Summary of Concerns

1. Critique of the Stantec Report's Use of Minsmere Case Study

- Stantec's report is based on a case study from Minsmere, which the RSPB asserts is not analogous to Middlewick Ranges.
- Emphasises that the habitat conditions at Minsmere differ significantly from Middlewick.
- **Quote:** "The RSPB wish to advise the Council that the Minsmere case study presented in the Stantec report is not comparable or analogous to the proposed compensation site for Middlewick Ranges and we do not consider that any mitigation/compensation would be suitably bespoke, deliverable or effective."

2. Principles of Ecological Mitigation and Compensation

- Highlights the mitigation hierarchy: avoiding damage, mitigating adverse impacts, and compensating when other options are not possible.
- Stresses that mitigation or compensation must be bespoke, deliverable, and effective.
- **Quote:** "Underpinning the latter are the fundamental principles that any mitigation or compensation must be bespoke, deliverable and effective."

3. Inadequacy of Proposed Mitigation Measures

- Argues that proposed mitigation measures for Middlewick are not adequate due to differing soil conditions and the unique ecosystem present.
- The Minsmere project aimed to create habitat on low-biodiversity farmland, unlike the sensitive ecosystems at Middlewick.
- **Quote:** "It was not a replacement for sensitive ecosystems such as acid grassland supporting an outstanding invertebrate assemblage of over 1,400+ species known to exist at Middlewick."

4. Guidelines for Responsible Planning

- Cites the 'Planning Naturally' report, emphasising principles for good spatial planning, such as enhancing the natural environment and basing plans on robust scientific evidence.
- Urges the Council to consider environmental impacts rigorously and explore less damaging alternatives.
- **Quote:** "- Plans should contribute to sustainable development by enhancing the natural environment and ensuring that social and economic development takes place within environmental limits."

Conclusion

- The RSPB urges Colchester City Council to reconsider the housing allocation for Middlewick Ranges, pointing out the inadequacy of the proposed mitigation measures and the need for planning decisions that are environmentally sustainable and evidence-based.
- The letter emphasises the unique ecological value of Middlewick Ranges and the importance of adhering to established planning principles and emerging Local Nature Recovery Strategies.

"We would not wish the work at Minsmere to be used to legitimise or justify the destruction of acid grassland or heathland (priority habitats) at Middlewick. The Minsmere case study was a strict habitat creation project with a conservation objective to create suitable habitat from farmland of low biodiversity value for breeding Stone Curlews (one of the UK's rarest birds). It was not a replacement for sensitive ecosystems such as acid grassland supporting an outstanding invertebrate assemblage of over 1,400+ species known to exist at Middlewick. Fundamentally, the soil conditions at Minsmere are light, whilst those at the Middlewick compensation site are a heavy loamy clay, which are nutrient-rich and currently provide important habitats in their own right."

6. Buglife

Letter Referenced: '[6] Buglife Comments LPR 19 December_2023.pdf'

Letter Date: 19th December 2023

Addressed to: Officers Karen Syrett, Simon Cairns, Sandra Scott CC Councillors at Colchester City Council

From: Buglife, Jamie Robins, Programmes Manager

Overview of Letter

This letter from Buglife - The Invertebrate Conservation Trust, dated 19th December 2023, addresses the Colchester City Planning Officers regarding the Colchester Local Plan Review. It highlights Middlewick Ranges as a significant Local Wildlife Site (LoWS) for invertebrates threatened by the current allocated for housing development within the Local Plan. Buglife urges the council to reconsider and fulfil their obligations to sustainable planning guidelines and biodiversity goals and legislation – such as NPPF and to protect 30% of land by 2030 ('30by30').

Summary of Main Concerns

1. Ecological Importance of Middlewick Ranges

- Middlewick Ranges is recognised as one of the most significant LoWS for invertebrates.
- The site is home to 1,480 species of invertebrates, with 167 species designated as 'Species of Conservation Concern'.
- It is part of the revised Essex Coast Important Invertebrate Area (IIA), highlighting its national (and international) significance for invertebrate conservation.
- 15 species identified on the site are under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

2. Potential Loss of Priority Habitat

- Middlewick Ranges supports a significant area of Priority Habitat Acid Grassland in Essex.
- Development on this site would lead to the loss of this habitat, contradicting the National Planning Policy Framework (NPPF) biodiversity policies.
- Paragraph 179 (b) of the NPPF (2021) emphasises the promotion and enhancement of priority habitats and species.
- The site's role in the Essex Coast IIA network is crucial for local biodiversity, aligning with Paragraph 174 of the NPPF (2021) which advocates for protecting and enhancing biodiversity.

3. Recommendations for Local Plan Review

- Buglife suggests including Middlewick Ranges within the Green Infrastructure Plan of the Borough.

- Emphasises the need to protect LoWS from inappropriate development to meet the Government's target of 30% land protection by 2030.
- Argues that development should occur on less valuable sites to avoid harm to biodiversity and achieve Biodiversity Net Gain.

Quotes

- "Middlewick Ranges is one of the largest Local Wildlife Sites (LoWS) in the region."
- "An outstanding 1,480 species of invertebrate have been recorded at Middlewick Ranges."
- "The entire Middlewick Ranges site is part of the revised Essex Coast Important Invertebrate Area (IIA)."
- "15 Species under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 have been identified on the site."
- "Any development on this site will result in the loss of this Priority Habitat and an overall loss of biodiversity, contravening National Planning Policy Framework (NPPF) biodiversity policies."
- "Buglife urges Colchester City Council to include Middlewick Ranges as an important green space within the Local Plan Review and protect it from development."

Final Summary: Buglife's letter emphasises the ecological significance of Middlewick Ranges, the potential loss of priority habitat due to proposed development, and recommendations for the Local Plan Review.

Extended Quote Regarding Ecological Value of Middlewick Ranges:

"An outstanding 1,480 species of invertebrate have been recorded at Middlewick Ranges, of which 167 species hold a conservation designation as 'Species of Conservation Concern', 11% of all species recorded. It is generally considered that sites supporting 10% Species of Conservation Concern are of national importance, indicating how valuable this site is for invertebrates. The entire Middlewick Ranges site is part of the revised Essex Coast Important Invertebrate Area (IIA)¹. IIAs are nationally or internationally significant places for the conservation of invertebrates and the habitats upon which they rely.

15 Species under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 have been identified on the site. These include the Silky Gallows Spider (*Phycosoma inornatum*), Necklace Ground Beetle (*Carabus monilis*), Phoenix Fly (*Dorycera graminum*), Four-banded Weevil-wasp (*Cerceris quadricincta*), and Five-banded Weevil-wasp (*Cerceris quinquefasciata*).

The site supports an overall diverse assemblage of rare and threatened species, including several communities that are of Site of Special Scientific Interest (SSSI) quality according to the Pantheon tool designed by Natural England and Centre for Ecology & Hydrology². Assemblages recorded in 'favourable condition' include those associated with bare sand & chalk, rich flower resource, scrub edge, scrub-heath & moorland, bark & sapwood decay, open short sward, heartwood decay and epiphyte fauna. These assemblages illustrate the value of the mosaic of habitats present on site, enabling a wide diversity of species to be supported."

7. Steven Falk FRES

Letter Referenced: '[7] Steven Falk Expert Statement 11-12-23'

Letter Date: 11th December 2023

Addressed to: Colchester City Council via Prof. Ted Benton FRES FBNA

From: Steven Falk FRES

Overview of Letter

This statement by Steven Falk FRES, a seasoned professional naturalist and conservationist with over forty years' experience of working with invertebrates with a special focus on bees. He is a nationally respected entomologist and ecologist, and one of Britain's leading experts on pollinators and their identification, ecology, conservation and management (including acid grassland).

He is author of the 1991 Red Data book of British Insects and also author of Field Guide to Bees of Britain and Ireland, and associated most widely used website on bees and other invertebrates.

He addresses the proposals for Middlewick Ranges in relation to the Evidence Base and the current Local Plan Allocation. Steven Falk emphasises the ecological significance of Middlewick Ranges, particularly its acid grassland habitat, and criticises the proposed methods of recreating this habitat elsewhere.

Summary of Concerns

1. Biodiversity Value of Middlewick Ranges

- Acknowledges the high biodiversity value of Middlewick Ranges, especially for scarcer insects.
- Highlights the rarity and historical loss of acid grassland sites in Essex.
- Quote: "There can be no doubting the high value of Middlewick Ranges for biodiversity, especially scarcer insects."

2. Critique of Grassland Recreation Methods

- Expresses astonishment and concern over the claims that high-quality acid grassland can be recreated on unsuitable soils by adding sulphur.
- Points out the complexity of acid grassland as an ecological community, not merely soil acidity.
- Quote: "I am astonished and disturbed by the claims that high quality acid grassland can be recreated on unsuitable soils elsewhere simply by adding Sulphur."

3. Misunderstanding of Acid Grassland Ecology

- Emphasises that acid grassland is a result of historic ecological processes, including unique soil profiles and plant, invertebrate, and fungal communities.

- Argues that recreating such ancient and complex habitats is not feasible by simply modifying soil pH.
- Quote: “To suggest that simply adding Sulphur can recreate an ancient soil profile, an ancient seed bank, or ancient (and isolated) plant, invertebrate and fungal communities, is one of the most controversial claims I've encountered during my many years working in nature conservation.”

Conclusion

- Steven Falk strongly opposes the notion that acid grassland habitats, like those in Middlewick Ranges, can be artificially recreated through simplistic methods such as sulphur addition.
- He calls for careful scrutiny of these claims and consultation with experts in grassland, plant, and insect ecology. Falk's statement underlines the importance of preserving existing natural habitats, considering their intricate and longstanding ecological dynamics.

Full Quote by Steven Falk FRES:

“There can be no doubting the **high value of Middlewick Ranges for biodiversity**, especially scarcer insects. Essex is one of the best recorded counties in the UK for wildlife and habitats, and we know how scarce acid grassland sites are in Essex, and how much has been lost in the last one hundred years. It is vital that every effort is made to preserve this rare remnant. Indeed, that effort is a requirement of every local planning authority and governmental organisation under the 2006 Biodiversity Duty.

I am astonished and disturbed by the claims that high quality acid grassland can be recreated on unsuitable soils elsewhere simply by adding Sulphur. I would suggest there is a basic misunderstanding of what acid grassland actually is! It is not 'acidic' grassland, or 'acidified' grassland (i.e. any grassland treated with acid to produce a lower pH).

Acid grassland is a complex ecological 'community' of plants, insects and fungal communities, often of great antiquity. It is a grassland that often features a long historic continuity of key microhabitats (such as bare, sandy ground and boggy ground) and unusual plant assemblages. The invisible soil profiles of acid grassland (hidden from the eye but formed over many centuries if not millenia by rainwater leaching) **cannot be recreated by simply adding Sulphur.** But those rare and precious soil profiles (mostly now lost by modern farming practices or development) are the vital foundation for all that lives above.

To suggest that simply adding Sulphur can recreate an ancient soil profile, an ancient seed bank, or ancient (and isolated) plant, invertebrate and fungal communities, **is one of the most controversial claims I've encountered during my many years working in nature conservation.** It should be treated with the **utmost suspicion**, and **expert opinion sought** from bona fide grassland, plants and insect experts at Natural England and the wildlife trusts.”

8. Butterfly Conservation

8.1 Letter to Colchester Borough Council

Letter Referenced: '[8-1] Butterfly Conservation 'CBC LP2 Policy SC2 Middlewick Ranges - further response - April 2021-SUBMISSION'

Letter Date: April 2021

Addressed to: Colchester Borough Council

From: Rob Smith, Butterfly Conservation Cambridgeshire & Essex branch

Overview of Letter

This representation statement by Rob Smith from the Butterfly Conservation Cambridgeshire & Essex branch discusses the ecological implications of the proposed site allocations in South Colchester (Policies SC1 to SC3) in the Colchester Borough Local Plan. Smith emphasises the high ecological value of Middlewick Ranges and argues against its development based on detailed ecological assessments.

Summary of Concerns

1. Significance of Middlewick Ranges

- Acknowledges Middlewick Ranges as the most important Local Wildlife Site (LoWS) in Colchester, especially for its invertebrate diversity.
- Emphasises the site's local and national importance, particularly for its lowland acid grassland.
- Quote: "The Middlewick Ranges is the most important registered Local Wildlife Site (LoWS) in the Colchester area. It has a very high level of ecological value, particularly its invertebrate interested which is well documented, and should be defended from development."

2. Criticism of Site Allocation Process

- Challenges the adequacy of ecological reports used in the masterplan and policy formation.
- Expresses concern over the underestimation of the site's ecological value and the potential catastrophic impact on wildlife.
- Quote: "Fundamentally, we believe that the ecology reports are of insufficient detail to evaluate the areas under threat of development in the Masterplan (DIO Vision Document, December 2020)."

3. Inadequacy of Habitat and Invertebrate Assessments

- Highlights discrepancies and oversight in habitat and invertebrate studies conducted for the site.
- Calls for a full survey to address the oversight from the 'walkover' study and for greater consideration of the site's biodiversity.
- Quote: "We do not believe that the site or its management and the species present has changed significantly from the 2006 application or the 2015 LoWS Review until the present and that this area remains of high ecological importance."

4. Concerns About Mitigation Proposals

- Critiques the proposed mitigation measures for their potential negative impact on the site's biodiversity and surrounding areas.
- Questions the effectiveness of the sulphur deposition technique and its potential effects on aquatic life and nearby habitats.
- Quote: "A key aspect of the mitigation proposals involves the deposition of element sulphur into the soil in an attempt to replicate the lost acid grassland. Aside from its success or otherwise, the lay of the mitigation land runs towards Birch Brook."

Conclusion

- Rob Smith as county recorder for Butterfly Conservation and active member of Essex Field Club strongly opposes the inclusion of Middlewick Ranges in the Local Plan, citing its irreplaceable ecological value and the inadequacy of the proposed mitigation measures.
- He urges for a re-evaluation of the site's ecological importance and calls for more detailed and accurate environmental assessments to inform planning decisions. He emphasises the need to protect the site's biodiversity in line with Colchester Borough Council's own policies and past decisions.

"Fundamentally, we believe that you cannot mitigate and compensate for rare undisturbed grassland. The existing acid grassland has evolved over centuries since before the Crimean War when it was acquired for the Army."

8.2 Letter to Natural England

Letter Referenced: '[8-2] Butterfly Conservation 'Middlewick Ranges - Natural England - 02 November 2023.pdf'

Date: 2nd November 2023

Addressed to: Justin Tilley, Natural England Area Manager (West Anglia)

From: Robert C. H. Smith, Butterfly Survey and Recording Officer for Essex; For and on behalf of Butterfly Conservation, Cambridgeshire and Essex branch

Overview of Letter

The letter expresses deepening concerns about the proposed development of Middlewick Ranges, particularly regarding the shift in the location of planned housing and its ecological implications.

Summary of Concerns

1. Shift in Development Location:

- The proposed location for 1,000 homes has moved to the main area of the firing range, previously identified as a significant area of acid grassland.

- Quote: "This has previously been identified as the most substantive area of acid grassland at the site."

2. Ecological Impact of New Development Plan:

- The new development plan includes areas critical for scarce and rare hymenoptera and other invertebrates, as well as significant Waxcap grassland.
- Quote: "This built footprint will also include the butts and surrounding sparsely-vegetated areas that are a conspicuous nesting area for scarce and rare hymenoptera..."

3. Expansion of Development Area:

- The 'Development Area' has increased from 86ha to 107ha, extending towards Birch Brook Woodland Local Wildlife Site and potentially closer to Donyland Woods and the Roman River Valley SSSI.
- There is worry about the incremental expansion of the development area, which could have significant ecological implications.
- Quote: "The overall 'Development Area' has been increased from 86ha to 107ha..."
" This takes the potential development area much closer to Donyland Woods that is within the current Roman River Valley SSSI. This incremental creep is extremely concerning."

4. Protection of Endangered Species and Council's Environmental Policy:

- The presence of RDB1 Endangered species (e.g. *Cerceris quadrincincta*) necessitates protection, aligning with Colchester City Council's commitment to conserving biodiversity.
- Quote: "We are mindful of the need to protect sites with RDB1 Endangered species present..."

5. Invertebrate Studies and Essex Field Club's Surveys:

- New invertebrate studies have been commissioned, and the Essex Field Club has provided updated species lists and SAT Assemblages, showing 8 invertebrate assemblages in Favourable condition.
- Quote: "Already the data is showing 8 invertebrate assemblages in Favourable condition."

6. Request for Natural England's Intervention:

- The letter urges Natural England to reconsider its position on the site and to consider notifying Middlewick Ranges as an SSSI.
- Quote: "We feel that Natural England has a significant part to play in the destiny of the wildlife landscape in the south-east of Colchester..."

Conclusion

The letter highlights significant ecological concerns regarding the proposed development of Middlewick Ranges, especially the shift in the development area and its potential impact on local wildlife and habitats. The authors seek intervention from Natural England and further advice on how to address these concerns effectively.

9. Midland Ecology

Report: Middlewick Ranges Ecological Evaluation Report – Midland Ecology (2021)

Document Attachment: '[9] Midland Ecology - Middlewick Ranges Ecological Evaluation of Stantec Report (February 2021)'

Available Online: [CBC-Colchester-Local-Plan-Section-2-hearing-statements-\(Third-Party\)-Matter 6 Tracy France.pdf \(windows.net\)](#)

Stantec report being critically examined: [Annexe 3: Middlewick ranges Ecology \(publishing.service.gov.uk\)](#)

Overview

The Midland Ecology critique of the Stantec report reveals several critical deficiencies in the ecological assessment of Middlewick Ranges; this reveals that the Stantec report provided flawed information with significant omissions to the crucial Evidence Base on which the allocation of Middlewick Ranges in the Local Plan was largely decided.

The Stantec report and non-Defra Biodiversity Metric also potentially breach the Chartered Institute of Ecology and Environmental Management (CIEEM) Codes of Conduct in a number of ways (see below).

[This provides a general summary of a detailed and technical report; the original Midland Ecology report should be referred and deferred to for any technical detail.]

Inadequate Habitat Assessment

1. Misclassification of Habitats:

- **Issue:** The Stantec report categorises significant areas as 'poor semi-improved grassland' with 'Negligible' conservation value, contradicting independent assessments.
- **Potential CIEEM non-compliance:** This misclassification breaches CIEEM's requirement for accurate habitat classification (Code of Professional Conduct 3.1).

2. Inappropriate Survey Timing and Methodology:

- **Issue:** Surveys were conducted outside optimal periods and under unsuitable weather conditions; for example, invertebrate surveys in the cold and rain and botanical surveys after drought and immediately following a hay cut.
- **Potential CIEEM non-compliance:** Conducting surveys outside optimal periods and in unsuitable conditions violates CIEEM's principle of using appropriate and adequate methods for ecological assessment (Code of Professional Conduct 3.2).

Biodiversity Net Gain (BNG) and Mitigation Hierarchy

1. Controversial Application of BNG:

- **Issue:** The report's approach to BNG is considered controversial purpose; including the use of a DIY 'bespoke' metric and for irreplaceable habitats.

- **Potential CIEEM non-compliance:** Over-reliance on BNG metrics without proper ecological assessment violates CIEEM's guidelines on ensuring that BNG does not replace ecological expertise (Code of Professional Conduct 4.3).

2. Misapplication of the Mitigation Hierarchy:

- **Issue:** The report does not adequately apply the mitigation hierarchy.
- **Potential CIEEM non-compliance:** Inadequate application of the mitigation hierarchy breaches CIEEM's standards for ecological impact assessment (Code of Professional Conduct 4.2).

Additional Points of Concern

3. Lack of Comprehensive Data:

- **Issue:** The report fails to provide a complete and accurate picture of the site's biodiversity.
- **Potential CIEEM non-compliance:** This lack of comprehensive data violates CIEEM's principle of thorough and accurate ecological assessment (Code of Professional Conduct 3.3).

4. Inadequate Consideration of Species Diversity:

- **Issue:** The report does not fully consider the diversity of species present on the site.
- **Potential CIEEM non-compliance:** This oversight breaches CIEEM's guidelines on considering the full range of ecological factors in an assessment (Code of Professional Conduct 3.4).

Conclusion

- The Stantec report's approach to habitat assessment and Biodiversity Net Gain calculations exhibits significant deficiencies.
- These issues include inaccurate habitat classification, inadequate survey methods and timing, controversial application of BNG, misapplication of the mitigation hierarchy, lack of comprehensive data, and inadequate consideration of species diversity. This appears to fall short CIEEM's Codes of Conduct in multiple ways.

These shortcomings undermine the report's credibility and its suitability as a basis for including Middlewick Ranges in the Local Plan.

10. Richard Kilshaw CIEEM

12.1 Review of the Stantec Report

Document Attachment: '[10-1] Richard Kilshaw MM37 Attachment.pdf'

Overview of Document

The Stantec report, pivotal in the decision to include Middlewick Ranges in the Local Plan, exhibits significant deficiencies. These shortcomings not only compromise the report's ecological assessments but also appear to contravene the Chartered Institute of Ecology and Environmental Management (CIEEM) Codes of Conduct.

Deficiencies in Habitat Assessment

1. Misclassification and Undervaluation of Habitats:

- The report categorises significant areas as 'poor semi-improved grassland' with 'Negligible' conservation value, contradicting independent assessments that found diverse native flora and fauna. This is evident in the report's statements like "plant species may have been overlooked" (Stantec 2020, Paragraph B.5.4) and the application of a 'best fit' category of MG1 grassland without supporting survey data (Stantec 2020, Paragraph D.3.13 et seq.).
- **Concerns wrt CIEEM Guidelines:** This approach appears to breach CIEEM's requirement for accurate habitat classification (CIEEM Code of Professional Conduct 3.1), mandating that work be based on sound, up-to-date information and appropriate techniques.

2. Inadequate Survey Methods and Timing:

- The report relies on limited walk-over surveys rather than comprehensive National Vegetation Classification (NVC) surveys. Additionally, surveys were conducted outside the optimal period, such as the Phase 1 habitat survey completed on March 16th, 2020 (Stantec 2020, Paragraph B.7.2), and during unsuitable weather conditions, limiting the accuracy of the findings.
- **Concerns wrt CIEEM Guidelines:** Failing to use industry-standard methodologies and appropriate timing for habitat surveys contravenes CIEEM's principle of using appropriate and adequate methods for ecological assessment (CIEEM Code of Professional Conduct 3.2).

Biodiversity Net Gain Calculations

1. Controversial Application of Biodiversity Net Gain (BNG):

- The report's approach to BNG is considered controversial and unfit for purpose by many ecologists and academics. It fails to support ecological expertise and assessment adequately, as indicated by the report's reliance on BNG calculations despite acknowledged survey limitations.

- **Concerns wrt CIEEM Guidelines:** Over-reliance on BNG metrics without proper ecological assessment violates CIEEM's guidelines on ensuring that BNG does not replace ecological expertise (CIEEM Code of Professional Conduct 4.3).

2. Misapplication of the Mitigation Hierarchy:

- The report does not adequately apply the mitigation hierarchy, particularly in the context of avoiding habitat loss, which is the first stage of the hierarchy. This is evident in the report's failure to consider alternative development sites that would cause less ecological harm.
- **Violation of CIEEM Guidelines:** Inadequate application of the mitigation hierarchy breaches CIEEM's standards for ecological impact assessment (CIEEM Code of Professional Conduct 4.2).

Conclusion

- The Stantec report's approach to habitat assessment and biodiversity net gain calculations exhibits significant deficiencies, failing to comply with CIEEM's Codes of Conduct.
- These issues include inaccurate habitat classification, inadequate survey methods and timing, controversial application of BNG, and misapplication of the mitigation hierarchy.

These shortcomings undermine the report's credibility and its suitability as a basis for including Middlewick Ranges in the Local Plan.

12.2 Review of use of RSPB Minsmere Case Study

Document Attachment: '[10-2] Richard Kilshaw MM47 objection 2of2.pdf'

Overview of Document

The Stantec report's approach to mitigation and compensation for the loss of acid grassland habitat at Middlewick Ranges, particularly its reliance on the RSPB Minsmere Nature Reserve case study, exhibits significant deficiencies.

The document summarised and referenced here, scrutinises the heavy use of the Minsmere acid grassland creation study within the Stantec report, and its use to justify the inclusion of Middlewick Ranges in the Local Plan – on the basis that these acid grassland habitats can simply be replaced.

Inappropriate Use of Case Study

1. Misapplication of the RSPB Minsmere Case Study:

- **Issue:** The Stantec report asserts the relevance of the RSPB Minsmere acid grassland creation scheme to Middlewick, despite clear differences in aims, conditions, and outcomes.
- **Quote:** "The aims of the RSPB scheme were to create structural habitat for a range of bird species, NOT to re-create the complex, established semi-natural grassland habitats found at Middlewick."
- **Concerns wrt CIEEM:** This misapplication violates CIEEM's principle of using relevant and appropriate case studies for ecological assessments (Code of Professional Conduct 3.5).

2. Differences in Site Conditions and Management:

- **Issue:** The conditions and management practices at RSPB Minsmere differ significantly from those at Middlewick, affecting the viability of the proposed compensatory habitat creation.
- **Quote:** "The RSPB re-creation was undertaken on former heathland/acid grassland habitat... highly likely to have benefited from a residual seed bank."
- **Concerns wrt CIEEM:** Overlooking these differences breaches CIEEM's guidelines on thorough and accurate ecological assessment (Code of Professional Conduct 3.3).

Unrealistic Timeframe and Impact Assessment

1. Overly Optimistic Timeframe for Habitat Creation:

- **Issue:** The report suggests a much shorter timeframe for habitat creation than what was observed at RSPB Minsmere.
- **Direct Quote:** "The Stantec report suggests the creation can be achieved within 10 years and possibly within 5-7 years; the RSPB scheme was running for 13 years."
- **Concerns wrt CIEEM:** Proposing an unrealistic timeframe without adequate evidence violates the CIEEM principle of basing work on sound, up-to-date information (Code of Professional Conduct 3.1).

2. Potential Environmental Impact on Adjacent Sites:

- **Issue:** The proposed use of sulphur and herbicides in the compensatory re-creation could negatively impact nearby LWS and SSSIs.
- **Direct Quote:** "What safeguards are in place to prevent this?"
- **Concerns wrt CIEEM:** Failing to adequately assess and mitigate potential environmental impacts breaches CIEEM's standards for ecological impact assessment (Code of Professional Conduct 4.2).

Inadequate Survey and Assessment

1. Limitations in Habitat Surveys:

- **Issue:** The surveys conducted by Stantec did not provide a comprehensive assessment of habitat types and species composition.
- **Direct Quote:** "The significant limitations experienced during these surveys... make clear that this has not been achieved."
- **Concerns wrt CIEEM:** Inadequate surveying and assessment violate CIEEM's guidelines on ensuring thorough ecological assessments (Code of Professional Conduct 3.3).

Conclusion

- The Stantec report's approach to mitigation and compensation for the loss of acid grassland habitat at Middlewick Ranges, particularly its reliance on the RSPB Minsmere case study, exhibits significant deficiencies.
- These include inappropriate use of the case study, differences in site conditions and management, unrealistic timeframe for habitat creation, potential environmental impact on adjacent sites, and inadequate survey and assessment.

These shortcomings potentially violate CIEEM's Codes of Conduct, undermining the report's credibility and suitability as a basis for the proposed development at Middlewick Ranges.

13. Lawyers for Nature

Introduction

The organisation and law firm Lawyers for Nature were asked by Friends of Middlewick to provide some initial legal advice and interpret environmental law – with regard to Middlewick Ranges and the serious concerns raised by a number of nature conservation organisations regarding the allocation of 1000 houses on Middlewick within the Local Plan.

Documents

[11-1] 'Lawyers for Nature 'LFN Full Submission as Attachment'

[11-2] 'Lawyers for Nature MM Lawyers for Nature Letter'

13.1 A Summary of Both Documents

Overview

Lawyers for Nature have raised significant concerns about the inclusion of Middlewick Ranges in the Colchester Local Plan. Their objections focus on the ecological assessment's deficiencies and potential contraventions of wildlife law.

Both of their documents outlining legal advice and concerns measured against current environmental law and legislation are summarised here in one combined overview.

Documents:

1. [11-1] 'Lawyers for Nature 'LFNFullSubmissionasAttachment.pdf'
2. [11-2] 'Lawyers for Nature 'MM Lawyers for Nature Letter.pdf'

Phase 1: High-Level Consultation Response

1. Modification of Inspector's Wording for Biodiversity and Masterplanning:

- Emphasis on reinstating specific language in the Local Plan that was removed by the Inspector, particularly regarding biodiversity mitigation measures and habitat recreation.

Phase 2: Low-Level Incorporation of Objections

1. Importance of Recording Objections:

- Highlighting the necessity of documenting objections to the approach in the ecological report for Middlewick Ranges.
- Acknowledging that while this may not change the Inspector's decision, it is crucial for the record.

Key Concerns and Recommendations

1. Deficiencies in Ecological Assessment:

- The Stantec report, which underpins the suitability of Middlewick for development, is criticised for being severely deficient.
- Quote: "The ecological report completed by Stantec ('the Stantec report') provided the basis for Middlewick's suitability. The report, however, is severely deficient and cannot serve as a robust or credible evidence base."

2. Inadequate Compensation Measures:

- The bespoke metric used for biodiversity net gain is deemed deficient and/or incorrectly applied.
- Concerns about the speculative nature of the proposed sulphur deposition intervention for habitat creation.
- Quote: "No adequate compensation measure for Middlewick Ranges has been identified; the bespoke metric is deficient and/or incorrectly applied."

3. Risks of Public Law Irrationality:

- The decision to allocate Middlewick Ranges in the Local Plan could be considered irrational due to the fundamental deficiencies in the ecological assessment.
- Quote: "The deficient assessment and evidence base are likely to render the site allocation irrational as a matter of public law."

4. Contradiction with Policy ENV1:

- The errors in the Stantec report are not compatible with the objectives of maximizing biodiversity or incorporating net gain, potentially conflicting with Policy ENV1.
- Quote: "The text of policy ENV1 is arguably incompatible with Policy SC2, as the errors in the Stantec report, which underpins SC2, are not compatible with maximizing biodiversity or incorporating net gain."

5. Reinstatement of Para 14.63:

- Advocating for the restoration of specific language in Para 14.63 of the Local Plan, which mandates completion of studies and mitigation measures before development begins.
- Quote: "The language of Para 14.63 should, as a matter of planning policy and law, be reinstated in the Colchester Local Plan."

6. Comparison with Other Local Plans:

- Highlighting differences between Colchester's draft Local Plan and other Local Plans like West Oxfordshire, particularly in terms of biodiversity net gain and certainty of effect.
- Quote: "West Oxfordshire District Council's Local Plan includes a Core Policy 46 concerning Conservation and Improvement of Biodiversity..."

7. Legal and Planning Policy Implications:

- Discussing the legal and planning policy implications of the deficiencies in the ecological assessment and the potential for litigation risk.
- Quote: "It is trite law that Main Modifications to a Local Plan must relate to soundness and legality."

Conclusion

- Lawyers for Nature's advice builds a strong case against the inclusion of Middlewick Ranges in the Local Plan, citing significant deficiencies in the ecological assessment and potential legal challenges.
- They emphasise the need for a robust and credible evidence base and the reinstatement of specific language in the Local Plan to ensure compliance with biodiversity objectives and wildlife law.

13.2 Full Submission Attachment

Document Attachment: '[11-1] Lawyers for Nature LFN Full Submission as Attachment'

Overview of Letter

This letter from Lawyers for Nature critically examines the Colchester Local Plan, particularly focusing on the environmental risks associated with offsite habitat creation and the need for sound planning policy and law. It emphasises the importance of reinstating specific language in the plan to ensure proper environmental management.

1. Importance of Specific Planning Policy Language

- Advocates for reinstating the original wording in Para 14.63 of the Local Plan, emphasising its role in managing environmental risks and habitat creation.
- Discusses the removal of crucial text regarding the timing of biodiversity mitigation measures and habitat recreation.
- Quote: "The following text was removed at Para 14.63: 'all the studies to be completed and any mitigation measures i.e. compensatory habitat to be provided prior to the start of development.'"

2. Compliance with National Planning Policy Framework (NPPF)

- Highlights the NPPF's requirements for biodiversity net gains and minimizing impacts on biodiversity.
- Compares Colchester's draft Local Plan with other councils' approaches to biodiversity and habitat protection.
- Quote: "Paragraph 174(d) provides that planning policies and decisions should minimise impacts on and provide net gains for biodiversity."

3. Concerns with Biodiversity Net Gain Calculations and Habitat Assessment

- Criticises the overestimation of habitat quality in mitigation areas and the underestimation of existing habitats in the Stantec report.
- Questions the feasibility of recreating high distinctiveness habitats using the proposed methods.
- Quote: "The results are easiest to see visually and numerically."

4. Legal and Rationality Issues with Site Allocation

- Raises concerns about the potential irrationality and litigation risks of proceeding with the Local Plan based on deficient ecological assessments.

- Argues for the reinstatement of precautionary measures in the Local Plan to address these risks.
- Quote: "Where an ecological assessment is fundamentally deficient, it is conceivable that no decision-maker could reasonably proceed with allocation unless suitable measures were put in place."

Conclusion

Lawyers for Nature's letter emphasises the critical need for precise and precautionary language in planning policies to protect habitats, particularly in the case of Middlewick Ranges. The letter argues that the current approach in the Local Plan, as modified, fails to adequately safeguard biodiversity and may lead to irrational planning decisions. The organisation urges the reinstatement of key provisions to ensure robust and credible ecological assessments guide development decisions.

13.3 [Lawyers for Nature Letter](#)

Document Attachment: '[11-2] Lawyers for Nature MM Lawyers for Nature Letter'

Overview of Letter

Lawyers for Nature's response to the Colchester Local Plan consultation focuses on the soundness of the plan, particularly in relation to biodiversity and ecological assessments. They argue for reinstating specific language in Para 14.63 of the plan, which was removed in the Inspector's Main Modifications. This language is crucial for ensuring environmental risk management and proper implementation of offsite habitat creation.

1. Importance of Reinstating Language in Para 14.63

- Advocates for the reinstatement of specific language regarding the timing of biodiversity mitigation measures and habitat recreation.
- Expresses concern over the removal of this language and its impact on the clarity, soundness, and legality of the plan.
- **Quote:** "The following text was removed at Para 14.63: 'all the studies to be completed and any mitigation measures i.e. compensatory habitat to be provided prior to the start of development.'"

2. Compliance with National Planning Policy Framework (NPPF)

- Highlights the NPPF's requirements for biodiversity net gains and minimizing impacts on biodiversity.
- Compares different local plans' approaches to biodiversity and habitat protection, emphasising the need for certainty in effect.
- **Quote:** "Where Colchester requires the incorporation of beneficial features and net gain, West Oxfordshire stipulates that a developer must show that 'measures can be provided for... that would... compensate for, the adverse effects likely to result from development.'"

3. Critique of Stantec Ecological Report

- Questions the credibility and robustness of the Stantec ecological report underpinning Policy SC2.

- Criticises the report for its approach to compensation and reliance on untested interventions.
- **Quote:** "The key feature of the Stantec report's approach to compensation...is an intervention involving the deposition of sulphur into the soil in a parcel of land near Middlewick Ranges."

4. Rationality and Legal Issues with Site Allocation

- Raises concerns about the rationality of the site allocation process based on a deficient ecological assessment.
- Argues that the inconsistencies and lack of robust evidence could render the site allocation irrational as a matter of public law.
- **Quote:** "Where an ecological assessment is fundamentally deficient, it is conceivable that no decision-maker could reasonably proceed with allocation unless suitable measures were put in place."

Conclusion

Lawyers for Nature's letter stresses the importance of sound ecological assessments and clear planning policy to ensure the protection of biodiversity. They advocate for the reinstatement of specific language in the Local Plan to manage environmental risks effectively and argue that the current modifications pose significant legal and rationality risks. The letter calls for a more robust approach to biodiversity conservation in line with national policy and legal requirements.

14. Community Planning Alliance (CPA) Objection

Document Reference: [12] Community Planning Alliance 'Objection Middlewick Ranges Oct 2021 CPA'

Document Date: October 2021

Addressed to: Colchester Borough Council

From: Community Planning Alliance

Overview of Letter

This letter from the Community Planning Alliance (CPA), dated October 2021, is addressed to Colchester Borough Council. It expresses deep concerns about the inclusion of SC2, Middlewick Ranges, in Colchester's Local Plan, emphasising the site's ecological significance and potential legal challenges if the plan proceeds with its current allocation.

Summary of Main Concerns

1. Inappropriate Allocation of SC2 Middlewick Ranges

- Middlewick Ranges is a Local Wildlife Site and a rare lowland acid grassland, undisturbed since the Crimean War.
- The site is recognised for hosting Protected Species.
- CPA argues that SC2 should not have been allocated or allowed to remain in the plan, failing to meet the four soundness tests of the National Planning Policy Framework (NPPF).

2. Insufficient Modifications Proposed

- The modifications do not provide adequate assurances regarding the ecological sensitivity of the site.
- The mitigation hierarchy has been inappropriately applied, with an unjustifiable shift towards offsetting rather than avoiding development.

3. Need for Additional Modification

- If SC2 remains in the plan, CPA insists on an additional modification: no development should commence until independent ecologists confirm the satisfactory establishment of new acid grassland mitigation habitat.

Quotes

- "Lowland Acid Grassland is a UK Biodiversity Action Plan habitat and as such is a top priority for wildlife conservation nationally."
- "The policies in the paragraphs below have not been followed, and the inspector was made aware of this in a submission at Regulation 19 stage by Will Quince MP."
- "The immediate response to reading these two paragraphs should be that this site must on no account be developed."
- "No development can commence on Middlewick Ranges (SC2) until a team of independent ecologists are satisfied that the new acid grassland mitigation habitat has established to a satisfactory level."

More Detailed Summary

1. Failure to Recognise Acid Grassland Importance

- CPA highlights that acid grassland is a nationally important habitat, protected under the Wildlife and Countryside Act 1981.
- The allocation of SC2 contradicts several NPPF policies, including those related to biodiversity, ecological networks, and tranquillity areas.

2. Flaws in Sustainability Appraisal and Local Plan Evidence

- The 2017 Sustainability Appraisal and other local plan evidence are criticised for missing information and outdated assessments.
- The appraisal process is questioned for its positive scoring of the site despite its ecological significance.

3. Concerns Over Mitigation and Sustainability Appraisal for Modifications

- Doubts are raised about the effectiveness of the proposed mitigation measures.
- The new Sustainability Appraisal is seen as inadequate, given the significant ecological value of Middlewick Ranges.

4. Legal Challenge and Additional Modification

- CPA warns of a high likelihood of legal challenge if SC2 is not removed.
- The proposed additional modification aims to ensure ecological viability before any development.

14.1 Grange Road, Lawford Tye – Planning Law Precent/Case Study

Overview of the Lawford Tye Case Study – And How it Relates to Middlewick

The Lawford Tye case and its relevance to the Middlewick Ranges situation highlight the critical role of thorough ecological documentation in planning decisions. This comparison underscores the necessity for planning departments to give due consideration to local naturalists' records alongside commercial ecological reports.

The Lawford case serves as a potent reminder that reliance solely on commercial reports can lead to a form of confirmation bias, potentially overlooking valuable local insights. It raises a question for planning officers: Has the data from local recorders in the Middlewick Ranges case been adequately weighed against the findings of the commercial ecological consultant?

This comparison invites a re-evaluation of the balance and integrity of evidence considered in environmental planning and decision-making processes.

A Precedent in Local Planning Law

The Lawford Tye case sets a compelling **precedent in local and county planning law**, emphasising the obligation of planners to thoroughly consider **all** available evidence, including findings emerging after initial assessments. This case demonstrates that **overlooking local naturalists' data in favour of biased commercial reports can lead to flawed decisions**.

It underscores the legal and ethical responsibility of planners to meticulously evaluate all sources of information, thereby ensuring informed, balanced decisions. This precedent reinforces the need for accountability in planning processes, holding planners responsible for integrating comprehensive ecological evidence in their decision-making.

13.1 Planning Inspectorate Appeal Decision

'[13-1] Grange Rd Lawford - Planning Inspectorate Appeal Decision (case study)'

The Planning Inspectorate Appeal Decision

Inquiry held 23–26 and 30th July 2019

Accompanied site visit made on 31st July 2019

by Helen Heward BSc Hons MRTPI

Decision date: 23rd October 2019

Appeal Reference: APP/P1560/W/18/3201067

Land off Grange Road, Lawford, CO11 2JB

Overview

The appeal decision for the planning application at Land off Grange Road, Lawford, primarily hinged on

ecological considerations. Local naturalists' records played a pivotal role in this decision, highlighting the presence of significant species not adequately covered in the commercial consultant's report.

The decision illustrates the importance of integrating diverse sources of ecological data, including local expertise, to protect valuable habitats and species. This comprehensive approach in ecological assessment was crucial for the dismissal of the application, emphasising the value of rigorous and inclusive ecological reporting.

Summary

The appeal decision for the planning application at Land off Grange Road, Lawford, focuses on ecological concerns, particularly the impact on local biodiversity and the role of local naturalists in providing crucial data. The document highlights:

1. On-site Biodiversity Concerns:

- Recorded presence of species like Skylark and Lunar Yellow Underwing Moth, both ecologically significant.
- Evidence from local naturalists revealed the presence of these species, challenging the consultant's report.

2. Importance of Local Naturalists' Records:

- Local recordings provided critical data on species not covered in the commercial report.
- Emphasised the need for thorough and inclusive ecological assessments.

3. Outcome Based on Ecological Factors:

- The application was dismissed due to inadequate ecological reporting and the failure to consider local naturalists' findings.
- Highlighted the need for rigorous environmental scrutiny in planning decisions.

This decision underlines the importance of comprehensive and diverse ecological data in assessing the environmental impact of development projects.

[13.2 Essex Naturalist: 'An Essex case study: Lawford Tye - species records add weight to planning decision'](#)

'[13-2] Naturalist2020 Lawford Planning Law Precedent (case study).pdf'

Overview of Case Study

The case study of Lawford Tye, highlighted in "Essex Naturalist," underscores the critical role of detailed wildlife recording and analysis in influencing planning decisions.

The study emphasises how local action groups, like Lawford Tye Action Group, can effectively use biological data to challenge speculative development proposals. In this specific case, the group's rigorous documentation of biodiversity, including UK Biodiversity Action Plan species and other wildlife, was pivotal in the planning inspector's decision to dismiss a development appeal.

This instance demonstrates the potential impact of well-presented ecological data in planning inquiries, especially when it is supported by evidence from local naturalists and aligns with planning policies and laws.

Summary

Here's a concise summary with key points and direct quotes from the Essex Naturalist case study on Lawford Tye:

1. Background:

- Lawford Tye Field, a grassland site, faced a development proposal for 110 houses.
- Over 280 objections led to the refusal of the application by Tendring District Council (TDC).

2. Public Inquiry:

- The developers appealed, leading to a Public Inquiry.
- Lawford Tye Action Group (LTAG) presented detailed wildlife surveys to the Inquiry.

3. Key Findings:

- LTAG's surveys showed the presence of UK BAP species, influencing the Planning Inspector's decision.
- "Biodiversity Action Plan species (UK BAP species)... are important. These added weight to the Inspector's decision to dismiss the developer's Appeal" (direct quote).

4. Outcome:

- Appeal by developers dismissed, protecting Lawford Tye Field from development.
- The case highlighted the effectiveness of well-documented ecological data in planning decisions.

5. Importance for Future Cases:

- This case underscores the value of biological records in planning and environmental protection.
- It demonstrates that robust ecological data, when presented effectively, can significantly influence planning outcomes.

This summary captures the essence of the case study, emphasising the importance of ecological recording and its impact on planning decisions.

14 National Planning Policy Framework (NPPF, December 2023)

The following key extract is from the updated National Planning Policy Framework (NPPF) released 19th December 2023. The key section relating to biodiversity and environment is shown below.

Full document: [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/publishing.service.gov.uk)

15. Conserving and enhancing the natural environment

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
181. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁶²; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks

⁶² Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

15. Summary of Notable Species: Invertebrates and Other Wildlife

This section summarises the latest updated records covering a range of wildlife but with a focus on the invertebrate taxa present within Middlewick Ranges – analysed using Pantheon Software. These records and analysis come courtesy of Essex Field Club as the principle recording group, with support/contributions from Colchester Natural History Society and Butterfly Conservation, notably Rob Smith – amongst many others.

Although some records are still currently being identified and verified, these represent the most up to date knowledge of invertebrate status at Middlewick Ranges as of 21st December 2023.

15.1 Summary of Middlewick Ranges Invertebrate Communities – Pantheon Analysis

The following provides a broad overview of the complex and diverse invertebrate assemblage supported by Middlewick Ranges and their respective conservation status; it has been facilitated using data filters on the latest Pantheon Software species lists:

- **Middlewick Ranges supports over 1480 species of invertebrate including 167 with a conservation status. In total, 31 of these species are Essex Red Data List species.**
- **Two Nationally Rare species:** *Phaeoecdus braccatus* and, a spider, and *Tomosvaryella minima*, a fly which UK recorder Dave Gibbs ‘had not seen for over 25 years’.
- **Six RDB1/Endangered species:** Stag Beetle *Lucanus cervus*, Four-banded Weevil-wasp *Cerceris quadricincta* (Essex Endangered, very rare in the county and nationally), *Bombus muscorum*, *Colletes fodiens*, *Cistogaster globosa* and the Necklace Ground Beetle *Carabus monilis*.
- **Four RDB2/Vulnerable species** and 16 GB Red Data/Rare species, including the spider *Phaeoecdus braccatus* that has only been record in Essex at Middlewick.
- **14 RDB3 species** including *Podalonia affinis*, *Coleophora saturatella*, *Myrmica specioides*, *Lasioglossum brevicorne*, *Apion rubiginosum*, *Nysius graminicola* and *Nomada fulvicornis*.
- **15 Section 41 Priority Species** including *Phycosoma inornatum*, *Carabus monilis*, *Lucanus cervus*, *Dorycera graminum*, *Cerceris quadricincta*, *Cerceris quinquefasciata*, *Cyclophora porata*, *Cosmia diffinis* and *Noctua orbona*.
- **Section 41 Priority Species the Necklace ground beetle *Carabus monilis*.** Inch long green iridescent beetle is considered the **most rapidly declining species of ground beetle in Britain.**
- **Section 41 Priority Species *Cerceris quadricincta*,** describes by BWARS as ‘a very rare wasp from Essex and Kent only’ whose population in Essex is concentrated within a small number of sites in Colchester.
- **Six species** which have previously been recorded as New to Britain or previously Extinct (subject to updates) of which particularly notable species include *Homoneura interstincta*, *Litophasia hyalipennis* and *Hedychrum rutilans*, a spectacular colourful cuckoo wasp of Beewolves.
- Three species are afforded legal protection: Stag Beetle *Lucanus cervus* (also European protected), Purple Emperor *Apatura iris* and White-letter Hairstreak *Satyrium w-album*.
- **Eight favourable invertebrate communities are in SSSI ‘favourable’ condition.** These span the following diverse habitats: bare sand & chalk, rich flower resource, scrub edge, scrub-heath & moorland, bark & sapwood decay, open short sward, heartwood decay and epiphyte fauna.
- **769 species** of open habitats; **388 species** of tree-associated habitats and **59 species** of wetland habitats.
- **465 species of Lepidoptera (moths and butterflies)**
- **167 species of Hymenoptera (bees and wasps)**

- **285 species of Coleoptera (beetles)**
- **173 Araneae (spiders)**
- **166 Diptera (flies)**
- **138 Hemiptera (bugs)**
- **14 Odonata (dragon and damselflies)**

15.2 Notable and Key Invertebrate Species

Of the varied and diverse habitats and wildlife present within Middlewick Ranges, the invertebrate assemblage is the most noteworthy on the site, featuring centrally within the current Local Wildlife Site citation. This section provides further information about some of the key and notable species present.

There are **3 Protected Species**, the Stag Beetle *Lucanus cervus* (also a European Protected Species), and 2 butterfly species, Purple Emperor *Apatura iris* and the White-letter Hairstreak *Satyrrium w-album*. There are 6 GB Red Data (RDB1)/Endangered Species, Stag Beetle *Lucanus cervus*, Four-banded Weevil-wasp *Cerceris quadricincta* (Essex Endangered, very rare in the county and nationally), *Bombus muscorum*, *Colletes fodiens*, *Cistogaster globosa* and the Necklace Ground Beetle *Carabus monilis*.

This latter species – the **Necklace Ground Beetle** – has been found at the southern end of the site. It is the most rapidly declining beetle species in the U.K. It is wingless and therefore susceptible to habitat fragmentation. It is also long-lived, typically surviving for up to 2 years, but this makes it highly susceptible to chemicals that may poison its main prey, slugs. **The application of sulphur will undoubtedly lead to its demise.**

There are **4 GB Red Data 2/Vulnerable species** and **16 GB Red Data/Rare species**, including the spider *Phaeoedus braccatus* that has only been record in Essex at Middlewick.

Dave Gibbs, the national dipteran expert states of the find at Middlewick of *Tomosvaryella minima* (Nationally Rare/Near Threatened) "... The only confirmed records I have for the last 50 years are all from Ivan Perry (1977 to 1996). *Tomosvaryella minima* is the first confirmed record the nation recording scheme organiser had seen for 50 years". It is Essex's only record.

Four species are currently listed as 'Extinct' and 2 as 'New to Britain'. However, some of these 6 should be revised. However the cuckoo wasp *Hedychrum rutilans* is still extremely rare in GB and there have only been **3 records in Essex**.

There are **5 Near-Threatened species**. There are provisionally-listed GB Red Data species, 1 pRDB1, 2 pRDB2 and 1 pRDB3 species.

87 invertebrate species are listed as Nationally Scarce/Notable, including the beetle *Cypha pulicaria* where Middlewick is one of only two sites in the county, plus a further 6 provisionally listed.

There are 15 NERC Act Section 41 species (formerly UKBAP), including the White-spotted Pinion moth *Cosmia diffinis* that is susceptible to Dutch Elm Disease, plus a further 24 NERC Section 41 (research only species). The Broom-tip moth *Chesias rufata* is a declining species in Essex feeding on Broom.

Grasshoppers:

A summary of the importance of Middlewick's acid grassland for Mottled Grasshopper (Tim Gardner):

"Middlewick Ranges is one of the best locations for Orthoptera (grasshoppers and crickets) in the county with nine species recorded (four grasshoppers, five bush-crickets).

The acid grassland at Middlewick Ranges is highly important for the Mottled Grasshopper (*Myrmeleotettix maculatus*), an Essex Red Data List (status: Essex Vulnerable) species. Although the Mottled Grasshopper is widespread in much of Britain, in Essex it is very rare being recorded at <10 sites. The species requires a maximum amount of sun in dry localities and is found in short turf with much bare ground such as the acid grassland at Middlewick Ranges. What is astonishing about the habitat of the Mottled Grasshopper at the ranges is that this species is found in irregular hollows with hardly any vegetation cover at all (80 – 90% bare earth).

The precise nature of its micro-habitat requirements mean that recreation of acid grassland is likely to be difficult for this species, which can be translocated to suitable, well-established habitat. Therefore, it is essential that one of the largest remaining populations in Essex is conserved in-situ in the acid grassland at Middlewick Ranges."

Reference: Gardiner, T. & Benton, T. (2009) Grasshoppers and bush-crickets (Orthoptera) of military training grounds near Colchester. *Entomologist's Record & Journal of Variation* **121**: 167-171.

15.3 Other Notable Wildlife

This section highlights some of the notable wildlife aside from invertebrates supported currently by Middlewick Ranges and Birch Brooke Woods Local Wildlife Sites. This represents only certain highlights and an overview and is not intended as a comprehensive list; a full list of records is available on request.

Birds

There have been at least 11 Red Listed species of bird recorded on the site, including many nesting Skylark *Alauda arvensis*, up to 29 singing male Nightingale *Luscinia megarhynchos*, recorded from the Abbots Road copse to the Birch Brook Woodland (the Stantec report recorded 19 singing males within the allocation boundary). This makes this area **one of the most significant habitats for Nightingale** in Essex outside of Fingringhoe Wick Nature Reserve SSSI (which supports up to 40 breeding pairs).

Other Conservation Concern Red List bird species recorded include: Turtle Dove *Streptopelia turtur*, Cuckoo *Cuculus canorus*, Starling *Sturnus vulgaris*, House Sparrow *Passer domesticus*, Tree Sparrow *Passer montanus*, Linnet *Linaria cannabina*, Fieldfare *Turdus pilaris*, and Grasshopper Warbler *Locustella naevia*.

Amber List species include: Dunnock *Prunella modularis*, Redwing *Turdus iliacus*, Song Thrush *Turdus philomelos*, Meadow Pipit *Anthus pratensis* and Grey Wagtail *Motacilla cinerea*.

A hunting Hen Harrier *Circus cyaneus* (also W&C Act: Schedule 1 species) has also been recorded over grassland. The Swift *Apus apus* can be seen feeding over the Wick in significant numbers and probably enjoys a symbiotic relationship with neighbouring houses, where screeching (i.e. courting) flocks are seen.

Reptiles and Amphibians

There are 4 NERC Section 41 species of Herptile (reptile and amphibian) recorded at the site, Slow-worm *Anguis fragilis* (also W&C Act: Schedule 5 species), Grass Snake *Natrix helvetica*, Common Lizard *Zootoca vivipara* and Common Toad *Bufo bufo*.

Mammals

There are 5 Protected Species of Bat at Middlewick, 3 of which are also NERC Section 41 species. This includes the Barbastelle *Barbastella barbastellus*, where Middlewick is the most easterly record in Essex.

There are Badger setts present on the site (Protection of Badgers Act) and Brown Hare has been recently recorded, a NERC Section 41 species.

Plants and Fungi

Middlewick Ranges LoWS

There are several Essex Red Data botanical records at the site, including the Nationally Scarce Lesser Calamint *Clinopodium calamintha*. Areas of free-draining acid grassland include Red Fescue *Festuca rubra*, Common Bent *Agrostis tenuis*, Sheep's Sorrel *Rumex acetosella*, Autumn Hawkbit *Scorzoneroides autumnalis*, Field Wood-rush *Luzula campestris* and Bird's-foot-trefoil *Lotus corniculatus*. There are areas of dense Gorse *Ulex europaeus* and Broom *Cytisus scoparius* on the sandy slopes and at their base.

Waxcaps

Natural England states that, "Waxcap-grassland fungi are of conservation interest as indicators of semi-natural, mycologically-rich unimproved grasslands, a habitat seriously threatened throughout the UK and Europe."

Waxcaps have been recorded at Middlewick in significant numbers, or 'troops' as they are known. This represents one of the most diverse assemblages of waxcap fungi known in Colchester Borough and in wider Essex. The following species have been recorded there recently:

Cedarwood Waxcap *Cuphophyllus russocoriaceus*

Scarlet Waxcap *Hygrocybe coccinea*

Blackening Waxcap *Hygrocybe conica*

Meadow Waxcap *Cuphophyllus pratensis* var. *pratensis*

Golden Waxcap *Hygrocybe chlorophana*

Snowy Waxcap *Cuphophyllus virgineus*

Birch Brook Wood LoWS

The varied flora present within this damp stream-side Local Wildlife Site has been compared to a 'miniature Roman River Valley SSSI' with which this site is ecologically connected. The plant assemblage is indicative of wet woodland with certain species suggesting that at least portions of the woodland may be ancient.

There are numerous woodland indicator species present and Wood Anemone *Anemone nemorosa*, Wood Sorrel *Oxalis acetosella* and Wood Horsetail *Equisetum sylvaticum* stand out as indicators of potential ancient woodland; Smooth-stalked Sedge *Carex laevigata* has also been recorded, this is very rare and not on the citation (which are unable to capture all records in 1-2 visits).

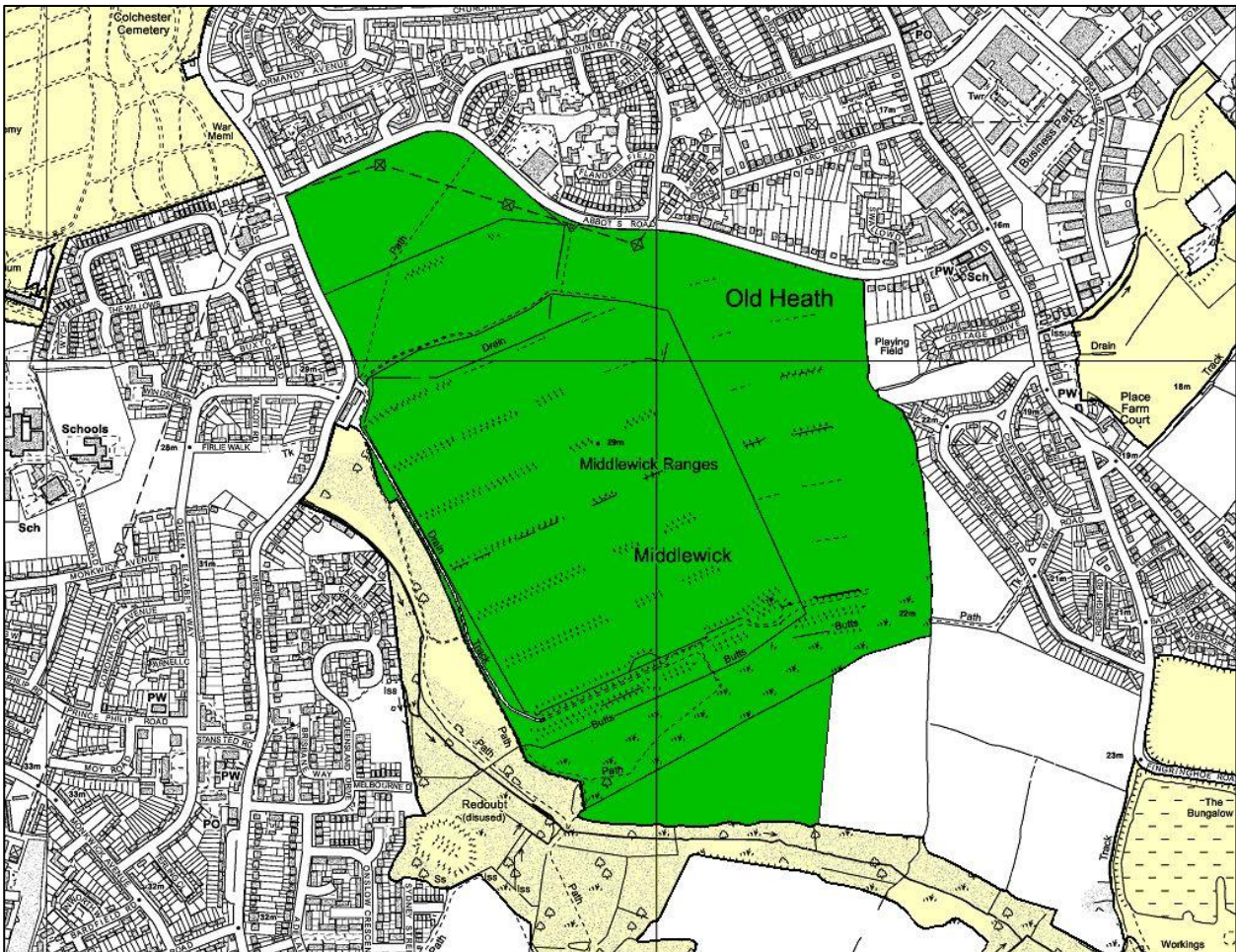
However, the fern assemblage stands out as being particularly notable supporting a number of fern species including three Essex Red Data List species: Narrow Buckler-fern *Dryopteris carthusiana*, Scaly Male fern *Dryopteris affinis* and Lady Fern *Athyrium filix-femina*.

This diverse and sensitive flora will be particularly sensitive to increased trampling and dog walking pressure associated with any new development nearby.

16. Local Wildlife Site Citations

16.1 Middlewick Ranges Local Wildlife Site (Co122) – Citation

Co122 Middlewick Ranges, Colchester (76.0 ha) TM 009228



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The vegetation here comprises tall sward grassland and scrub to the north and south, short-mown acidic turf over the rifle ranges and scrubby acidic grassland behind the main butts.

The northern-most field is hay-cut and species-poor, but retains an acidic character with Red Fescue (*Festuca rubra*) and Common Bent (*Agrostis tenuis*), along with Common Sorrel (*Rumex acetosa*), Sheep's Sorrel (*Rumex acetosella*), Autumn Hawkbit (*Scorzoneroides autumnalis*). To the south of this the grassland has been invaded by scrub, which now includes Pedunculate Oaks (*Quercus robur*) of considerable size, with elm (*Ulmus* sp.), Hawthorn (*Crataegus monogyna*) and Blackthorn (*Prunus spinosa*). The open grassland is marginally more diverse here, with Sweet Vernal Grass (*Anthoxanthum odoratum*), Field Wood-rush (*Luzula campestris*), meadow-grass (*Poa* sp.), Yarrow (*Achillea millefolium*) and Bird's-foot-trefoil (*Lotus corniculatus*). However, False Oat-grass (*Arrhenatherum elatius*) and Cock's-foot Grass (*Dactylis glomerata*) are frequent and there is abundant Gorse (*Ulex europaeus*) and Broom (*Cytisus scoparius*) scrub. A population of the Nationally Scarce Lesser Calamint (*Clinopodium calaminta*) can be found on the western edge of the site here.

To the south of the butts there is a combination of Gorse scrub, bare ground and sparse sward acidic grassland over uneven ground. Although not floristically diverse on the whole, there are patches of lichen heath, dominated by *Cladonia* lichens. The meadow to the south of this area, beyond some more scrubby Pedunculate Oak woodland, is more diverse, in part, with Common Bent, Red Fescue, timothy (*Phleum* sp.), Wild Carrot (*Daucus carota*), Lesser Stitchwort (*Stellaria graminea*), Common Knapweed (*Centaurea nigra*) and Hare's-foot Clover (*Trifolium arvense*).

The principal value of this site, however, is its invertebrate populations. The main rifle butts at the south end of the site, along with smaller sandy banks to the north, provide significant nesting habitat for a range of insects, whilst the extensive grasslands surrounding them, including those areas kept closely mown over the active parts of the rifle range, provide the necessary additional foraging grounds. The best-studied group of insects here is the Hymenoptera (bees, wasps and ants), within which seven nationally threatened (Red Data Book) and eight Nationally Scarce species have been recorded. The most significant species are the SPIE digger wasps *Cerceris quadricincta* (RDB1) and *Cerceris quinquefasciata* (RDB3), the latter's brood-parasite cuckoo-wasp *Hedychrum niemelai* (RDB3) and the Small Blue Carpenter-bee *Ceratina cyanea* (RDB3). Some of the short-mown sandy banks bordering the range roads support a large population of the RDB2 Bee-wolf (*Philanthus triangulum*).

Ownership and Access

The site is owned by the Ministry of Defence. There are public footpaths that cross the site and most parts of it are effectively open access except when the range is in use.

Habitats of Principal Importance in England

Lowland Dry Acid Grassland

Selection Criteria

HC11 – Other Neutral Grasslands

HC13 – Heathland and Acid Grassland

SC18 – SPIE Invertebrates

SC19 – Important Invertebrate Assemblages

Rationale

In parts, this site supports good quality Lowland Dry Acid Grassland, but other sections do not fit that HPIE description, although still acidic in nature and largely unimproved. The presence of the SPIE *Cerceris quinquefasciata* and *Cerceris quadricincta* is of significance as is the overall assemblage of nationally rare and scarce invertebrates.

Condition Statement

Largely favourable

Management Issues

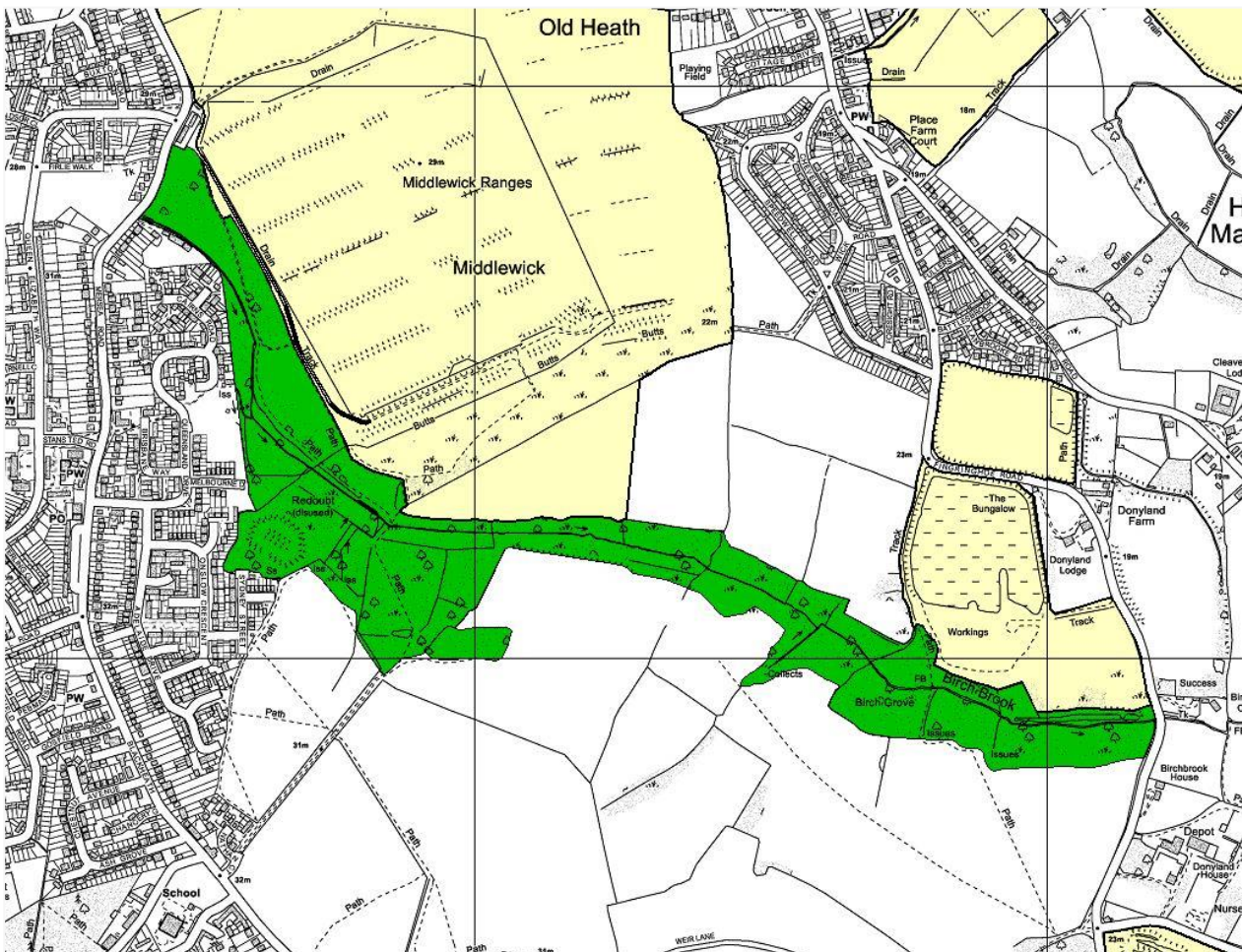
The spread of scrub, as a result of low levels of management work in parts, is reducing the extent of open flower-rich grassland.

Review Schedule

Site Selected: 1991

Reviewed: 2008; 2015 (extended)

Co128 Birch Brook, Colchester (30.5 ha) TM 010222



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Although now predominantly a woodland site, Birch Grove, towards the eastern end, is the only section of any age, with a flora that suggests it may be ancient in origin. The remainder of the site supports secondary woodland, spreading from old field boundaries, wet woodland along the brook and in lower lying areas and localised areas of acid grassland.

On the higher, dry ground the woodland consists of Pedunculate Oak (*Quercus robur*), Elm (*Ulmus* sp.) and Birch (*Betula* spp.) with Holly (*Ilex aquifolium*) and Hazel (*Corylus avellana*) in the understorey and a ground flora that includes Bracken (*Pteridium aquilinum*) and Wood Sage (*Teucrium scorodonia*). Scrubbier margins include Hawthorn (*Crataegus monogyna*) and, in places, Gorse (*Ulex europaeus*) while larger Pedunculate Oaks mark old hedge lines.

The wet woodland is largely made up of Crack Willow (*Salix fragilis*) and Grey Willow (*S. cinerea*), with some Silver Birch (*Betula pendula*). In more open areas there are localised sedge (*Carex* sp.) beds with Marsh Thistle (*Cirsium palustre*) and Skullcap (*Scutellaria galericulata*).

Birch Grove consists of Pedunculate Oak and Ash (*Fraxinus excelsior*) with Alder (*Alnus glutinosa*) along the streamside. The ground flora is rich in ferns, with the Essex Red Data List (ERDL) species Narrow Buckler-

fern (*Dryopteris carthusiana*), Lady Fern (*Athyrium filix-femina*), Hard Fern (*Blechnum spicant*) and Scaly Male Fern (*Dryopteris affinis*) of particular note. Other noteworthy plant species include Hart's-tongue Fern (*Asplenium scolopendrium*), Wood Anemone (*Anemone nemorosa*), Pignut (*Conopodium majus*), Dog's Mercury (*Mercurialis perennis*), Enchanter's Nightshade (*Circaea lutetiana*), Bluebell (*Hyacinthoides non-scripta*), Creeping Jenny (*Lysimachia nemorum*), Wood Sorrel (*Oxalis acetosella*), Remote Sedge (*Carex remota*) and the ERDL Wood Horsetail (*Equisetum sylvaticum*) at one of its few Essex locations.

The area around the Redoubt comprises dry acid grassland and scrub, providing additional habitat diversity. The ground flora includes Red Fescue (*Festuca rubra*), Common Bent (*Agrostis capillaris*), Sheep's Sorrel (*Rumex acetosella*), *Hieracium sabaudum* (a hawkweed) and Bracken, with Pedunculate Oak, Gorse, Bramble (*Rubus fruticosus*) and Broom (*Cytisus scoparius*) scrub. A further area of sparse acid grassland is found on the southern edge of the site near its eastern end. Plant species here include Common Bent, Sheep's Sorrel, *Hieracium sabaudum*, Common Centaury (*Centaureum erythraea*), Blue Fleabane (*Erigeron acris*), Heath Speedwell (*Veronica officinalis*), *Cladonia* lichens and Hoary Cinquefoil (*Potentilla argentea*).

Ownership and Access

The site is under private ownership, but it is crossed by a number of public footpaths, most of which can't be used when Middlewick Ranges are being used.

Habitats of Principal Importance in England

Lowland Mixed Deciduous Woodland, Wet Woodland

Selection Criteria

HC1 – Ancient Woodland Sites

HC2 – Lowland Mixed Deciduous Woodland on Non-ancient Sites

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

HC13 – Heathland and Acid Grassland

SC1 – Vascular Plants

Rationale

The frequency of ancient woodland indicator species in Birch Grove strongly suggests that it is ancient in origin, but map evidence demonstrates that the other areas of dry woodland are secondary. Along the brook, the willow woodland meets the description of the Wet Woodland HPIE. Around the redoubt and at the eastern end of the site are communities made up of characteristically acid grassland species. The Vascular Plant criterion is applied because of the assemblage of locally rare fern species, rather than for any one of them individually.

Condition Statement

Mostly favourable

Management Issues

The acid grassland around the Redoubt is rapidly scrubbing over and should be cleared to maintain the distinctive plant communities found there. None of the woodland is managed, which will lead to a decline in the ground flora in time.

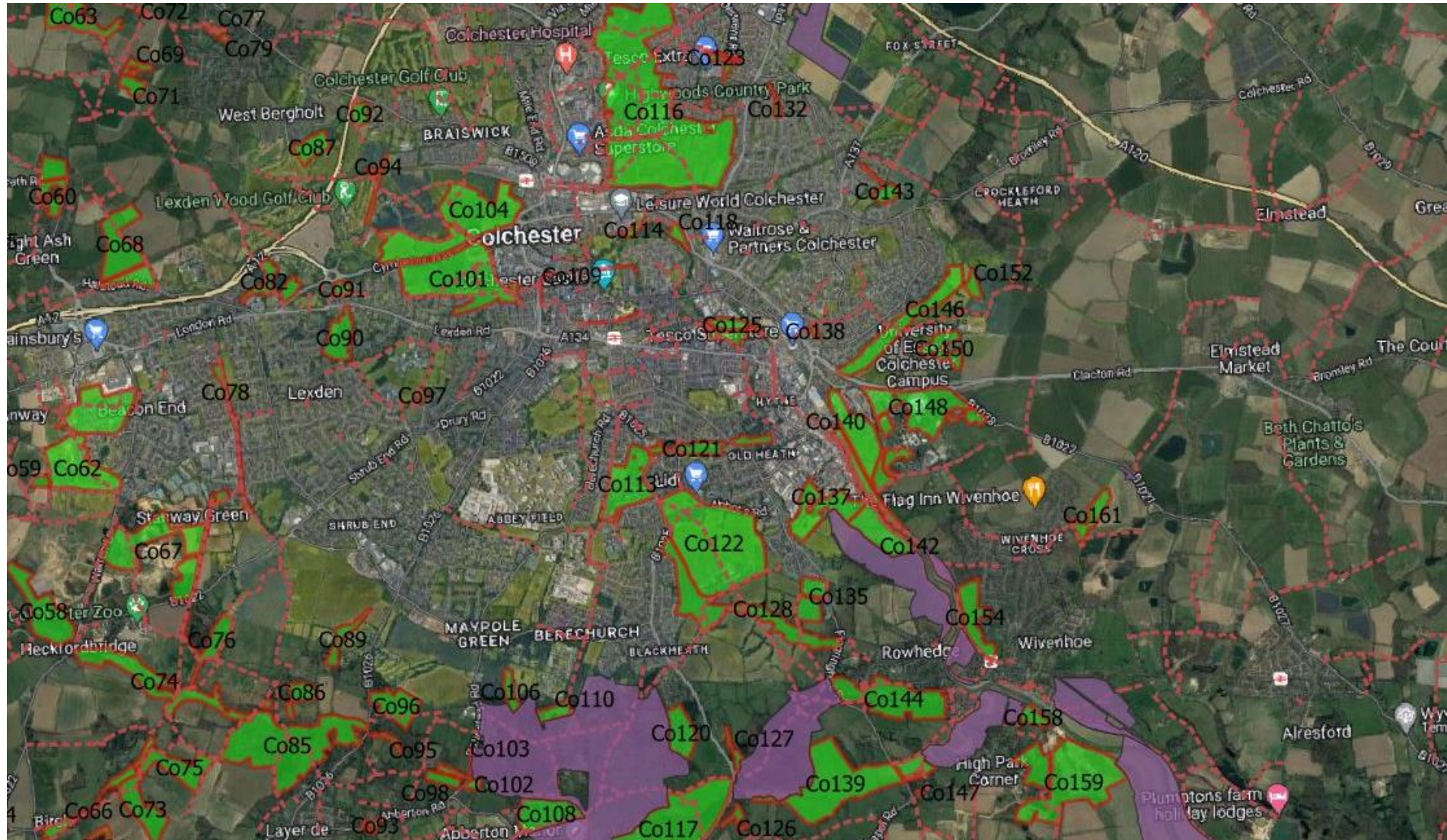
Review Schedule

Site Selected: 1991

Reviewed: 2008; 2015 (minor extensions)

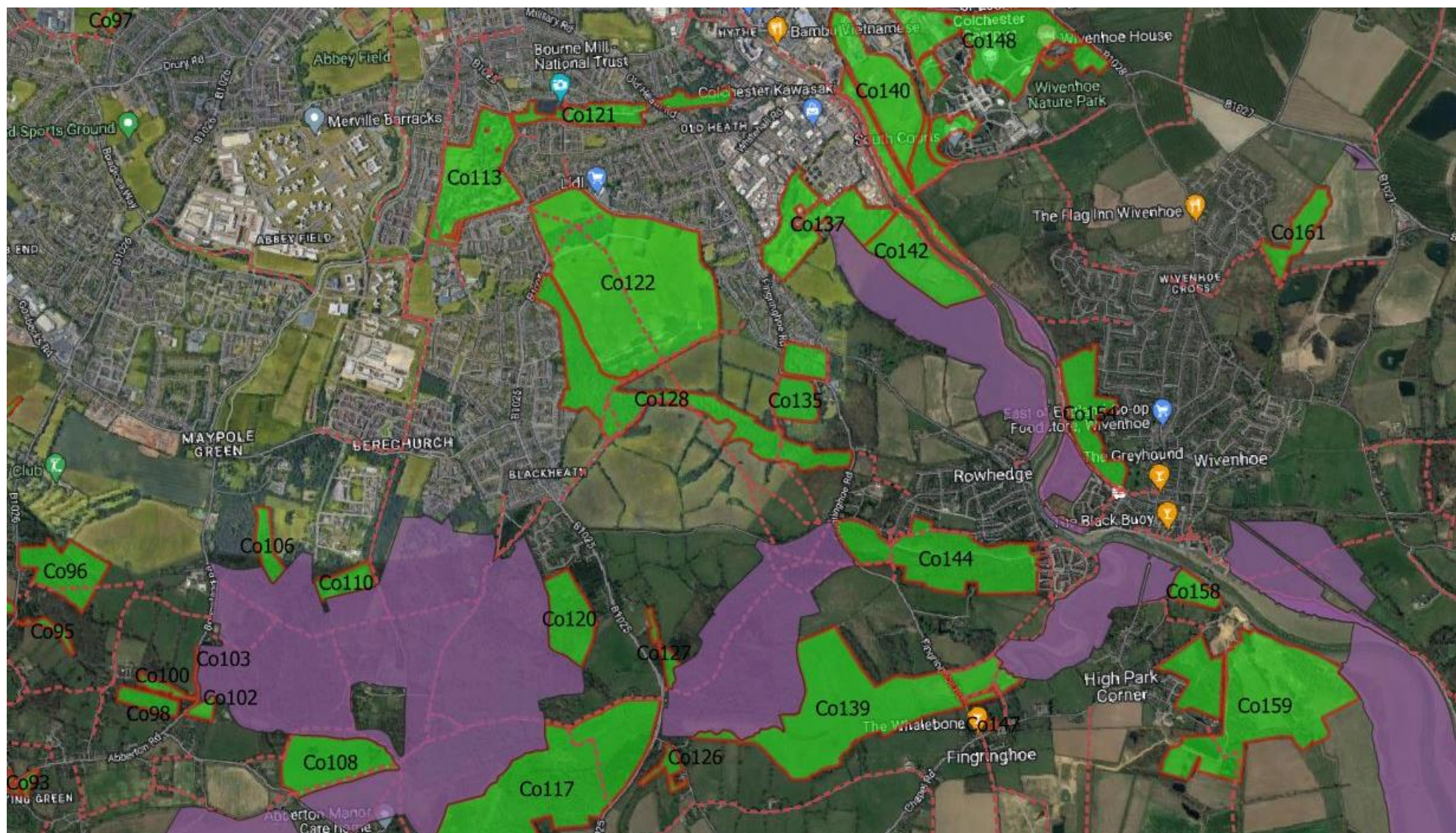
17. Maps 1 – 3: Middlewick Ranges LoWS in Context

17.1 Map 1 – Middlewick Ranges (Co122) in Context in Colchester



Other notable large Local Wildlife Sites for size comparison: Co101 (Hilly Fields); Co104 (Cymbeline Meadows); Co116 (Highwoods Country Park); Co139 (Romon River East)
SSSI = Purple Local Wildlife Site = Green Public Footpath = Dotted red line

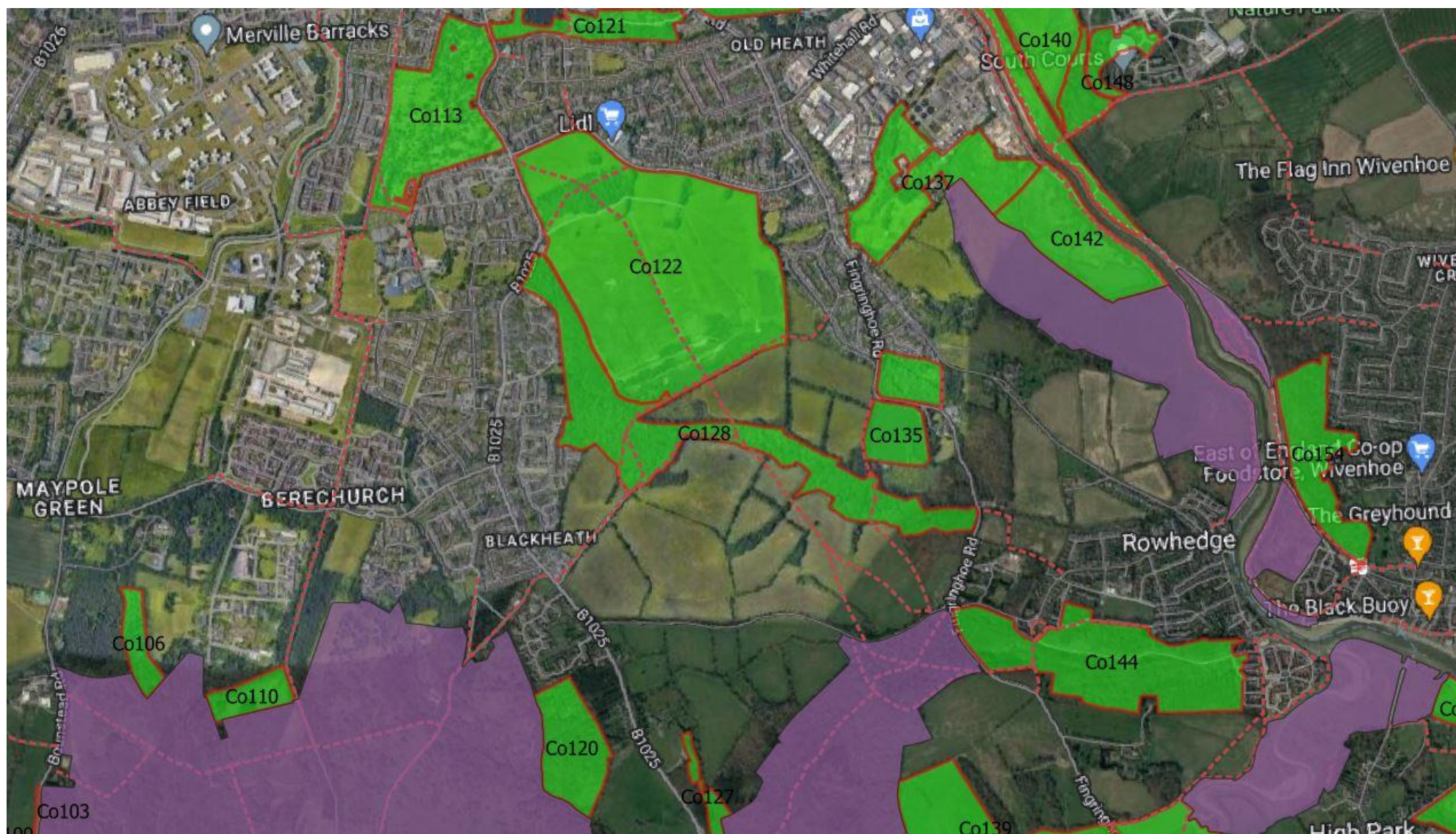
17.2 Map 2 – Middlewick Ranges (Co122) in Context in South Colchester



Other notable Local Wildlife Sites ecologically connected to Co122 (Middlewick): Co128 (Birch Brook Wood); Co113 (Colchester Cemetery); Co121 (Bourne Valley); Co135 (Donyland Wetland); Co137 (Hythe Brownfield); Co142 (Hythe Lagoons); Co144 (Roman river East); Co117 (Manwood Chase); Co159 (Brickhouse Farm Pits)

SSSI = Purple Local Wildlife Site = Green Public Footpath = Dotted red line

17.3 Map 3 – Middlewick Ranges (Co122) in Local Context (Old Heath, Berechurch, Blackheath, Monkwick, Hythe)



Other notable Local Wildlife Sites ecologically connected to Co122 (Middlewick): Co128 (Birch Brook Wood); Co113 (Colchester Cemetery); Co121 (Bourne Valley); Co135 (Donyland Wetland); Co137 (Hythe Brownfield); Co144 (Roman river East); Co106 (Friday Wood North); Co110 (Berechurch Grassland); Co120 (Ball Grove).

SSSI = Purple Local Wildlife Site = Green Public Footpath = Dotted red line