



Friends of Middlewick



MIDDLEWICK OBJECTIONS: 2

Transcripts of Colchester City Council 'Have Your Say' Speeches
Relating to Concerns w.r.t. **Middlewick Ranges'** Inclusion in the Local Plan
Delivered by Nature Orgs, Experts, Members of the Public and Councillors

(Local Plan Committee 11.12.2023, Environment & Sustainability Panel 06.12.2023
and other HYS 2021-23)



Hedychrum rutilans – “A vanishingly rare cuckoo wasp, with only three current records in Essex.”

Current resident of Middlewick Ranges. Status: Previously 'Extinct' in UK

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1. Introduction

The document summarises important and significant presentations given to Colchester County Council during Have Your Say at public meetings – particularly how they relate to Middlewick Ranges Local Wildlife Site and its continued inclusion in the Local Plan; which is allocated for up to 1000 houses.

These speeches include representations from leading county wildlife organisations, ecologists, visiting councillors and members of the public – Including members of Friends of Middlewick campaign group.

These – alongside previous and recent technical submissions and objections from various respected organisations (Middlewick Objections: 1) – help to build a convincing and powerful case to reconsider the inclusion of Middlewick Ranges in the Local Plan; and the inevitable loss of this unique Local Wildlife Site and all of the individual creatures/wildlife these habitats support.

Relevant responses from Planning Officers and Councillors are also included.

The key speech where vital new information/evidence was revealed occurred at the **Local Plan Committee meeting of 11th December 2023**. Important context has been provided, and detailed, evidence-based – and impassioned and thoughtful – concerns and objections are made in this and other meetings. Advocating for Middlewick Ranges and its natural (and civic) history.

This document Middlewick Objection: 2 is intended to be read and considered alongside sister document, Middlewick Objections: 1 which presents summaries and overviews of the key technical representation and objections issued to Colchester City Council as part of past and present Local Plan Reviews. These include Natural England, Essex Field Club, Colchester natural History Society, Essex Wildlife Trust, RSPB, Buglife and Butterfly Conservation – amongst others.

This evidence can be found in the following Google Drive folder; where this and sister document Middlewick Objections: 1 (MO:1) will be periodically updated.

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

2. Have Your Say Speeches – Summary and New Information

2.1 'New Information' – Significant Statements Raising Fresh Concerns

The Local Plan Committee meeting on 11th December 2023 was notable and particularly significant due to the disclosure of **three very significant new representations** from three significant and well-respected sources.

Essex Wildlife Trust and RSPB, the two leading nature conservation organisations in Essex, and Steven Falk FRES, renowned national expert on bees and their habitat including acid grassland, lodged strong and unreserved objections and concerns against the continued inclusion of Middlewick Ranges in the Local Plan.

In addition, **Colchester Natural History Society** reaffirmed their continued concerns and objections to the proposals and shared the latest headline figures of the Pantheon Analysis of invertebrates on Middlewick Ranges, further highlighting the impressive and valuable biodiversity of this site, making this **one of the most important sites for invertebrates and acid grassland in the county, exceeding many SSSIs.**

Due to the implications and significance of these newly raised concerns and new information, combined with the **significant existing evidence undermining the case for building on Middlewick**, we start with a summary of these three crucial Have Your Say statements alongside the latest species records – before listing all of the speeches and statements by experts, members of the public and councillors:

- 1) **Essex Wildlife Trust's** Dr Jeremy Dagley, Director of Landscape Conservation and Director of EECOS (Essex Ecology), reiterated the very high value of the site and EWTs continued strong objection to the proposals. He also states that EECOS favour the removal of the allocation of housing for Middlewick Tanges; thereby indicating that **EECOS no longer approve the Stantec report and proposals based on current information.** (The proposals being based upon the unproven and controversial concept that the habitats within Middlewick Ranges can be artificially replaced by ploughing and 'sulphuring' existing grassland and that biodiversity net gain is possible/legitimate.)

This effectively **removes the third-party validation** within the peer review process which EECOS previously provided – which has previously been used to legitimise these highly controversial proposals. Essex Wildlife Trust also reiterated their grave concerns made clear during 2019 and 2021.

"Of real concern to the Trust is that its **insect biodiversity** was not addressed sufficiently during the Local Plan preparation. In the Trust's opinion, Middlewick Ranges is almost certainly now of **national importance for insect biodiversity...**

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." ~ Dr Jeremy Dagley, representing Essex Wildlife Trust and EECOS

- 2) **RSPB's** Conservation Officer Mark Nowers asserted RSPB's **strong objection** for the way in which their habitat creation project on arable land at Minsmere had been cited and used by Stantec as the

predominant case study to justify the highly controversial and experimental proposals; to destroy the Priory habitat within Middlewick (acid grassland) and replace this with sulphur-strewn nutrient-rich grassland, which in itself currently supports an ecosystem in its own right.

RSPB also highlight planning laws and best practice including the mitigation hierarchy which do not appear to have been followed; the presumption that valuable sites of county – and likely national level value – should not be built upon (see full statement xx)

“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.**

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.**”

- 3) **Steven Falk FRES** – his words were read by Lisa Cross following a statement released by this national bee and acid grassland expert. He debunked and demolished the highly dubious and unscientific proposals put forward by Stantec and a soil scientist, which are not recognised within the field of ecology and are not matched by any suitable precedent, case study or evidence base.

Steven has been working in conservation for over 40 years and is recognised as one of – or the – leading figures in Hymenoptera and associated habitats, having written the seminal book on bees. He suggests a basic misunderstanding of what acid grassland is:

“There can be no doubting the **high value of Middlewick Ranges for biodiversity**, especially scarcer insects.

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.”

In addition, Dougal Urquhart, Chair of Colchester Natural History Society presented a summary of latest records of the staggering diversity of invertebrate life which Middlewick Ranges has been found to support:

“We’ve been amazed that the Ranges have been found to support 1480 species of invertebrate including 167 species with a conservation status proving the site is far richer than Stantec stated. 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. Nationally rare species include an amazing variety including spiders, wasps, bees, beetles, bugs, moths, butterflies and many others.

Assessing the quality of habitat for invertebrates, there are eight invertebrate micro-habitat assemblages in favourable condition. **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.”**

2.2 Summary of Speeches

Here we provide a brief summary of the reoccurring themes within the Have Your Say speeches on Middlewick Ranges during the most recent and pivotal Local Plan Committee on 11th December; these speeches were in relation to the proposals to develop the site with 1000 houses as stated in the Local Plan allocation – and the catastrophic impacts these proposals would entail on both Middlewick Ranges and the proposals ‘compensation’ site.

Summary of Key Points from the Speeches

1. High Wildlife Value

- **Outstanding Importance for Wildlife:** Middlewick Ranges is highlighted as a crucial habitat, particularly for its acid grassland and invertebrate biodiversity.
- **County and National Importance for Insect Biodiversity:** The site is considered of national importance due to its diverse insect population, including rare and Red Data Book species.
- **Unique Acid Grassland Habitat:** The site's extensive acid grassland is compared in ecological importance to nationally recognised sites like Epping Forest SSSI, underscoring its rarity and value in north Essex.

2. Concerns about the Evidence Base and Reporting

- **Flawed Stantec Report:** Criticism is directed towards the Stantec Report for underrepresenting the site's ecological richness and biodiversity; whilst exaggerating the potential for Biodiversity Net Gain using a controversial DIY ‘bespoke’ metric.
- **Inadequate Surveys:** The lack of comprehensive surveys, particularly for invertebrates, is a recurring concern.
- **Objections to Core Proposals:** A recurring theme is that the fundamental basis on which the Stantec/MoD proposals are based is fatally flawed: that you cannot compensate for the loss of irreplaceable habitat – using an experimental method on grassland which itself has existing wildlife value. This includes serious questions about the validity of the case study comparison used.

3. Irreplaceability and Conservation Concerns

- **Uniqueness of the Habitat:** The speeches stress that the ecological complexity and history of Middlewick Ranges make it irreplaceable, highlighting the site's long-standing natural development and its role as an amenity space for the community.
- **Risks of Biodiversity Loss:** There is a significant concern about the potential irreversible loss of biodiversity if the development proceeds, emphasising the site's unique ecological characteristics that cannot be replicated or replaced.

4. Objections to the Inclusion of Middlewick in Local Plan

- **Conflict with Local Environmental Policies:** The proposed housing development is seen as contradictory to Colchester's environmental policies, particularly those aimed at conserving and enhancing biodiversity (including the Green and Blue Networks).
- **Threat to Local Wildlife Site:** The inclusion of Middlewick Ranges in the Local Plan for housing development is viewed as a direct threat to its ecological integrity and biodiversity not only of the Local Wildlife Site but of neighbouring wild spaces including SSSIs.

5. Recommendations and Alternative Approaches

- **Exploring Sustainable Alternatives:** Speakers suggest considering alternative uses for Middlewick Ranges that align with conservation goals and the site's ecological value.
- **Re-evaluation and Expert Consultation:** There is a call for a re-evaluation of the development plans, including consulting with experts in habitat conservation and ecology to assess the feasibility and impact of any proposed changes.

6. Conclusion - Remove Middlewick from the Local Plan

- **Consensus for Protection:** The overwhelming consensus among speakers is to remove Middlewick Ranges from the Local Plan, advocating for its protection of the Local Wildlife Site.
- **Emphasis on Sustainable Development and Biodiversity Conservation:** The speeches highlight the need for development strategies that prioritise biodiversity conservation and sustainable practices, in line with local and national environmental policies.

In summary, the speeches present a compelling case for the ecological importance of Middlewick Ranges, emphasising its unique biodiversity, the inadequacy of current ecological assessments, and the potential negative impacts of the proposed housing development. The speakers advocate for the site's protection, suggesting an urgent re-evaluation of its inclusion in the Local Plan and exploring sustainable alternatives that align with conservation goals and climate and biodiversity obligations of Colchester City Council.

3. Cabinet Meeting, 19th December 2023

3.1 Visiting Councillors

See livestream video (from 30:30):

[Cabinet, 19 December 2023 \(youtube.com\)](https://www.youtube.com/watch?v=...)

3.1.1 Councillor Fay Smalls

“Thank you. I’m here as the local councillor for Old Heath, Hythe and Rowhedge, to ask for serious consideration be given to removing Middlewick Ranges from the Local Plan - particularly as the Local Plan is now under review. Middlewick was included in the plan during a time that I was not a councillor, and I’m sure that individuals make decisions based on the best information they had and with good intentions. I don’t know how I would have voted had I been around at the time, but that’s academic.

Middlewick ranges inclusion, however, is now increasingly controversial. Evidence is mounting that the unique acid grassland on this site cannot be recreated. And if it is dug up and destroyed it will be gone for ever. This soil evolved over hundreds of years and is of a vital habitat for hundreds of plants, insects and other animals. Many of which are endangered. This is before we even get on to the benefit it has for people. **Many of whom living in the immediate area do not have access to their own green space by way of garden.**

Middlewick ranges is a vital green lung to this urban area, the mitigation plan to sulphur as an alternative site to try to recreate the habitat is seeming more and more unfeasible. I have always had concerns about this but not the specialist knowledge to argue against it.

Now, however both Essex Wildlife Trust and the RSPB have spoken strongly against this plan. Personally, I was really helped by somebody called Martin Pugh who is a Senior Ecologist for Essex Wildlife Trust, hearing him speak at the recent Environmental Committee, helped me as a non-expert to understand this better. And the RSPB have issued a statement regarding something they did which was similar but in fact not similar – was used to support Middlewick being put in the Local Plan, but they have said it just can’t be done and the conditions for Middlewick. As a non-expert, I can’t speak about that so well.

However, the more I have learnt the more I have started to think that rather than removing these unique grasses from one place to another – it would almost be the ecological equivalent of if we were trying to knock down Colchester Castle and relocate that. In fact, that would probably be easier than trying to move the acid grassland is.

This isn’t a position that I’ve taken lightly as I am fully aware of the need for more housing in and around Colchester. But the housing we need must be genuinely affordable, preferably council housing, and there is no suggestion that if Middlewick is built on that’s what we’d get. So, during my time now as councillor I am committed to learning more about this site.”

3.1.2 Councillor Lee Scordis

“It is starting to sound a bit like 2016 when all this kicked off, and there’s a few familiar faces from then as councillor Smith was sitting where you were sitting and councillor Corey I think sitting in the same spot.

What is interesting in all that time, seven years have gone by, for Prime Minister's, no developer has actually purchased the site.

We've heard all the rumours and so forth in 2016 but actually no developer has purchased that site, and it does suggest that any development developer looking at that will not just look at the mitigation that Councillor Smalls talked about, there be looking at cost of removing all the debris, the threat of moving of gunpowder and so forth, there's the issue of foot and mouth which the DOI admitted has been buried there as well.

And I think it does put us in a crux where even if this is kept in the local plan, there may not be houses built there because no one wants to take the side on because of – partly the conditions we've put in which are good – but also the difficulty with this site.

I think where and my residents are most annoyed is the dishonesty we've had from the MoD on this, we had consultation of 2017 and they presented that they wanted to build, horribly unpopular – they came back with exactly the same stuff despite saying they were going to listen to lower the local people and then as we know councillor officers can't hold of the MoD about this.

Why has the site been expanded for sale? And so forth. And there are other issues with this site. We are told it would just be a thousand homes, but we also know that there is a piece of land owned by Caedmon's right by Speedwell Road, where you could fit another 500. So suddenly it becomes 1500 quite easily because of land ownership issues. We know that some of the surveys that have come back just haven't been good and I think just to quote councillor Goss "we have been shafted by the MoD".

They put this in in the last minute without a real chance to discuss such a huge area as Councillor Smalls said, the only real large green area in that part four people in our wards who live in the south of the ward.

That will have a huge consequences. So I think part of the review we are going to need to look at alternative sites because this as I say no developer has taken it on so were not going to get those thousand homes in by the look of it anyway, I'm surprised in all that time no one has.

But the real issue around again mitigation, the criteria we put into build, it just seems that we've done a good job of protecting it, but we've put ourselves in a quandary while the MoD seem to have the upper hand.

So, my feeling is we need to take charge of this, ahead of the MoD who as far as I can see are disrespecting Colchester, not responding to our offices, to our common councillors – it's really not just good enough as we as residents have shown a good relationship and had a good relationship with the MoD, and then we treated like this."

4. Local Planning Committee Meeting: 11th December 2023

4.1 Non-Councillors (Organisations, Experts and Public)

(Starts at 6 minutes for Cllr Lilley, then at 23 minutes for the rest:

<https://www.youtube.com/watch?v=xYA6ApFZEnA&t=360s>)

Councillor Tim Young (Chair)

“Councillor Lilley requested that he speaks first as he needs to go. I know there are a lot of speakers on Middlewick, so all of those will be taken, apart from councillor Lilley, at the same time and then the officers will answer the en bloc issues that arise rather than do it one at a time. So, councillor Lilley, please have your say, you did ask me if you could go first and am always willing to cede to your request.”

[See 2.1 for Councillor Lilley’s speech and Visiting Councillor which kicked off the Have Your Say on Middlewick]

Sir Bob Russell

“No, not Middlewick tonight. You’ve got the first team out. But I do welcome the comments from Councillor Lilley.”

Councillor Tim Young (Chair)

“Thank you, Sir Bob. Can I confirm that everybody else who wants to have your say tonight is going to speak about Middlewick? Anybody not speaking about Middlewick? Okay, I will do them in the order that I got in front of me. With starting off via zoom, Dr Jeremy Dagley if he is available. Dr Dagley, you have three minutes Bell will sound after two and then again after free. The time will start when you begin to speak. Thank you.”

4.1.1 Dr Jeremy Dagley, Essex Wildlife Trust

“Thank you Chair. I am Dr Jeremy Dagley, Director of Conservation at Essex Wildlife Trust and, also, a Director of Essex Ecology (formerly EECOS) a nature conservation consultancy, and commercial subsidiary of the Trust, that has provided ecological advice to your Council on Local Wildlife Sites and planning matters. Essex Wildlife Trust is the County's leading wildlife conservation charity.

My statement this evening is in response to your Local Plan Review, which is covered in Item 7 on the agenda. In Item 7 it is clear that your Council's starting point and immediate focus is the enhancement of Colchester's green network. Essex Wildlife Trust warmly welcomes this strong commitment to "creating a better environment".

To succeed, this ambition to enhance the green network relies, crucially, on **Colchester's designated Local Wildlife Sites**. My statement tonight highlights one very special – but threatened – Local Wildlife Site - Middlewick Ranges (Site Co122).

Middlewick Ranges is an outstandingly important site for wildlife, not only for Colchester, but for Essex and the wider region. At **76 hectares** it is one of the largest Local Wildlife Sites in the area and on its own, represents nearly **4% of the District's** complete Local Wildlife Site acreage. With tens of hectares of rare

acid grassland habitat, Middlewick Ranges encompasses the largest extent in north Essex and is of similar ecological importance to Epping Forest SSSI's acid grasslands. As Natural England's letter of 28th June 2022 to your council emphasised, the significance of its special acid grassland is likely to have been underestimated. And yet, this Local Wildlife Site is threatened with development.

Of real concern to the Trust is that its **insect biodiversity** was not addressed sufficiently during the Local Plan preparation. In the Trust's opinion, Middlewick Ranges is almost certainly now of **national importance for insect biodiversity**. EECOS advised your officers in early 2021 that the site, with more survey work, could reach a level to be considered of SSSI-level quality. New data was submitted to you by Essex Field Club **and** Butterfly Conservation in June 2022 supporting this, including at least **23 Red Data Book Species** and a **quarter** of all Essex's known **moths and butterflies**. **Natural England**, in its letter to your authority, stated that it would expect this absolutely **exceptional biodiversity to be properly safeguarded**.

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.

Thank you very much for allowing me to speak this evening.”

4.1.2 RSPB Statement, spoken by Richard Martin

The urgent statement on Middlewick Ranges and the use of the Minsmere RSPB case study to legitimise the allocation of Middlewick Ranges was read by Richard Martin, a spokesperson for Friends fo Middlewick.

“Good evening. The following letter has been sent to Colchester Council and en-Form, from the RSPB in relation to Middlewick Ranges. This addresses the Stantec ecological report and fundamental underpinning of the planning inspector hearing that acid grassland can be recreated:

“Dear Councillors,

Middlewick Ranges housing allocation

We write in relation to the Colchester City Local Plan housing allocation for Middlewick Ranges.

It has been brought to our attention that the developer's Ecological Evidence Base report (Stantec, Project Ref: 50035/Eco, Rev: A, Date Nov 2020) relies heavily on a single case study to justify their compensation/mitigation proposals. This case study relates to work undertaken at our Minsmere reserve in Suffolk.

The Council will be aware of the mitigation hierarchy that sets out a series of steps in protecting ecological habitats from harm by development, namely avoid the damage in the first instance; mitigate by reducing adverse impacts, and lastly compensate where avoidance or mitigation are not possible (per Essex Wildlife Trust letter to localplan@colchester.go.uk dated 14 November 2021). Underpinning the latter are the fundamental principles that any mitigation or compensation must be bespoke, deliverable and effective.

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.

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.**

We would like to draw the Council's attention to our Planning Naturally 1 report."

(The following is the remainder of this RSPB letter which is now also in the public domain.)

"We would like to draw the Council's attention to our Planning Naturally 1 report, produced in conjunction with the Royal Town and Planning Institute (RTPI) and the Chartered Institute of Ecology and Environmental Management (CIEEM). This sets out twelve principles of good spatial planning and we wish to highlight the following:

- Plans should contribute to sustainable development by enhancing the natural environment and ensuring that social and economic development takes place within environmental limits.
- Plans and projects should be based on up-to-date and scientifically robust evidence, including evidence on the value of the natural environment
- Plans and projects should be rigorously assessed for their environmental impacts, and the results used to improve the plan.
- Alternative options should be considered, particularly alternatives that are less damaging to the environment, and the reasons for rejecting any options should be made public.

Finally, the Council will need to consider their responsibilities in relation to the emerging Local Nature Recovery Strategies (LNRS).

We trust that this information is of assistance to the Council and please treat this letter as public domain. Colchester environmental organisation en-Form has been informed of this correspondence.

Yours sincerely,

Mark Nowers

Conservation Team, Kent & Essex"

4.1.3 Dougal Urquhart, Colchester Natural History Society (Chair)

"I am Dougal Urquhart, Chair of Colchester Natural History Society.

We're an active society that has been monitoring and surveying wildlife across north-east Essex including Middlewick Ranges for the last seventy years – so we're older than the Essex Wildlife Trust. We have many very knowledgeable members in all fields of wildlife and habitat management including many county and even national experts within our membership.

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

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. **That flawed Stantec Report has already been critically pulled apart by the Midland Ecology Evaluation Report of February 2021.**

The Stantec Report made such a mockery of the richness of the Middlewick Ranges Local Wildlife Site, that members of the Society and the Essex Field Club subsequently carried out a number of surveys of the Ranges including myself. Thankfully we were allowed access this summer on a number of occasions inside the fence and we were grateful the MOD gave us a key.

All aspects of wildlife were surveyed. **We've been amazed that the Ranges have been found to support 1480 species of invertebrate including 167 species with a conservation status proving the site is far richer than Stantec stated. 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.** Nationally rare species include an amazing variety including spiders, wasps, bees, beetles, bugs, moths, butterflies and many others.

Assessing the quality of habitat for invertebrates, there are eight invertebrate micro-habitat assemblages in favourable condition. **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.** Existing surveys have only scratched the surface in finding out what's present partly due to the restricted access. Natural England have only recently been alerted to this latest set of data.

A reminder - Colchester City Council has made a commitment in their Local Plan Environmental Policy ENV1, (this paragraph omitted): “....to conserve and enhance Colchester's natural and historic environment, and to safeguard the Borough's biodiversity and landscape character.” and “....not to permit proposals for development that would cause significant harm to protected species and Habitats and Species of Principal Importance.”

This Lowland dry acid grassland is identified as a Habitat of Principal Importance and as an Essex Biodiversity Action Plan habitat. This vast area of acid grassland has been allowed to develop naturally over hundreds of years. It will never be replicated in a matter of a few years or even decades, while the suggested mitigation measures also spell destruction of neighbouring rich grassland habitats too.

Regarding the Local Plan, the society draws the Council's attention to the forthcoming Local Nature Recovery Strategy which will be in place by March 2025 – within 15 months and before the next five yearly review. This is a new duty on all public authorities to have regard to relevant LNRS. We ask the Council takes this on board and adds appropriate wording in their plan (about this new obligation to agree priorities for nature recovery).”

4.1.4 Andrew Wilkinson, en-Form Colchester (Projects Manager)

“Hello, my name is Andrew Wilkinson, I'm from en-Form; groups and where one of the environment groups on the Save Middlewick campaign.

Moment I'm going to reconfirm some of these things at the moment:

- Richard Martin told you about the RSPB letter; all of the Local Plan Committee members got a copy of that letter as did some of the planners. That goes into the public domain now, so tomorrow morning that will be out;

- We've also heard from the previous speaker that Essex Wildlife Trust is wanting to distance themselves from the Stantec report. The Stantec report is now old and out of date and has expired anyway. It also used a Biodiversity Net Gain metric that is not legal; they made up their own one. As from January as a planners will confirm they have to **use the Defra metric. That report is null and void now;**
- It has been brought to our attention that the mitigation land where they were going to 'recreate' the acid grassland is in itself an ecologically important site that has not been completely surveyed yet. To move it there... This would be an important site in its own right;
- The Local Plan: lots of laws are changing at the moment wrt. the Local Plans. There is a new biodiversity thing where you have to take into account the climate mitigation. You have the Biodiversity SPD; that's on the website. We'd like to ask the planners when the Climate Mitigation one is going to be ready, this has to be taken into account.
- Dougall just mentioned the **Local Nature Recovery Strategy**, this has to be in by March 2025, one year away. That's being worked on by Essex County Council at the moment, and has to be taken into account in your decisions.

All I really want to say at the end of the day is a number of councillors have come to us – in fact the majority have come to us, asking how we can get Middlewick Ranges removed from the Local Plan. So, what we want to do is work together with the council, the councillors and the planning department, regarding the technicalities of how we go about that process.

That's all I want to say really. We just want to get it out and will work to get it out; but we want to know what the procedure is.

(There's obviously the green and the blue Network Strategy that is going on at the moment as well, so you got various things that you need to hit under that, and are conversed with the planners direct on that as we having some confusion with it.)"

4.1.5 Dave Smith, Local Resident of Old Heath Colchester

"I'm here tonight as a resident; my house backs onto the firing ranges. Tonight, I'm here to thank Colchester's elected councillors that previously approved the Local Plan, for the proposals for housing to be built on Middlewick ranges to be built despite strong opposition – **I'm here to thank those who have now changed their mind.**

It's rare for politicians to admit they were wrong, and make a U-turn, and it pleases me in other people that some who voted for its inclusion in the Local Plan are now coming out and speaking out against it. For the MoD to now consider even more development than was originally proposed, is absolutely absurd.

Middlewick is not suitable for development for so many reasons which people have spoken about tonight already.

I'm going to speak now from a different perspective. My concerns are also about the **damage increased traffic will inflict on local residents and businesses.** There's been a number of accidents at the junction of Abbots Road and Mersea Road because of the volume of traffic in the area. Last Thursday, a 7 mile work-related journey from Old Heath to Frating took me 45 minutes. **The roadwork in this part of Colchester simply cannot cope with increased traffic.**

I've lived in this part of Colchester for almost 50 years, traffic congestion is on the increase; the roads can't cope with the traffic we already have. And it's no coincidence that the flooding at Haven Road has increased as more homes have been built, adding **pressure to the sewage works capacity** at Haven Road.

I would ask other councillors who are undecided at the moment, from all parties, please support the

withdrawal of Middlewick from the Local Plan. You have it in your hands to go down in history as the elected councillors that did the right thing.

A huge mistake was made including the development of Middlewick in the Local Plan; there is now a chance for the people who made that mistake to put that right. The MoD and the army have been welcomed in Colchester for many years.

But its pure greed leading the MoD policy to try and sell the land. My house backs onto these ranges. I want it to remain unspoilt as it is in its current form – in the hope that my grandchildren can enjoy it as I have. Colchester already has large areas that have become concrete jungles. **Let's preserve one of the last unspoiled areas of Colchester for the people of Colchester.**

Colchester councillors: you have a chance to make a stand. I've previously spoken out against this development; I was not happy with those who voted for it to be approved – it was **rushed through** in a panic to meet housing demand. But after a period of reflection, many have now seen it was a wrong decision. So, to all councillors I say this: **please make the right decision and take this out of the Local Plan.** Thank you."

4.1.6 Prof. Ted Benton FRES FBNA, Colchester Natural History Society, Essex Field Club & University of Essex

"I'm coming in rather late, and a lot of the points I wanted to make have already been made. So, I'll be pretty brief.

First thing I want to say, is having seen the advertising images that are being put out for the sale of this site, added yet another reason why we shouldn't destroy it. I mean it is a wonderful piece of landscape. I was actually moved by that image to think: 'what on earth are they doing?'

The main thing I wanted to say was really to argue that **Middlewick is irreplaceable**. And it's important to argue that and recognise that. It is irreplaceable for three reasons:

1. **It's a much-loved amenity space for citizens.** That's the explanation for why more than a thousand people objected to the proposal for it to have houses built on it. It's part of their lives. Part of their memories and it goes back generations, which brings me to the second reason why it is irreplaceable;
2. **It represents a very long association between Colchester and Colchester Garrison.** So, it has that link with the military for all those years; in fact I checked it out today, since the barracks were put in Colchester during the Crimean War. So, this has been under Ministry of Defence management for something like 150 or 170 years. That's important not just because it is a **significant part of Colchester's identity**, but it's also important – this is the third reason;
3. **Because that continuous management of the habitat, this large piece of land, is a reason why it has such a rich and complex biodiversity.**

And that is a key reason why the mitigation proposed by Stantec is completely inappropriate. Because that cannot be recreated. Something that has been managed in a suitable sensible way for more than a 150 years; you cannot replace the complexity of the wildlife, the soil bacteria and fungi, and everything else within that brief period of time.

It should never have been in the Local Plan. The reason it was I think is because the council at that time was I think radically misled by Stantec and also by an independent consultancy.

I think the evidence that has now been brought to bear which has been mentioned by my colleague, is sufficient to say that we have even more reason now to take it out of the Local Plan.”

4.1.7 Lisa Cross, Save Middlewick Ranges Chair

“Local Plan Committee. I’ve been here before. **We have now all of us heard further strong and unignorably compelling evidence that the Middlewick Ranges should not be built on.** This evidence not only refers to the rare habitat that’s been mentioned and the designated wildlife site Local Wildlife Site which is on – slap bang in the middle of – Middlewick Ranges, but also to the mitigation land which forms part of the buffer zone to the SSSI.

So the whole site is important. It’s an important habitat in its own right. This has been stated many times by ecologists and naturalists to this council. What also has been stated is that **you cannot recreate habitats by translocating ecosystems from A to B expecting a whole host of species, as we’ve heard over 1400 different species, you can’t expect them just to migrate to small, designated areas.**

That approach is both destructive and counter-productive with regard to nature and biodiversity. We have very kindly a statement here by a renowned entomologist and ecologist, Stephen Falk. He is one of Britain’s leading experts on pollinators, their identification, ecology, conservation and management, including acid grassland. And his statement which I will précis down, says:

“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. A grassland is a complex ecological 'community'... It is a grassland that often features a long historic continuity.”

To suggest that simply adding Sulphur can recreate an ancient soil profile... 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.”

This must not be allowed to happen. Fortunately for us here, today – there are viable and potentially lucrative alternatives to building houses on the site, which can both boost nature and heritage. We can avoid the worst possible outcome.

Save the Wick campaign and its associated naturalists and ecologists we’ve heard from this evening; we are willing to work with Colchester City Council. We look forward to helping you become a leader in providing rewarding imaginative biodiversity projects.

We also invite you, councillors and officers, to come along to a specially organised naturalist led walk across the Middlewick. To hear first-hand what will be irreplaceable you lost if the housing development is pursued.”

Full Statement by ‘bee expert’ Steven Falk, 11th December 2023

Here is the statement from Steven Falk FRES, 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.

“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.”

4.2 Have Your Say 11.12.23: Visiting Councillors

(Visiting Cllr Lilley at 6 minutes, public speakers at 23 minutes and Cllr Harris and other visiting Cllrs from 47:50: <https://www.youtube.com/watch?v=xYA6ApFZEnA&t=360s>)

4.2.1 Councillor Mike Lilley

“Thank you chair for allowing me to go first. Good evening everybody.

I think that Middlewick Ranges is very contentious and has been for some time, but what worried me a lot was the latest statement by the MoD and their so-called added extra land onto what they wanted to build on already, and to me that rings so many alarm bells when developers say this. And MoD are a developer in such that – they don't build houses, but they sell the sites for building.

So it leads me now to have a complete change of view, and the fact that we now need to remove Middlewick Ranges from the Local Plan. I don't trust what the MoD say, what they come up with in the future; but we need to protect all that grassland. And the sooner we do that... it's actually moving closer to the East Donyland Woods now, and that worries me as well. Will that go in the future? Will they just suddenly add that on as a by chance? And then all of a sudden after they build a thousand homes, if they get permission, 'oh, we've got a bit of land here let's go for this one as well, shall we?' And to me it's gone far too much now – the protection – as to we need to tell them the story: that it needs to be removed from the local plan.

It needs to be given to the people of Colchester as a nature reserve, and we as a council who declared Climatic Emergency, improving air quality around the town instead of concreting out over all that grassland,

get rid of all that wildlife, we need now to put in thousands of trees* and turn it into a **proper nature reserve for the people of Colchester and the people of Old Heath and The Hythe who walk every day and would lose that.**

It's gone now from beyond providing homes, and they won't provide affordable homes and none of us can afford affordable homes anyway, the reality as such they're not council houses. I don't trust them, it needs to be removed from the local plan and we need to have a nature reserve in there now. Keep the wildlife where it is, they've lived there for some time. **Who are we to suddenly transport all that wildlife to somewhere else?** We wouldn't do it to humans – **let's protect the wildlife, let's protect the grassland the trees and let's protect the Wick from development now.** Thank you."

[After the speech Councillor Lilley spoke to another speaker, a well respected naturalist, who informed him that planting a large number of trees would be detrimental to the sensitive acid grassland, which Councillor Lilley accepted.]

4.2.2 Councillor Dave Harris

"Thank you very much Chair. Thank you very much for allowing all the speakers today to come along and have their say about Middlewick. First of all, I want to start by saluting my colleague Councillor Mike Lilley for the words he said earlier on. He had it absolutely spot-on, he's absolutely right. We've campaigned for years to ask the MoD – the Government as it were – to take this site off the table and they haven't done that. Chair, I wrote to the right honourable Grant Shapps in early November when it first went on the market, and wrote to him on two grounds:

- 1) The lack of infrastructure in the area to support a housing development of that size and secondly;**
- 2) On the biodiversity and wildlife in that area and you've heard many speakers tonight eloquently say about the strengths of the arguments against building.**

Now, that letter was sent off – I have a letter back from Grant Shapps, I have it with me tonight; and the Defence Infrastructure Organisation states that – as far as they're concerned and as far as Mr Shapps is concerned – they are going to continue, with his Majesty's Treasurer's guidance, of selling this 'surplus land'. The they said they are actually **adding** a piece onto the land, they going to **extend** the piece – that's not in our Local Plan as we know.

My concern is that the infrastructure as we know it doesn't exist as I have said, and Mike Lilley has said: there's no community centres; there's no shops; there's no employment; there is not enough to support a housing development. There are no school places, there is no doctor's surgery places, there is no dentist surgery places that are available to serve such a community. The road network that Mike Lilley was talking about; this is absolutely right. You won't manage to put a road network of that size and infrastructure in there to serve that community.

On the biodiversity, as far as I'm concerned, all the speakers were absolutely spot-on tonight, I want to echo their sentiments: **we can't allow this to happen!**

As I understand it, and I've been here before chair as you know, I've been on this committee and said this and I'll say it again. The review process of this committee, I know it's on the agenda, that's going to be a factor here and we've got to use that review process to prove beyond a shadow of a doubt – and I believe we can, as you've heard from all the other speakers tonight – **we can do that using their evidence to demonstrate to the MoD that we cannot do what they intend to do.**

So, as far as I concerned, I was very disappointed in the Defence Infrastructure Organisations letter and Rights Honourable Grant Shapps' stance on it, he's been led by the Treasury, but Treasury and money is one thing. **We cannot and must not allow the fact that the government wants money from that site, to factor in what we want in our community.** This is not what we would like to do.

So, I would join Mike Lilley's call, and my call for a review to take that out of the Local Plan and make no doubt about it, ensure – we have the residents on side, you heard that tonight. I wrote the letter on behalf the residents chair, to Grant Shapps – because of all the people who lobbied us as six councillors, councillors Horns, Pearson, Smalls, Lilley and Scordis – were all in my mind as I wrote that letter.

As far as I'm concerned – let's take it out now and ensure that we don't go back to this in a future time. **Please back the call for review – and please take it out of the plan.** Thank you very much."

4.2.3 Councillor Fay Smalls

"I'd just like to thank all the speakers that have gone before me speaking on Middlewick. For people who don't know, I became a local councillor in May 2023, so I wasn't part of the original Local Plan, but this obviously become increasingly clear to me how important this issue is.

I'm speaking tonight to ask for Middlewick to be taken out of the Local Plan and be designated as a nature reserve for the benefit of local residents, the wider community and ultimately preserve this unique environment for future generations.

As I've already said, I wasn't part of the process that saw Middlewick included in the Local Plan, but I do understand it was controversial from the beginning. I don't want to overly focus on what happened before as I'm sure at the time everyone was doing what they felt was best, possibly with damage limitation in mind. **We are now, however, at a point where we are reviewing the Local Plan and there seems to be an increasing consensus that Middlewick should not be built on.**

I believe it's a strength to admit when things may have gone wrong and then try and rectify the situation. The Local Plan Review seems an excellent opportunity to do just that.

In the document pack that the committee members have tonight, on page note 28, it is noted that one of the outcomes from a recent workshop on the Local Plan revision was a desire to protect areas of ecological importance. It's increasingly clear that Middlewick is such an area.

I listened to Martin Pugh, who is a Senior Ecologist at Essex Wildlife Trust raise his concerns to the Environment Panel last week. The Local Plan stipulates that any development on Middlewick should have a 44% Biodiversity Net Gain. However, this can't be achieved on a compensation site elsewhere. I've long had concerns about the viability of this, but not being an expert, I didn't really know what to think. So, listening to an expert and – in fact – listening to people who have been speaking tonight, it seems increasingly likely that **if this unique site is destroyed it cannot be reproduced elsewhere.**

Over recent days I've been speaking to residents who live close to Middlewick Ranges, and as they have been aware that site is now up for sale there increasingly worried about losing this precious green space. The flats at Abbots Road do not have gardens and they don't have balconies. What they do have though at the moment is proximity to a unique area of nature that can be freely accessed.

So, my ask is, let's look at this again and campaign as a council for Middlewick to be designated as a nature reserve."

4.2.4 Councillor Martyn Warnes

“Thank you Chair. I find myself, as previously said, coming to this late. As a counsellor with a surname beginning with W, to another counsellor with a surname beginning with Y, much has been said by the time you get to have your say. So therefore, I’m not going to go over the comments I understand and take on board what an awful lot of those comments have said.

We find ourselves reviewing the Local Plan that many of us feel that we’ve only just settled. But here we are doing it again. **And during that process much has changed.**

And indeed, one of the flaws of the planning system as I understand it (and it can’t be any different because the costs and the local government would be huge), is that once the landowner puts a site forward, we are **reliant on them to provide the evidence for the council to consider. And we found shifting sands all through that process.**

In the Assessment Criteria within any area of a Local Wildlife Site, **National Policy Framework encourages the protection and enhancement of biodiversity.** We now end up in a situation where some really good arguments have been made and I, like Councillor Lilley, like Counsellor Harris, have been spooked by the MoD repeating what they did during the Local Plan; which was to **bring forward a site at the 11th hour**, once a council consultation had actually been published.

And here they are again wanting to increase the size of the site. That does undermine people’s ability to take them at their word, and it also brings up a point that I would like to add to the conversation – is that you have **two distinct parcels of land**. You have a ‘growth area’ which is called Middlewick Ranges, that has been put into the ‘growth plan’, and you have part of the existing MoD training area. One is north of Birch Brook, and one is south. They effectively have overlapping boundaries, because you have two distinct parcels of land. And therefore, if you look at the process that you have got before you tonight and am item 8 on page 61, paragraph 3.14, in situations where two or more distinct sites or broad locations overlapped, they will be assessed together as a whole.

So, it strikes me, that there is an **opportunity to consider whether there is an argument to actually review the whole of Middlewick ‘growth area’**. And it’s also pointed out on item 8, page 72, Assessment Criteria, **within any area of the Local Wildlife Site, then National Policy Framework encourages the protection and enhancement of sites of biodiversity.**

If you look at that criteria, it’s either likely attract a **red flag for over 50% of the site** or an **amber flag for under 50%**. So again, I don’t want to go over what’s been said, we are at a stage where I think many of us have realised that Middlewick does have ecological importance and we need to take a second look at this.

And it’s up to us to find the tools to be able to do that as many others have found the way that recent, certainly the last decade of planning policy, has been handed down by central government, is pitting councillors against local communities at a very local level. And I look forward to a time when there is some sanity bought back into the planning system, and New Town legislation is looked at once more.

The provision of housing can be provided at a more strategic level. And don’t forget providing housing need is not **all** about affordable housing, important as that is. We’ve also got to provide a mix. And if this piece of extra land is to be used, as my colleague Councillor Harris says in a letter from the defence minister, to be used as a woodland buffer between the current training area and the Middlewick growth area, I too share fears that we could be **looking at this all over again** with another parcel of land brought forward.

I think there is an argument in saying: let’s see whether we need to review the allocation, take control and decide what goes there on behalf of the community. Communities that we all represent.”

4.2.5 Councillor Martin Goss

“Statement from Councillor Martin Goss. I am unable to attend tonight due to a prearranged Santa Run in Mile End with the roundtable. However, I appreciate the committee allowing this statement to be read out.

Middlewick Ranges has caused much distress and controversy since being mooted for sale by the MoD. It has also been used as a political football which of course doesn't resolve the worries or concerns of residents locally or more widely in Colchester.

The MoD have now decided to sell **even more** land which opens a risk to even more housing on the site, roughly another 700 at least. **It is time to take a fresh look at Middlewick and see whether the whole site can be removed legally from the Local Plan**; or amendments made to ensure that all the remaining land not designated for housing is added as a Country Park or protected wildlife area only.

This would afford the majority of the site protection in perpetuity including any new land for sale. Ultimately, no housing on the site would be the ideal goal. But as a minimum we must protect the whole of the site and ensure it is added as protected land in the Local Plan.

The Local Plan is there to protect areas we do not wish to be developed by the back door, and now we can start to consider a review of the Local Plan within the five-year period. Removing Middlewick should be our ideal goal, the fallback position of ultimate protection for the majority of the site. This would stop the MoD or future developer trying to come back with another desire for 2500 houses as opposed to 1000 or adding a further 700 on the newly included land. The time is to act now.”

4.2.6 Councillor Andrea Luxford-Vaughn (Portfolio Holder)

“Some of you may be aware that the MoD has recently put the site at Middlewick up for sale, and that the sales brochure is now in the public domain. In the sales brochure, the allocation is bigger than the land that is shown in the Local Plan, and therefore what is covered by our Local Plan policy. Obviously, the MoD are entitled to sell whatever land they wish, and we have no control over that. But to be clear, there has been no dialogue with the MoD regarding the marketing of the site or the inclusion of the additional land beyond that of the allocated site within the Local Plan. Officers have had meetings post the adoption of Section 2 to encourage the MoD to revise the allocation in order to best safeguard the area of greatest ecological value, **but these discussions were unsuccessful.**

The Council also has no influence over who the developer will be what the timescale is involved in developing the plot. The Local Plan allocation and policy requirement set out in policy SC2 will continue to apply to any proposal at present time despite the increased land being marketed. We do have a robust policy linked to a very strict land allocation shown on the policies map. Any deviation from this would not be successful unless a developer provided conclusive evidence that a scheme would meet strict ecological requirements set out in the plan. Therefore, we should be reassured that **if it doesn't meet policy, it won't get built**; regardless of what is in the sales brochure.

Although I fully accept the limitations of mitigation and I personally think net biodiversity legislation is not fit for purpose, we are no worse off than when the council first adopted the plan. Any developer will need to negotiate legal agreement for both of these policy-determined elements and we control that process **by being able to refuse planning permission.** It is worth pointing out, though, that the exact location of any mitigation site is not set in policy.

A Local Plan could take account of any new evidence submitted and therefore the council has agreed and budgeted to appoint an independent ecological specialist to do further work on the site. The brief was drafted following advice from Natural England and, in response to feedback from ecologists, it was amended to extend the survey. We also asked Colchester Natural History Society to recommend suitably qualified ecologists who have now requested that the survey area is increased to align with the site area now being marketed for disposal. This work will involve information gathering throughout the seasons and is anticipated to supersede previous studies that were criticised at the Section 2 hearing.

It is also relevant that ecological survey data is time-limited, which for most – if not all species updates from the earlier evidence, is required in any event. This evidence will then make the policy, via the Local Plan Review, stronger in safeguarding ecology. The appointment has been delayed slightly because of discussions on budget allocations, but someone is engaged with a view to commencing work in the near future.

At this point in time, I'm unable to confirm who that is because those unsuccessful in the tender process have not yet been informed. The ecological work will feed into the policy requirement for the Master Planning for the site. This work can't take place until the developer has engaged with the council, so I can't give a time scale for that either. But the policy requires the Master Plan to be agreed with the council prior to submission of an application. Officers are committed to working positively with members of the local community and elected members and an engagement plan will be prepared. We have asked the MoD for an interim meeting to find out what they think the timescale may be. **They are yet to respond to us.**"

4.3 Have Your Say 11.12.23: Officer's Response & Further Questions

Councillor Tim Young (Chair)

"That's all the statements that we have. So I'm going to ask Sandra and then Simon to respond to all those points; but in particular the point that stood out to me and probably for most councillors, is the process of changes to the Local Plan, how that would work of course the decision to adopt the Local Plan made by full council not by the Local Planning Committee; so how that process works would be very important to people who spoke. Of course, the other points are no less important to. Sandra, if we start off with you and then move on to Simon."

4.3.1 Officer Sandra Scott (1)

Thank you, I'll try and pick up on as many comments that have been made as briefly as possible. Yes, firstly just looking at process; I think as it has been mentioned and everyone in this committee is aware, we have started a Local Plan Review and an item later on the agenda includes reference to the approach that's going to be taken to looking at sites that are put forward and the approach that we need to take in looking at allocated sites in the Local Plan Review.

It's important to say that right now it is premature to consider any site-specific matters which may be relevant to the Local Plan Review. The opportunity to consider site allocations will **follow further evidence updates** and a full assessment of all the sites and the strategy will follow from that Local Plan. Any sites that are allocated in the current Local Plan which haven't got planning permission, need to be considered at the appropriate time **as part of the Local Plan Review, in order to consider the latest evidence and deliverability.** We can't simply roll forward and implemented sites that are allocated in the current plan without because the test of deliverability and suitability for the overall strategy will need to be revisited at the appropriate time, in the Local Plan Review.

In terms of process, any look at this site needs to fall into the biggest picture of the Local Plan Review, the evidence that will need to be done and is being done to inform the whole. On all subjects not just ecology but all matters that will inform strategy, the numbers, all the evidence and constraints and opportunities that the whole Local Plan will need to face; and the site at Middlewick if it is one of those that needs to be reassessed, will form – this is the opportunity for it to be considered as part of the bigger picture.

Obviously, take something out – it's like a big jigsaw – and you need to put something else back in. But we've heard everything and understand everything that's been said this evening. I don't have much more to say on process.

Just very quickly, in terms of where we are now, I think it's important to just restate, I think Councillor Luxford-Vaughn did say it, what is out there in marketing material for the MoD it is just that, it is not the proposal. It changes nothing, in the context of what is in the Local Plan – the Local Plan is an allocated site with a very vigorous policy that was examined and any proposal in the event that comes forward, whilst that policy is in place needs to be considered against that policy.

It's not unusual for landowners and developers to own land that is beyond the site size of an allocated site, so I understand the alarm bells and the concerns being raised about the MoD's site area not corresponding with the allocated site. But that doesn't say that this council has not considered a larger area of development, what is in the only part of it that has got any status or context in policy terms is a site that allocated and that goes with that.

Just looking at some of the comments on ecology, I think it's been said I think that the evidence that was prepared for the Local Plan examination; the merits or otherwise of this is not for this committee to go into that, that was presented at the examination with all of the good number of objectors challenging and interrogating that. **That was fully examined and has resulted in the Inspector confirming the allocation with the policy measures that were put in place to ensure that appropriate mitigation and the proper approach to biodiversity net gain is the policy ensures that this will need to apply when any proposal is considered.**

And likewise, really for all the other infrastructure, the traffic impact will need to be assessed and mitigated against, social infrastructure will need to be provided for adequately for the additional development; all of that is set out very specifically and thoroughly in the policy as it stands at the moment.

And just to confirm that we have very recently confirmed that an additional ecological survey for invertebrates and botanical survey is to be carried out in the by independent ecologists, I think as referred to in Councillor Luxford-Vaughn's statement; we have engaged in arriving who to appoint for that work with the Colchester Natural History Society who not only had sight of the draft brief but also recommended ecologists and we can't say who is appointed. That has resulted in an appointment that did come through that engagement with the Natural History Society. I think that's all I want to say at the moment, if there's anything anyone thinks I've missed I will try and cover it and Simon I don't know if you've got anything else to add?"

4.3.2 Officer Simon Cairns

"Not really a great deal to add, I think Sandra and the portfolio holder explained very thoroughly we have a very detailed site allocation policy in place, and all of those criterion would have to be met for any development to be supported on the site.

In terms of the methodology Sandra has explained and indeed we you a report coming forward this evening, the SLAR Methodology (?), **all of the allocations will be reviewed, and all of the Evidence Base**

will need to be refreshed particularly the ecological evidence which is now thoroughly timed out and a new Evidence Base will be required for assessment.

So, I think there's absolutely no need to panic, we have a very robust policy framework in place, and you have a methodology going forward as detailed in tonight's report, for that to be reviewed in due course."

Councillor Tim Young (Chair)

"Thank you, Simon, can I thank all the members of the public and visitor councillors for their contributions tonight. The first two items on the agenda are about the Colchester Local Plan Review, so you may wish to start with those. I'm going to start with Item 7; it's 15 minutes before our first break. So, we will start with item 7, which is the Colchester Local Plan Review proposed vision engagement and progress update, and that's back to you Sandra to introduce a report."

4.3.3 Officer Sandra Scott (2)

"Following on from previous reports to the Local Planning committee in August and October work is progressing with the Local Plan Review with the focus of creating a better environment. In accordance to the iterative approach to issues and options agreed by the **committee consultation is underway on the Green Networks and Waterways.**

A vision for the Local Plan Review is required to provide **high-level principles** upon which the plan is based. To be effective the vision should be focused and specific and genuinely shaped by communities as well as being informed by the stakeholders and baseline evidence.

To inform the initial work on the vision member workshop was held the feedback from which is summarised in the report at paragraph 5.7 and 5.8, I think and in Appendix A. Members were asked to consider the best things about Colchester as a place and the best opportunities for Colchester up to 2041. A similar workshop was held with officers planning officers with key points summarised in paragraphs 5.11 and 5.12 in the report.

The discussion that both member and officer workshops demonstrated how intrinsically linked key themes are. This will be important in defining vision and objectives within need to ensure that these links are effectively recognised. As indicated, it's important that the Local Plan Review vision is **genuinely shaped by communities and stakeholders.**

Building with the engagement of members and officers, is proposed to engage more widely with community and stakeholders in the New Year. It is recommended that this engagement be online and that all are invited to answer the three questions:

1. What three things you like best about Colchester City, the local authority area, as a place?
2. What you think of the most important opportunities for Colchester looking ahead to 2041?
3. What three things would you most like for Colchester to be known for in 2041 and beyond?

This committee has asked to agree in this engagement to commence in the New Year. The report also summarises other progress on the Local Plan Review, and a report on the strategic land availability assessment is included in the next agenda item. Future reports will update on Call For Sites and other themes and issues and options.

Work on the Evidence Base will continue into the New Year including on housing and employment needs, infrastructure, environmental considerations and sustainability appraisal to help inform the preferred

options in the Local Plan Review. I think that's probably all I want to say; I'm happy to take questions. Thank you very much."

Councillor Tim Young (Chair)

"Thank you, Sandra, any questions – remember we are focusing here on the vision engagement and programme update, the next point is on the coffer sites and the SLAR (?). So, on this particular issue Who have we got? Councillor Dundas, councillor Pearson and Councillor Burrows. In that order please."

4.3.4 Councillor Paul Dundas

"I'll be brief, this might crossover with the next item as well as a previous item. This is a review item.

One thing perhaps you didn't make clear in your answer to some of the members of the public, is a question – I think the chair raised it actually – is the practicalities of removing a site in the review.

Now if a site is removed because we choose to do so, what **potential if any liability** does that leave on the council as part of this process? What I'm basically saying candidly, that if we took Middlewick for example out of the Local Plan – the allocation out – because we decided we wanted to and it's either been sold or the MoD then see a massive reduction in its value; if we then don't have a good reason for having done so are we liable basically to be sued? Or something similar."

Councillor Tim Young (Chair)

"I think that's probably more the next item, but I will let you ask the officers; because I did raise it as well, and I think it was a decision of Full Council – it will presumably have to go back to Full Council, if such radical changes are made to the Local Plan. Can you just confirm that please Sandra."

4.3.5 Officer Sandra Scott (3)

"I think, apologies for not answering it clearly, I think what I was trying to say an answer that last point in a moment, because putting the Local Plan Review, will end up with a new Local Plan and as everyone on this committee knows everything in the Local Plan needs to be evidence-based.

So if by going through the process of the Local Plan Review looking at everything in the round, looking at all of the new evidence, **that leads to a Local Plan that removes Middlewick** and has housing allocated where ever it is allocated for whatever their needs are that we need to accommodate; then that will go through a process that will need to be evidence-based and justified and then the decisions would need to be made in the same way; and end up at an Examination where all parties would have the opportunity to put in their representations which will be heard at an examination to then finally end up with a plan that hopefully we would then be able to adopt which would be a Full Council decision.

I don't think because we already at the stage we've restarted the Local Plan, doing something independently at a different pace on Middlewick alone doesn't seem to have any justification and I think the timescales, because of the need to Evidence Base it and because were already there and we are already starting, we need to go through looking at: your strategy, your numbers, the consequential impact like the domino effect; I don't think we're looking at doing something, well as an officer the advice would be there isn't any advantage or value or particular justification to have that on a separate track. Because we've

already started the review and that's a more usual approach to go on with doing it anyway, and Middlewick will fall within the consideration through evidence as the council and the committee follows in the future."

Councillor Tim Young

"Thank you, I think your **jigsaw puzzle analogy earlier was very apposite and one we should always bear in mind**. Okay, I've let the genie out of the bottle are not going to try and get it back in, so will carry on in this tack. Councillor Pearson please."

4.3.6 Councillor Chris Pearson

"Thank you Chair. With regard to that last comment, I think Middlewick we have to see, especially based on what we've heard this evening from all the contributors, to Have Your Say, is a **unique part and site in the Local Plan, and given that the MoD has jumped the gun and is intending to market the site I think that we should at the very least be putting Middlewick at the top of the review process so that anyone who might – any organisation, any potential buyer out there – would do so at their own peril**.

I think we've heard so much this evening that suggests that there are legitimate reasons why we should never have included this in the Local Plan in the first instance, and I think we ought to just remind the MoD that the millions of pounds that it's the Treasury has actually gained from selling sites all over the city over the last few decades, you know in my ward in Berechurch you've got three new neighbourhoods plus Leafy Grove and Friday Woods that have been there for over ¼ of a century; so we should remind ourselves that **this is very much Treasury driven, it's not about doing the best for the residents of Colchester**.

From what we've heard this evening, this is a unique site that should be preserved for the residents of Colchester as a nature reserve in perpetuity.

And I think that we should ought to take the advice and guidance that we've been given this evening, plus our own study that will be taking place, and ensure that all of those are bought back to the panel as part of the review as a priority over everything else reviewed in the Local Plan."

Councillor Tim Young (Chair)

"Anything to add to respond to Sandra?"

Councillor Sandra Scott

(Shakes head)

Councillor Tim Young (Chair)

"No? Thank you. Councillor Burrows, your next."

Councillor Michelle Burrows

"Thank you. I just wanted to ask with regards to the consultation, how are you intending to engage with harder to reach communities. Who are you reaching out to and what kind of involvement would we be doing with these communities. I ask because I'm really concerned that harder to reach communities have time to input their voices and to be heard. Thank you."

5. Other Important Selected HYS Speeches 2021-23

5.1 Environment and Sustainability Panel, 06.12.2023

Link to meeting video - Alan Short at 19 minutes Martin Pugh at 26 mins (Councillors Lilley and Goacher in between):

<https://www.youtube.com/watch?v=bCfszXiYonU&t=1445>

5.1.1 Alan Short, Save Middlewick Group

“Good evening. My name is Alan Short, and I’ve lived in the City for 57 years. I want to talk about the continued inclusion of Middlewick Ranges as designated under the Local Plan for housing, for housing for a thousand houses. This committee was formed with great support four years ago, but by then the consideration of the ecology and sustainability of the Wick is a natural resource and of a biodiversity area, had already been decided. And on the basis of information that was produced then.

Since then, a whole new load of additional information has come to light from experts about the ecology, about the biodiversity, and the fact that we’ve learnt the green spaces provide a great help in people’s mental health in periods like the lockdown.

The Wick or the local plan is due to be reviewed, starting at the beginning of next year and I believe that this committee is a right body to consider the ecology and sustainability situation of the Wick and its importance to the future of the town as perhaps a designated area of Special Scientific Interest or as a **Country Park for the enjoyment of the citizens and preservation of this unique site of over 200 years of grassland.**

So, I’m asking the committee to do this to come up with a view – an independent view – independent of those who want to bulldoze the place down to build houses. We should know that the designated area has been exceeded by over 30% in the brochure that the Ministry of Defence is now putting out.

You might also like to know that the current Colchester MP, is probably currently as we speak or it might be tomorrow, is holding a debate on the Wick in Westminster Hall in the Palace of Westminster. So, this issue is very important, and I’d like this committee to take it on board.”

5.1.2 Councillor Sue Lissimore

“Thank you for coming tonight to speak. I wonder if we could add an item to the work programme please, to have a full report on the environmental impact of the Wick, and also to have a roundup of all the environmental reports there have been reports produced? Whether this is been by the council, defence or by concerned members of the public so that we have a full picture of the environmental impact of the building of the Wick.”

“I think I agree with Mr Short, it is a massive worry now that they say there is a 44% area of natural biodiversity on the Wick site and that for any planning application to come in the developer would have to find a similar site elsewhere. Which is crazy to move 44% of natural environment away from an area that should just be left alone. Basically, moving across to somewhere else.

I think that with the worry now that the MoD have now said that way want to extend the land under their application to further along to Birch Brook, getting nearer to Donyland Wood all the time. It worries me – can we trust people like this? Are they really going to stick to a thousand homes?

But this is an eco-and climate Policy Panel, why are we allowing the developer to come in to take away all that nature? 44% is a **huge** amount on there: biodiversity – why are we allowing this as a climate economy? **...to take away all that to build houses on, and to destroy thousands of trees, birds, bees, moths - you name it, it's all in there.**

It's wrong, basically. I do believe now that the time has come to **remove it from the local plan** on the basis of its too good of a site to help with climate change, to allow it to be built on in the future. I'm agreeing with Mr Short, and I will be taking it further to that local plan next week."

5.1.3 Councillor Mark Goacher

"Yes, I'd endorse the comments made by both of our colleagues there, and what I'd like to ask is: whether the remit of this panel allows us to, maybe after we've heard the environmental reports, whether it allows us to make a any kind of formal recommendation to the Local Plan committee, if that's part of the remit of this panel? Thank you."

Officer Mel (?)

"A couple of things, thank you. As I'm sure you will appreciate getting an environmental report done is something that we will probably need to commission a specialist to do, so we can absolutely add it to the work programme. But of course, it would potentially require funding because we don't have any in an in-house ecologist, but that's not to say that we can't apply for some funding and get that piece of work done.

Whilst also considering the other elements that have been raised. in terms of the terms of reference Matthew, we were looking at these a few hours ago, but I can't remember them of the top of my head. So, I believe it does allow us to make some upward recommendations to Cabinet and to Full Council, so that is something we could consider as part of this piece of work. So absolutely, at your request it can be added to the work programme."

Alan Short

Thank you, I'd like to just indulge you for a little longer, because I have a colleague here who knows more about the environment of the Wick and about its flora and fauna. So he's the other person is coming to Have Your Say.

Councillor Tracy Arnold (Chair)

"Thank you, Mr Small. And next we have Martin Pugh. Thank you, you get three minutes; the bell will ring after two."

“I’d like to endorse what Alan and the councillors have said, they made some really excellent points. So excellent in fact that, they’ve covered most of my points – I can probably home now. I’d certainly like to endorse those important points; it’s such an important site.

I’ll introduce myself very quickly, I’m Martin Pugh, I’m a senior ecologist at Essex Wildlife Trust for their consultancy and have been for 18 years. I’ve seen a lot of sites in those years – I’ve also done a lot of Local Wildlife Site Reviews, and seen over 100 local Wildlife Sites across Colchester, Tendring, Maldon et cetera.

Middlewick Ranges is one of the most important, biggest and significant Local Wildlife Sites that I am aware of in the county, and in Colchester it really looms large, doesn’t it? When you look at an aerial photo and zoom out. You’ve got these big green spaces: you’ve got Highwoods in the north, and then you’ve got the Cemetery, Lexden; and then in the south you’ve got the Roman River Valley SSSI and Middlewick Ranges. And that corridor is and incredibly important corridor for wildlife to move from the SSSI, from the Colne marshes through Colchester through the cemetery into people’s gardens. Almost like a big steppingstone.

So, it is incredibly concerning to hear of the plans; in fact the more I’ve heard the more concerned I’ve been. In particular the veracity and the legitimacy of the reports I’ve seen, and the fundamental data. At its core it is built on really a very flawed concept. There is a scientific consensus, if you ask anyone else other than those involved – from the Colchester Natural History Society, Essex Field Club, to Natural England, to local recorders, county recorders, national experts in Hymenoptera – little burrowing bees – you get the picture. **There is a consensus that irreplaceable habitats can’t just be recreated.**

And the concept that you can just plough up grassland which in its own right is really valuable – I drove past the compensation site a couple of days ago and it’s full of **tussocky grassland that is going to be crawling with reptiles, and voles and any number of invertebrates; as far as I’m aware there have been no surveys, no wildlife surveys of that compensation site. The ‘sacrificial lamb’.**

What we’re talking about here is a comprehensive destruction of not one but two ecosystems. The grassland and scrub mosaic at Middlewick Ranges, and then this sacrificial site. Which is now actually much more interesting than it was two, three, four years ago. Nothing in nature is static, things change we have a **huge** volume of new information even since these reports, where there are significant criticisms of those, they’re out of date now; the metric has changed; we’ve got many hundreds of new records, including...

...I’d like to introduce to you, the **Necklace Ground Beetle. It’s the fastest declining brief beetle in the UK. We going to lose this beetle. One example of species extinctions. It is one of the 1400 invertebrates present in Middlewick Ranges,** likely present in the compensation site. And a friend of mine who has been surveying here for many many years, has said that not only the destruction of Middlewick Ranges threatens this and many other incredibly rare and valuable invertebrates; we are talking about kind of our local rainforest if you like – **the adding of sulphur using an experimental, unproven techniques on the compensation site threatens that ecosystem as well.**

So, I’d like to echo what Alan said; just finally, **we need a review of the data, we need to go back to the drawing board, we need to take this huge mountain of evidence and volume from local naturalists and national bodies in nature organisations and take that seriously. Because ignorance is no longer an excuse.**

Final point. **A development in Lawford was thrown out a couple of years ago.** They had a done deal with a very corporate consultant who gave them advice; they didn’t consider the data from local naturalists. Because of that reason it went to the Inspectorate, they eventually – after huge investment of the developer, it was a huge loss – they threw that out. They chucked that out at the enquiry because the data

that was available at the time – and found out later that the Lunar Yellow Underwing Moth, a very rare moth, was disregarded by the consultant.

We know we've got enough data to challenge the evidence of three or four people, and a review would be very valuable."

Councillor Martin Goacher

"Yes, just to add to that – I think you're right; we need the expert advice. The reason I say that is that I went to one of the consultations on Middlewick early on in the process, and there is an ecologist there from the MoD who told me that you could move badger sets. Basically, dig them up and move the badgers to another part of the area. And everyone's told me that that's impossible. SO, I think it would be excellent if we could do as a council and listen to the suggestions and have the experts advice and consider it in this Panel. Thank you."

Martin Pugh, Senior Ecologist

"I'll very quickly respond to that; I think you've raised a very important point. **That we are living in an age where we commodify nature, and the development pressure – things are replaceable, and movable. So were talking about moving badgers, moving reptiles, moving entire ecosystems that take many hundreds of years to establish.**

That mindset in a Biodiversity Crisis, a Climate Crisis, and the nature Emergency – is incredibly dangerous. And I think future generations – our children – will judge us very harshly if we dispend with and destroy these incredibly valuable wild spaces. And that's permanent. It's over.

Thank you very much."

See also Local Plan Committee HYS April 2023:

[Colchester City Council Local Plan Committee Meeting 03.04.2023 - YouTube](#)

5.2 Local Plan Meeting 6th February 2023

[Colchester City Council - Local Plan Committee 06.02.2023 \(youtube.com\)](#)

(Also, Richard Martin and Sir Bob Russell – see quote below)

5.2.1 Richard Kilshaw MCIEEM, Senior Ecologist

“Firstly I’d like to congratulate Council on producing the Biodiversity Supplementary Planning Document: And agree - to quote from it: “We are in a climate and ecological emergency”... and... ”the time to act is now!”

And just a quick reminder – 2030 is only 7 years away!

As well as emphasis on habitat creation, it also contains obligations to conserve, enhance and retain existing biodiversity– & we really do need to prioritise ‘turning off the tap’ of biodiversity loss rather than ‘feel-good’ tree planting schemes.

If adhering to the legislation, principles and policies set out in this Bio SPD, it’s difficult to see how any development on Middlewick could possibly satisfy these criteria I’m pleased to say. The MoD ecology report responsible for the sites’ last-minute inclusion into the Local Plan certainly would not: no PEA, it ignores the mitigation hierarchy, and its’ BNG plan is a nonsense – it undervalues the site, has no assessment of the build footprint, and it’s habitat compensation plan is based on different ecological conditions so would not work.

So, although still in draft stage, can we rest assured that the positive direction of this document will be applied to all Planning applications from now on?

We are all aware of the overloaded road network and associated poor air quality suffered in some parts of Colchester including Mersea Road. So, the Clean Air Bill currently progressing through parliament. This presents further significant challenges from the proposed additional 1-2000 houses and 2-4000 traffic movements per day – to expect people to cycle or walk is worthy but unrealistic.

The loss of essential open space for exercise, health and well-being, will also be detrimental: the removal of range fencing, that has only recently curtailed public access enjoyed for generations, will have little impact on the current landscape value and wide open space feel of the site when compared to a housing development, and bring about a massive increase in user pressure that will degrade what’s left including the skylark nesting areas and rare grassland habitats.

The high rate of decline of established natural grasslands is well known, but often overlooked is this habitat’s significant value for carbon storage -a further obligation. Huge amounts of organic material are locked within the soil microbiome: the root system, humus, fungi, bacteria, microfauna in addition to the more obvious plants and wildlife.

Finally, now Govt have dropped their unpopular housing targets many councils are scaling back their plans for new homes. Rightly so – local councillors that represent and have to answer to local communities are always better placed than central govt at determining local needs and quality of life.

So, with the 2 main drivers for Middlewick development removed, housing targets and the adoption of the Local Plan allaying fears of uncontrolled development, what’s now to stop CCC from revising the plan to remove Middlewick?”

5.2.2 Sir Bob Russell

(Selected passage)

“My message is for the elected members. Because **surely**, we live in more enlightened times than half a Century ago when Highwoods was saved from an awful development? The southern slopes were going to be a sprawling development from Turner Road all the way to Ipswich Road. And elected members took the decision they didn’t want that.

I would suggest the elected members today, in more enlightened times – where the environment is far more important – and we have Government utterances about protecting the environment and green spaces for urban dwellers; **Middlewick should never have been in the Local Plan to start with. And all the arguments are against it.** And the Government own this piece of land.

Middlewick is the wrong place for 1000 houses. It should be kept and used as a public open space as it has been for many generations. It would be a planning and environmental nightmare. It is up to elected members to take the lead – as elected members did half a Century ago, which gave us Highwoods Country Park.” ~ Sir Bob Russell

[Colchester City Council - Local Plan Committee 06.02.2023 \(youtube.com\)](https://www.youtube.com/watch?v=...) (for entire speech – from 17 minutes)

5.3 Local Plan Committee Meeting, 3rd October 2022

5.3.1 Richard Kilshaw MCIEEM, Senior Ecologist

“My name is Richard Kilshaw, I have a degree in Conservation Management, Biological Survey, and am a member of CIEEM¹.

I’m pleased CBC seek to appoint an in-house ecologist, and hope this will help to avoid some of the more contentious issues that have arisen of late.

However, it’s concerning that the role is within the Planning Policy team, whose objectives to meet development quotas, appear undeterred by independent ecological specialists: **Essex Field Club, Butterfly Conservation, Essex Wildlife Trust and even Natural England, as we have seen with Middlewick.**

Will you consider that this essential role should be independent of the Planning department and the pressures they are under?

Secondly, a FOI request established that correspondence from Natural England was received by Planning Officers on 28 June. This raised concerns that records for new rare and protected species had and were continuing to be recorded on Middlewick, and that Priority habitat within the site had not been fully evaluated.

However, it appears these concerns, from this Statutory consultee, were **not fully disclosed prior to the 4th July meeting that adopted the Local Plan**, despite being received five working days prior to that meeting.

Can you explain why this significant omission doesn’t undermine adoption of the plan, put at risk future development proposals due to the specific biodiversity interest of the site not being fully taken into account, and indicate a failure to demonstrate compliance with statutory duties and planning policy?

1 Chartered Institute of Ecology & Environmental Management.

Finally, the bonfire of regulations proposed for the planning system by the new govt will undermine the extensive mitigation measures the Planning Inspector added in order to make this Plan sound, and no longer protect Middlewick's biodiversity and community values.

So, with the Local Plan adopted and spectre of a development free-for-all removed, and dwelling targets exceeded, will you review the Plan as soon as possible to remove Middlewick before it's too late, and so put CBC on the right side of history and the communities you represent?

I should add, discussion with some councillors indicated they would be voting to adopt the Plan to prevent uncontrolled development, but with swift revision to remove Middlewick in mind. This, and the high number of abstentions and 'no-shows' undoubtedly contributed to the final vote of 26 voting for the Plan while 24 didn't. Had the significant new information from Natural England been available to all, maybe it wouldn't have been passed.

And I've still to hear of anyone admitting that they want to see this site developed."

[411]

5.3.2 Sir Bob Russell

"Thank you, Chairman, it was only this evening that I saw the minutes of the meeting of the 15th August, page 7, minute 244, first paragraph, last sentence; it says that I felt that members of the border committee council should walk the site (Middlewick); in fact meant, members of the Local Plan Committee, that was of course Borough Councillors. Because to the best of my knowledge only councillors William Sunnocks and Julie Young have walked the site.

I'd like to follow-up the previous speakers, particularly the previous two (Richard Martin and Richard Kilshaw). What I've heard tonight does cause me great alarm. I await the explanation.

Chairman, can I ask – since the council voted for the Local Plan with 26 Councillors voting for and 25 Councillors for whatever reason not voting. So just over half the council voted for the Local Plan; and it is known that some of the 26 didn't want Middlewick included, but for reasons best known to the Labour Party and Liberal Democrats councillors were whipped to support that, so I'm told – please deny it if it's not true.

So, we have a situation where the good people of Old Heath and Monkwick are going to have a development foisted on them which the majority of Colchester Borough Councillors seemingly have not voted for. And that is itself quite alarming. But I'm going to ask you Chairman and the committee to do what Councillors and Officers did the best part of A Century ago at Highwoods. If it hadn't been for the lead taken by the Councillors then, the southern slopes of Highwoods Country Park would now be an urban nightmare development, sprawled across those southern slopes." ~ Sir Bob Russell

[CBC Local Plan Committee \(youtube.com\)](https://www.youtube.com/watch?v=v01MeEYgg_0)

https://www.youtube.com/watch?v=v01MeEYgg_0

(Richard Martin, Sir Bob Russell also speak from 14.10 minutes, see quote below)

5.4 Local Plan Committee Meeting, 13th December 2021

5.4.1 Rob Smith, County Butterfly Recorder, Butterfly Conservation

Have Your Say by Rob Smith, Butterfly Conservation County Recorder

“This year’s invertebrate studies have provided proof that the Middlewick Ranges site is of much higher ecological value than previously acknowledged by Colchester Borough Council and has at least five habitat assemblages in favourable SSSI condition. This value has been supported by Natural England’s Chief Scientist Directorate invertebrate specialist who states, “the site has merit in being considered as an extension of the existing SSSI”. This weakens the already-contentious mitigation strategy that has given higher Biodiversity Net Gain unit value to the mitigation lands than the existing historic grassland that has now been found to be in favourable SSSI condition.

It is increasingly difficult to see how the Council can continue to justify the inclusion of the Middlewick Ranges site within the Local Plan, alongside its commitment in policy ENV1 not to permit proposals for development that would cause significant harm to protected species and Habitats and Species of Principle Importance.

Minor Modification 47, paragraph ix, offers the post-development option of statutory designation as a Local Nature Reserve to the remains of the site PLUS the compensation land. This is highly unsatisfactory as it offers greater protection to the unproven compensation land, than the existing threatened acid grassland that has very high ecological value. Why can’t the current site be afforded this level of protection now?

In addition, Policy SC2 seriously undermines the Council’s environmental policy ENV1 that commits it to conserve and enhance Colchester’s natural and historic environment, and to safeguard the Borough’s biodiversity and landscape character. We believe Policy SC2 sets a dangerous precedent and gives a ‘green light’ to developers to put forward other registered Local Wildlife Sites for housing development. The Council will be less able to defend any such sites from development on ecological grounds, having already sacrificed its premium site, subjecting it to the vagaries of mitigation and Biodiversity Net Gain.

This year’s survey data from Middlewick gives the Council a very robust defence against any development of the site, enabling it to preserve its ecology and its amenity value for local residents. We therefore urge the Council to remove Policy SC2 from the Local Plan.”

5.5 Local Plan Committee Meeting 21st September 2021

[Local Plan Committee 21 September 2021 \(youtube.com\)](#) (from 36 mins)

5.5.1 Richard Kilshaw CIEEM (statement read by Officer Richard Clifford)

(Richard Kilshaw MCIEEM BSc. (Hons) Conservation management, PG Dip Biological survey and am full member of the Chartered Institute of Ecology and Environmental Management (CIEEM))

“The Inspectors extensive modifications to policy SC2 Middlewick Ranges makes clear that the allocation of this site for development was ill thought out, unsound, and reflects the community’s principal objections on transport, infrastructure, sustainability, landscape and ecological significance, and the increasing reliance on the questionable reliability of Biodiversity Net Gain (BNG).

The inclusion of a conservation partner, legal commitment to 30-year ecological monitoring amongst others constraints, will make the site less attractive to developers and possibly economically unviable. Clarification of 'up to' a 1000 dwellings, reduced further if traffic impacts cannot be addressed, should stop amendments to increase this number through a developer led viability assessment, although this may still be used to reduce the number of affordable homes.

Planning applications will struggle to achieve a minimum 10% BNG using the latest Natural England metric as recommended instead of the bespoke system used to shoe horn Middlewick into the Local Plan.

Full evaluation of protected species within the development footprint, which was ignored in the initial evaluation, and strict adherence to the 'Mitigation Hierarchy' should make clear that the arable land earmarked as compensatory habitat would be a better place for development.

Concerns still need to be addressed regarding the lack of a realistic time frame to recreate the acid grassland to be lost, and how the dependant wildlife is expected to survive until this matures. Recreating complex ecosystems is highly unpredictable beyond the most basic habitat type; altering the soil chemical composition in the hope that appropriate flora and fauna will colonise as these compensatory habitats mature, particularly given current declines and rarity of many of the original species, is optimistic, and unlikely to achieve any more than a pale shadow of the original.

Several councillors have expressed concerns regarding Biodiversity Net Gain, and it is important to note it was designed to support ecological expertise and assessment, not replace it nor viewed in isolation.

The climate emergency declared by Colchester Borough Council in 2019, and the associated biodiversity chaos is increasingly urgent, and our first priority must be to halt the decline. Planting trees isn't going to make any difference if as many saplings are to be bulldozed from the development footprint, and the loss of extensive semi-natural grassland which is also vital carbon store.

Previous debate and a narrowly lost vote to look at the feasibility of a Middlewick Country park was appreciated by those fighting the development and was seen as a sign that many councillors want to make changes to 'business as usual' in light of their new 'green' obligations.

I don't think anyone is looking forward to a 6-week consultation period but there are alternatives to the SC2 plan including to start again, which would not be as onerous as it sounds if Middlewick is removed."



Cerceris quadricincta – "A very rare digger wasp, with UK records from Essex & Kent only." (BWARS).

Current resident of Middlewick Ranges. Status: 'Endangered' RDB1 (Red Data Book 1 Species)