Dear Mr Clews

North Essex Authorities' Joint Strategic Plan Examination: Natural England Comments on the ICENI Documents, Marks Tey.

Thank you for the opportunity to comment on the documents submitted by ICENI in relation to the proposed residential expansion between Coggeshall and Marks Tey (also referred to as West Tey). We believe this is the first opportunity Natural England has had to review the red-line boundary of the proposed development site, which to date has been indicated on plans as a loose undefined boundary, and we welcome the clarification provided.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We would like to make the following comments in relation to the documents recently submitted.

Impacts on Marks Tey Site of Special Scientific Interest (SSSI)

As noted in our previous advice to the Joint Strategic Plan a small section of the existing Marks Tey SSSI is located within the area identified for proposed residential expansion. As a result of Natural England’s comments to the local plan, Policy SP9 has been updated to ensure protection of the SSSI. Bullet Point F21 of Policy SP9 requires the “Protection and/or enhancement of heritage and biodiversity assets within and surrounding the site including the SSSI at Marks Tey Brick Pit, Marks Tey Hall, Easthorpe Hall Farm, Easthorpe Hall and the habitats along and adjoining the Domsey Brook and Roman River corridors.”

Figure 29 in the Design Delivery Report shows the proposed development and phasing of the proposals. We note from this map that a very small slither (North west section) of Marks Tey Brick Pit SSSI is included within the proposed development boundary which appears to be allocated for residential development (Phase 4), rather than it being allocated as green buffer, open space or green space. Natural England is concerned that if this area is built upon with housing that it would have a damaging impact on the SSSI as it would render access to the geological interest as being effectively impossible. To ensure compliance with the NPPF we therefore advise that the red-line boundary for the development is changed to ensure the SSSI is entirely excluded from the proposed development site, and that a suitable buffer zone of open (unbuilt) space is designed-in for those areas sharing a boundary with the SSSI. This approach respects the NPPF “avoid, mitigate compensate” hierarchy, which firstly requires avoidance of impacts. A policy commitment in Policy SP9 to ensure that the area adjacent to the SSSI was defined as open space would ensure that the SSSI remains accessible for future study.

We cannot therefore yet agree with the statement in the Ecological Appraisal, paragraph 5.2.4 which states that the proposal will not impact negatively on the SSSI. From the information provided...
Natural England cannot discount that the development will directly lead to an effective partial loss of the geological interest. We also note there do not appear to be any proposed mitigation measures to address this impact.

**Impacts on geology outside of the current Marks Tey Brick Pit SSSI boundary**

Natural England also advises that the geological interest of the Marks Tey Brick Pit area extends beyond the current SSSI boundary. Although we have been aware of this potential, Professor Danielle Schreve (Royal Holloway University) has recently confirmed to us that following initial field surveys, evidence (hand axes and flint flakes) of human occupation (not currently on the historic environment record) has been found which indicates that this area is of geoarchaeological interest. Whilst further detailed survey work is required, Natural England wishes to advise you that these areas hold very high potential for Palaeolithic archaeology, which if realised, would be of international importance. Some details of the findings are reported on the WH Collier website. Other archaeological consultees may wish to provide supplementary comments, however we are uncertain what opportunity may have been afforded to them to review the consultation documents or the research referenced above.

The areas of interest lie within the fields to the west and north-west of (and outside of) the current SSSI boundary, however some of these areas of additional geoarchaeological interest lie within the red-line boundary of the proposed development area. We can provide more information on these areas as may be required. Natural England advises that in view of the potential for this site to hold additional geoarchaeology of such high importance, that any policies and allocations affecting the fields to the immediate west and north-west of the current SSSI boundary, are premised on the investigation and safeguarding of the interest found. This would be consistent with paragraph 117 of the NPPF which requires planning policies to “aim to prevent harm to geological conservation interests”. We also refer you to the relevant NPPF policies on the historic environment (paragraphs 9, 17, and in particular section 12 paragraphs 126-141). We highlight paragraph 126, where local planning authorities “should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.”

Any development of these areas would require thorough geoarchaeological survey work before proposed land uses can be assigned with due confidence in their deliverability. As indicated above, the poor reproduction of the phasing plans in the Design Delivery Report make it difficult to understand current intentions for this area, which we assume on a precautionary worst case scenario to be for residential (or other built) development.

**Impacts on European Protected Sites**

We disagree with the statements contained in paragraphs 5.2.7 and 5.2.8 which conclude that the proposals will not impact significantly on any European Protected sites. This is contrary to the HRA conclusions for the Part 1 Local Plan, particularly in relation to the Blackwater Estuary Special Protection Area. The report needs to make reference to the findings of the HRA and also to the Recreational disturbance Avoidance Mitigation Strategy (RAMS), which is being taken forward to address adverse impacts on a range of coastal European protected sites.

The HRA conclusions for the local plan in relation to the Blackwater Estuary SPA. The report needs to make reference to the findings of the HRA and also to the RAMS. In summary the HRA concluded the following:

1. The Appropriate Assessment stage concluded “In summary, population growth and increased coastal visitation as a result of the Shared Strategic Part 1 for Local Plans is likely to contribute to increases in both land based and water-based recreational pressures at the Blackwater Estuary SPA and Ramsar sites, which have the potential, in the absence of mitigation and avoidance measures, to adversely affect the integrity of the bird qualifying features as a result of the effects of disturbance. Mitigation will be required to ensure adverse effects can be avoided”

2. The AA also identified that a RAMS was required to ensure any adverse impacts could be avoided.
iii. *The HRA also recommended that* the provision of alternative natural green space and green infrastructure (GI) represents an important aspect of the overall mitigation required. To maximise the effectiveness of its role in mitigation recreational impacts on the coastal European sites, the design and management of open space and green infrastructure will need to be focused towards attracting those groups of visitors who regularly visit the European Sites. This primarily includes walkers and dog walkers.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. We re-iterate that we are keen to work with appropriate developers on the masterplan frameworks of Garden Communities through our chargeable [Discretionary Advice Service](mailto:).

For any queries relating to the specific advice in this letter only please contact me on 02080261725 or email me at sarah.fraser2@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Sarah Fraser, Senior Adviser
West Anglia Area Team