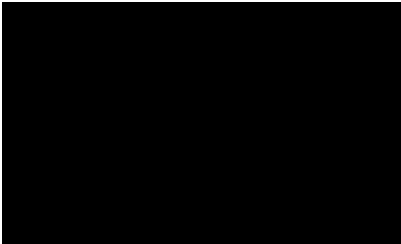


Mr Adrian Hunter
Lead Member of the Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol BS1 6PN

Mr and Mrs Cathcart



Your ref: PINS ref TR010060
Our ref: Interested Party number 20033024
Served via portal and email: A12chelmsfordA120@planninginspectorate.gov.uk

Dear Sirs

Submission to the Planning Inspectorate in respect of the proposed Cadent gas pipeline diversion near Witham (TR010060 A12 Chelmsford to A120 Widening Scheme – Gas Pipeline Diversion)

Procedural Deadline A – Written Submission – 3 January 2023

We write to outline our concerns on the ecological impact of the proposed routeing of the gas pipeline through the Blue Mills nature reserve and the adjoining strip of ancient woodland, *as illustrated on the uploaded map*.

We understand that ancient woodland is protected under the National Planning Policy Framework and that English Nature advises that negative effects on ancient woodland and veteran trees should be avoided whenever there is an alternative. An alternative exists in the form of diversion routes 1 and 3, which follow the current route of the pipeline along the A12, and which are also the National Highways preferred routes.

We question why a more ecologically damaging route has been chosen despite the considerable opposition voiced during the consultation, not only by ourselves but also others including the district and parish council, the Essex Wildlife Trust, other landowners and large numbers of the local community. We do not believe any of the issues raised have been addressed as a result of the consultation.

Of particular note is the objection by the Essex Wildlife Trust, whose informed opinion is the result of a number of site visits over the years and co-operation with the owners on conservation projects.

If this proposed diversion route were to go ahead as planned, a summary of our concerns is as follows:

- The current route would eliminate one third to one half of the entire nature reserve.
- It destroys one of our two rare female black poplars (the only two remaining in Essex), the which tree is also an Essex Wildlife Trust confirmed otter holt.
- It cuts across a strip of ancient woodland, including the tallest trees in which red kites raise their young each year.

The ecological impact of the loss of the specimen trees and mature woodland on wildlife would be severe, with the loss of a heritage tree of national importance.

- The amenity value of the Ishams Chase footpath, enjoyed by the local community, would be impacted, with the footpath's view of the woodland, and the enjoyment of the associated wildlife, being replaced by a clear view through to the A12. The woodland could never be replaced (tree planting is not allowed over a gas pipeline) so would be lost for future generations.

In addition to the issues above, notified during the consultation, we also wish to raise the following points for your attention at this stage in the proceedings.

1. We request that an Accompanied Site Visit be carried out by the Planning Inspectorate in order that the ecological value of the Blue Mills nature reserve and the impact of trenching along the currently proposed route can be fully appreciated.

The nature reserve is not accessible to the public but the owners would welcome a visit by the Planning Inspectorate team.

The map we have uploaded illustrates a suggested walk-around for our proposed site visit.

We do not consider the scheme proposal adequately takes the ecological value of the site into account for the reasons outlined in sections 1(a)-(c) below and we request that the Planning Inspectorate ensure that a full assessment of the ecology of the site be carried out and taken into account in the detailed planning of the routeing and method of laying the pipeline.

1a. Ecological surveys on behalf of Cadent are incomplete and were carried out *after* the diversion route was chosen and *after* the DCO application was made to the Planning Inspectorate and have therefore not been taken into account in the planning of the scheme.

No habitat and wildlife surveys had been carried out at Blue Mills, and few on the surrounding area, when the decision was taken to put forward diversion route 4. The surveys on our property were not carried out until July-September 2022 and as we understand that the report has still not yet been finalised.

Despite prompting we have yet to be notified of any habitat (National Vegetation Classification) or tree survey taking place.

The wildlife surveys were carried out by an in-house team of Cadent's engineering contractors, Jacobs, which naturally raises concerns as to independence and therefore reliability. We also consider the surveys to have been of a superficial nature and inferior in extent to the owners' 20 years on-site knowledge of the area.

In any case, the planning which was put forward to the Planning Inspectorate (in August 2022) necessarily lacks ecological survey information on the Blue Mills site.

This is despite the fact that the ecological value of the site, along with the presence of European Protected Species, was emphasised to Ardent from our earliest contact. We also communicated the fact that the nature area was being considered as a Local Wildlife Site. They were also informed promptly of the recent award of an Area Tree Preservation Order and of the recommendation for designation as a Local Wildlife Site. However, our comments have consistently been ignored and importantly, no indication has ever been given (prior to the route announcement) that this route was being seriously considered. On the contrary, comments were made to the owners of a neighbouring property that route 5 was the only viable option (the route put forward is no 4).

1b. The importance of the Blue Mills nature reserve and adjoining woodland has been formally recognised by being recommended for designation as a Local Wildlife Site. However, as this was made *subsequent to* the diversion route being chosen and the DCO application being made to the Planning Inspectorate, this has therefore not yet been taken into account in the planning of the scheme.

The citation is the culmination of the present owners' 20 year dedication to re-wilding the 6 acre northern half of the Blue Mills property, a site which mainly comprises wet woodland, one of the rarest habitats in the UK, and which is bordered by the River Blackwater for its one third of a mile length. The site is special in that the river embankment has, since its creation in the Middle Ages, trapped the water courses flowing downhill from the eastern flanks of the river, and created a permanently wet area, in addition to periodic flooding in times of high river flow.

Conservation work undertaken has included allowing previously added drainage to silt up and reed-bed to re-establish on what had been converted to horse pasture; planting several acres of native woodland next to the existing oak woodland; and planting new hedgerows and wet habitat specimen trees.

The site was quickly inhabited and frequented by, among others, European Protected Species such as otters, water voles and bats.

An otter now lives in the ancient riverside female black poplar, hunts in the river and rests in the reed-beds. Water voles from the existing nearby population on the River Walk at Witham

inhabited the riverbanks and watercourses in the reed-beds, and bats hunt along the wooded river corridor and over the surrounding area.

A breeding pair of red kites built their nests in the tallest oak trees and each year they teach their young to fly over the nature reserve and over the back gardens behind the house.

The Blue Mills nature conservation project was awarded a Commendation in the 2004 Maldon District Council Conservation and Design awards - Nature Conservation/Landscape category. The commendation stated: 'The judges were impressed by the restoration of this natural English environment attracting native species and wildlife to the area..' It was also recommended for designation as a Local Wildlife Site (LoWS) in the Autumn of 2022 (awaiting ratification). The details of the LoWS citation have been provided to you by the Council.

To better inform the Inspectorate of the nature of the habitat, trees and wildlife on the site, we have uploaded a short (1 minute 4 seconds) nature montage made up of photographs and nature-cam footage shot by us. It includes footage of the otter taken this year next to his holt.

We also briefly list below a sample of the wildlife which live and breed on the rich mosaic of habitats we have provided:

Brown long eared bat (roosting site)
(Soprano) pipistrelle bat (maternity roost)
Bat foraging site
Otter (otter holt, hunting and resting territory)
Red kite (breeding site)
Buzzard (breeding site)
Kestrel (breeding site)
Barn and tawny owl
Mice, vole, shrew (important food species for raptors such as kestrels)
Swallow (breeding site)
Kingfisher (breeding site)
Treceepeer
Waterfowl such as moorhen (breeding site), coot, little egret, heron, swan, cormorant
Nightingale and numerous other songbirds as evidenced in audio of the dawn chorus (*audio clip uploaded - duration: 20 seconds*)
Grass snake
Adder (breeding site)
Slow worm (breeding site)

1c. The importance of the Blue Mills nature reserve and adjoining woodland has been formally recognised by being awarded an Area Tree Preservation Order. However, as this was made *subsequent to* the diversion route being chosen and the DCO application being made to the Planning Inspectorate, this has therefore not yet been taken into account in the planning of the scheme.

The Area Tree Preservation Order was awarded in recognition of the national and local importance of the trees on the Blue Mills nature reserve, which are under threat from the gas pipeline diversion.

There are hundreds of trees on the Blue Mills property. Some date from the building of the main Georgian mill house in 1771, others are even older. There has been a mill on the site for centuries - Blue Mills is listed in the Domesday book - and the 40' deep well on site is similar to the one built by the Knights Templar at nearby Crossing Temple Barns.

The nature, number and historical significance of our trees was raised in our submission to the 2021 consultation, however, despite repeated promptings to Ardent, we are concerned that we have yet to be notified of any tree surveys being planned or carried out.

Blue Mills' trees include two beautiful ancient, nobbled bark, female black poplars. They are one of Britain's rarest trees and are believed to be the only two remaining in the county of Essex. They are sited on the borders of our nature reserve, one directly in the path of the pipeline.

Black poplars have formed an important part of our landscape and culture for centuries, from being landmarks and a focus for celebration, to inspiring the famous painter, Constable. They were an important timber tree for floorboards in earlier centuries which later fell out of favour, and the species is now endangered, with only some 7,000 males and 600 females remaining in the UK. The females are considered a nuisance by some because of the prodigious cloud of fluffy flower seeds they produce in Spring, a fact which may account for their rarity.

Blue Mills is also responsible for caring for a large number of other ancient specimen trees, of particular note the line of boundary oaks in the nature reserve which form Blue Mills' north-eastern boundary adjoining the ancient woodland.

The trees at Blue Mills are the tallest in the area and are visible from the surrounding countryside to some considerable distance. Their destruction would be a significant loss to the beauty of the landscape in the area and to the enjoyment of the footpaths which track closely along both sides of this 11 acre, one third mile long site. The nationally recognised, picturesque footpath to the east, which starts at Blue Mills, follows the bordering Ishams Chase, climbs and views the nature reserve from a high point, crosses ancient woodland and ends at Little Braxted, is particularly popular with the local community. If the gas pipeline were to be trenched directly through the mature oak woodland as is currently planned, the footpath would then look through a 20-30 metre wide strip of barren landscape directly onto the A12.

We have uploaded a short film scan of the view of the nature reserve from the public footpath so the Planning Inspectorate can appreciate how the loss of the trees would impact this valued public amenity.

2. We propose the following mitigation measures which would drastically reduce the ecological impact of the pipeline, should the proposed diversion route be pursued. These include deflecting the route to the very northern edge of the DCO corridor and extending the required tunnelling under the Blackwater for a further few hundred yards, as described below.

4(a) Our proposed route

Our proposed route would track through the 20 metre gap between our northernmost boundary (where the black poplar otter holt is located) and the confluence of the rivers Brain and Blackwater. It would succeed in bypassing the nature reserve, skirt north of the unspoilt section of woodland and avoid destroying the female black poplar otter holt.

This route is illustrated on the map we have uploaded.

We understand that part of this route has previously been used for a water main and therefore does not contain mature trees.

As the gap is too small for trenching machinery access, tunnelling would be required.

4(b) Tunnelling

Cadent has assured its core investors that, in line with ESG investment requirements, trenching would be avoided over ecologically sensitive areas such as the Blue Mills nature reserve. Similar verbal assurances were also made during a Cadent site visit to a neighbouring property, when a promise was made that no trees would be felled. We request that this commitment be made formally to us in writing and incorporated into the scheme.

Care would need to be taken to give sufficient clearance to the roots of the female black poplar commensurate with the large size of the tree. We request that we be allowed to inspect the protection offered to the tree prior to the start of any nearby works.

4(c) Timing

Natural England licences will be required due to the presence of our European Protected Species. These stipulate that no activity can take place during March to September. We request that we have sight of the required licences, receive an undertaking from Cadent that the terms will be complied with, and pre-approve access dates.

4(d) Future maintenance work

We request that an undertaking be made that future maintenance work would be subject to the same strict conditions as the original works to safeguard the ecology of the site in the future.

Invitation to the Preliminary Meeting

We will register to participate in the Open Floor Hearings following the Preliminary Hearing.

Yours sincerely,

Mark Cathcart MA(Cantab)

Anne Cathcart-Taylor BA(Hons), FCA

28 December 2022

Uploaded files

1. Nature film providing background to the site and illustrating its ecological value (*duration - 1 min 4 seconds*).
2. Short film scan of the strip of ancient oak woodland impacted by current proposals, as seen from the Blue Mills - Little Braxted public footpath (*duration - 7 seconds*).
3. Audio film clip of the dawn chorus on the nature reserve (*duration – 20 seconds*).
4. Map showing the current pipeline route and our proposed routeing which would minimise the ecological impact of the scheme. It also shows the route of our proposed Accompanied Planning Inspectorate site visit.

