

## **7. Nature Conservation**

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## **Introduction**

**7.1** Nature conservation deals with the protection and management of:-

- a) plant and animal species; and in some circumstances
- b) geological features and land form.

**7.2** It should be seen as an extension of the concept of sustainable development because, as well as ensuring that current levels of resources are maintained for the benefit of future generations, it is also concerned with enhancement of the natural environment.

**7.3** Effective nature conservation requires three approaches, which do not work satisfactorily in isolation from each other. These are:-

- a) protecting, managing and enhancing sites of recognised importance;
- b) implementing policies and land management practices which will help to maintain or improve the ecological value and variety of the District; and
- c) ensuring that proper account is taken of species which are protected by law.

**7.4** Inevitably these approaches involve issues which sometimes extend beyond the scope of the planning system. The Council intends to prepare a corporate Nature Conservation Strategy and will publish Supplementary Planning Guidance as appropriate.

## **Policy Context**

**7.5** Government guidance is given in PPG9 'Nature Conservation'. The main points are:-

- a) to emphasise a commitment to sustainable development and to conserving national wildlife diversity;
- b) to note the increasing significance of international law (especially EC objectives) and, in particular, the need to include policies encouraging management of important habitats;
- c) to highlight the importance of both statutory sites (e.g. Sites of Special Scientific Interest) and local sites (e.g. County Wildlife Sites) as long as identification of the latter has been based on adequate surveys;

- d) to propose a hierarchical planning policy approach which will reflect the relative importance of sites;
- e) to establish development control criteria, particularly for nationally and internationally important sites;
- f) to consider the implications for species (rather than site) protection;
- g) to recognise the importance of wildlife for local communities.

**7.6** Policies in the Structure Plan differentiate between National Nature Reserves (none in this District), Sites of Special Scientific Interest, nature reserves and 'important wildlife habitats'. They are generally reactive although proposals for new nature reserves will be encouraged. The importance of the inter-relationship of habitats is highlighted.

## **SITE AND HABITAT PROTECTION**

### **Special Protection Areas (SPAs)**

**7.7** The EC "Birds Directive" requires member states to preserve a sufficient diversity of habitats (the SPAs) for all species of wild birds naturally occurring within their territories.

**7.8** SPAs are designated by the Secretary of State for the Environment, Transport and the Regions using advice from English Nature. The Government is required to take appropriate steps to avoid any significant pollution or deterioration of these habitats, or any other similarly significant disturbance to the birds, except where there is an 'over-riding' public interest. Parts of the Lee Valley are currently proposed for designation - a formal recognition of its outstanding importance for waterfowl. One of these areas is within the District (the Royal Gunpowder Factory woodlands at Waltham Abbey) and one (King George's Reservoir) directly abuts the District boundary with the London Borough of Enfield.

### **Special Areas of Conservation (SACs)**

**7.9** These also originate from the EC (the 'Habitats Directive') and will be similarly designated. SACs include natural and semi-natural habitats and other sites containing species of Community importance. Member states will be required to take measures to maintain or restore such habitats and species at or to safe levels for conservation. The main area of Epping Forest has been proposed as a SAC although formal designation is not expected until the latter part of the decade.

**7.10** SPAs and SACs together are intended to create a network of key sites throughout the Community to be known as Natura 2000. The sites that will form the British contribution to this network will almost invariably be of national importance and will already have been notified as Sites of Special Scientific Interest.

**Sites of Special Scientific Interest (SSSIs)**

**7.11** SSSIs are designated by English Nature and are selected for their value in terms of flora or fauna, or their geological or physiographical (i.e. landform) features. The designation will include a list of operations which are likely to cause damage to the Sites - this extends well beyond any works which may require planning permission. Owners and occupiers are obliged to notify English Nature before carrying out any of the specified operations.

**7.12** In nature conservation terms, the significance of SSSIs cannot be overstated. Taken as a whole, these sites represent only the minimum diversity of habitats of identified value. Individually, each site makes its own unique contribution to the whole. Damage to, or destruction of, any of the sites must inevitably have consequences for the success of nature conservation policy at a national level. For these reasons the District Council will operate a very strong presumption against inappropriate development in or near SSSIs. As SSSIs are notified to all owners and occupiers and registered as local land charges, anybody wishing to submit a planning application will be made aware of the status of the land.

**7.13** The District currently contains 8 notified SSSIs. These are:-

- a) Epping Forest (including Wintry Wood, Epping; Garnon Bushes, Coopersale; Yardley Hill, Sewardstonebury; and Lord's Bushes, Buckhurst Hill);
- b) Hainault Forest (only partly within the District);
- c) Royal Gunpowder Factory Woodlands, Waltham Abbey (the proposed SPA);
- d) Roding Valley Meadows (between Loughton and Chigwell);
- e) Cornmill Stream and Old River Lea, Waltham Abbey;
- f) Hunsdon Mead, Roydon (only partly within the District);

- g) Turnford and Cheshunt Pits; and
- h) River Lee Diversion (a very small part of the Chingford Reservoirs SSSI).

**7.14** Planning authorities are now required to consult English Nature about proposed developments in SSSIs. The DETR withdrew permitted development rights for temporary recreational uses within SSSIs. Planning permission is therefore now required for war (paint-ball) games, motorsports or clay pigeon shooting.

**7.15** Proposals outside but close to identified SSSIs may also have serious repercussions. English Nature is to define 'consultation areas' around the most important sites. The Council will then be required to consult English Nature about development proposals in these areas.

**7.16** Three SSSIs abut the District boundary. These are Curtismill Green (near Stapleford Abbots); Hospital Wood, Harlow; and King George's Reservoir, Chingford. Two SSSIs are very close to, but do not abut, the District. These are Parndon Wood, Harlow and Rye Meads meadows and lagoons near Stanstead Abbots. The latter site is also a proposed SPA.

**POLICY NC1**

**THE COUNCIL WILL REFUSE PLANNING PERMISSION FOR ANY DEVELOPMENT OR LAND USE CHANGE WHICH COULD DIRECTLY OR INDIRECTLY DESTROY OR ADVERSELY AFFECT A SITE OF SPECIAL SCIENTIFIC INTEREST. THE COUNCIL WILL COMPLY WITH THE U.K.'s INTERNATIONAL OBLIGATIONS FOR THOSE SSSIs DESIGNATED OR PROPOSED AS SPECIAL PROTECTION AREAS OR SPECIAL AREAS OF CONSERVATION.**

**7.17** The 8 SSSIs notified at the time of publication of this Plan are shown on the Proposals Map. The policy will also apply to any SSSIs which may subsequently be proposed and designated.

**County Wildlife Sites (CoWSs) - previously known as Sites of Importance for Nature Conservation (SINCs)**

**7.18** Designation of sites for European and national purposes does not ensure that a minimum diversity of habitats is identified at regional, county or local levels. The Council is therefore justified in identifying sufficient habitats on a local basis to ensure that a local minimum diversity can be protected and maintained.

7.19 Essex Wildlife Trust has carried out and published a habitat survey of the District, using guidelines established by English Nature. The survey provides definitive information on the location of all remaining semi-natural habitats in the District and therefore complements the details of those sites already singled out for their importance at international or national levels. It enabled the Trust to identify CoWSs which are the best examples of semi-natural habitats and which represent the full range of such habitats throughout the District (and, eventually, the County). Policy NC2 applies to those CoWSs which do not have statutory protection.

## **POLICY NC2**

**DEVELOPMENT OR LAND USE CHANGE WHICH COULD DIRECTLY OR INDIRECTLY DESTROY OR HAVE AN ADVERSE EFFECT UPON A COUNTY WILDLIFE SITE WILL BE REFUSED UNLESS IT CAN BE DEMONSTRATED THAT THE REASONS FOR THE PROPOSAL CLEARLY OUTWEIGH THE NEED TO SAFEGUARD THE INTRINSIC NATURE CONSERVATION VALUE OF THE SITE OR FEATURE.**

7.20 The Proposals Map shows all the CoWSs identified by the Wildlife Trust from the survey in the early 1990s and from a partial re-survey in 1996 which both added and deleted some sites. It is inevitable that some habitats will decline in importance because of unavoidable changes of use or management. Other sites of value will also be discovered. The register of CoWSs will therefore be monitored and updated as necessary in consultation with the Trust. Within the context of these changes the Council considers that the protection of CoWSs is critical to the success of nature conservation policies at District and County levels. The policy will not apply to any sites which may be deleted, but will apply to sites which are subsequently designated.

7.21 It is not considered feasible to designate 'consultation zones' around each of the CoWSs but the Council will endeavour to ensure that the potential impact of proposals close to any of the sites is properly assessed. This will also apply to applications which may affect CoWSs abutting or close to the District boundary.

7.22 In determining relevant planning applications the Council will implement policies NC1 and NC2 by:-

- a) requiring an environmental statement in all cases where a statutorily protected site is affected and in those cases where other CoWSs may be adversely affected;

- b) consulting the appropriate body on the likely ecological impact of the proposals;
- c) taking into account the context of the designation of the site in relation to the reasons or justifications for the proposal;
- d) considering whether there are alternative suitable sites, of less wildlife value, available for the proposal; and
- e) considering whether there are other options which would significantly lessen or minimise the ecological costs.

7.23 There may be circumstances where the public need or justification for a development over-rides the nature conservation value of a site or feature. The Council, in consultation with other authoritative bodies, will need to be satisfied that no other more acceptable alternatives exist. On those rare occasions where the Council is obliged to grant permission for a development likely to affect a site subject to Policy NC1, provision to alleviate the loss will be required. The need to replace habitat protected by Policy NC2 will be decided by assessing:-

- i). the particular value of the affected site; and
- ii). the potential impact of the loss of the site on the total of the remaining stock of similar CoWSs.

## **POLICY NC3**

**IN CASES WHERE A COUNTY WILDLIFE SITE WILL BE HARMED BY, OR LOST TO, DEVELOPMENT, THE COUNCIL WILL EXPECT SATISFACTORY ARRANGEMENTS TO BE MADE FOR AN ALTERNATIVE HABITAT OF AT LEAST EQUIVALENT WILDLIFE VALUE.**

7.24 This policy will be implemented using appropriate legal agreements, in accordance with Policy I1. Creating or recreating habitats may necessitate using relatively large areas to ensure that established habitat can be adequately replaced in the long term.

### **Established features of local interest**

7.25 The retention of established habitat is almost always preferable to the creation of new or replacement features. It can take many years for

new habitats, however carefully designed, to settle and become colonised by appropriate local species and consequently to develop local importance for wildlife. For these reasons, the Council is keen to ensure that established features of local interest for nature conservation are taken properly into account when development proposals are being prepared and considered.

#### **POLICY NC4**

**DEVELOPMENT PROPOSALS WILL BE EXPECTED TO MAKE ADEQUATE PROVISION FOR THE PROTECTION, ENHANCEMENT AND SUITABLE MANAGEMENT OF ESTABLISHED HABITATS OF LOCAL SIGNIFICANCE FOR WILDLIFE. SUCH PROVISION MAY BE MORE STRINGENT WHEN THERE ARE KNOWN TO BE PROTECTED SPECIES EITHER ON THE SITE OR LIKELY TO BE AFFECTED BY THE DEVELOPMENT.**

**7.26** Habitats covered by this policy include, but are not limited to:-

- (a) semi-natural woodland - i.e. that which does not obviously originate from planting;
- (b) secondary woodland - i.e. areas not continuously wooded since 1600 and which have acquired tree cover on sites known to have been grazing land, open fields or heathland;
- (c) hedgerows and other natural boundaries;
- (d) green lanes, other public rights of way and road verges;
- (e) permanent pasture or unimproved grassland;
- (f) water meadows and marshes;
- (g) ponds and watercourses (including rivers, navigable waterways, ditches and streams);
- (h) disturbed or recently restored land such as gravel pits;
- (i) unused and semi-derelict land which is being colonised by scrub and other invasive plants;
- (j) individual features such as pollarded trees;
- (k) churchyards and allotments.

**7.27** The Council will implement this policy using appropriate planning conditions and by looking to

enter into legal agreements with the developer in accordance with Policy 11.

**7.28** The Wildlife and Countryside Acts protect named species of plants and animals from being intentionally killed, damaged or taken from the wild. The lists of these species are regularly updated. The Acts also protect the nests or places of shelter and protection of the named animals.

#### **HABITAT MANAGEMENT AND CREATION**

##### **Countrycare**

**7.29** Management of habitats aimed at maintaining or improving wildlife value and variety is an essential tool of nature conservation. The successful introduction of the Countrycare project in 1986, and its establishment as a permanent service, is an indication of the Council's interest and concern about this issue. Countrycare works with landowners, local Councils and voluntary organisations and individuals to improve public access to the countryside and to introduce and explain management techniques which are of benefit to wildlife and the landscape. The use of management plans for sites or individual tasks is an increasingly important part of the activities of Countrycare.

##### **Management of Council-owned land**

**7.30** The Environmental Charter indicates that the Council will be pursuing 'environmentally conscious management of land within its care'. Recent examples of this include:-

- a) the reintroduction of coppice management in the woodland adjoining Chigwell Row Recreation Ground and that part of Roughtalley's Wood, North Weald which is north of the former Central Line railway;
- b) management of Roding Valley Meadows (see para 7.31) and Linder's (Field, Buckhurst Hill to enhance their wildlife interest wetland meadow as and grassland respectively;
- c) the creation and management of a wet meadow and pond off Church Lane, North Weald which also acts as a flood alleviation scheme for the village.

##### **Nature Reserves**

**7.31** These can be established either by English Nature or by local authorities (after consultation with English Nature). The purpose of their designation is to promote study of the natural

features and to encourage their preservation either by agreement or by the use of bye-laws. The Council has exercised this power once so that, in 1986, the Roding Valley Meadows Local Nature Reserve was established. A management agreement with Essex Wildlife Trust was entered into and this runs for 21 years from the date of establishment. The Council will use this power again as appropriate.

### **Management Agreements**

**7.32** The Council may seek to enter into agreements with owners or occupiers of land to conserve or enhance the natural beauty or amenity of that land and to promote its enjoyment by the public. The relevant power is included in the Wildlife and Countryside Act 1981.

### **Other initiatives**

**7.33** Grant schemes and other incentives which promote nature conservation have been, or are being, introduced by a number of public bodies. The Council believes that nature conservation in the District would benefit significantly from wider public uptake of, and involvement in, these schemes.

### **POLICY NC5**

**THE COUNCIL WILL ENCOURAGE OWNERS AND OCCUPIERS OF LAND TO PARTICIPATE IN SCHEMES WHICH PROMOTE THE AIMS OF NATURE CONSERVATION BY:-**

- (i) ADOPTING LESS INTENSIVE FORMS OF LAND MANAGEMENT;**
- (ii) RE-INTRODUCING TRADITIONAL MANAGEMENT TECHNIQUES FOR EXISTING WILDLIFE HABITATS; AND**
- (iii) CREATING NEW HABITATS-**

### **Environmental Implications**

**7.34** The policies in this chapter will make a significant contribution to the achievement of the following aims of the Plan (see pages 24 and 25):-

(xxiii) To protect and, where possible, enhance the character and environmental qualities of the countryside.

(xxxiii) To safeguard and, where possible, enhance the District's tree cover, flora and wildlife.

(xxxviii) To enable the continued implementation of the Council's Environmental Charter.

**7.35** The extent to which the policies have regard to, and are likely to impact upon, environmental considerations is set out in Appendix 2. This broadly indicates that the policies are likely to have a two-fold effect.

**7.36** The first is on wildlife habitats and sites safeguarded because of the habitats they provide or their geological or geomorphological interest. These sites will be subject to varying degrees of protection and, if habitats are to be lost to development, adequate alternatives required. Successful implementation will also result in an improvement in the amount and type of habitats provided and consequently the variety and success of wildlife in the District.

**7.37** The second effect will be upon the appearance of the landscape in both urban and rural areas. The overall result of successful implementation will generally be an enhancement of the amount of trees and hedges which will diversify and enhance the character of the towns and the countryside.

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