

EPPING FOREST DISTRICT LOCAL PLAN

EXAMINATION HEARINGS

HOMEWORK NOTE 34

**MATTER 15: PLACES AND SITES (POLICIES P 1 – P 15)
POLICY P 2 LOUGHTON**

**ISSUE 2: ARE THE PLAN'S POLICIES FOR THE SPECIFIC PLACES AND
SITES WITHIN THE DISTRICT JUSTIFIED, EFFECTIVE AND
CONSISTENT WITH NATIONAL POLICY; AND ARE THE SPECIFIC
SITE ALLOCATIONS THEY INCLUDE JUSTIFIED AND
DELIVERABLE?**

HW 34: RODING VALLEY MEADOWS SSSI

1. The Council provides this note which concerns Matter 15, Issue 2 and the Inspector's request that the Council provides further detail regarding the potential impact of planned development in LPSV Policy P 2 Loughton on the Roding Valley Meadows Site of Special Scientific Interest ("SSSI"), the nature of the risk to the SSSI, and mitigation measures.
2. As the Council explained during the Policy P 2: Loughton examination hearing on 11 June 2019, to address Natural England's Regulation 20 representations, paragraph 99 of the Council's Matter 15 Hearing Statement proposes three identical amendments to include additional text within the following site-specific requirements in Appendix 6 of the LPSV (EB114A) for site allocations:
 - (a) LOU.R2 Debden London Underground car park: 'Ecology' (at page 35);
 - (b) LOU.R4 Borders Lane playing fields: 'Ecology and Trees' (at page 41); and
 - (c) LOU.R9 Land at former Epping Forest College site: 'Ecology and Trees' (at page 47).

3. The Council considers the inclusion of the following additional text is necessary to reflect Roding Valley Meadows' designation as a SSSI:

"Consultation should be undertaken with Natural England to assess the impacts of development with respect to the Roding Valley Meadows SSSI."

4. Following a meeting with Natural England on 8 May 2019, in addition to the proposed amendments to Appendix 6 of the LPSV set out above, to address concerns about the potential impact of planned development on the Roding Valley Meadows SSSI, at the examination hearing on 11 June 2019, the Council proposed a further amendment to LPSV Policy P 2, to insert a new Part K. as follows:

"Habitat Protection

K. Sites within the Impact Risk Zone for the Roding Valley Meadows Site of Special Scientific Interest and are above the identified development threshold should make provision for any avoidance and mitigation measures to address any impacts on this nationally important habitat."

5. As the Council also explained at the hearing on 11 June 2019, this proposed amendment was not included within the Council's Matter 15 Hearing Statement, as it was formulated after the submission of that statement, following consideration of other participants' written representations and the Council's meeting with Natural England on 8 May 2019.

Roding Valley Meadows SSSI

6. In 1987, the Department of the Environment notified (designated) the Roding Valley Meadows as a SSSI under section 28 of the Wildlife and Countryside Act 1981.
7. The SSSI forms part of a wider area declared by the Council on 27 October 1986 to be managed as a Local Nature Reserve ("LNR"), pursuant to section 21 of the National Parks and Access to the Countryside Act 1949.
8. Information regarding all designated nature conservation sites in England is available online and can be accessed using Natural England's 'Designated Sites View' search

facility.¹ In respect of the Roding Valley Meadows SSSI, the following information is available online,² copies of which are attached to this note (as **Annex A**):

- (i) Designation map (p A1);
 - (ii) Citation (pp A2-A3);
 - (iii) Natural England's 'Views About Management' (pp A4-A5);
 - (iv) List of operations requiring Natural England's consent (p A6);
 - (v) SSSI Units Map (p A7);
 - (vi) SSSI Condition Summary (p A8-A9);
 - (vii) SSSI Units Condition Summary (p A10); and
 - (viii) Roding Valley Meadows LNR showing SSSI Units (p A11).
9. The SSSI citation details the 'features of interest' for which a SSSI is considered special and has been legally notified. Each citation shows details of the SSSI location, size and the date of notification. It also describes the general reasons for notification and the special habitats, geology, plants and/or animals that are found at the site.
10. The citation for this SSSI states that Roding Valley Meadows form one of the largest continuous areas of species-rich grassland in Essex, comprising traditionally managed hay meadows, flood meadows and marsh. Situated in the gently sloping floodplain of the River Roding, the area is divided into several small fields by a long-established system of hedges and ditches. The meadow and marshland communities include a diverse assemblage of plant species, many of which are uncommon in Essex, and the site includes the largest known bed of the Brown Sedge *Carex disticha* in Essex.
11. The 'Views About Management' (VAM) published by English Nature (NE's predecessor nature conservation body) set out, in principle, NE's views on how the Site's special conservation interest can be conserved and enhanced by way of the management of the land. As the VAM explains, not all of the management principles will be equally appropriate to all parts of the SSSI. It is important to note that the VAM do not constitute

¹ <https://designatedsites.naturalengland.org.uk>

² <https://designatedsites.naturalengland.org.uk> Roding Valley Meadows SSSI

consent for any operation and NE's written consent is still required before carrying out any operation likely to damage the features of special interest.

12. The VAM for the Roding Valley Meadows SSSI include the following 'Management Principles':

"Neutral hay meadows require active management if they are to retain their conservation interest. In order to maintain a species-rich sward, each year's growth of vegetation must be removed. Otherwise the sward becomes progressively dominated by tall and vigorous grasses which, together with an associated build up of dead plant matter, suppress less vigorous species and reduce the botanical diversity of the site. In neutral hay meadows, the above objective is traditionally achieved by closing the fields to stock in the autumn and cutting the resultant growth as hay, usually in early July. The precise timing of the cut depends on local factors, including past management and current weather conditions, but should be after ground-nesting birds have fledged their young and any short-lived, characteristic plants have set seed. The aftermath is then grazed in late summer/autumn. Aftermath grazing is important for maintaining a species-rich sward, both through controlling competitive grasses and through hoof-prints providing suitable sites for seedlings to establish. Heavy poaching must be avoided, however. Any surrounding, well managed hedgerows may considerably add to the habitat in providing shelter for invertebrates. The application of pesticides including herbicides or fertilizers would be damaging but periodic dressings of well-rotted farmyard manure may be acceptable if the sward does not receive regular input of nutrients from flooding.

For the damper meadows, regular and careful maintenance of surface drainage including ditches and drains can be necessary to prevent adverse changes in the plant species composition of the sward. Deepening of surface drainage should be avoided."

13. The Roding Valley Meadows SSSI notification includes a list of operations likely to damage ("OLD") the features for which the Site is regarded as special. The landowner must obtain prior consent from NE before undertaking any OLDs. In practice, NE usually negotiate voluntary management agreements with the landowner and make payments for positive management by the landowner. The land comprising the Roding Valley Meadows LNR, which includes the SSSI, is owned by the Council and is managed by the Essex Wildlife Trust ("EWT") on behalf of the Council pursuant to a longstanding and long-term management contract.
14. The attached Roding Valley Meadows SSSI Units Map, Condition Summary and SSSI Units Condition Summary, provides the most up-to-date published information regarding the condition of the four units comprising the SSSI. Notably, the stated reasons for the 'Unfavourable No Change' assessment for Units 004 and 005, namely, freshwater/water pollution from agriculture/run off, are not caused by residential

development, or recreation or other activities associated with residential development, or an increase in the number of persons accessing the LNR.

15. The list of OLD included in the Roding Valley Meadows SSSI notification comprises a total of 28 operations likely to damage the special interest of the Roding Valley Meadows SSSI. None of those OLD will be permitted by the Council as landowner and, as such, they are not directly relevant for present purposes. Consequently, it would be reasonable for the inspector to conclude that the proposed increase in the number of residents living within 100m of the boundary of SSSI will not result in any of the operations that are likely to damage the special interest of the SSSI.
16. Moreover, as the SSSI is managed by the Essex Wildlife Trust, there is no reason to doubt that the special interest of the SSSI will continue to be protected by the active management of the Site in accordance with the published Management Principles identified above. Whilst it is reasonable to assume that the delivery of new residential development at sites LOU.R2, LOU.R4 and LOU.R9 is likely to result in an increase in the number of people accessing the RVW Local Nature Reserve, it does not follow that the special interest of the SSSI will be affected, let alone adversely affected, by 'Recreational or other activities likely to damage the flora or fauna'.³
17. The attached plan of the Roding Valley Meadows LNR showing the SSSI units indicates the limited extent of the SSSI area within the overall LNR. The plan also shows the location of the SSSI units reported in 2011 or 2014 to be in an unfavourable condition (i.e., units 002, 004, and 005). The available evidence demonstrates that recreational activity in the LNR is not the cause of the unfavourable condition of those units and, in any event, the potential for managing access to the SSSI to protect the flora and fauna that contribute to special interest of the SSSI is obvious.
18. Having regard to the matters set out above, it is appropriate to amend the site-specific requirements for sites LOU.R2, LOU.R4, and LOU.R9 to ensure that consultation should be undertaken with Natural England to assess the impacts of development with respect to the Roding Valley Meadows SSSI. However, that requirement arises due to the nature and location of the proposed development which falls within an Impact Risk Zone published by NE to ensure that the potential effect of development on land outside a SSSI is properly considered in the determination of planning applications and appeals.

³ List of operations likely to

19. Impact Risk Zones ("IRZs") are a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals to: Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. They define zones around each site which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts.
20. For present purposes, the relevance of the IRZ for the Roding Valley Meadows SSSI is limited to the LPSV site allocations in Loughton identified in paragraph 2 (above). Each of those sites lies within a relevant IRZ and have been allocated to deliver in excess of 100 homes. As such, Natural England must be consulted on any application for planning permission for the residential development proposed on these sites.
21. However, that does not mean that the development proposed on sites LOU.R2, LOU.R4 and LOU.R9 is likely, either alone or in combination with other development, to adversely affect the Site's special conservation interest. To the contrary, having regard to the matters addressed in this note, it is very likely any risk of adverse impact on the SSSI can be avoided and/or mitigated by granting planning permission subject to appropriate planning conditions.
22. The Council's emerging Green Infrastructure Strategy will address the management of the land within the Council's ownership and control to ensure the Site's special conservation interest are preserved and enhanced in accordance with the Management Principles published by NE. In due course, the approved Green Infrastructure Strategy will be a material consideration in the determination of planning applications in the District.