

## **Report to the Local Development Framework Cabinet Committee**



**Report reference:** LDF-007-2010/11  
**Date of meeting:** 14 September 2010

**Epping Forest District Council**

**Portfolio:** Leader  
**Subject:** Local Wildlife Sites – Evidence Base Study  
**Responsible Officer:** Ian White (01992 564066).  
**Democratic Services Officer:** Gary Woodhall (01992 564470).

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### **Recommendations/Decisions Required:**

- (1) That the completion of the Local Wildlife Site Review and its adoption by the Local Area Agreement Biodiversity Indicators Steering Group (LAABI) be noted by members.**
- (2)**
- (3) That members approve the strategy for the Council to formally adopt the completed Local Wildlife Site Review.**

### **Executive Summary:**

The last full review of Local Wildlife Sites (LoWS) took place in the early 1990s. Standards of assessment and knowledge of nature conservation issues have changed greatly since then, so a comprehensive review has been undertaken to ensure that the LDF evidence base is as up to date and as robust as possible.

The review identified 66 new LoWS, meaning that there are now 222 LoWS located in the District. Policies NC2 and NC3 of the Local Plan offer a degree of protection for existing LoWS, however these new sites can only be given protection under these policies once they have been adopted by the Council. In order to have the 66 new LoWS adopted, the final section of this report identifies a strategy upon which Members' views are sought. Developed in line with guidance provided by the Department for Environment Food and Rural Affairs (DEFRA), the proposed strategy will seek to maximise site owner involvement as part of the Council's ambition to continue improving its links with the community.

### **Reasons for Proposed Decision:**

To ensure (a) the new list of sites is adopted as quickly as possible so that relevant Local Plan Policies can be used; (b) the new sites can be added, and deletions can be made, to the revised Local Plan Proposals Map; and (c) full account is taken of this tier of wildlife sites in the preparation of the Local Development Framework.

### **Other Options for Action:**

Not to include the study as part of the evidence base.

To agree a different strategy to formally adopt the completed Local Wildlife Sites Review

## **Report:**

### Context of Study

1. Section 40 of the Natural Environment and Rural Communities Act 2006 states that every public authority must have regard to the purpose of conserving biodiversity in exercising its statutory functions. In this context, conservation includes restoring or enhancing habitats or populations of particular species.

2. PPS9: Biodiversity and Geological Conservation (August 2005) advises that development plan policies should be based on up-to-date information about environmental characteristics, including relevant biodiversity resources. Policies should aim to maintain, enhance, restore or add to biodiversity interests. Decisions should ensure that appropriate weight is attached to designated sites of international, national and local importance. Paragraph 9 of the Statement acknowledges that sites of local biodiversity interest “have a fundamental role to play in meeting overall national biodiversity targets.” Criteria-based policies should be established in local development documents (LDDs) against which proposals for any development on, or affecting, such sites will be judged. These policies should be distinguished from those applied to nationally (and internationally) important sites.

3. In June 2008 the Council commissioned Essex Ecology Services (EECOS) – the business arm of Essex Wildlife Trust – to update the survey of LoWS in the District. EECOS carried out the original surveys in the early 1990s throughout Essex, and has similarly reviewed the surveys for most of the Essex districts. The re-survey for this district would therefore ensure a consistency of approach, and also make use of the extensive database of knowledge that EECOS has accumulated over the years. In addition to this, a steering group known as the Local Area Agreement Biodiversity Indicator Steering Group (LAABI), consisting of partners from local authorities in Essex and other interested parties led by the Essex Wildlife Trust, has been set up with the aim of getting as many LoWS into positive conservation management as possible.

### The Review

4. The principal objective of the review is to create a robust and up to date evidence base for the LDF, in the light of increases in available knowledge and by application of new site selection criteria. The review was carried out in three stages. In the second half of 2008 the consultants looked at existing information and other documents and set up consultation arrangements with a variety of appropriate organisations. The first half of 2009 was taken up with field surveys, and the rest of the year involved analysis of results and refining information to produce the review document.

5. The criteria used have been developed by EECOS based on guidelines from DEFRA. There are a number of matters which are taken into account in assessing whether a site should be designated as a Local Wildlife Site, including the presence and number of particular species of flora and fauna, and the quality of the habitat.

6. The previously adopted list of County Wildlife Sites (CoWS), shown on the 1998 Local Plan Proposals Map, included all the Sites of Special Scientific Interest (SSSIs). In line with national guidance, these will no longer be included in the list of Local Wildlife Sites. The SSSIs are already protected as a result of their designation and all sites of European Importance, ie Special Protection Areas and Special Areas of Conservation, are automatically SSSIs. LDF policies should not repeat the provisions of “higher-level” policies, so the policies of the Core Strategy and subsequent DPDs will focus on the new list of Local Wildlife Sites (LoWS).

7. The number of CoWS shown in the 1998 Local Plan totalled 189. There were several additions/amendments in the 1996 and 1998 partial County Wildlife Site reviews, but these could not be included in the Local Plan because of the lead-in times to adoption. The current review has identified 222 LoWS, a gross increase of 33 sites, although this hides a significant number of deletions and amendments to boundaries of sites. In total, 66 new sites have been identified, and that list is included as Appendix 1 to this report. This new suite of LoWS was formally adopted by the LAABI on 6th May 2010. In addition to this Essex Wildlife Trust has recently launched its new website identifying and mapping out all local wildlife sites in the County including those within Epping Forest District.

8. The deletions include:

- (a) the SSSIs as explained in paragraph 6;
- (b) sites (mainly grasslands) which have deteriorated in quality; and
- (c) CoWS which failed to meet the more stringent new selection criteria.

9. The new sites include:

- (i) small fragments of ancient woodland that were missed in earlier surveys; and
- (ii) several grasslands that were examined at more favourable times of year than when previously examined, or which simply benefited from improved access for assessment.

10. A better appreciation of nature conservation issues and increased application of the selection criteria resulted in the inclusion of areas of:

- (a) parkland or groups of veteran trees; and
- (b) brownfield land and sites where their urban context and use by the local community are important considerations.

11. Other sites (eg Norton Heath) have been included because their wildlife value has increased since the original survey, as a result of better conservation management.

#### Potential sites and reviewing the LoWS network

12. The 2009 survey also identified a number of “potential” LoWS. These sites may simply need a more detailed study or, more fundamentally, a change in management if they are to achieve the selection criteria to be designated as LoWS. This indicates that the network as identified in the review is not static, and that there is a need, subject to resources being available, for regular review by EECOS or the Wildlife Trust, with on-going input from Countrycare. This could lead to the need to publish an updated list of LoWS on approximately a five-year cycle, but this would again be subject to resources and the need for further public consultation.

13. Policies NC2 and NC3 of the Local Plan offer a degree of protection for the existing CoWS, and it is probable that future policies in the Core Strategy and other DPDs will be similarly worded, ie there is limited protection and an expectation that if a CoWS will be harmed by, or lost to development, arrangements should be put in place for the provision of replacement habitat of at least equivalent wildlife value. The supporting text to these policies (in particular para 7.20) indicates that the policy “will apply to sites which are subsequently designated”. In theory this should apply to the 66 new LoWS identified in the review, but the protection afforded by the policies cannot be applied until the new list is formally adopted by

the Council.

#### Adopting the newest list of LoWS

14. Legal advice has been sought and the following strategy is proposed for the adoption of the Local Wildlife Sites Review. Existing policies will then apply to the LoWS in the period until the LDF replaces the Local Plan. Members' views on this strategy are sought.

15. In line with DEFRA's Guidance on the Identification, Selection and Management of LoWS (2006), efforts will be made to contact the site owners of all identified sites to give them the opportunity to make observations on whether or not the sites continue to host the listed features, and accord with the assessment made against the selection criteria. Site owners do not have the power to prevent LoWS designation, but should be included in the process as much as possible to increase the transparency and legitimacy of the review. Before contacting each site owner, officers will also establish how to consider and respond to any observations received.

16. Where it is not possible to trace land owners officers will write to the appropriate parish councils and place notices for 28 days at each of the identified sites. Information regarding the potential adoption of the review will be placed on the Council website including the list of all the sites due to be designated and their mapped location.

17. Once the Local Wildlife Review has been adopted, Countrycare and Forward Planning will finalise a timetable of how this list of LoWS will be reviewed and updated on a periodic basis. A rolling review of 10-20% of the sites every two years is suggested which means a full review should be completed every 5-10 years. During each review, if a site appears to have deteriorated to such an extent that it no longer qualifies as a LoWS, de-selection will be sought. If sites are proposed for de-selection, officers will notify owners and other interested parties and give them the opportunity to make observations. Formal de-selection, once agreed by the Council, will then be notified to owners and other interested parties.

18. To overcome the issue of having to regularly update the Council's Proposals Map every time the Local Wildlife Review is updated, a separate GIS mapping layer will be created and placed on the Council's website. In addition to this a link shall be made available providing direct access to Essex Wildlife Trust's new website.

19. In the period prior to formal adoption of the new list of LoWS, Countrycare will continue to work with EWT and other partners, via the Local Area Agreement, to pursue "Positive Conservation Management" in accordance with National Indicator 197 (Biodiversity and Local Wildlife Sites). The aim within the County is to get 34% of the LoWS within "Positive Conservation Management" by March 2011. Subject to the proposed re-structure of Countrycare, officers are confident that they are on course to meet this target at district level.

#### **Resource Implications:**

The study cost £49,660 and was funded from the LDF budget over two financial years, and this expenditure was approved by the then Portfolio Holder in June 2008. The original estimate (December 2007) was £20,000. Savings have been made in respect of other evidence base reports. Progress with the LDF budget will be reported to a future LDF Cabinet Committee.

#### **Legal and Governance Implications:**

The review establishes baseline information to meet the requirements of the Natural

Environment and Rural Communities Act 2006.

**Safer, Cleaner and Greener Implications:**

Protection of Local Wildlife Sites is important in the maintenance of the green and unique character of the district.

**Consultation Undertaken:**

The following organisations and individuals were involved in compiling information about the District's habitats:

- Lee Valley Regional Park Authority
- Essex Amphibian and Reptile Group
- City of London (Conservators of Epping Forest)
- Essex Field Club
- Epping Forest Countrycare
- Essex County Council
- Warden of Roding Valley Meadows Nature Reserve
- Natural England
- Ongar Wildlife Society

The study will be part of the evidence base for the Core Strategy and will therefore be subject to public consultation at appropriate times.

**Background Papers:**

The Local Wildlife Sites Review (2010)  
Local Sites : Guidance on their Identification, Selection and Management (DEFRA, 2006)  
Natural Environment and Rural Communities Act 2006  
PPS9: Biodiversity and Geological Conservation (2005)  
Epping Forest District Local Plan 1998

**Impact Assessments:**

Risk Management

No risks identified.

Equality and Diversity:

Preparation of the Local Development Framework as a whole will be subject to an on-going Equality Impact Assessment, as part of the Sustainability Appraisal. There are no specific Equality or Diversity issues arising as a result of this report.

*Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?* No

*Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?* No

*What equality implications were identified through the Equality Impact Assessment process?*  
N/A.

*How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?*  
N/A.

## **Appendix 1 – Proposed new wildlife sites**

Ep2	Northfield Marsh – river floodplain grassland
Ep5	Lee Valley Central – mosaic of open water, woodland and grassland
Ep8	Yardley Hill Meadow – dry grassland
Ep11	Sewardstone Green – roadside grassland, scrub and woodland corridor
Ep12	Sewardstone Green Paddock – unimproved grassland
Ep14	Lee Valley North - mosaic of open water, woodland and grassland
Ep18	Lippitts Hill Scrub – ancient roadside wood strip plus scrubby grassland
Ep20	Day Farm Paddocks – unimproved acid grassland
Ep21	Oak Farm Grassland – unimproved acid grassland
Ep24	High Beach Churchyard – unimproved acid grassland
Ep29	Roebuck Green – unimproved acid grassland and scrub
Ep30	Warlies Park – old parkland, woodland and hedged pasture
Ep42	Loughton Woods – ancient woodland fragments
Ep47	The Selvage – ancient wooded lane
Ep48	Cobbin’s Brook – natural river channel corridor (includes small area of former SINC)
Ep49	Parndon Wood – ancient woodland fragment
Ep50	Ash Green – detached part of Epping Forest
Ep57	Fitches Plantation – part of Copped Hall woodland mosaic
Ep59	Barnaby Way Wood – urban ancient woodland fragment
Ep62	Wood East of Fitches Plantation - part of Copped Hall woodland mosaic
Ep63	Pond Field Plantation - part of Copped Hall woodland mosaic
Ep64	Birch Hall Pastures – damp unimproved grassland
Ep66	Home Mead LNR – urban mosaic of grassland and wood
Ep68	Grange Farm Grasslands – species-rich grassland and scrub
Ep72	Theydon Bois Deer Park West – Veteran trees
Ep77	Broadfield Shaw Grassland – unimproved acid grassland and scrub
Ep84	Blunts Farm Wood – ancient woodland fragment
Ep87	Blunts Farm Brownfield – brownfield invertebrate site
Ep92	Thornwood LNR – species-rich damp grassland
Ep93	Hainault Forest Meadow – species-rich damp grassland
Ep104	Hainault Forest Golf Course – acid grassland and wood

Ep107	Mill Street Green – old village green grassland
Ep112	Bush Grove – old/ancient woodland
Ep113	Hill Hall Park – old parkland
Ep115	Foster Street Burial Ground – species-rich grassland
Ep120	Spill Timbers Wood – ancient woodland
Ep124	Weald Common LNR – species-rich damp grassland
Ep127	Stapleford Abbots Meadow – old grassland
Ep128	Little Hyde Hall Wood – fragment of ancient wood
Ep130	Ongar Radio Station – mosaic of old grassland and wood
Ep132	Passingford Bridge Wood – wet woodland
Ep135	Housham Tye Green – old village green grassland
Ep137	Albys Parkland – veteran trees
Ep143	Stapleford Abbots Elms – old Elms in woodland fragment
Ep146	Weald Bridge Meadow – unimproved grassland
Ep153	Berwick Ham – old woodland
Ep154	Pole Lane – ancient hedged lane
Ep155	Faggotters Lane Verges – important grassland flora
Ep157	Dog Kennel Spring – small fragment of old woodland
Ep161	More Spring West – possible ancient woodland
Ep165	The Gorse Wood – old woodland
Ep173	Watery Lane Verge, High Laver – important grassland flora
Ep174,	Churchyard, Stanford Rivers
Ep177	Gunnets Green – ancient hedged lane
Ep181	Ongar Wood – ancient woodland fragment
Ep182	Ongar Oaks – veteran trees
Ep190	Hallsford Bridge Meadow – species-rich grassland
Ep193	Abbess Roding Hedgerows
Ep195	Norwood End Verges – important grassland flora
Ep197	Perryfield Lane – ancient hedged lane
Ep199	Fyfield Mill Meadow – unimproved grassland
Ep207	Sparks Farm Marsh – unimproved damp grassland
Ep209	Dukes Lane Verge – important grassland flora
Ep210	Ongar Road Verges – important grassland flora
Ep213	Norton Heath – wooded heathland
Ep217	Norton Heath Verges – grassland flora