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NATURAL RESOURCES

Introduction

The Local Plan has a key role in the protection and enhancement of the district's natural resources and its environment. The Local Planning Authority will seek to ensure that the district's landscape, historic character, trees, agricultural land, wildlife habitats, undeveloped coast and floodplain areas, and other natural resources are not adversely affected and in those cases where unavoidable changes are to take place, that measures are put in place to ensure impacts are kept to a minimum.

Sustainable development requires effective protection of the environment and careful use of natural resources. It involves accommodating necessary change while maintaining and, where possible, enhancing the quality of the environment for visitors and local residents.

The countryside should be safeguarded for its own sake, as stated in PPG7, which has been provided for in the policies of this chapter. There is a change of emphasis away from the notion of large tracts of locally designated areas as it has been recognised that this may unduly restrict acceptable development.

Objectives

- (a) to protect, conserve and enhance landscape character and improve the quality of the landscape;
- (b) to safeguard visually and historically important trees and woodland;
- (c) to safeguard the best and most versatile agricultural land;
- (d) to protect, conserve and enhance areas and features of nature conservation importance;
- (e) to protect the rural undeveloped coastline;
- (f) to reduce the risk of flooding of development.

Landscape, Trees and Agricultural Land

In previous Local Plans, the Local Planning Authority has sought to protect and enhance its rural landscapes by designating large tracts of land as Special Landscape Areas, Landscape Improvement Areas and Nature Conservation Zones.

However, recognising that the use of blanket designations can have its shortcomings, national planning guidance now promotes the preparation of

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landscape character assessments to distinguish the particular qualities of different parts of the countryside, the message being that development that harms the intrinsic qualities of a particular area should not be permitted.

The Local Planning Authority will carry out a landscape character assessment (LCA) of the district, which will be incorporated into the next review of the Plan. It is considered appropriate, in the absence of a comprehensive LCA, to maintain the District's three Special Landscape Areas in accordance with Policy NR4 of the Replacement Structure Plan. However, it will be noted that a number of other policies have been introduced to replace Landscape Improvement Areas [MINUTE 120/01] and Nature Conservation Zones.

The Local Planning Authority will seek throughout the landscape high standards of development, including the location, siting, design and materials used, as well as ensuring that the proposal will contribute to the enhancement or, where appropriate, improvement of the character of the area in which it is proposed. Tree planting and landscaping schemes will be an important part of the majority of new development.

Special Landscape Areas

Special Landscape Areas (SLA) are areas of great landscape value resulting from a combination of features such as vegetation cover and landform. Their conservation is important to the district as well as the county's natural heritage and there is a presumption against development unless it accords with the character of the area concerned. The three SLA's identified in the Rochford District are as follows:

- (i) Hockley Woods. This is a large unspoilt area, containing a complex of ancient woodlands and farmland on undulating ground between Hockley and Southend-on-Sea.
- (ii) Upper Crouch. This area is based on the River Crouch and contains numerous creeks, mudflats and saltings on either shore. It is a slightly less remote version of other coastal marshes and is relatively treeless and unspoilt.
- (iii) The Crouch/Roach marshes. This consists of a large number of islands, creeks, and channels with saltmarsh, mudflats, and drainage ditches predominating. Apart from the timber wharf and marina at Wallasea Island, the area is remote and undeveloped and supports a large bird population.

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POLICY NR1 - SPECIAL LANDSCAPE AREAS

Within the three Special Landscape Areas identified on the proposals map, in addition to any other policies set out elsewhere in this written statement, development will not be allowed unless its location, size, siting, design, materials and landscaping accord with the character of the area in which the development is proposed.

[MINUTE 120/01]

The Historic Landscape

In the early 1990s, the County Council identified a number of Areas of Ancient Landscape, being landscapes containing significant assemblage of visible features of pre-1600 origin. The ancient landscape of the Upper Roach Valley (which also contains the ancient woodland, Hockley Woods) is so identified.

In addition, there are 14 ancient woodlands in Rochford District, defined by the Nature Conservancy Council (now English Nature) as being woodlands over 2 hectares in size, known to have existed in 1600. These areas have evolved unique characteristics and qualities throughout the centuries and are vital for their scientific and amenity importance. The Council recognises that appropriate management is the key to their future success. The Council is committed to the Essex Biodiversity Action Plan objectives and targets relating to ancient woodlands, which seek to ensure that they are satisfactorily protected and managed.

POLICY NR2 - HISTORIC LANDSCAPE

Development which would adversely affect the historic importance, existing landscape character or physical appearance of Ancient Landscapes or Ancient Woodlands as defined on the proposals map will not be permitted.

[MINUTE 127/02]

Tree Protection

The Council will serve Tree Preservation Orders (TPO's) on woodlands, groups and individual trees where they are considered to be at risk and where their removal would be considered to have an adverse effect on the local environment.

Applicants should bear in mind that development involving buildings or any other construction works, such as hard standings, foundations, drainage works and land level changes, in close proximity to trees can effect their viability.

The local planning authority recommends making use of the current British Standard BS5837 *Guide for trees in relation to construction* which provides assistance on development close to existing trees.

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Applications for planning permission which involve development or associated works and which are in the vicinity of preserved trees must be accompanied by a statement of the arboricultural implications of development. This should be in the form of an arboricultural method statement showing how the development would be carried out so as to avoid any damage to trees, including full details demonstrating how the preserved tree(s) would be protected before, during and after development.

When the local authority considers that there is justification for the felling of a preserved tree the planting of an appropriate replacement native species of provident seed will be required.

POLICY NR3 - TREE PROTECTION

Applicants will provide an arboricultural method statement in all cases where a development proposal could affect a preserved tree(s). Proposals for development that would adversely affect the amenity value or viability of preserved trees will be refused.

In exceptional cases, where the loss of a preserved tree is clearly outweighed by other material considerations, the felling of a preserved tree may be justified, subject to the planting of a replacement tree of an appropriate type and size, and in a suitable location.

[MINUTE 127/02]

Agricultural Land

The Council recognises that the best and most versatile agricultural land, defined as Grades 1, 2 or 3A within the Agricultural Land Classification System as published by the Ministry of Agriculture, Fisheries and Food (MAFF) now the Department for Environment, Food and Rural Affairs (DEFRA), is a valuable natural resource for the future. More than 30% of the agricultural land in Rochford District is of Grades 1 and 2. The best land is found to the east of the settlements of Rochford and Ashingdon, between the Crouch estuary and the built-up areas of Southend-on-Sea, and between the settlements of Rochford and Hawkwell. It is important that, as a national resource, this land continues to be protected from irreversible forms of development.

POLICY R18 - AGRICULTURAL LAND

Development which would result in the permanent loss of agricultural land classed as Grade 1, 2 and 3a will be refused unless it can be shown that there is an overriding need for the development and no suitable alternative site for the particular purpose is available.

[MINUTE 120/01]

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Nature Conservation

Biodiversity

The Council is committed to the protection, promotion and enhancement of biodiversity throughout the District. Biodiversity is the variety of living species on earth, including well known trees and animals to lesser known insects and plants and the habitats that they occupy. It is an essential component of sustainable development. In 1992 the UK signed the Convention on Biological Diversity which led to the production of the UK Biodiversity Action Plan. However, it is at the local level where the success of biodiversity depends.

The local framework is provided by the Essex Biodiversity Action Plan which includes a list of habitats and species where action can be focused. In deciding applications for planning permission the Council will take into account the effects upon nature conservation regarding habitats and species identified in the Essex Biodiversity Action Plan.

The Local Plan plays a key role in maintaining and enhancing biodiversity through guiding how and where development occurs. The local planning authority seeks to protect the biodiversity of the District through the implementation of its Local Plan policies and in-particular the range of policies in this chapter relating to protection of habitats, species and general wildlife interests.

If there is uncertainty regarding the potential impact of development planning permission will not be given until the effects are clearly understood. In deciding proposals for development that might have potential adverse impacts the Council will require the submission of an ecological assessment, to include details of mitigation and / or enhancement measures. Site management details may also be required to clarify how this will be achieved. It should also be noted that certain developments require an environmental assessment through statutory provisions.

The LPA will consult with English Nature and the relevant local and voluntary nature conservation bodies who can assist with the provision of specialist advice on biodiversity conservation.

Developers will be encouraged to incorporate appropriate measures into the layout and design of their development schemes to facilitate and encourage biodiversity. This could be through or in addition to appropriately landscaped areas within the development site. The Council, where appropriate, will impose planning conditions or seek to enter planning obligations to secure management agreements to help sustain and enhance the ecological value of sites.

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POLICY NR5 - BIODIVERSITY ON DEVELOPMENT SITES

Applicants will be required to incorporate appropriate measures in development proposals to facilitate and encourage biodiversity.

[NEW]

International Sites

The District's coast and estuaries are protected under international statutes and obligations. Large parts of the District are covered by the Essex Estuaries European Marine Site (Habitats Regulations 1994). These sites are often referred to as the marine equivalent of National Parks.

Ramsar sites are also known as Wetlands of International Importance Especially as Waterfowl Habitat. Special Protection Areas (SPA's) are designated habitat areas for the protection, management and control of wild birds. Rochford has two sites that have been confirmed as both SPA and Ramsar sites:

- (i) Foulness on 4 October 1996 - supports internationally important breeding populations, wintering population species, assemblage of wildfowl and waders, populations of regularly occurring migratory species;
- (ii) Crouch and Roach Estuaries (incorporating River Crouch Marshes) on 29 June 1998 - supports an internationally important assemblage of wildfowl and waders and populations of regularly occurring migratory species.

The aim of Special Areas of Conservation (SAC) is to maintain the diversity of European wildlife and to protect rare and threatened habitats and its associated flora and fauna; Foulness and the Crouch and Roach Estuaries are part of the Essex Estuaries candidate SAC. It will be noted that these areas are also SSSI's in recognition of their international importance.

The local planning authority is required to consult English Nature on all planning applications which would be likely to have an impact on SAC's, SPA's or SSSI's. When an application is made that affects recognised nationally or internationally important sites, the Local Planning Authority will apply the most rigorous standards to ensure that there is no significant, detrimental effect to the nature conservation interests.

POLICY NR6 - EUROPEAN AND INTERNATIONAL SITES

Proposals for development which may affect a Special Area of Conservation (either candidate or designated), Ramsar site or Special Protection Area will be subject to the most rigorous examination. Development not directly connected with or necessary to the management of the site, and which would have significant effects on the site (either

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singly or in combination with other plans and projects), will not be permitted unless it can be clearly demonstrated that there is no alternative solution and that the development is necessary for imperative reasons of overriding public interest.

[MINUTE 120/01]

National Sites

Sites of Special Scientific Interest (SSSI's) are designated under the Wildlife and Countryside Act 1981. English Nature has a duty to provide notification of these sites. The SSSI network includes some of the "best" semi-natural habitats including ancient woodlands, unimproved grasslands, coastal grazing marshes and other estuarine habitats.

There are three SSSI's within the Rochford District as follows:

- (i) Hockley Woods SSSI, a site predominantly owned by the District Council. The site is of national importance as an ancient woodland.
- (ii) Foulness SSSI. This comprises extensive sand-silt flats, saltmarsh, beaches, grazing marshes, rough grass and scrubland, covering the areas of Maplin Sands, part of Foulness Island plus adjacent creeks, islands and marshes. This is a site of national and international importance.
- (iii) Crouch and Roach Estuaries SSSI, (previously known as River Crouch Marshes). This covers a network of sites (salt marsh, intertidal mud, grazing marsh, a fresh water reservoir) including Brandy Hole and Lion Creek, Paglesham Pool, Bridgemarsh Island and marshes near Upper Raypits. This site is of national and international importance.

POLICY NR7 - SITES OF SPECIAL SCIENTIFIC INTEREST

Proposals for development which would have an adverse affect, either directly or indirectly, on a Site of Special Scientific Interest (SSSI) will not be permitted unless the justification for the development clearly outweighs the national nature conservation importance of the site.

If there is a risk of damage to a designated site from development the Local Planning Authority will seek to enter into a planning obligation with developers to secure future site management or to make compensatory provision elsewhere for any losses expected when development occurs.

[MINUTE 120/01]

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Local Nature Reserves and Wildlife Sites

Local Nature Reserves (LNR's) support wildlife and natural features that are important at the local level. These sites provide opportunities for learning and enjoyment to local communities and are a valuable element of the hierarchical network of protective nature conservation designations across the district. The Council, under the provisions of the National Parks and Access to the Countryside Act 1949, will seek to declare further Local Nature Reserves where considered appropriate. To date two LNR's have been declared:

- (i) Marylands Local Nature Reserve. Declared by the Council in January 2000. Managed by Hockley Parish Council; and
- (ii) Magnolia Nature Reserve. Declared by the Council in March 1999. Managed by Hawkwell Parish Council.

An extension of the Southend on Sea Foreshore Local Nature Reserve into the Rochford District to include the Maplin Bund is due to be declared.

In addition to these statutory sites Essex Wildlife Trust owns nature reserves at Lion Creek and Lower Raypits, Canewdon.

Wildlife Sites (previously referred to as SINC's) are non-statutory sites of local nature conservation importance. They are given protection by their inclusion in the Local Plan. The sites are identified on a series of maps prepared by the Essex Wildlife Trust, which are published in association with this Local Plan as supplementary guidance. (LPSPG).

POLICY NR8 - LOCAL NATURE RESERVES AND WILDLIFE SITES

Proposals for development which would adversely affect areas identified as Local Nature Reserves or Wildlife Sites, will not be permitted unless it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the site and appropriate compensatory measures can be provided.

[MINUTE 120/01]

Other Features of Nature Conservation Interest

Features such as ponds, hedgerows and tree belts have a vital role to play both in supporting biodiversity and contributing to the quality and appearance of the local environment. Some important hedgerows are also protected by the Hedgerow Regulations. The Council will expect developers to integrate existing features such as these into development schemes and to provide replacement features in cases where the removal of existing features proves unavoidable.

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**POLICY NR9 - OTHER LANDSCAPE FEATURES OF IMPORTANCE FOR
NATURE CONSERVATION**

When considering proposals for development the Local Planning Authority will seek to protect the following landscape features from loss or damage:

- **Hedgerows**
- **Linear tree belts**
- **Plantations and woodlands**
- **Semi-natural grasslands**
- **Marshes**
- **Watercourses**
- **Reservoirs**
- **Lakes**
- **Ponds**
- **Networks or patterns of other locally important habitats**

Where development is permitted that would involve the unavoidable loss of such features, the Local Planning Authority will impose conditions and/or seek the completion of a legal agreement to secure the provision of a replacement feature of equivalent value, and to ensure the future management thereof.

[MINUTE 127/02]

Species Protection

Certain species of plants and animals, including bats, badgers, the common lizard, great crested newt and slow worm, are statutorily protected by national and international legislation. The presence of a protected species is a material consideration in the determination of planning applications.

Where it is evident that a proposal could effect a protected species, the local planning authority will require that a satisfactory ecological survey of the site be carried out to allow proper consideration of the proposal, and will consult with relevant nature conservation bodies. Any permission granted will be subject to conditions and / or a legal agreement setting out measures required to mitigate the impact of the proposed development.

POLICY NR10 - SPECIES PROTECTION

Planning permission will not be granted for development likely to cause material harm to species protected under English and/or European Law. Where development is permitted that is likely to have an adverse affect upon the habitat of protected species, the local planning authority will

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impose conditions and/or seek the completion of a legal agreement in order to:

- (i) secure the protection of individual members of the species;**
- (ii) minimise the disturbance to the species; and,**
- (iii) provide adequate alternative habitats to sustain at least the current levels of population.**

[MINUTE 127/02]

Flood Risk and the Coast

Development opportunities on the undeveloped coastline are limited by physical circumstances, such as risk of flooding, erosion and land instability and by stringent conservation policies.

It has long been the policy of the local authority to promote the control of development along the coast and estuaries due to the fact that the coast is an irreplaceable natural resource. The District's coast and estuaries are of great importance recognised through national and international designations for their wildlife and natural habitats.

Coastal Protection Belt

The Coastal Protection Subject Plan, a statutory plan adopted in 1984, defined the extent of the coastal areas within Essex where there would be the most stringent restriction on development, due to the special character of the open and undeveloped coast. Policy CC1 of the Essex and Southend-on-Sea Replacement Structure Plan embodies the commitment to the Coastal Protection Belt.

Views of the coast, across river valleys and from one part of the boundary to another are important elements of the Coastal Protection Belt, and largely contributed to the drawing up of the boundary, demonstrating the coastal character of the whole area.

In considering the rural and undeveloped areas of coastline within the identified Coastal Protection Belt the Local Planning Authority will apply the following policy:

POLICY NR12 - COASTAL PROTECTION BELT

Within the Coastal Protection Belt priority will be given to the protection of the rural and undeveloped coastline. Applications for development will not be granted planning permission unless it can be shown that the

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development would not adversely affect the open and rural character of the coastline, or its historic features or wildlife.

[MINUTE 127/02]

Flood risk

Flood risk is a material planning consideration. Any new development in flood risk areas must have the aim of reducing the risk to life of flooding.

The responsibility for ensuring the safe and secure development of a site lies with the developer of the site. The local planning authority will require the applicant for any scheme within the floodplain to provide a relevant flood-risk assessment evaluating whether the scheme is likely to be affected by flooding and whether it will increase flood risk elsewhere, as well as demonstrating appropriate mitigation and management measures. Appendix F of PPG25 provides guidance on carrying out a flood risk assessment.

The advice of the Environment Agency, who have the lead role in advice on flood issues, will be sought in considering development proposals within and adjoining the floodplain to ensure that any further development does not cause or add to existing flood risk.

A series of floodplain maps are produced by the EA and are included in LPSPG [NUMBER]. Also indicated on the maps are the areas of the floodplain considered to be developed, sparsely developed and undeveloped, and functional floodplain, to which the policy below applies. The floodplain maps are indicative only and do not distinguish between the defended and undefended floodplain. It should be noted that where areas of the floodplain are proven to be defended, these are areas where flood defences reduce, not remove, the risk of flooding.

PPG25 emphasises the need to apply the 'precautionary principle', which acknowledges the uncertainty of flood estimation. Local planning authorities are asked to take into account whether there is potential for the development to be at risk of flooding in the future.

Developers, in submitting applications for development, must demonstrate to the LPA that there are no suitable development options in locations which are considered to be at lower-risk. In cases where the LPA in consultation with the Environment Agency consider that there is no other reasonable option available Policy NR13 will come into full effect. The policy is intended to provide a framework that will ensure that any further development in floodplain areas will not cause or add to existing flood risk.

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DRAFT POLICY NR13 - DEVELOPMENT WITHIN THE FLOODPLAIN

Applications for development within floodplains will be accompanied by full flood risk assessments to enable the Local Planning Authority to properly consider the level of risk posed to the proposed development throughout its lifetime, and the effectiveness of flood mitigation and management measures.

Within developed areas of the floodplain (as indicated on the LPSPG map) development may be permitted, subject to the conclusions of the flood risk assessment and the suitability of the flood mitigation and management measures recommended therein.

Within sparsely developed and undeveloped areas of the floodplain (as indicated on the LPSPG map), commercial, industrial and new residential development will not be permitted except in exceptional cases. Other applications (including applications for the replacement of existing dwellings on a one-for-one basis) will be considered on their merits, having regard to the conclusions of the flood risk assessment and the suitability of the flood mitigation and management measures recommended therein.

Within the functional floodplain (as indicated on the LPSPG map) buildings will not be permitted except in wholly exceptional cases. Other applications will be considered on their merits, having regard to the conclusions of the flood risk assessment and the suitability of the flood mitigation and management measures recommended therein.

[MINUTE 127/02]

The 1988 Local Plan saw the introduction of a policy permitting in principle further permanent residential properties in the riverside settlement of Kingsmans Farm Road, which was also continued in the 1995 First Review Local Plan. However, since then the Environment Agency has identified inadequacies in the defences protecting the existing properties. This led to a planning application in 2001 for tidal defence improvement works in order to meet the minimum standard required for this particular area. However due to the fact that the settlement is not considered a densely developed area the proposed defences will not be to the necessary standard as to allow for further residential development, as advocated in the recently published PPG25.

Sustainable drainage systems

Surface water run off from new development can also lead to an increased risk of flooding. Where it is understood that any proposal will increase the flood risk the LPA will require the developer to provide a flood risk assessment to consider the level of risk posed and the intended mitigation and management measures.

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Sustainable drainage systems can help to reduce flooding by controlling surface water run-off as close to the source as possible, before the water enters the watercourse. Such systems can also protect water resources and improve wildlife interests of developments.

There are a number of sustainable drainage options available, such as grass swales, detention or retention ponds and porous paving surfaces, some that can be implemented at all scales and others more suitable for larger sites.

Such measures should be employed at all available opportunities and incorporated into development schemes in consultation with the Environment Agency, Local Planning Authority and Local Highway Authority at the earliest possible stage.

POLICY NR14- SUSTAINABLE DRAINAGE SYSTEMS

In cases where there is a perceived risk of flooding from surface water run-off arising from the development, the local planning authority will require the submission of a flood risk assessment in order to properly consider the proposal. The assessment must include details of sustainable drainage systems to be incorporated in the development to ensure that any risk of flooding is not increased by surface water runoff arising therefrom.

[RE-WRITTEN FOLLOWING MINUTE 127/02]

Creation of Intertidal Habitats

The coast is a place of dynamic change. The sea has created much of the valued landscape and ecology of the coast. However sea levels are rising and land is sinking. This along with man made fixed sea defences can and have resulted in loss of valued intertidal habitats, that of saltmarsh and mud flats, which once existed on the water side of these defences.

The LPA will support the (re-)creation of coastal habitats provided that there will be a clear public benefit such as making a contribution to the achievement of Government biodiversity targets. One way to re-create coastal habitats is by allowing sections of the sea wall, which have been identified as having no economic justification for continued maintenance, to be breached by the sea through a process often referred to as managed retreat.

The Environment Agency who have a supervisory duty for flood defence matters recognise that there are sea walls where retreat schemes could be a possibility as shown in their report Essex Sea Wall Management (1998).

The retreat of sea defences would lead to the loss of other land types which could include agricultural land or other habitats. The Council will take into

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consideration the retention of the best and most versatile agricultural land in accordance with Policy NR4 and also the nature conservation value of the land in accordance with Policies NR6 to NR10 (inclusive).

The Essex Biodiversity Action Plan identifies the habitat of eelgrass beds, a species of intertidal mudflats, and includes the target of no net loss of this habitat. The only way to achieve this in the local area is by creating new intertidal habitats which is a long term process but if the issue is not addressed losses will continue at the high rates that have been experienced over the past.

POLICY NR15 - CREATION OF INTERTIDAL HABITATS

The creation of new intertidal habitats will be permitted provided it can be demonstrated through consultation with the appropriate bodies that the benefits of the proposed new habitats clearly outweigh the resultant loss of other natural habitats, agricultural or other land. [MINUTE 127/02]