Planning application comment was submitted on the **16 April 2024 21:11 PM**

The following is a comment on application **P240422/F** by **Emily Read**

Nature of feedback: Objecting to the application

Comment: As a resident and someone deeply invested in the preservation of our environment, I strongly oppose any development that could endanger the delicate ecosystems present within this area.

The Site of Special Scientific Interest holds invaluable ecological significance, providing habitat to numerous species of flora and fauna. It serves as a sanctuary for biodiversity, supporting a delicate balance of ecosystems that have evolved over time. Any disruption to this balance poses a serious threat to the survival of these species and the overall health of the environment.

One of the most significant consequences of building on the SSSI is the irreversible loss of biodiversity. The destruction of habitats and ecosystems will result in the displacement of numerous species that rely on this area for survival. This loss not only affects the wildlife directly impacted but also disrupts biodiversity on a larger scale.

Furthermore, the proposed development threatens the natural beauty of the area. Allowing construction to proceed would tarnish this natural beauty irreparably.
The negative impacts of building on the SSSI extend beyond local concerns to global issues such as climate change. Preserving natural habitats like the SSSI is crucial for mitigating climate change and its associated effects. These ecosystems play a vital role in carbon sequestration, regulating local climates, and maintaining environmental stability. By destroying such areas, we not only exacerbate climate change but also deprive ourselves of a critical tool in our efforts to combat its effects, including flooding.

In light of these concerns, I urge the Hereford Council to reconsider the proposed construction project on the Site of Special Scientific Interest. Alternative development options that do not compromise the integrity of the SSSI must be explored and pursued.

The proposal to build on the SSSI contravenes the following polices
Policy SS6 – Environmental quality and local distinctivenes
Policy SS7- Addressing climate change

Policy LD1 – Landscape and townscape - Minimising the risk of flooding and making use of sustainable drainage methods

Policy LD2 – Biodiversity and geodiversity - specifically the importance of maintining the integrity of SSSI.

As well as many others.

Thank you for considering my objections. I trust that you will make the right decision in safeguarding our environment and the precious ecosystems it sustains. I would like to be notified if the consent is going to be delivered.

1. Floodplain Meadows are Nationally Important and Legally Protected.

1.1. The Lugg and Hampton Meadow Site of Special Scientific Interest (SSSI) lies just directly adjacent to the proposed development land.

1.2. Lowland meadows are listed as a priority habitat in the UK Biodiversity Action Plan and as such are of principal importance to the conservation of biodiversity in England.

1.3. SSSI Notification: Lugg and Hampton Meadows SSSI notification was issued on 14th December 2011 by reason of the following nationally important features:-

1.3.1. Species –rich neutral grassland; The SSSI supports a large expanse of traditionally managed Lammas Hay meadows with species-rich neutral grassland. The meadows support various expressions and atypical variety of the nationally scarce National Vegetation Classification (NVC) type MG4 and nationally scarce transitional community between MG4 and MG5 grassland type. (MG4 is the community, meadow foxtail Alopecurus pratensis – Great Burnet Sanguisorba officinalis grassland and a community transitional between this NVC type and the nationally scarce MG5 crested dog's-tail Cynosuruscristatus – common knapweed Centaurea nigra grassland. 'Lowland meadows' are listed as a priority habitat in the UKBAP).

1.3.2. Vascular plants; The SSSI supports a large population of the nationally scarce narrow-leaved water-dropwort (Oenanathe silaifolia), growing here close to the western edge of its UK range. The species is also listed as "near threatened" in the vascular plant Red List for Great Britain, with evidence of a decline in the last 40-50 years. The site is also a long-standing location for mousetail (Myosurus minimus), a nationally declining species listed as 'vulnerable' in the vascular plant Red List for Great Britain and rare in Herefordshire.

1.3.3. Breeding curlew are also mentioned in the SSSI citation. They breed on Lower Lugg Meadow and on land adjacent to Upper Lugg Meadow.

1.4. Lowland floodplain meadows are also recognised as a threatened habitat in the EU. They are listed in Annex 1 of the EU Habitats Directive under category 6510 Lowland Hay Meadows. In the UK this definition applies to the MG4 grasslands of the British National Vegetation Classification (NVC), Rodwell 1992. Lugg and Hampton Meadows fall into this category.

1.5. It is estimated that between 1200 and 1350 ha of MG4 grassland remains in England and Wales. This, together with the EU recognition, highlights the very great importance of floodplain grassland communities. Lugg and Hampton Meadows extend to 155.68 ha and thus they make up 12% of the national remaining total for this rare grassland community. Threats or potential threats to Lugg and Hampton Meadow together with any schemes which might disrupt the sensitive hydrology of the site should be refused.

1.6. The River Lugg has been designated as an SSSI from source to its confluence with the River Wye. The length of the River Lugg, downstream of Hope under Dinmore is, in addition, a Special Area of Conservation (SAC) designated under the European Habitats Directive for river habitat that supports internationally notable aquatic plant communities and populations of river and brook lamprey, Atlantic salmon and otter in addition to notified SSSI features.

1.7. Lugg Meadow (Upper and Lower) is in addition, the largest of only 14 surviving functioning Lammas meadows in the UK and the one where the medieval practices of management are still closely followed. Lugg Meadow has a continuity of management history which can be traced back to Doomsday and beyond. Sales of hay from Lugg Meadow provided the funds to enable the current Hereford Cathedral to be re-built in the 11th and 12th Centuries.

1.8. Lugg Meadow is thus not only a site of national importance for its biodiversity but is also a site of great historical, cultural and landscape significance for Herefordshire.

2. Impact Upon and Protection of Nationally Important Designated Sites

2.1. The site lies only adjacent to the Lugg and Hampton Meadow SSSI which was designated in December 2011.

2.2. The River Lugg SAC lies 230m to the north-east of the development. The proximity and position of the proposed development site means that the hydrology of the site will always naturally drain into the Lugg Rhea and ultimately the River Lugg SAC.

2.3. The site forms part of an important buffer for Lugg and Hampton Meadow SSSI and the River Lugg SAC. Buffer zones are acknowledged as important components of any coherent and resilient ecological networks. The buffer land forms a fringe along the along the entire length of the floodplain between the Worcester road in the north and the Lugg Rhea confluence with the River Lugg. It contains Herefordshire Wildlife Trust reserves and Hereford Council Local Nature Reserves. The buffer land, within which this site lies, forms an important component of a historic floodplain and was once part of the medieval farming system in which the Lugg Meadow played such a crucial role.

2.4. Natural England highlights the buffer zones for all SSSIs on their web based “Magic” mapping system. The proposed development site lies within both the closest and next closest buffer zones to the Lugg Meadow SSSI as defined by Natural England. The greater the proximity to an SSSI, the greater the likelihood for development adversely affecting protected sites. NE highlights that for hydrological discharges, the distance of a potential development from an SSSI can have an effect at a greater distance than for other potentially damaging activities.

2.5. Lugg Meadows regularly flood during the winter months. In 2023/24 the meadows were still submerged on 19th March 2024 and had been consistently since late November. The frequency and duration of winter floods varies from year to year but this is a regular and expected event, with the duration that the site is submerged extending as more frequent wet winters are expected.

3. Impacts on the Lugg Meadows SSSI and River Lugg SAC

3.1. The Trust welcomes visitors to its suite of nature reserves via marked paths and provides interpretation so that the wildlife within any site can be enjoyed with minimal impact to the flora and fauna and this indeed applied to part of Lugg Meadow. The 2000 Countryside and Rights of Way Act gave open access to all areas of registered common land and as a result the Trust has no control over visitors on Lugg Meadow contrary to the statements in the report. The Trust has been able to secure an official restriction on public access on Lower Lugg part of the meadow during the ground nesting bird breeding season, to give resident curlew a chance to reproduce undisturbed but was not able to secure this on the Upper Lugg section. However increased population in such close proximity to the site means that it may become harder to monitor and manage this on the site.

3.2. Recreational pressures on Upper Lugg are high and increasing and are already impacting on the meadow through increased trampling, disturbance, dog walking and dog fouling, vandalism and noise. These pressures have led to difficulties in managing the site for hay (e.g. fouling of the grass, trampling, vandalism when hay making) and aftermath grazing (inability to guarantee safety of grazing animals).

3.3. The effect of 350 new houses and their occupants so close to the area of SSSI floodplain grassland, a habitat recognised as threatened in the EU (Listed in Annex 1 of the EU Habitats Directive under category 6510 Lowland Hay Meadows) cannot be summarily dismissed as insignificant as has been done in the report. There are already recreational problems which the report does not acknowledge and the suggestion that adding to

these will have no significant effect without any supporting data or evaluation is a serious omission. It is the Wildlife Trusts view that the occupants and associated pets (in particular dogs), associated with the development of these 350 homes, all potentially accessing the adjacent SSSI from a public right of way running across the development site and onto the Lugg Meadow is likely to have a significant, localised, detrimental effect upon the condition and wildlife value of a nationally important and designated floodplain grassland.

3.4. The proposal for a new primary school on the site would also lead to an increase in traffic along what is currently a farm access road. This increased disturbance would be regular, twice daily and would have a large impact on the wildlife using the Lugg meadows as the location for the primary school is on the side of the site directly adjacent to the SSSI. The corner of the location for the primary school puts the development at less than 50m from the Lugg Meadows SSSI with no buffer to the site.

3.5. The Ecological Impact Assessment acknowledges the impact of domestic cats on ground nesting birds. However we do not believe that the use of cat proof fencing as suggested on page 19 as a mitigation will be effective, particularly given the extent of the fencing indicated on the photo on page 20 of the assessment. This fencing will not easily exclude domestic cats from the Lower Lugg meadow and doesn't provide any protection for Upper Lugg Meadows.

3.6. Surface water and land drainage run-off from the proposed development are not permitted to discharge or be connected into the public sewerage system. A "sustainable drainage system" (SUDS) is proposed for the site. Via this system all surface run-off will be directed into ponds and from there discharged into the Lugg Rhea, page 54 of the design access statement. However the Ecological Impact Assessment (page 16) states that the surface water will be discharged via infiltration and therefore the 'total phosphorus removal by infiltration to ground is assumed to be 100%'. This is a clear discrepancy, if the surface water is allowed to runoff into the Lugg Rhea then no nutrients will be removed before the water enters the river Lugg SSSI. Run-off from the site could contain a wide range of pollutants e.g. oils, phosphates from car washings, paints, bleach, run-off from gardens and a wide variety of wastes. There can be no guarantee that, under this system, waters discharged into the Lugg Rhea will always be clean and therefore there is a risk that the water quality within the floodplain meadow SSSI and River Lugg SAC will be compromised, with potential subsequent detrimental effects upon their protected status. This is unacceptable given the European status of the sites. Changes in water quality and disturbance to the hydrology of the floodplain system can have an adverse impact on the features for which the sites are designated. The status of the River Lugg SAC is currently described by Natural England as "unfavourable/declining" (unfavourable due to the effects of fertilizer use, invasive freshwater species, siltation and water pollutions from agricultural run-off and discharge) and the potential for pollution from the site will only increase problems.

3.7. Page 5 of the Flood Risk Assessment and drainage strategy states that 'the river Lugg is approximately 615m north west of the site at its nearest point'. This is incorrect and contradicts the Ecological Impact Assessment which places the river Lugg '230m north and east of the site'. If the Flood Risk Assessment is calculated based on the figure of 615m distance from the development then we are concerned that any calculations will incorrectly show the impact on the river Lugg SSSI.

3.8. The proposed location of the farm shop and other units is less than 50m from the Lugg Rhea and there is no buffer shown on the plans for the Lugg Rhea at this point. Given that the Lugg Rhea flows directly into the river Lugg the likelihood of excess nutrients entering the river Lugg SSSI is high.

3.9. The report does not provide any detail for the proposed ecological enhancement works merely claiming without any objective plan or assessment against habitat lost or impacted on, that reseeding areas of grassland, replanting gaps in hedgerows and creating ponds and wetlands will all be significant ecological gains.

3.10. There is no detailed management plan for ongoing management of the site. There is no detail regarding the species mix used for the re-seeding of areas of the site, this will need to be a specific seed mix to ensure the restoration of the Lammas meadow as mentioned in the Ecological Impact Assessment (page 20). The species to be used in the hedgerows or replanting have not been specified and would need to be set out to ensure that these are native and local species.

3.11. Ponds which may be the recipients of potentially polluted run-off from the development are not suitable habitats for amphibians.

3.12. The proposed mitigation under the Biodiversity Net Gain calculations would need to be secured under planning conditions and management of the habitat enhancements beyond the 30 years required by BNG conditions to ensure reduced impact on the surrounding sites.

4. Habitat onsite

4.1. The Ecological Impact Assessment acknowledges the irrevocable loss of breeding habitat for skylarks and gives no mitigation for the creation and replacement of this habitat elsewhere.

4.2. On Page 26 of the Ecological Impact Assessment the mitigations for the loss of breeding habitats for other bird species is stated as; 'additionally, fields in the wide Site (or potentially further afield) could be managed to enhance existing habitats and provide high-quality foraging areas for winter birds' but this is not built into the master plan for the site so it is unclear what this is referring to and we do not see this as sufficient mitigation.

4.3. The EIA acknowledges that otters are reported as using the Lugg Rhea to move through the landscape and this acts as an important corridor for this species. As part of the Lugg Rhea falls within the development it is likely that the increased disturbance will negatively affect the otter population. Additionally on the master plan it is unclear whether there will be public access to the area of the Lugg Rhea just below the proposed farm shop. If there is public access to this area then the impacts on the otters will be even greater.

5. Planning Policy Considerations

5.1. The National Planning Policy Framework sets the national policy context for protection of conservation sites and states that development likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted.

5.2. The proposed development does not sit within the core strategy for housing HD1.

5.3. The Herefordshire Council Core Strategy policy LD1 – landscape and townscape states that development proposal should; 'conserve and enhance the natural, historic and scenic beauty of important landscapes and features.' LD2 also states that 'development proposals should conserve, restore and enhance the biodiversity of Herefordshire'. It is our belief that this development would not meet these objectives

Attachment:

Their contact details are as follows:

First name: Emily

Last name: Read

Email: [redacted]

Postcode: Hr40ay

Address: 28 Barton Road, Hereford, HR4 0AY

Infrastructure from section 106 to consider: N/a this should not be approved

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Link ID: https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240422

Form reference: FS-Case-606488738