

Appendix 7B: Nature Conservation Planning Policy, Plans and Guidance

This appendix provides a summary of the key planning policies, plans and guidance to be considered which are of relevance to Chapter 7 Ecological Resources.

National Policy

Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation and associated Circular Government Circular: Biodiversity and Geological Conservation, ODPM Circular 06/2005;

Biological and geological plan policies and planning decisions should:

- *be based upon up-to-date information on the relevant biodiversity and geological resources of the area. Local planning authorities (LPA) should assess the potential to sustain and enhance those resources.*
- *seek to maintain or enhance or add to biodiversity and geological conservation interests. LPAs should ensure that appropriate weight is attached to designated sites of international, national and local importance and the wider environment.*
- *take a strategic approach to the conservation and enhancement of biodiversity and geology, and recognise the contributions that individual sites and areas make to conserving these resources within the wider environment.*
- *Permit development, subject to other planning considerations, seeking to conserve or enhance the biodiversity and geological conservation interests of the area and/or the immediate locality.*
- *consider whether proposed developments can be accommodated without causing harm to biodiversity and geological conservation interests. Where there may be significant harmful effects, the LPA need to be satisfied that any reasonable alternative sites that would result in less or no harm have been fully considered.*
- *ensure where planning permission is only be granted where adequate mitigation measures are put in place, where development will result in unavoidable and significant adverse impacts on biodiversity and geological conservation. LPAs should normally seek appropriate measures to compensate for any harm, which cannot be prevented or mitigated.*
- *promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.*

UK Biodiversity Action Plan

Part of the government's strategy for the implementation of the 1992 Convention on Biological Diversity this plan has been developed to protect rare or declining habitats and species by targeting those identified as a UK priority with specific actions to reduce their rarity and decline. Under the Countryside and Rights of Way Act (2000) and the Natural Environment And Rural Communities Act (2006) the government and Local Authorities have a duty to extend regard to biodiversity in so far as this is consistent with the proper exercise of their function.

Regional Policy

East Midlands Regional Plan (Regional Spatial Strategy), March 2009

Policy 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage

Sustainable development should ensure the protection, appropriate management and enhancement of the Region's natural and cultural heritage. As a result the following principles should be applied:

- *the Region's internationally and nationally designated natural and historic assets should receive the highest level of protection;*
- *neither direct nor indirect damage to EU designated Natura 2000 sites will be permitted;*
- *damage to natural and historic assets or their settings should be avoided wherever and as far as possible, recognising that such assets are usually irreplaceable;*
- *unavoidable damage must be minimised and clearly justified by a need for development in that location which outweighs the damage that would result;*
- *unavoidable damage which cannot be mitigated should be compensated for, preferably in a relevant local context, and where possible in ways which also contribute to social and economic objectives;*
- *there should be a net increase in the quality and active management of natural and historic assets across the Region in ways that promote adaptation to climate change, and an increase in the quantity of environmental assets generally; and*
- *the Region's best and most versatile agricultural land should be protected from permanent loss or damage.*

Policy 28 - Regional Priorities for Environmental and Green Infrastructure

Local Authorities, statutory environmental bodies and developers should work with the voluntary sector, landowners and local communities to ensure the delivery, protection and enhancement of Environmental Infrastructure across the Region. Such infrastructure should contribute to a high quality natural and built environment and to the delivery of sustainable communities. Local Authorities and those responsible for the planning and delivery of growth and environmental management across the Region should work together to:

- *assess the capacity of existing Environment Infrastructure to accommodate change in order to inform decisions on the scale, location and phasing of new development. Account should be taken of current deficits and likely future demands, including those likely to result from climate change, to identify any further needs or constraints;*
- *select appropriate indicators and targets to monitor the condition of Environmental Infrastructure and to ensure that its capacity to accommodate change is not breached;*
- *ensure that the provision and design of new Environmental Infrastructure is considered and its delivery planned through environmental capacity analysis at the same time as other infrastructure requirements;*

- *within Local Development Frameworks develop 'green infrastructure plans' based on character assessments of existing natural, cultural and landscape assets and the identification of new assets required to meet the needs of existing and expanding communities;*
- *increase access to green space that can be used for formal and informal recreation, educational purposes and to promote healthy lifestyles, without increasing pressures on sensitive sites, especially those designated under the European Habitats Directive; and*
- *identify delivery and funding mechanisms for the creation and future management of Green Infrastructure, including from the planning system and other funding sources such as EU funded Environmental Stewardship Schemes.*

Policy 29 - Priorities for Enhancing the Region's Biodiversity

Local Authorities, statutory environmental bodies and developers should work with the voluntary sector, landowners and local communities to implement the Regional Biodiversity Strategy, and to deliver a major step change increase in the level of biodiversity across the East Midlands. Measures should include the:

- *achievement of the East Midlands regional contribution towards the UK Biodiversity Action Plan targets as set out in Appendix 3;*
- *establishment of large scale habitat creation projects in the biodiversity conservation and enhancement areas illustrated in Diagram 6;*
- *establishment of a regional project to promote the re-creation of key wildlife habitats in each Natural Area in the East Midlands;*
- *creating, protecting and enhancing networks of semi-natural green spaces in urban areas;*
- *creating, protecting and enhancing features of the landscape which act as corridors and 'stepping stones', essential for the migration and dispersal of wildlife;*
- *development and implementation of mechanisms to ensure that development results in no net loss of BAP habitats and species, particularly for restricted habitats with special environmental requirements, and that net gain is achieved; and development and maintenance of appropriate data to monitor and report on regional targets, BAPs and BCAs/BEAs.*

Policy 30 Regional Priorities for Managing and Increasing Woodland Cover

Local Authorities, statutory environmental bodies and developers should work with the voluntary sector, landowners and local communities to deliver a significant increase in woodland cover in the East Midlands in ways that respect local landscape character and support the implementation of the Regional Plan. New cover should make use of species resistant to climate change and complement national and regional woodland strategies, including, for example, the Forestry Commission's Woodfuel Strategy for England. Any impact on local landscape character should be carefully considered.

- *New woodland should optimise social, environmental and economic value whilst recognizing the biodiversity and character of existing woodland and the sensitivity of existing nature conservation or archaeological interest.*

- *New woodland should also avoid negative effects on water resources, and contribute to flood alleviation and floodplain management.*
- *Woodland unavoidably lost to development should be replaced with new woodland of equivalent value, preferably in the same landscape unit.*
- *Preference should be given to creating 'new native woodland' as defined in Forestry Commission Bulletin 112.*
- *Opportunities should be taken to increase woodland cover as part of new development and by using other mechanisms, focusing on priority areas identified through Space4Trees including; the National Forest, Greenwood Community Forest, Sherwood Forest, Rockingham Forest, East Derbyshire, the Boston Woods Initiative and ancient woodland clusters in the Lincolnshire Limewoods and Leighfield Forest areas; the Northamptonshire Growth Areas, where woodland creation and linkage should feature as a significant component of new green infrastructure; and principal transport corridors and Strategic River Corridors delivering local Biodiversity Action Plan targets.*
- *Ancient semi-natural woodlands, veteran trees and other woodlands of acknowledged national and regional importance should be strongly protected by Local Development Frameworks.*
- *There should be a general presumption against the conversion of any woodland to other land uses unless there are overriding public benefits.*
- *Opportunities should be taken to secure sustainable management of all woodland, and to increase public access to high quality multi-functional woodland close to communities as part of the development of Green Infrastructure.*

East Midlands Regional Environment Strategy, East Midlands Regional Assembly, adopted August 2002

Policy ENV21 deals with Biodiversity and aims:

"...To conserve and dramatically enhance biodiversity according to regional Biodiversity Action Plan priorities". The policy goes on to state that "in a region where the decline in biodiversity has been so great, it is essential that regional habitat restoration and creation targets, to compensate for past losses, are proportionately greater than for other regions. Small sites need to be extended to create larger areas where species are able to sustain viable populations and move through the landscape to re-colonise their former haunts".

6Cs Green Infrastructure Strategy Volume 5: Strategic GI Network for the Leicester Principal Urban Area and sub-Regional Centres, 2010

The site lies within the Urban Fringe Green Infrastructure Enhancement Zone as identified in this document. This area should deliver a number of green infrastructure themes and functions, including, of particular relevance to biodiversity:

- *A bridge to the country*
- *An outdoor classroom*
- *A productive landscape*
- *A nature reserve*

Stepping Stones Green Infrastructure Delivery Plan, 2008

Forming an integral part of the above policy, this plan for the Leicestershire region enables delivery of green infrastructure in this area as follows:

“...the central Leicestershire area will become a mosaic of woodlands, farmland, open spaces and settlement that contributes to a dynamic and energetic multifunctional landscape for people and wildlife now and for the future. “

Leicestershire, Rutland and Leicester Biodiversity Action Plan

As with the UK BAP above, this document targets habitats and species of particular importance to this region.

District Policy

Blaby Local Development Framework Core Strategy Submission Version June 2009

The following extracts from two policies included within this document are of relevance to this Project and its context.

Policy 13 - Green Infrastructure (GI)

“Blaby District Council and its partners will seek to maintain existing, and provide new, ‘networks of multi-functional green spaces’. This network will comprise public and privately owned land. Green Infrastructure can include formal open spaces for sport and recreation, green areas that can be used for informal recreation, areas that are valuable for their bio-diversity (flora and fauna and network links), areas that maintain natural and ecological processes (such as floodplains) and other areas that contributes to the health and quality of life of communities...

...The growth proposed as part of a Sustainable Urban Extension west of Leicester provides an opportunity to plan for a green infrastructure network, serving the needs of new communities and providing green links (for people and wildlife) from the urban area to the wider countryside. ...Opportunities to incorporate key landscape features such as woodlands, ponds, rivers and streams and the local topography should be used to create high quality design incorporating a wide range of high quality, functional and useful open spaces and links. It is important that the subsequent maintenance of GI is considered at the earliest opportunities and that the body and resources responsible for any long term maintenance liabilities are identified. ...

...Green Infrastructure is central to the delivery of Sustainable Communities. New developments (particularly the SUE) should incorporate GI in the early stages of development to ensure that opportunities to maximise ‘Green linkages’ are not lost. It is important that any new SUE achieves a series of links from the urban area to the Countryside, and from the SUE to the key services and facilities within Leicester City Centre and other areas which contain important services and facilities as well as a network of linked open spaces....In addition,

GI can encourage improvements to the bio-diversity the District by providing new habitats, and protecting important existing habitats and species”....

Policy 16 - Bio-diversity and geo-diversity

“...National Policy (primarily set out in Planning Policy Statement 9) sets out the Government Policy in relation to Biodiversity and Geo-diversity. The District of Blaby includes several SSSIs and Local Nature Reserves. Where these are affected directly or indirectly, they will be safeguarded and enhanced. Developments that would have an adverse impact on ‘Protected and notable species’ (under the Wildlife and Countryside Act 1981 as amended) will be resisted.

Any proposal which would have an affect on Narborough Bog SSSI, Burbage Wood and Aston Firs (partly in Hinckley and Bosworth), Enderby Quarry and Croft Hill and Croft Meadow will need to demonstrate that there would be no adverse impacts resulting from development. These areas will be safeguarded and enhanced where they could be directly or indirectly affected by development. There are several non-statutory sites within the District including Local Wildlife Sites and UK and local (Leicester, Leicestershire and Rutland) Bio-diversity Action Plan sites, these will be protected and enhanced (where appropriate).Where development is proposed on areas containing these designated sites, they should be retained with appropriate buffering and mitigation.

Opportunities to improve Biodiversity will be explored as part of the SUE west of Leicester. Potential to improve the bio-diversity of Green corridors (particularly those adjacent to the Lubbethorpe Brook to the south of the site) and linkages to the open countryside to the west should be explored. The existing hedgerows and fox coverts on the site will provide further opportunities to provide green linkages. Several ponds and water features exist that need to be retained.

The Council will work closely with national and local wildlife organisations, local communities and landowners in order to encourage the creation of new wildlife sites and the identification, restoration, protection and enhancement of existing sites and new priority habitats.

The potential for new ‘Local Wildlife Sites’ and for linking existing Local Wildlife Sites will be explored north of Countesthorpe, south and east of Blaby, south of Whetstone, south of Leicester Forest East and west of Glenfield.

Bio-diversity, Wildlife and Habitats will continue to be designated and afforded protection where evidence supports this approach. Local Wildlife Sites will be designated in partnership with the Local Wildlife Trust and Leicestershire County Council where they are considered of sufficient merit.

...It will be a key role of the SUE Masterplan to ensure that all existing important areas of bio-diversity are protected and that opportunities to create new areas of bio-diversity are explored. Delivery mechanisms and subsequent management will be a key part of the Masterplan...