

October 2016

# **Paper 10: Natural Environment**

## **Gloucester City Plan**

Background Topic Paper for Policy Development

## Introduction

The natural environment is a precious resource. Not only do natural places provide a refuge from our daily stresses they provide what are increasingly called ecosystem services. Essentially these are functions that green semi-natural spaces provide such as flood management, extreme weather mitigation and other well-being benefits that are rarely costed but are non-the-less essential to modern living. As well as these functional benefits we have of course a moral duty to ensure that species do not further decline. We are currently experiencing a collapse in biodiversity not seen since the mega extinctions of earlier geological epochs, development has its role to ensure that this is not only halted but reversed.

## Nationally

The National Planning Policy Framework (NPPF) sets out a clear mandate for the protection and restoration of the natural environment. It clearly describes the role of Local Planning Authorities (LPAs) in policy plan making and decision taking.

Paragraph 109 sets out that:

*“The planning system should contribute to and enhance the natural and local environment by:*

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...”

Paragraph 113 states that:

*“LPAs should set out criteria based policies against which proposals for any development on or affecting wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of sites so that protection is commensurate with their status.”*

Paragraph 117 states that:

*“To minimise impacts on biodiversity and geodiversity, planning policies should:*

- plan for biodiversity at a landscape-scale across local authority boundaries;
- identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;
- aim to prevent harm to geological conservation interests; and

- where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.”
- Paragraph 118 goes on to state that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”

## **Natural Environment and Rural Communities Act 2006**

Section 40(1) imposes a duty to conserve biodiversity:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

Section 40(3) of the Act explains that:

“Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat”.

The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.

## **Locally**

### **Joint Core Strategy (JCS)**

The JCS Submission Version (November 2014) contains policies with regard to landscape, biodiversity and green infrastructure.

#### ***SD7. Landscape Policy***

This policy seeks to protect landscape character, have regard to local distinctiveness and historic character of the different landscapes drawing on the County level Landscape Character Assessment and the JCS Landscape Characterisation and Sensitivity Analysis. All applications will need to consider landscape and visual sensitivity of the area and applications may be required to be supported by a Landscape and Visual Impact Assessment (LVIA).

#### ***SD10. Biodiversity/Geodiversity Policy***

The JCS recognises in Policy SD10 the value placed on the areas natural environment and the need for development to make a positive contribution to biodiversity and geodiversity helping to establish and reinforce networks for wildlife and to protect and enhance geological assets, whilst being coordinated with the development of multi-purpose green infrastructure. The JCS policy SD10 seeks to ensure that individual assets and the quality of the natural environment in the future is planned, protected and enhanced at a strategic scale.

The JCS looks to the local level District Plans to support the JCS by identifying and mapping components of the ecological network, including internationally, nationally and locally designated sites. In addition the JCS looks to the District plans to include boundaries and policies for Strategic Nature Areas (SNAs) and Nature Improvement Areas (NIAs).

## **Policy INF4. Green Infrastructure**

The JCS policy relating to green infrastructure seeks conservation and enhancement of green infrastructure networks of local and strategic importance in order to deliver a series of multifunctional linked green corridors across the JCS area.

## **Local Issues and Challenges**

As a focus for growth across the County, Gloucester will need to balance development with the requirement to protect worthy landscapes from inappropriate development and maintain and enhance biodiversity.

The 2002 Local Plan moved from protecting Nature Conservation to promoting biodiversity, though still relied on a series of identified 'Sites of Nature Conservation Interest' to deliver this. Landscape similarly was protected by identifying a series of Landscape Conservation Areas across the City. Within these, development was to be more tightly controlled.

When looking at the current state of landscape, the City has a tightly drawn urban form surrounded by countryside. The green belt to the North, the AONB to the East and the Severn Floodplain to the West has ensured a sharp urban rural interface. Given the City will need to grow there is an expectation that some of these urban fringe sites will be developed. Also, within the City there are areas of valued landscape that may need to be protected, however, the reality is that they are predominantly in public or benign ownership and do not face the sort of development pressures seen on the periphery.

Concerning Biodiversity/Geodiversity, as is the case with many other urban authorities Gloucester is surprisingly diverse with its mosaic of gardens, allotments, railway lines and parks providing a rich diverse habitat. Biodiversity loss in this environment can be piecemeal and potentially on an individual basis can go unnoticed. While development if done properly can be biodiversity positive, the LPA will need to be aware of overall gains and losses of individual applications. Many of the City's recognised biodiversity assets are in City Council ownership, however, there are sites within private ownership and because of their urban nature suffer from development pressure. With regard to Geodiversity 'Natural' RIGS in Gloucester are owned by the City and should not be threatened from inappropriate development. Those not in a natural outcrop will be part of the built fabric, if they cannot be saved in situ then they can be moved.

The Severn and its Washlands Nature Improvement Area (NIA) is identified to the west of the City, any development will be severely constrained here due to its floodplain nature. Notwithstanding this, any essential development within this area will need to support the wider benefits of the NIA. Development in the City looking to mitigate its ecological impact could do so in this area

With regard to Green Infrastructure (GI) the County has a strong Local Nature Partnership with a commitment to deliver GI benefits across the County. The GI strategy for the JCS identifies a number of issues for Gloucester, of most relevance is the need to connect the urban area with its rural hinterland, in particular the Regional assets of the Cotswold AONB to the east and the River Severn and its Washlands to the west, identified in the JCS as a potential regional park. Development will need to take opportunities to maximise connectivity through innovative use of open space, existing natural features and SUDs.

Reducing the impact of pinch points and barriers to biodiversity movement will be a priority. The City owns and manages an excellent network of existing semi natural open spaces on its periphery, connectivity to this will be key.

GWT are working on a GI benchmarking tool, its aim to encourage quality of GI within new development, the City Council will work with GWT developers and other stakeholders to promote this tool as a means of raising quality.

## **Responses to Previous Consultations**

### **City Plan Scope Consultation Responses**

*“The City Plan should encourage native woodland creation as a key delivery tool for urban design and green infrastructure. Woodland creation is especially important for both landscape and biodiversity (helping habitats become more robust to adapt to climate change, buffering and extending fragmented ancient woodland), for quality of life and climate change (amenity & recreation, public health, flood amelioration, urban cooling) and for the local economy (timber and wood fuel markets)”*

*“The City Plan needs to give the natural environment, and green infrastructure in particular a higher profile. Green infrastructure will provide opportunities for biodiversity enhancement, create areas of recreation, and enhance quality of life for residents and visitors. A high quality natural environment is key to sustainable development in the city. Green infrastructure should be considered in the strategic planning of development sites and not at a late stage in development.”*

*“Development, especially on the rural/urban fringe, must be sensitive to the landscape context. There should be more emphasis on the natural environment as a way of improving peoples living conditions and making Gloucester a more attractive place to run a business in.”*

*“A wildlife strategy is missing.”*

*“The planting of trees alongside public pavements & walkways should be provided to give shade and cover from the rain.”*

*“Impacts on the natural environment, particularly on protected sites such as SSSI's, should be minimised.”*

### **City Plan Part 1 – Context and Key Development Principles Consultation Document Responses**

*“concerned about statement on protecting and improving Gloucester's valuable natural environment and built heritage. It follows and appears secondary and subservient to 'meeting the pressure for growth and development needs of the City'. Furthermore the reference to protecting 'valuable' natural environment and built heritage suggests that value judgments have already been made or will be made in the future as to what is valuable. Has there been any consultation on such issues and is there likely to be? Will such judgments be made on an ad hoc basis in answer to development pressures? In addition the word 'natural' adds ambiguity to the statement. There are many 'non-natural open spaces' including public, private open space and agricultural land which might not be considered "natural" yet are very important to the character of the City and in providing green infrastructure in the urban area. Perhaps a definition or explanation of the phrase*

*"natural environment" would be helpful? Reference to the importance of such areas for wildlife should also be included. The statement needs rewording with greater emphasis on protection of the natural environment, other open land and built heritage."*

*"Section 197 of the Planning Act (1990) states: 197. Planning permission to include appropriate provision for preservation and planting of trees. It shall be the duty of the local planning authority - 2 (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; Further comments are - - The Woodland Trust believes that tree planting, even in constricted urban areas, is especially important because of the unique ability of woodland to deliver across a wide range of benefits"*

*"The Natural Environment White Paper states in para 2.54: 'We want to create more opportunities for planting productive and native woodlands; more trees in our towns, cities and villages..'"*

*"We are pleased to see Key Development Principle no.11 promote the important role that the natural environment can play in climate change mitigation and adaptation strategies. We would like to see an increase in accessible urban tree planting supported in the City Plan in order to deliver health & wellbeing benefits for Gloucester."*

*"Natural England...believe GI should be strategically planned at all spatial scales and designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. We therefore strongly recommend that GI is incorporated into the next stages of the City Plan. The City Plan presents an opportunity to identify a strategic GI framework for Gloucester that reflects and responds to the built and natural environment, recognises and supports ecosystems services and contributes positively to the wider green network."*

*"Lower tier plans and projects are also subject to the Habitats Regulations and the Council, as Competent Authority, is required to assess the likely effects of implementing the City Plan on European protected sites, both alone and in-combination. The process of screening the Plan for Likely Significant Effect (LSE) should be consistent with the approach being undertaken for the Joint Core Strategy HRA."*

## **City Plan Part 2 – Places, Sites, City Centre Strategy Consultation Responses**

No general comments on the natural environment were made. Many site specific comments were received in objection to the identified development site.

## **Proposed City Plan Policies**

Gloucester is a diverse City that benefits from a high quality natural environment which it will seek to protect and enhance where possible. Within the City there are:

- Sites of Special Scientific Interest,
- Key Wildlife Sites
- Regionally Important Geological sites
- Sites on high sensitivity in landscape terms
- Green network of formal and informal open spaces linked by green corridors such as disused railway lines and watercourses.

- Ancient trees and hedgerows

### **Policy F1: Landscape**

A landscape characterisation and sensitivity analysis has been undertaken on the periphery of Gloucester as part of the JCS evidence base. A number of sites vulnerable to large scale development within the city have also been subject to a Landscape Visual Analysis and indeed developable areas identified. Any application will be subject to JCS policy SD7 Landscape. Any sites within the city will also be subject to the following:

***Smaller areas of land within the urban area not subject to formal landscape characterisation/sensitivity analysis will be judged on their merits. For larger sites (more than 10 dwellings or 1,000 sq. m commercial floor space) a Landscape Visual Impact Assessment may be required where landscape issues are considered pertinent.***

***Development proposals on land outside the built up areas of the City will need to take account of the landscape character and sensitivity of the area. Applications for development may require a landscape and visual impact assessment to be prepared to inform development proposals.***

***Proposals within sites of higher sensitivity will be subjected to increased scrutiny and constraint and will generally be protected from development to ensure their landscape qualities are retained and safeguarded.***

*The open areas around and within the city are a precious resource that is enjoyed by residents and visitors on a daily basis. The planning system should ensure that this asset where appropriate is protected and if possible enhanced ensuring future generations can share the experience. All development can play a role in protecting and enhancing biodiversity where appropriate the City Council will seek bird and bat box provision and other associated infrastructure as part of development and landscape proposals.*

### **Biodiversity**

When assessing applications for development where biodiversity is potentially affected it will be judged against policy SD10 of the JCS in conjunction with local designated sites as identified on the proposals map.

To ensure that small scale development does not erode biodiversity on a piecemeal basis:

### **Policy F2: Biodiversity**

***Small scale piecemeal erosion of background biodiversity is to be resisted, applications for small scale development will be judged as a component of a wider system and applications will need to show how biodiversity interests will be taken account of and mitigated against.***

*As a focus for growth in the County, we need to ensure that new development takes place in appropriate locations in order to safeguard the City's valued natural environment. For a number of reasons biodiversity has been in significant decline for a number of years and it is clear that Government expects development to play a role in protecting and where appropriate enhancing biodiversity.*

### **Nature Improvement Area (NIA)**

The Severn and its Washlands NIA lies to the west of the City and is focused on the floodplain of the river Severn. It is an important habitat of strategic value and could be the focus for biodiversity offsetting when proposals within the City cannot deliver biodiversity enhancements on site.

### **Policy F3: Nature Improvement Area**

***Development within/adjacent to the Nature Improvement Area (NIA) as defined on the proposals map will not be subject to any further constraint over and above floodplain requirements, however, any biodiversity mitigation/compensation required will be expected to contribute to the overall NIA target species and habitats. Developers wishing to offset biodiversity loss elsewhere in the plan area can do so by contributing to NIA target species and habitats within the identified local NIA.***

### **Trees and Hedgerows**

Trees and hedgerows have cultural significance as well as biodiversity interest. Where possible development proposals should seek to retain these assets for their intrinsic value and for the enjoyment of future generations.

### **Policy F4: Trees and Hedgerows**

**Development will be supported where:**

- 1. It does not have an adverse impact on trees, woodlands or hedgerows of wildlife, landscape, amenity, or cultural value; and**
- 2. It includes the appropriate retention and new planting of trees and woodland; and**
- 3. It does not have an adverse impact on ancient woodland or a veteran\*tree; or**
- 4. In the case of an unavoidable adverse impact on trees and woodlands of wildlife, landscape, amenity, or cultural value, compensatory provision is made.**

\* Please note: Veteran trees are defined as 'trees that are of interest biologically, culturally or aesthetically because of their age, size or condition'.

Compensatory or mitigation planting depending on location will in general be required to be locally appropriate native species.

Tree preservation orders will be served where appropriate to protect trees for their amenity, cultural or biodiversity value.

Trees and hedgerows are an important part of the City's landscape. Not only do they give a sense of maturity and attractiveness to development, they are also an important wildlife resource. The City contains a small amount of Semi ancient woodland, this will be protected for its cultural, wildlife and its amenity value.

### **Green Infrastructure (GI)**

The GI plan seeks to connect the urban areas of Gloucester with the high quality GI assets of the Cotswold's AONB and the Washlands of the River Severn. Proposals will be supported that contribute to this objective.

Development generally will contribute to the broader network of GI corridors and assets across the City by the use of SUDS, open space, green roofs and tree planting.

### **Policy F5 Green Infrastructure**

***Development proposals will have regard to Gloucester City Council's Green Infrastructure Plan as articulated in the JCS GI strategy. Proposals that do not contribute to the connectivity of the GI plan will not be permitted unless other aspects of the overall GI plan are supported. Development adjacent to or within the identified GI asset will be expected to connect to and support the GI plan in particular the target points identified.***

*GI and its associated corridors and links are a vital component of maintaining and enhancing wellbeing. It also has functions with regard biodiversity, surface water management, climate change adaption and amenity value. Development has the potential to block corridors resulting in the isolation of habitats which is a particular concern in an urban area such as Gloucester. The rivers, brooks, disused railway corridors, footpaths, open spaces form important corridors linking communities within the City and habitats to the wider countryside. These vital corridors need to be protected and where possible enhanced for their biodiversity value and as pedestrian/cycle routes through the city. GWT are developing a GI benchmarking tool, the City Council will work with developers and other stakeholders as a means of raising the standard of GI across the City.*

### **Geodiversity**

The stock of geological exposure is limited and critical (once lost it cannot be recreated) and for scientific and educational reasons needs to be maintained.

### **Policy F6: Geodiversity**

***Any proposal that impacts upon RIGS will be re-sited unless it can shown that the geological interest can remain in situ and be made available to the public potentially this could involve removal to another site. In exceptional circumstances where the permanent loss of a RIG is unavoidable then and relocation is not possible then a full geological assessment will be required and the information deposited on an appropriate records site.***

### **Objectives met**

- Landscape JCS Objectives 4 and 9.
- Biodiversity JCS Objective 4.
- Green Infrastructure JCS Objectives 4,6,7 & 9.

## **Useful references and Evidence Base**

- JCS Landscape Characterisation Assessment and Sensitivity Study Sept 2013.
- JCS Green Infrastructure Study June 2014.
- County level Landscape Character Assessment.

## **Monitoring**

- SSSIs in favourable condition.
- Number of identified Key wildlife sites degraded or improved.
- Number of RIGS lost.
- Trees protected by Tree Preservation Orders.
- Number of inappropriate developments in sensitive landscape areas.