

## **Matter 4: Conserving and enhancing the natural and historic environment**

### **Whether the GCP is justified, effective and consistent with the JCS, and national policy in relation to its approach in enhancing and conserving the natural environment?**

#### **35. Should explicit reference be made to blue, as well as green infrastructure within the GCP? Are all relevant designated sites identified on the Policies Map? If not, should they be?**

35.1 The City Council is of the view that it is appropriate for Policy E5 to refer to both green and blue infrastructure. In responding to the Environment Agency's comments to the Pre-Submission GCP, proposed changes have been submitted that seek to address this point, to be considered at the examination in public. These have been agreed through the Statement of Common Ground between Gloucester City Council, the Environment Agency, the Local Lead Flood Authority, and the Marine Management Organisation (SoCG7). They are further identified in Submission Document CD010a 'Schedule of Changes Pre-Submission Gloucester City Plan Addendum' (References PM055, PM056 and PM057) and shown as a part of the GCP in Submission Document CD010b 'Appendix 1 Tracked Changed Pre-Submission Gloucester City Plan'.

35.2 Regarding designated sites on the Policies Map, a small number of Local Wildlife Sites (LWS) will be added/co-labelled. Most of these are already on the Policies Map as other co-designations e.g. SSSI, Country Parks, Open Space; but for clarity, they should also be labelled as Local Wildlife Sites. Also, for clarity an already identified SSSI needs to be co-labelled as a RIGS. All other relevant designated sites relating to the natural environment are currently identified including Playing fields, Allotments, SSSI, Ancient Woodland, Areas of High and High/Medium Landscape Sensitivity, Robinswood Country Park, Nature Recovery Area and Public Open Space.

35.3 For practical reasons, specifically to preserve the legibility of the Policies Map, it is not considered appropriate to include all the green/blue infrastructure priority areas, but they are outlined in detail and mapped in the JCS Green Infrastructure Strategy (Submission Documents NAT006 and NAT007).

35.4 Please also see the City Council's response to Question 30 with regard to the Policies Map.

#### **36. Has an appropriate approach been taken to achieving biodiversity net gain within policies B4, E2, E3, E4 and E5? Is there any conflict between the delivery of development and the policies? Should reference be made to British Standards 5837:2012 within Policy E4 and Building with Nature standards within Policy E5? What is the status of Building with Nature standards? Specifically, is the wording of policy E5 consistent with that of policies INF3 and SD9 of the JCS and what does commensurate mean in the context of this policy?**

##### ***Has an appropriate approach been taken to achieving biodiversity net gain within policies B4, E2, E3, E4 and E5?***

36.1 Yes, the Council considers that an appropriate approach has been taken to achieving biodiversity net gain in GCP policies B4, E2, E3, E4 and E5, and the approach is strongly supported by consultees such as Natural England, Gloucestershire Wildlife Trust and other members of the Local Nature Partnership (LNP).

- 36.2 It is worth noting that biodiversity net gain is the Gloucestershire LNP's strategic approach to delivering Green Infrastructure and that part of the accreditation process integrates local priorities and evidence. It is a shared framework that sets clear expectations for planners and developers to work together on, integrating the significant national policy and upcoming legislative changes that have taken place since the JCS was adopted.
- 36.3 It is very likely that in the near future, through the planning system, biodiversity net gain will be required of development by law. The percentage of gain is likely to be a minimum of 10% based on the Defra Metric. This requirement is likely to come into force following a two-year transition period after the Environment Bill for England receives royal assent. The Bill is at Report stage in the House of Commons.
- 36.4 GCP policies all require net gain but do not mention a percentage. It is likely that the LPA will request but not demand 10% in anticipation of new laws, and this is a reasonable and proportionate approach. What is clear is that there must be biodiversity net gain whatever the percentage.

***Is there any conflict between the delivery of development and the policies?***

- 36.5 The Council do not consider that the GCP policies conflict with the delivery of development, rather they are in line with the aims of the NPPF in encouraging a sustainable approach to development. This is an approach that accords with a nationally significant move to a new system of biodiversity net gain through the Environment Bill.
- 36.6 In terms of biodiversity net gain, there should be no conflict between the delivery of development and the policies. For major development, if gains can't be achieved on site, then they must be achieved off site and policies clearly highlight that these will be at existing green infrastructure projects in the city or in the Nature Recovery Area as per Policy E3 'Nature Recovery Area' of the GCP.

***Should reference be made to British Standards 5837:2012 within Policy E4 and Building with Nature standards within Policy E5?***

- 36.7 The requirement for British Standard 5837:2012 within Policy E4, was recommended by the City Council's Arboriculturalist based on significant experience of working to manage and protect trees in Gloucester. The standard details the steps that should be taken to ensure that trees are appropriately and successfully retained when a development takes place. The policy allows for reference to 'subsequent revisions' to allow for changes. Regarding Building with Nature standards, it is appropriate to include them and the reasons are given in the answer to the question below.

***What is the status of Building with Nature standards?***

- 36.8 Building with Nature is currently the only nationally recognised benchmark for Green Infrastructure. It was developed in Gloucestershire in a partnership between Gloucestershire Wildlife Trust, the University of the West of England and MHCLG. Within the county, Building with Nature is specifically included by Cotswold District Council, Forest of Dean District Council and Tewkesbury Borough Council in their current or revised Local Plans.
- 36.9 At the Regulation 19 GCP consultation, Policy E5: Biodiversity and Building with Nature had strong support from Natural England, the Environment Agency, CRPE, Woodland Trust,

Cotswold District Council, Gloucestershire Wildlife Trust, County Council Ecology and Gloucestershire County Council Public Health. It represents an appropriate standard to deliver high quality green and blue infrastructure, sustainable places to live, and in supporting the City Council's commitment to addressing climate change.

- 36.10 Given the current pandemic, and the increased importance of green open spaces in the mitigation of the crisis, the comments of the County Council Public Health team are worth citing, 'We support the requirement for major proposals to be designed in accordance with the Building with Nature benchmark, which includes standards for promoting wellbeing through green infrastructure. The policy supports the Gloucester City Integrated Locality Partnership priority to support improvements in the mental health and wellbeing of children and young people living within the City.'

***Specifically, is the wording of policy E5 consistent with that of policies INF3 and SD9 of the JCS and what does commensurate mean in the context of this policy?***

- 36.11 In terms of the relationship between GCP Policy E5 'Biodiversity and Building with Nature' and JCS policies INF3 'Green Infrastructure' and SD9 'Biodiversity and Geodiversity' it is the Council's view there is no contradiction or lack of consistency. The JCS policies are more strategic in that they focus on the green infrastructure for the whole JCS area and on the specific requirements for large strategic allocations. GCP Policy E5 is a local policy, that is more specific, more focused on Gloucester and it is the Council's view that Local Plans can specify design code-type approaches beyond the JCS.
- 36.12 In terms of the meaning of 'commensurate' in GCP Policy E5 'Green/Blue Infrastructure: Building with Nature', it means in proportion to. Bigger schemes will be expected to contribute more akin to their impact on biodiversity, but there will be an element of discretion on behalf of planning officers making a recommendation.
- 36.13 In responding to some of the comments made in relation to the Pre-Submission GCP, several proposed changes have been submitted that address matters made in relation to this policy, for consideration at the examination in public. These are identified in CD010a 'Schedule of Changes Pre-Submission Gloucester City Plan Addendum' and shown as a part of the GCP in CD010b 'Appendix 1 Tracked Changed Pre-Submission Gloucester City Plan'.

**37. Is there any duplication between policies C5, E2, E8 and SD9 of the JCS? Are the policies justified and supported by robust and up to date evidence, consistent with recent case law and the provisions of the Conservation of Habitats and Species Regulations 2017?**

- 37.1 With regard to GCP policies C5 'Air Quality', E2 'Biodiversity and Geodiversity', E8 'Development affecting Cotswold Beechwoods Special Area of Conservation' and JCS Policy SD9 'Biodiversity & Geodiversity' – yes, there are some overlaps. However, the City Council has worked with Natural England on this Local Plan policy which builds on SD9 and satisfies the City Council's duty with regard to Habitats Regulations.
- 37.2 The policies are justified and supported by robust and up to date evidence, consistent with recent case law and the provisions of the Conservation of Habitats and Species Regulations 2017. In a partnership approach, and assisted by Natural England and the countywide Local Authority Planning & Biodiversity Group (LAPBG) the following have recently been undertaken:

- Cotswold Beechwoods Visitors Survey (2019 – Footprint Ecology)
  - Cotswold Beechwoods Mitigation Strategy (Draft in 2021 – Footprint Ecology)
- 37.3 Further work on the protection of International sites looking at cross boundary and cumulative impacts is ongoing through the review of the JCS and the coordinating activities of the LAPBG, including representation from Local Nature Partnership members.
- 37.4 The check of this is consultation with the Statutory Consultee - Natural England. Natural England have confirmed at the Regulation 19 stage of consultation and through a signed Statement of Common Ground (SoCG4) that policies C5, E2 & E8 are sound and legally compliant.
- 37.5 Note: See the minor proposed modifications to C5, E2 and E8 in Submission Documents CD010a 'Schedule of Changes Pre-Submission Gloucester City Plan Addendum' (references PM030, PM031, PM043 and PM058) and shown as a part of the GCP in CD010b 'Appendix 1 Tracked Changed Pre-Submission Gloucester City Plan'.
- 38. As written do policies E2 and E8 adequately consider the impact of both air pollution and recreation on the integrity of the Cotswold Beechwoods SAC and other relevant sites?**
- 38.1 Yes, they do. Natural England responded to the GCP Regulation 19 consultation stating that the GCP policies were legally compliant, sound and satisfy the Duty to Cooperate. Natural England's original response and the subsequent signed Statement of Common Ground (SoCG4) confirm that GCP Policies E2 'Biodiversity and Geodiversity' and E8 'Development affecting Cotswold Beechwoods Special Area of Conservation' adequately consider the impact of both air pollution and recreation on the integrity of the Cotswold Beechwoods SAC and other Internationally designated sites. In terms of the evidence base, please see the City Council's response to Question 37 and the reference to recent technical studies undertaken.
- 38.2 Note: see the minor proposed modifications to E2 and E8 in Submission Documents CD010a 'Schedule of Changes Pre-Submission Gloucester City Plan Addendum' (references PM043 and PM058) and shown as a part of the GCP in CD010b 'Appendix 1 Tracked Changed Pre-Submission Gloucester City Plan'.
- 39. Are the mitigation costs related to recreation impacts justified, reasonable and directly related to development? Is it necessary for individual site-specific projects to undertake individual Habitat Regulations Appropriate Assessments?**
- 39.1 In terms of the mitigation costs related to the recreational impacts on the Cotswold Beechwoods SAC, Natural England are clear that the costs (as estimated through the draft Mitigation Strategy which is yet to be published) can be justified, reasonable and directly related to development. In the draft Mitigation Strategy, the estimated cost per dwelling is likely to be c.£187 (for measures directly protecting the SAC) and c.£480 for Suitable Alternative Natural Green Space (SANGS) away from the SAC. Likely costs have been considered through the GCP Viability Appraisal (Submission Document VIA001) and Viability Appraisal Addendum (Submission Document VIA002). Between the two studies, costs have been reduced to reflect the emerging Mitigation Strategy.
- 39.2 In recent years, as part of local plan development, Natural England has been working closely with the JCS authorities and Stroud District, whose populations are deemed to have the most significant recreational impact on the Cotswold Beechwoods. Natural England has

encouraged robust evidence gathering (through the Cotswold Beechwoods Visitor Survey 2019) as well as the production of the Mitigation Strategy, considering the cumulative impacts of growth and development.

39.3 In terms of the necessity for individual site-specific projects to undertake individual Habitat Regulations Appropriate Assessments, this is currently the case, in line with Regulations and adopted JCS Policy SD9 'Biodiversity and Geodiversity' and represents the position of Natural England as Statutory Consultee. Point 3 of SD9 states: 'Any development that has the potential to have a likely significant effect on an international site will be subject to a Habitats Regulations Assessment.' This Assessment (for a site where it was clear to the local authority in consultation with Natural England) would involve four stages:

1. Screening
2. Appropriate Assessment
3. Alternative solutions
4. Imperative reasons of overriding public interest and compensatory measures.

39.4 It may be the case that Appropriate Assessment is not required, following screening, but then again it may, depending on the results of the screening process.

39.5 Both GCP Policies E2 'Biodiversity and Geodiversity' and E8 'Development affecting Cotswold Beechwoods Special Area of Conservation' can require an Appropriate Assessment, but only following screening and as part of the standard HRA process. This is not a new position and is in line with JCS policy, the law and regulations.

**40. What certainty is there that policies E2 and E8 together with 'on- going dialogue with NE and neighbouring LPAs through relevant reviews of the JCS, and local GCPs of adjoining Gloucestershire authorities' will be consistent with the findings of the Dutch Nitrogen case<sup>1</sup>?**

40.1 Policy E2 'Biodiversity and Geodiversity' and E8 'Development affecting Cotswold Beechwoods Special Area of Conservation' have been found to be legally compliant, sound and compliant with the Duty to Cooperate by Natural England. The City Council has a signed Statement of Common Ground with Natural England (SoCG4), which confirms there are no areas of disagreement.

40.2 On the GCP HRA Natural England has stated: (emphasis added)

'Natural England agrees with the HRA report's conclusions ('revised Screening and Appropriate Assessment report') i.e. that the plan will have no adverse effect on the integrity of European designated sites (Habitats sites) subject to:

- the protective policies of E2 and E8, and
- ongoing dialogue with Natural England and neighbouring LPAs through relevant reviews of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and local plans of adjoining Gloucestershire authorities.'

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<sup>1</sup> Joined Cases C-293/17 and C-294/17

- 40.3 The view of the Council is that the relevant policies E2 and E8 are sound, legal and protective, and the ongoing technical work on impacts and mitigation, overseen by Natural England, includes:
- Cotswold Beechwoods Visitor Survey plus Mitigation Strategy (in draft form) which proposes fees from development leading to very specific actions to protect the beechwoods SAC.
  - Work on air pollution mitigation with JCS authorities, plus Stroud, Forest of Dean and Cotswolds looking at cross boundary and cumulative impacts.
- 40.4 It is worth emphasising strongly that the GCP is not proposing any housing or employment development levels over and above levels that have already been tested through the SA and the HRA of the adopted JCS.
- 40.5 Note: see the minor proposed changes to policies E2 and E8 in Submission Documents CD010a 'Schedule of Changes Pre-Submission Gloucester City Plan Addendum' (references PM043 and PM058) and shown as a part of the GCP in CD010b 'Appendix 1 Tracked Changed Pre-Submission Gloucester City Plan'.

**Whether the GCP provides a positive framework relating to the historic environment consistent with Paragraph 185 of the Framework and Policy SD8, and whether the policies of the GCP are effective, justified, and consistent with its objectives?**

- 41. Site specific matters will be addressed in Matter 10. However, as a broader issue, has the Council appropriately considered the historic environment in its allocation of sites and its policies?**
- 41.1 The City Council has prepared a comprehensive and up-to-date evidence base to support the GCP relating to heritage matters, including:
- Gloucester Heritage Strategy 2019 – 2029 (Submission Document HIS001)
  - Gloucester Heritage Strategy Background Document: Evidence, Analysis, Engagement (Submission Document HIS002)
  - Townscape Character Assessment (Submission Documents DES001 and DES002)
  - Public Realm Strategy (Submission Document DP008).
  - Strategic Assessment of Land Availability (SALA) (SALA – Submission Document HOU010, Specific Historic Environment Assessments HIS007a – s)
- 41.2 Heritage forms a ‘golden thread’ running through the GCP, reflected in the Vision, Key Principles, site allocations and development management policies. Of particular relevance is the Gloucester Heritage Strategy (2019 – 2029), which identified Gloucester’s historic environment as a powerful resource for economic development, regeneration, tourism, enterprise and competitiveness, local identity, and pride. The strategy was prepared with consultation and engagement with Historic England, the Gloucester Civic Trust, stakeholders and the community.
- 41.3 Regarding site allocations, the City Council’s conservation and heritage officers have advised on the suitability of different sites, and opportunities from an historic environment perspective through the SALA process. Further information is provided in response to Question 85.
- 41.4 Through the Pre-Submission GCP consultation, Historic England submitted a response that was largely very positive and supportive of the GCP. However, some issues of soundness were raised, as well as other suggestions that would help to improve the plan. Following on from this, officers have engaged directly with Historic England to prepare a Statement of Common Ground (SoCG5), and a number of proposed changes have been agreed for further consideration through the examination in public. On the basis of these changes, Historic England has confirmed all matters have been resolved and no soundness objections remain. Most of the proposed changes are identified on Submission Document CD010a ‘Schedule of Changes Pre-Submission Gloucester City Plan Addendum’ and are shown as part of the GCP in Submission Document CD010b ‘Appendix 1 – Tracked Change Pre-Submission Gloucester City Plan’. Additional proposed changes are not identified in these documents, but these will be updated in due course.
- 42. Is the GCP, and are the generic and site-specific policies within the GCP justified by up-to-date evidence relating to the historic environment, including heritage assets most at risk through neglect, decay or other threats? Should there be a specific policy relating to heritage assets most at risk, rather than relying on a reference within the supporting text? If so, how should it be phrased?**

- 42.1 The City Council has prepared a comprehensive evidence base regarding the historic environment, as set out in the answer to Question 41. This includes a Buildings at Risk Register (Submission Document HIS004).
- 42.2 It is not considered necessary to have a separate policy relating specifically to heritage assets most at risk. This matter is adequately provided for through Adopted JCS Policy SD8, which states *‘Proposals that will secure the future conservation and maintenance of heritage assets and their settings that are at risk of through neglect, decay or other threats will be encouraged’* and *‘Proposals that will bring vacant or derelict heritage assets back into appropriate use will also be encouraged.’* A further policy on this matter in the GCP would lead to duplication. However, the supporting text could be strengthened through direct referencing to Policy SD8 in relation to this matter.
- 43. Does the wording of the policies accurately reflect the Council’s statutory duties? Is there any ambiguity and inconsistency between policies D1, D2 and D3 and paragraphs 189- 202 of the Framework? If so, how could this be resolved?**
- 43.1 The City Council is of the view that the policies D1, D2 and D3 reflect the City Council’s statutory duties with regard to the historic environment, along with Adopted JCS Policy SD8 ‘Historic Environment’.
- 43.2 In responding to the GCP Pre-Submission consultation, Historic England (and others) commented that certain elements of policies could be improved through better reflecting the wording of the NPPF. In response, the City Council has engaged with Historic England and prepared a Statement of Common Ground (SoCG5), setting out proposed changes, for consideration at the examination, which address these matters. On the basis of these changes, Historic England confirm that no soundness objections remain. Most of the proposed changes are identified on Submission Document CD010a ‘Schedule of Changes Pre-Submission Gloucester City Plan Addendum’ and are shown as part of the GCP in Submission Document CD010b ‘Appendix 1 – Tracked Change Pre-Submission Gloucester City Plan’. Additional proposed changes are not identified in these documents, but these will be updated in due course.
- 44. Is policy D4 intended only to be applied within conservation areas and in relation to listed buildings? Even if it is, is it over prescriptive, and is it appropriate to refer to the Shopfronts, Shutters and Signage Design Guidelines for Gloucester Supplementary Planning Document within the policy text?**
- 44.1 Policy D4 ‘Shopfronts, shutters and signs’ is not solely intended for conservation areas or listed buildings, but all shopfronts and signage in the city. Across the city there are a number of historic/traditional timber shopfronts in areas which are not designated as conservation areas and where new build development comes forward it is important that shopfronts and signage is of a high quality and well designed.
- 44.2 The adopted SPD is an important document and provides a greater level of detail when dealing with either a historic shopfront or one which is modern and outside a sensitive setting.
- 44.3 To clarify this matter, Submission Document CD010a ‘Schedule of Changes Pre-Submission Gloucester City Plan Addendum’ includes a proposed change (PM039). This is reflected as



part of the GCP in Submission Document CD010b 'Appendix 1 – Tracked Change Pre-Submission Gloucester City Plan'.

**45. How does Policy D5 differ from the consideration of the setting of a listed building? How have the buildings been identified?**

45.1 This policy relates to the protection of Cathedral Views and not the setting of listed buildings which would be assessed under policy D1.

45.2 The Cathedral tower has a number of direct or partial views, and these have been identified within the Councils Heights of Buildings Guidelines for developers in the Gloucester Area (DP010) and through the Conservation Area Appraisals (HIS003). This document sets out a number of specific view corridors are proposed which are considered strategically important in retaining the unique character and distinctiveness of Gloucester.

**46. Do the policies of the GCP give a clear indication of how a decision maker should react to a development proposal, with reference to the historic environment?**

46.1 The City Council is of the view that the information set out with D1 provides sufficient explanatory text detailing what is required when working on heritage asset and in particular paragraph 3.4.12.

**47. Is the level of detail set out within the individual site allocations relating to designated and non-designated heritage assets justified and based on evidence, and has this evidence adequately informed the allocation of sites, and any site-specific policies?**

47.1 As with question 41 the site allocations and historic environment has been robustly assessed, the City Archaeologist and Principal Conservation Officer, have been involved in the process on a regular basis working with the policy when new sites are identified, through the Strategic Assessment of Land Availability. The Historic Environment Record has been reviewed, heritage assets and settings assessed, and a number of sites have been subject to detailed Historic Environments Assessments which robustly reviewed the development potential of a site (Submission Documents HIS007). Where larger sites are coming forward these are subject to site specific masterplans or supplementary planning documents and a local development order, for example Submission Documents DP013 'King's Quarter Concept Statement' and DP014 'Fleece Hotel Concept Statement'. See response to Questions 41 and 85 in relation to the historic environment and site allocations.