

MATTER 13 – NATURAL ENVIRONMENT

Issue 13: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for the natural environment in Leicester?

Policy NE01 - Protecting designated sites, legally protected and priority species, and priority habitats.

428. Is Policy NE01 consistent with national policy and will it be effective in protecting and enhancing geodiversity? In particular, does the policy explicitly consider development proposals affecting the full hierarchy of international, national and locally designated geological sites? To be effective should the policy refer to geodiversity alongside biodiversity?

Yes, Policy NE01 is consistent with national policy as it seeks to protect and enhance the natural and local environment, in line with NPPF (September 2023), para. 174. However, in order to be more effective in protecting and enhancing geodiversity, the Council has suggested a modification to the Policy to explicitly state that development will only be permitted where significant harm to biodiversity **and/or geodiversity** is avoided (MM31 in EXAM 8).

The policy does not explicitly consider development proposals affecting the full hierarchy of designated geological sites as there are not any internationally designated sites within the Leicester City administrative area, nor is there any expectation of any new sites being identified within the plan period.

As stated above, the Council is of the view that to be effective the policy should nonetheless refer to geodiversity alongside biodiversity and has suggested a main modification to effect this change to the policy (MM31 in EXAM 8).

429. Is Policy NE01 clearly written, such that it will provide an effective strategic framework to inform the preparation and determination of planning applications, with particular regard to a mitigation hierarchy?

The Council considers that the final paragraph of the policy includes a mitigation hierarchy that would inform the preparation and determination of planning applications. However, the Council agrees that the wording of the paragraph should be made clearer to guide applicants and decision makers with regard to effectively applying the mitigation hierarchy and will propose a modification to this effect.

Policy NE02 - Biodiversity Gain.

430. Is it appropriate and justified by evidence for Policy NE02 to require an 'at least' 10% increase in biodiversity? Is there evidence to support a higher BNG percentage requirement, in order to provide a positive approach consistent with achieving the plan's vision and sustainable development?

Yes, it is appropriate and justified by evidence for Policy NE02 to require an 'at least' 10% increase in biodiversity as this is reflective of legislative (Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990) and national planning policy requirements (NPPF, Sept 2023, paras. 174 d) and 179 b)). The policy wording establishes the least that is expected but allows scope for a greater net gain in biodiversity to be sought if other considerations, such as viability of the development or the amount of open space being created as part of the development, justify it.

The Whole Plan Viability Assessment (EB/DI/3) tested the policy requirement for a minimum biodiversity net gain of 10%. A higher BNG percentage requirement was not tested, as the need for provision of BNG must be balanced against other planning requirements such as housing delivery and viability of development. However, depending on the particulars of an individual site, where a higher BNG percentage is achievable and promoted by an Applicant, this provides policy support for embracing that additional net gain as a material consideration and would be consistent with the Plan's vision and sustainable development.

Policy NE03 - Green and Blue Infrastructure

431. Overall, is Policy NE03 justified, effective and consistent with national policy, in chapters 8 (Promoting healthy and safe communities), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment) of the NPPF? In particular, would this policy ensure coherent ecological networks that are more resilient to current and future pressures?

Yes. The policy is justified as it will contribute to the maintenance and enhancement of the city's green and blue infrastructure (GBI) network, in line with Objective 8 of the Local Plan, which is to protect and enhance the natural environment including green infrastructure and biodiversity, and in line with the policies of Chapter 15 of the NPPF.

The policy is effective as its criteria specifies to the developer what is expected of GBI in new development.

The policy is consistent with Chapter 8 of the NPPF as it will maintain and generate GBI within the city, which can include areas for recreation, for promoting social interaction, and for supporting healthy lifestyles, all of which contribute to the achievement of healthy, inclusive, and safe places.

The policy is consistent with Chapter 14 of the NPPF as the maintenance and creation of GBI will help manage risks from climate change through suitable adaptation measures, and it will help to minimise vulnerability and improve resilience to climate change.

The policy is consistent with Chapter 15 of the NPPF as it seeks to integrate GBI into the design of developments (in line with para. 180 d)), and it seeks to maximise the multiple functions and associated benefits of GBI and connect GBI across and around a site, as well as to the wider GBI network (in line with para. 174 d)).

The policy will ensure coherent ecological networks that are more resilient to current and future pressures as criterion c) of the policy states that GBI should be connected across and around the site, as well as to the wider GBI network, thus helping ensure the integrity of ecological networks and expanding them. The intention is to ensure that where GBI is proposed it will be required to demonstrate how it complements and connects to other nearby GBI.

Furthermore, the Council has suggested that a modification be made to the policy, which would add the following wording in a standalone paragraph at the end of the current policy wording (MM32 in EXAM 8):

"Development proposals should create new habitats, and links between habitats, in line with the Green Infrastructure Strategy and the Local Nature Recovery Strategy (once completed) to maintain and enhance a network of wildlife sites and corridors, to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change".

This modification will strengthen the policy in relation to ensuring that ecological networks within the city are coherent and that they are connected with networks beyond the city's boundaries.

432. Is Policy NE03 clearly written such that it will provide an effective framework to inform the preparation and determination of planning applications?

Yes. The Council is satisfied that the policy as drafted is clearly written and will provide an effective framework to inform the preparation and determination of planning applications.

Policy NE04 - Ancient Woodland, Veteran Trees and Irreplaceable Habitats

433. Does Policy NE04 provide an effective basis to protect woodlands and trees? In particular, should the policy also refer to the deterioration of habitat, rather than just loss or harm?

Yes, Policy NE04 does provide an effective basis to protect woodland and trees as it makes clear that development which would result in the loss of, or harm to ancient woodland, ancient or veteran trees, and irreplaceable habitats will only be permitted for wholly exceptional reasons, that a suitable compensation strategy must be agreed with the council and be in place, and that the public benefit from the development clearly outweighs the loss of or harm to the habitat. The policy is aligned with para. 180 c) of the NPPF.

While the policy as written is effective, the Council agrees that it should also refer to the deterioration of habitat and proposes a main modification to amend the wording of the policy as follows (additional text to the current policy wording is underlined, text deleted from the current policy wording is struck through):

"Development should aim to protect and, if possible, enhance ancient woodland, ancient or veteran trees, and irreplaceable habitats. Development resulting in the loss of, ~~or~~ harm to, or the deterioration of ancient woodland, ancient or veteran trees, and irreplaceable habitats must be wholly exceptional and is only permitted when: ...".