
PROTECTING AND ENHANCING THE HISTORIC AND NATURAL ENVIRONMENT



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3. PROTECTING AND ENHANCING THE HISTORIC AND NATURAL ENVIRONMENT

INTRODUCTION

- 3.1 Concern about quality of life and environmental issues has led to a considerably heightened concern about the environment since the adoption of the current Structure Plan in January 1994.
- 3.2 Recent Government Guidance relating to the environment includes PPG1 'General Policy and Principles' (February 1997) and PPG7 'The Countryside - Environmental Quality and Economic and Social Development' (February 1997).
- 3.3 PPG1 states that it is a key role of the planning system to enable the provision of homes and buildings, investment and jobs in a way which is consistent with the principles of sustainable development.
- 3.4 PPG7 sets out the Government's objectives for the rural environment and advises on achieving good quality development. The objectives include conserving the countryside's natural assets, reversing the decline in wildlife, maintaining the diversity of rural landscapes, and redressing the environmental damage of the past and ensuring that unavoidable damage in the future is offset wherever possible through other environmental improvements.

SITES AND BUILDINGS OF HISTORIC, ARCHITECTURAL AND ARCHAEOLOGICAL INTEREST

- 3.5 Archaeological remains exist throughout the Plan Area in the form of buried sites, earthworks, standing buildings and structures. These remains are a fundamental part of the Plan Area's heritage and history and provide a potential resource of great educational, academic and tourist interest.
- 3.6 Leicestershire County Council Museums Services, who by agreement undertake services for Rutland County Council, and Leicester City maintain Archaeological Sites and Monuments Records, listing some 6,000 sites, which include the 167 Scheduled Ancient Monuments in the Plan Area. This record, however, only lists what is known or suspected. There is undoubtedly a wealth of archaeological evidence yet to be revealed, even on sites which are 'known'. The areas of archaeological potential referred to in the Policy will be defined by the City and County Museums Services.
- 3.7 The Plan Area possesses around 6,000 statutorily Listed Buildings and Structures and a great many more which are of local architectural, archaeological, historical or social significance. These represent a priceless cultural asset and their conservation is a concern of the planning system.
- 3.8 It is important, that the planning process takes into account the need to protect, preserve, enhance and, where development proceeds, record sites which are already known about and those which are identified during assessment of proposed development. The preservation of archaeological remains and their settings is a material consideration in the determination of planning applications.
- 3.9 PPG16 'Archaeology and Planning' offers detailed guidance on procedures to be followed to protect the archaeological interest. It recommends an assessment by desk study and / or field evaluation before planning permission is granted. Where

preservation of remains in-situ is not justified in the circumstances of the case, PPG16 requires developers to make appropriate and satisfactory provision for the excavation and recording of remains. In situations where it is accepted that there is an overriding need for development on an archaeological site, the Three Councils will expect an agreement that the developer will fund the costs of the recording, analysis, interpretation and dissemination of what remains on site.

- 3.10 There are around 200 areas in the Plan Area that are designated as Conservation Areas. They represent areas of special architectural or historic interest that are vital to maintaining the area's heritage. Local authorities are required by the Planning (Listed Buildings and Conservation Areas) Act 1990 to formulate and publish proposals for their preservation and enhancement. Government guidance requires that their character and appearance receive special attention when local authorities exercise their planning powers. This should be in addition to the principles of good design, set out in Strategy Policy 11: Good Design. PPG15 'Planning and the Historic Environment' provides comprehensive advice on controls for the protection of historic buildings and Conservation Areas and for their archaeological assessment and recording. In addition, PPG16 provides for archaeological assessment before determination and recording before or during development for all buildings of historical or archaeological significance.
- 3.11 To implement this policy, it is the intention to:
- a) maintain, update, enhance and make more publicly available an Archaeological Sites and Monument Record for Leicestershire, Leicester and Rutland and the Record of Statutorily Listed Buildings;
 - b) compile and regularly review records of Listed Buildings which are 'at risk' through neglect, development, subsidence or other processes;
 - c) undertake surveys in conjunction with other appropriate bodies to assess the most important surviving elements and initiate and publicise a schedule of Heritage Structures which are not otherwise statutorily listed;
 - d) continue to maintain the Three Councils' stock of Listed Buildings and other Heritage Structures and archaeological sites and monuments to the highest standards and;
 - e) recommend to the Department of Culture, Media and Sport, appropriate sites for statutory protection as Scheduled Ancient Monuments or Areas of Archaeological Importance for entry onto the Registers of Historic Parks and Gardens, and Battlefields;
 - f) provide information to Local Planning Authorities to assist them in ensuring that known areas and sites of archaeological and architectural interest are defined in Local Plans, so that archaeological and architectural matters are properly taken into account in the planning process;
 - g) establish, maintain and develop an Urban Archaeological Database in conjunction with English Heritage, as an initial step towards the formulation of an Urban Archaeological Strategy to guide the future management of Leicester's archaeological resource;

- h) provide, where appropriate, an archaeological advisory service to all interested bodies and co-ordinate action of the various archaeological organisations operating in the Plan Area;
- i) inform owners / occupiers (particularly farmers) of significant archaeological sites, and of the importance of such sites, and identify ways of safeguarding and maintaining and, where practicable, interpreting them for public access; and
- j) encourage, and assist wherever possible, the provision of an adequate field archaeological service throughout the Plan Area and discourage field work particularly excavation, of an inadequate standard.

Environment Policy 1: Sites and Buildings of Historic, Architectural and Archaeological Interest

Measures will be taken to identify, protect, preserve and enhance areas, sites and buildings of historic, architectural or archaeological importance. Development within Conservation Areas will be required to preserve and enhance the area.

Proposals for development on or adjacent to archaeological or other historic sites and buildings will be considered against the need to ensure their preservation.

Development will only be acceptable where it would not adversely affect any scheduled ancient monument or other nationally important archaeological site or its setting or amenity value.

Where a known site of county or local significance is affected, development may be acceptable which would allow its preservation in situ, or, where this is impractical, its investigation and recording.

Development will only be acceptable in areas of archaeological potential if proper evaluation of the archaeological implications of the proposed development has been undertaken.

THE NATURAL ENVIRONMENT IN URBAN AREAS

- 3.12 The need to protect open spaces within urban areas is widely recognised. It is important to ensure that existing open spaces, including playing fields, recreational facilities and green links are protected from development unless there are very significant overriding needs and circumstances. These open spaces may provide visual and wildlife corridors or wildlife stepping stones between habitats. This protection should be applied equally to privately owned land and land owned by local authorities and other public bodies. The provision of open space in new development is dealt with by Strategy Policy 11 and Leisure Policy 1.

Environment Policy 2: The Natural Environment in Urban Areas

Important areas of open space and green linkages within built up areas will be identified, protected and enhanced.

ECOLOGY

- 3.13 Leicestershire County Council's Museums, Arts and Records Service identifies and maintains records of sites of ecological significance. This provides an essential database against which to judge possible effects of planning applications and an essential resource for monitoring environmental change.
- 3.14 The Wildlife and Countryside Act 1981 and the Hedgerows Regulations 1997 have given local authorities greater powers to assist nature conservation.
- 3.15 PPG9 'Nature Conservation':
- a) sets out the Government's objectives for nature conservation, and the framework for safeguarding our natural heritage under domestic and international law;
 - b) describes the key role of local planning authorities;
 - c) emphasises the importance of both statutorily designated sites and locally designated areas for nature conservation;
 - d) provides development control criteria, particularly for Sites of Special Scientific Interest and sites with additional national and international designations;
 - e) contributes to the implementation of the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive);
 - f) elaborates on the development control implications of species protection.
- 3.16 PPG9 requires structure plans to identify key sites of nature conservation importance, such as Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites. Structure plans are also required to establish a strategic framework and exemplify the particular characteristics of nature conservation interest in the plan area in their national and international context. Policies to be applied to these sites should reflect their relative significance, and place particular emphasis on the protection of internationally important sites.
- 3.17 Structure plans must also include policies in respect of the conservation of the natural beauty and amenity of the land, including encouraging of the management of landscape features which are of major importance for wild flora and fauna.
- 3.18 The presence of a protected species is a material consideration when a Local Planning Authority is considering a development proposal which, if carried out, would be likely to result in harm to the species or its habitat. Environment Policy 3 takes this into account. Since protected species are listed on a national basis, they are included in the group afforded the greatest protection.

- 3.19 The adopted Structure Plan specified ecologically significant sites in accordance with an evaluative hierarchy. This, however, resulted in no protection for sites evaluated on the lowest tier. Continued loss of ecological sites in general, as documented in the Biodiversity Audit for Leicestershire and Rutland published in 1996, suggested that these remaining 'lower grade sites' are becoming of increasing importance as time goes on.
- 3.20 PPG 9 highlights the need to protect the wider countryside. This can be understood to make the wider countryside more amenable to wildlife and biodiversity. The protection or provision of wildlife corridors and habitat continuity is an essential step in promoting wildlife interests. Biodiversity should be understood to include local biodiversity and protection and promotion of species, especially those with genetic characteristics which are natural to the area.
- 3.21 A proposal could be said to 'adversely affect' an ecological site if mismanagement, pollution or over-use causes loss or degradation of a habitat, or a reduction in biodiversity. Loss or damage may be direct, for example, building on the site, or indirect, for example, wetland sites may be damaged by storm-water runoff. It is important, therefore, that proposals for development close to protected sites are looked at carefully to ensure that indirect damage does not occur.
- 3.22 In exceptional circumstances, development may still be permitted which could adversely affect sites of interest or protected species, for example, if an overriding national need is identified. Such a decision should only be taken if the need is very clearly justified. This Policy requires mitigating measures to be implemented through planning conditions.
- 3.23 To implement this Policy, it is the intention to:
- a) continue maintenance and support of a Nature Conservation Strategy and the Nature Conservation Forum;
 - b) give increased encouragement to habitat and geological site management in the wider countryside through such means as widening grant aid, environmental education policies and working with other agencies;
 - c) maintain and review guidance for the safeguarding and management of priority and representative sites of scientific interest and the protection of wildlife species;
 - d) continue to provide financial and technical support wherever possible for voluntary conservation groups to enable them to acquire and/or manage sites of scientific interest;
 - e) take positive action to acquire key sites of special scientific and/or historical interest, where appropriate;
 - f) foster environmentally sensitive farming particularly within the Countryside Priority Area, by encouraging the use of Government grants and other incentives;
 - g) encourage the designation Local Nature Reserves on local authority land and other appropriate locations in accordance with the Nature Conservation Strategy;
 - h) support preparation and implementation of the Biodiversity Action Plan for Leicester, Leicestershire and Rutland;
 - i) maintain, update and enhance the Ecological Sites and Biological Records Databases;

- j) undertake surveys in conjunction with other appropriate bodies to assess the most important surviving elements;
- k) recommend to English Nature appropriate sites for statutory protection as SSSIs;
- l) provide information to District Councils to assist them in ensuring that known sites of ecological significance are defined in Local Plans.

3.24 Local Plans should identify sites to be protected.

Environment Policy 3: Ecology

Measures will be taken to promote natural biodiversity, protect and conserve sites of ecological significance and protected species and their habitats, and enhance the wider ecological value of the environment.

Development will only be acceptable where it would not adversely affect any protected species or its habitat, or any proposed or designated National Nature Reserve, Special Protection Area, Special Area of Conservation, Ramsar Site, or Site of Special Scientific Interest designated because of its ecological interest, unless an overriding national need for the development can be shown to outweigh the ecological interest and there is no other site for that development.

Development will only be acceptable where it would not adversely affect any Site of Importance for Nature Conservation, Local Nature Reserve, landscape feature of importance to wildlife by reason of its continuous nature or function as a stepping stone between habitats, unless an overriding national or local need can be shown to outweigh the ecological interest.

In the exceptional circumstance where development is allowed which could adversely affect any site of ecological significance, conditions will be imposed to:

- a) minimise disturbance;**
- b) conserve its ecological interest as far as possible; and**
- c) provide new or replacement habitats where damage is unavoidable so that the total ecological resource remains at least at its current level.**

GEOLOGY

- 3.25 PPG9 sets out the framework for safeguarding designated and undesignated geological sites and elaborates on minerals development and features of geological importance.
- 3.26 Leicestershire County Council will provide geological advice in order to comply with legislation which has implications for geological conservation including the Forestry Act (1967), the Countryside Act (1968), the Water Act (1989) and The Conservation (Natural Habitat etc) Regulations (1994).
- 3.27 Leicestershire County Council's Museums, Arts and Records Service identifies and catalogues all Geological Sites within Leicestershire and Rutland. This provides an essential database against which to judge possible effects of planning applications and an essential resource for monitoring environmental change. Leicestershire County Council also manages the Leicestershire and Rutland Regionally Important Geological Sites (RIGS) scheme.

Environment Policy 4: Geology

Measures will be taken to protect and conserve sites of geological significance.

Development will only be acceptable where it would not adversely affect any proposed or designated Regionally Important Geological Site or Site of Special Scientific Interest designated because of its geological interest, unless an overriding national need can be shown to outweigh the geological interest or a substitute site of equal or greater value can be provided.

In the exceptional circumstance where development is allowed which could adversely affect any site of geological significance, conditions will be imposed to:

- a) minimise disturbance;**
- b) conserve its geological interest as far as possible, and/or where damage is unavoidable; and**
- c) provide an acceptable substitute site.**

WOODLANDS

- 3.28 In 1982, when surveyed by the Forestry Commission, Leicestershire was the third least wooded county in Britain and the lowest in the Midlands with only 3% of land covered by woodland.
- 3.29 Woodland is a vital element of the landscape and can be important for its amenity, recreational, and ecological value, for example through the provision of public access in

appropriate woodlands. It is a renewable and sustainable land use that is of particular importance for biodiversity in the Plan Area.

- 3.30 About one half of the Plan Area's existing woodland is ancient woodland. Ancient woodlands are defined as those which have had continuous woodland cover since at least 1600 AD. They are very valuable habitats and an important part of our cultural heritage. They are largely concentrated in the north west of the Plan Area, particularly the Charnwood Forest area, and eastern parts of the Plan Area (the former Leighfield Forest). Environment Policy 5 seeks to protect this remaining resource and to encourage an improvement in the quality of the Plan Area's woodland and an increase in total woodland coverage.
- 3.31 To implement this Policy, it is the intention to:
- a) promote community woodland planting and the Tree Warden initiative within and around the urban fringe of Leicester in co-operation with the District Councils, Parish Councils and others;
 - b) encourage the management of existing woodlands and trees by implementing the Leicester, Leicestershire and Rutland Biodiversity Action Plans relating to trees and woodland;
 - c) maintain an amenity tree planting and small woodland management grant scheme in Leicestershire, with an emphasis on the use of appropriate species for individual landscape character areas; and
 - d) prepare a Landscape and Woodland Strategy for the Plan Area.

Environment Policy 5: Woodlands

Development will only be acceptable where it will not result in the loss of or damage to ancient woodland.

Measures will be taken to encourage improved management of woodlands.

Measures will be taken to increase the woodland cover of the Plan Area, where appropriate, in forms which respect and enhance local landscape character.