



YORK

CITY OF YORK  
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(Regulation 19 Consultation)

mitigation and adaptation to climate change, particularly in terms of flood storage in York; an enhanced backdrop and landscape to aid business and attract inward investment and boost the economy; to maintain York as an attractive place to live and promote well-being; and, of course, to maintain and enhance biodiversity. York's network of green spaces could work like a connected park, linking the historic city centre to the city's neighbourhoods and countryside through a series of extended strays for walking and cycling, and making use of rivers. Better green infrastructure and cross-connections through York's neighbourhoods should also be encouraged. The Council will deliver a Green Infrastructure strategy in line with Policy GI1 and adopt this as a Supplementary Planning Document (SPD).

### **Delivery**

- Key Delivery Partners: City of York Council; developers; Natural England; Environment Agency, Historic England, Public Health England and community groups.
- Implementation: Green Infrastructure Strategy; planning applications; and developer contributions

### **Policy GI2: Biodiversity and Access to Nature**

In order to conserve and enhance York's biodiversity, any development should where appropriate:

- i. avoid loss or significant harm to Sites of Importance for Nature Conservation (SINCs), whether directly or indirectly. Where it can be demonstrated that there is a need for the development in that location and the benefit outweighs the loss or harm the impacts must be adequately mitigated against, or compensated for as a last resort;
- ii. ensure the retention, enhancement and appropriate management of features of geological, or biological interest, and further the aims of the current Biodiversity Audit and Local Biodiversity Action Plan;
- iii. take account of the potential need for buffer zones around wildlife and biodiversity sites, to ensure the integrity of the site's interest is retained;
- iv. result in net gain to, and help to improve, biodiversity;
- v. enhance accessibility to York's biodiversity resource where this would not compromise their ecological value, affect sensitive sites or be detrimental to drainage systems;
- vi. maintain and enhance the rivers, banks, floodplains and settings of the Rivers Ouse, Derwent and Foss, and other smaller waterways for their biodiversity, cultural and historic landscapes, as well as recreational activities where this does not have a detrimental impact on the nature conservation value;
- vii. maintain water quality in the River Ouse, River Foss and River Derwent to protect the aquatic environment, the interface between land and river, and continue to provide a viable route for migrating fish. New development within the catchments of these rivers will be permitted only where sufficient capacity is available at the appropriate wastewater treatment works. Where no wastewater disposal capacity exists, development will only be permitted where it can be demonstrated that it will not have an adverse effect on the integrity of the River Derwent, Lower Derwent Valley and Humber Estuary European Sites;

- viii. maintain and enhance the diversity of York's Strays for wildlife; and
- ix. ensure there is no detrimental impact to the environmental sensitivity and significant Lower Derwent Valley and its adjacent functionally connected land which whilst not designated, are ultimately important to the function of this important site.

**See also Policy D1, G1, G3, G4, G5, G6, GB1, CC1 and ENV4**

### **Explanation**

- 9.4 The policy seeks to conserve and enhance all sites and areas of biodiversity value in York. This supports the national approach of a hierarchy of sites as defined in the National Planning Policy Framework. City of York Biodiversity Audit (2010) and Local Biodiversity Action Plan (2017) identify the special sites and define their specific value and the best approach to retaining and enhancing this value. These documents should be used alongside Policy G12 to determine planning applications that could potentially affect any site of biodiversity value.
- 9.5 Although the protection of individual sites is essential, such sites do not occur in isolation as discrete, self contained habitats, but influence and are influenced by their surroundings. The surrounding area can therefore be as important to the interest of the site as the feature itself, and changes to it could affect the integrity of that interest. In order to fully protect the site or interest, there may be a requirement to establish a suitable buffer area around it. The extent of that buffer could vary depending on the site, the type and value of the habitat present and the proposed change.
- 9.6 Bio-diversity mitigation and enhancement should be provided on site. Only in very exceptional circumstances, where the proposed development clearly outweighs the nature conservation value of the site and the impact on biodiversity is unavoidable, appropriate mitigation or compensation will be required. This should be achieved through planning conditions and obligations. Biodiversity offsets are measurable conservation outcomes resulting from actions designed to compensate for residual adverse impacts arising from a development after mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity.
- 9.7 River and stream corridors encompass a diverse range of wildlife habitats, which add to the diversity and interest of the city's natural environment. These can easily be damaged by development either on the banks of the river or stream or on adjacent land or through channelling or culverting of the watercourse. New development will be expected to give careful consideration to minimising its potential impact and, where possible, achieving benefits for nature conservation or the landscape. The use of York's watercourses for recreational purposes is also of great value but the balance between this and the nature conservation value needs to be addressed. The impact of waste water arising from new developments on water quality in the catchments of the River Derwent and Ouse must be addressed. This will avoid uncertainty and delays to the delivery of development. Although only the River Derwent is designated as a SAC for migratory species, they must also use the Ouse, downstream, to gain access to the Humber and the sea. As such, water quality in both the River Ouse and River Derwent must be maintained. The extent of the

catchment areas of both rivers is shown at Figure 2 and 3 of the Strategic Flood Risk Assessment (2013).

- 9.8 The Lower Derwent Valley is the section of the River Derwent corridor between the villages of Kexby to the north and Wressle to the south. City of York Council, East Riding of Yorkshire Council, North Yorkshire County Council and Selby District Council share responsibility for different sections of the Lower Derwent Valley. It is an area of environmental significance in terms of its importance for biodiversity and landscape and includes sites that are internationally, nationally and locally important for wildlife, plant and animal species and are protected through the planning system by statutory designations. The four local authorities have worked collaboratively, alongside Natural England and Yorkshire Wildlife Trust to prepare guidance to be used in preparing and determining applications and will be adopted by the Council as an SPD. Applicants of proposals within approximately 1 kilometre of the Lower Derwent Valley are encouraged to seek pre-application advice to help establish the potential impact of a development proposal on the Lower Derwent Valley. This has been identified as the core area within which development proposals could impact on the Lower Derwent Valley, although it is important to recognise that development beyond the 1km also has potential to affect a feature of a statutory designated site and impact on functionally connected land. The emerging SPD seeks to provide more detailed guidance for developers on this, provide a cross-boundary approach to conservation, and identify the enhancements which could be delivered through the planning system to ensure new development protects and enhances the Lower Derwent Valley.

### **Delivery**

- Key Delivery Partners: City of York Council; developers; Natural England; and community groups.
- Implementation: Green Infrastructure Strategy; planning applications; and developer contributions

### **Policy GI3: Green Infrastructure Network**

In order to protect and enhance York's green infrastructure networks any development should where relevant:

- i. maintain and enhance the integrity and management of York's green infrastructure network, including its green corridors and open spaces;
- ii. protect and enhance the amenity, experience and surrounding biodiversity value of existing rights of way, national trails and open access land;
- iii. ensure the protection of the hierarchy and integrity of York's local, district and regional green corridors; and
- iv. create and/or enhance 'stepping stones' and new green corridors that improves links between existing corridors including those in neighbouring authorities, nature conservation sites, recreational routes and other open space.

**See also Policy GI1, GI2, GI4, GI5, GI6, GB1, CC1 and ENV4.**