

## Freedom of Information Act 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

**You asked: Planning Application: 20140105**

**I would be grateful if you could set out how the Council has assessed and reached its recommendations/conclusions in respect of this Planning Application and previous Applications relating to 7 Burlington Road, including adjacent land, against the relevant requirements/duties listed in Appendix 2 of Defra's "Guidance for Local Authorities on Implementing the Biodiversity Duty". Please treat this as a formal Freedom of Information request.**

ANSWER:

The site is located in a conservation area and therefore all the trees within the site require consent before any works are undertaken to them. However, shrubbery etc can be removed without permission. Whilst the removal of trees is regrettable if a site is not within a conservation area, trees and vegetation can be cleared without permission. This does remove biodiversity, unfortunately the planning authority have no powers to control this.

In terms of the legislation mentioned in your letter, this is no longer relevant legislation as it was contained in Planning Policy Statement 9 which has been replaced by the National Planning Policy Framework.

Whilst it is important to protect biodiversity the National Planning Policy Framework also has an emphasis on development.

The garden area and overgrown area whilst they do provide a habitat for wildlife are not considered to be of significant importance.

The previous planning application was based on this assessment and the current planning application is still under consideration. A copy of the report that went to the planning committee can be found from the following link:

<http://www.cabinet.leicester.gov.uk/documents/g5030/Public%20reports%20pack%20Wednesday%2003-Apr-2013%2017.30%20Planning%20and%20Development%20Control%20Committee.pdf?T=10>

It is likely that if the current application is recommended for approval it will be subject to a condition requiring ecological mitigation which may be in the form of bat bricks/ bird boxes.

The condition would likely to be similar to the following:

The development shall not commence until details of how -x bat bricks/tiles; - x bird bricks/boxes would be incorporated within the elevations of the proposed buildings have been submitted to and agreed in writing with the City Council as local planning authority. The development shall be carried out in accordance with

the agreed details and the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy).

The legislation allows you to use the information supplied for your own personal use, or for journalistic purposes. If the information is a dataset (which does not relate to the environment), you may also use the information for commercial re-use under an [Open Government Licence](#).

If you are dissatisfied with the handling of your request please write to:

**Information Governance Manager**  
**Information and Support**  
**Leicester City Council**  
**FREEPOST (LE985/33)**  
**New Walk Centre**  
**LEICESTER LE1 6ZG**  
e-mail: [info.requests@leicester.gov.uk](mailto:info.requests@leicester.gov.uk)

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You may also seek independent advice from the Information Commissioner at:

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow SK9 5AF**  
**Telephone: 01625 545 700**  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please be aware that the Information Commissioner does not normally consider requests until the internal appeals process of the Council has been exhausted. You are therefore advised to appeal to the Information Governance Manager before contacting the Commissioner.