

**MATTER 8 – NATURAL ENVIRONMENT, CLIMATE CHANGE AND RESOURCES:**

**Ecological implementation (Policy ENV 2)**

Please refer to comments of the Cheshire Wildlife Trust, which we endorse.

**Answer to Q.118**

a) The Government repeatedly says Environment legislation will be of a better standard in the future to combat widely recorded ecological degradation, across all natural capital asset types (as identified by the Natural Capital Committee Report 2020), therefore the public trusts that the Environment Bill will deliver on the Government’s 25-Year Environment Plan when it makes its way through Parliament. It is important that the text in the local plan policy is robust, in order to be effective at securing necessary ecological improvements, and to combat decades of ecological degradation. Therefore, in CPRE’s view all development ‘must’ deliver an overall net gain.

b) CPRE recommends Policy ENV2 specifies the latest Defra Net Biodiversity Gain Calculation (and any update in the future). The result of the policy should be to require all development to secure improvements and therefore rely on *“an approach to development, and/or land management, that leaves nature in a measurably better state than beforehand”*. Metric 3.0 significantly updates and improves on earlier metrics, it should be referred to under related documents. It encourages users to create and enhance habitats where they are most needed to help establish or improve ecological networks through rural and urban landscapes. By linking to current and future habitat plans and strategies, including the future Local Nature Recovery Strategies (LNRS), Metric 3.0 incentivises habitat creation and enhancement where most needed. We recommend the term Local Nature Recovery Strategies by included in Policy ENV2.

c) as stated, all development must enable biodiversity net gain.

**Answer to Q119**

In future it is more vital than ever that developer contributions are appropriate and adequate for the quantum of development outlined in applications, as there is no alternative means of providing needed infrastructure. Biodiversity net gain must be delivered and therefore it is an essential part of development viability assessment. Developers ought not to be easily allowed to avoid societal and environmental responsibilities.

The Government sets out in the National Planning Policy Framework (NPPF, July 2021) that Councils should ensure all new development is sustainable in the long term by guaranteeing an adequate

level of developer contribution. This relies on the Council setting out the minimum requirements for infrastructure and planning contributions expected from developers when applications are submitted.

The NPPF **Paragraph 34** states “Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.” Please note the inclusion of green infrastructure.

NPPF **Paragraph 57** states, “Planning obligations must only be sought where they meet all of the following tests<sup>26</sup>:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.”

(<sup>26</sup>) Set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

NPPF Paragraph 58 states “Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

The NPPF later sets out four principles when determining applications for authorities to consider in Paragraph 180. The Local Plan policies should clarify the position and tighten up the wording on what is expected as a minimum contribution.

Of note is the legal judgment in case of [2018] EWHC 991 (Admin) that established that land value must be informed by policy. Consequently, it is not acceptable for the Council to grant permission for an application that is deficient in developer contribution. Therefore, CPRE urges the Council to ensure that the policy must be right, as if not, it would be contrary to the principle of plan-led sustainable development, and it would set a worrying precedent for Cheshire East’s communities and environment as development is brought forward in the future.

### **Landscape character (Policy ENV 3)**

**Answer to 120**

CPRE recommends that there is reference to protection and enhancement of the landscape character in the Cheshire East Local Plan Site Allocations and DPD Policy ENV3 to compliment the Policy SE 4 in the Local Plan Strategy (LPS). There are relevant documents of material consideration for developers and decision makers published since the 2017 adoption of the LPS.

#### **Answer to 121**

CPRE recommends that a number of proposed allocations, such as PRE2 and PRE3 in Prestbury, CFD2 in Chelford, and DIS 2 in Disley are deleted from Safeguarded Land, as they are within LLD areas and therefore contrary to LPS Policy SE 4 and Allocations DPD Policy ENV 3.

#### **Answer to 122**

CPRE recommends for clarity and effectiveness, the LLDs and their identified qualities ought to be referenced in Policy ENV 3, so it is clear how decision makers should assess development proposals within them. Currently the legend used to show LLDs on page 68 of the EDO2 Draft Adopted Policies Map is difficult to interpret and we suggest improvement.

#### **Trees, hedgerows and woodland implementation (Policy ENV 6)**

#### **Answer to 125**

CPRE supports that there is additional reference to protection and enhancement of trees, hedgerows and woodland in the Cheshire East Local Plan Site Allocations and DPD Policy ENV6 to vastly improve on the Policy SE 5 in the Local Plan Strategy (LPS), which is deficient in detail.

CPRE recently published a report *Hedge fund: investing in hedgerows for climate, nature and the economy*. In this research, commissioned by CPRE, the countryside charity, and undertaken independently by the Organic Research Centre, we provide an evidence-based overview of the impact of increasing the extent of UK's hedgerow network by 40% – for nature, climate and the economy. We then make recommendations on how the government, local authorities, farmers and land managers can maximise the potential of the humble hedgerow.

<https://www.cpre.org.uk/resources/hedge-fund-full-report/>

Without Policy ENV 6 Cheshire East officers would not be able to secure adequate trees, hedgerows and woodland implementation when new development is planned and constructed.

#### **Answer to 126**

Yes, the replacement of 3 trees for 1 is proportionate as many trees do not thrive and survive into maturity. In September 2020, CPRE responded to Defra's England Tree Strategy consultation, highlighting that the planning system is integral to protecting and enhancing existing trees and woodland. We welcome the ambition set out in the document to expand the public forest estate and

restore degraded land. CPRE agrees that existing trees and woodlands, significant new planting and natural regeneration, will have a vital role in tackling the climate emergency. The Nature for Climate Fund, along with ELMS, will make important funding streams available to landowners to enable these aspirations to be delivered on the ground.

### **Answer to 127**

Yes, main modifications are necessary to Policy ENV 6 to ensure consistency with the NPPF Paragraph 31, which states “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined<sup>50</sup>, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”<sup>(50)</sup> Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.

### **Climate change (Policy ENV 7)**

#### **Answer to 128**

We are pleased to see that in the supporting text reference is made to important policy updates at the local and national level: in May 2019 Cllr Corcoran, the leader of Cheshire East Council called for action to tackle the climate emergency; and in July 2019, the Government increased the target for reduction in greenhouse gases from 80% of the baseline to 100% in The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (Statutory Instrument 1056). In CPRE’s opinion this means Policy ENV 7 targets can also be more ambitious and be updated accordingly.

#### **Answer to 129**

In Paragraph 8.66, the SADPD Viability Assessment states “It is timely to note that building to higher standards that result in lower running costs does result in higher values<sup>6</sup>”. There is a clear urgency in reducing carbon and other harmful greenhouse gas emissions as quickly as possible. In CPRE’s view this globally significant material consideration demotes developer viability in terms of national and local plan policy. This Government despite warning has required developer profit margins for viability to be at 20 -25%, which is much too high. It has resulted in developers making eye watering increases in their annual profit returns, while at the same time increasing deficiency in delivery of much needed infrastructure leading to unsustainable development.

### **Answer to 130**

CPRE supports the inclusion of the text in ENV 7 to clarify the existing LPS Policy SE9 and support criterion 12 of Policy GEN1.

### **Air quality (Policy ENV 12)**

#### **Answer to 137**

CPRE supports the inclusion of the text in ENV 12, as it refers to related documents published since the adoption of the LPS in 2017. We remain critical of the policy however as it is imprecise, and it is an important material consideration when development proposals are scrutinised. The recent finding of the coroner who has called for a change in the law after air pollution led to the death of Ella Adoo-Kissi-Debrah a nine-year-old girl, who lived near the South Circular Road in Lewisham, south-east London, died in 2013. The inquest found air pollution "made a material contribution" to her death. Decision takers should be better supported by local plan policy to achieve development that does not lead to an exceedance of air quality standards.

#### **Answer to 138**

CPRE supports the inclusion of more clearly worded text.

#### **Answer to 139**

CPRE supports the inclusion of more clearly worded text to identify opportunities to improve air quality or mitigate impacts in the local plan. This could be via traffic and travel management, and green infrastructure provision and enhancement. It is a requirement of the NPPF, that "so far as possible" these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. CPRE recommends the inclusion of a map in Draft Adopted Policies Map [ED 02] to ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.