
**CHESHIRE EAST LOCAL PLAN - SITE ALLOCATIONS AND DEVELOPMENT POLICIES
DOCUMENT EXAMINATION****STATEMENT ON BEHALF OF THE CROWN ESTATE – REPRESENTOR ID 1075552****MATTER 8 – NATURAL ENVIRONMENT, CLIMATE CHANGE AND RESOURCES****Preamble**

1. This Hearing Statement is made on behalf of our Client, The Crown Estate, in advance of making verbal representations to the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD) Examination in Public. This represents a continuation of our involvement in the Local Plan process, including our representations to the Council's Revised Publication Draft SADPD in December 2020.
2. The Crown Estate is the freehold owner of land in Cheshire East including land in North West Knutsford allocated for residential and commercial development under Policy LPS 36 of Cheshire East's Local Plan Strategy adopted July 2017 (the LPS). The Crown Estate is also the freehold owner of land in North West Knutsford that has been safeguarded for potential longer term development under Policies LPS 29 and LPS 40 of the LPS.
3. In this Statement we respond to Questions 126 and 127 in respect of Policy ENV 6 Trees, hedgerows and woodland implementation. We do not have any specific comments to make in relation to other Matter 8 Questions but do, nevertheless, reserve the right to comment further in so far as it may affect our Client's interests.

Issues and questions**Trees, hedgerows and woodland implementation (Policy ENV 6)****Q126. Is the requirement in criterion 3 of Policy ENV 6 for developments to replace any significant tree which must be removed with at least 3 new trees, justified by proportionate evidence and consistent with national policy?**

4. The Crown Estate are committed to taking every opportunity to secure environmental and social value. Criterion 3 is, however, in requiring at least three replacement trees for the loss of each significant tree, too prescriptive and, as a consequence, may constrain the delivery of development land. For example, in addition to the space required for tree planting, allowance will be required for shading and root and crown development, and there may be further implications in respect to highways and routing of underground services. This may result in sub-optimal design and/or undue restrictions on available land for development. For this reason, Criterion 3 of Policy ENV 6 is unsound as it is not effective.

5. Furthermore, we consider that such a blanket approach is not appropriate as tree planting should be considered in the context of site-specific characteristics, bespoke site design, and overall net environmental gain (of which tree planting is just one measure). This process needs involve a range of stakeholders, including arboriculturalists, landscape designers, ecologists, the local planning authority, the highway authority and the local community.
6. It is our view that the starting point of Criterion 3 should be the retention of existing significant trees, permitting loss where this is compensated for by replacement planting of at least one tree for each significant tree lost. Then, where feasible, opportunities should be taken to incorporate further tree planting, taking account of the overall net environmental gain of the proposal through mitigation, compensation and/or offsetting in line with Policy SE 5 of the LPS. An otherwise acceptable development should not, however, be refused planning permission on the grounds that it cannot deliver replacement tree planting greater than one tree for each significant tree lost.
7. The Council's justification for greater replacement planting is set out within the supporting text at paragraph 4.41, that is, the Council are concerned that some replacement trees may fail to reach maturity. However, we consider this concern is unfounded as the grant of planning permission may be conditioned to require that any tree planted that dies or fails to reach maturity within a given timescale is to be replaced. In line with the National Planning Policy Framework (2021) (NPPF) the Council should ensure appropriate measures are in place to secure the long-term maintenance of newly planted trees (paragraph 131).
8. In light of the above, we consider the wording of Criterion 3 should be amended as follows (deletions strikethrough/ additions underlined):

"Where the loss of significant trees is unavoidable it must be compensated for on the basis of at least ~~three~~ one replacement trees for every tree removed, with opportunities taken for greater tree planting taking account of the overall net environmental gain of the proposals. Planning conditions will be used to secure the long-term maintenance of newly planted trees."
9. The proposed amendments to Criterion 3 would render paragraph 4.41 of the supporting text superfluous and, as such, this should be deleted.
10. The proposed approach is justified in that it is reasonable alternative and is consistent with national policy, including that it recognises the importance of trees and seeks to conserve and enhance the natural and local environment (NPPF, paragraphs 131 and 174). Furthermore, it is effective in that it supports the delivery of development land.

Q127. Are main modifications necessary to Policy ENV 6 to ensure it is consistent with paragraph 131 of the 2021 revised NPPF, in respect of street trees and the long term maintenance of newly planted trees?

11. We consider main modifications are necessary to Policy ENV 6 to reflect paragraph 131 of the NPPF. In particular, as set out above at paragraph 7 and reflected in our proposed amendments to Criterion 3 at paragraph 8, Policy ENV 6 should secure the long-term maintenance of newly planted trees, thereby addressing the Council's concerns that replacement trees may not reach maturity.