

**Cheshire East Local Plan Site Allocations
Development Plan Document Examination
Hearing Statement on behalf of David Wilson
Homes North West**

Matter 8: Natural Environment, Climate
Change and Resources

September 2021

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Paul Forshaw
paul.forshaw@turley.co.uk

Client

Barratt & David Wilson North West

Our reference

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1. Introduction

- 1.1 This Hearing Statement is prepared on behalf of David Wilson Homes North West (hereafter referred to as “David Wilson Homes” or “DWH”).
- 1.2 It relates to land it is promoting in Chelford and Alderley Edge. The land in Chelford is located within the “Land east of Chelford Railway Station, Chelford” site, which is proposed to be designated as Safeguarded Land by Policy PG12 in the Site Allocations Development Plan Document (SADPD) Revised Publication Version (ref: Safeguarded land CFD 2). The land in Alderley Edge is referred to as Land at Whitehall Meadow. The site was promoted for designation as Safeguarded Land, but has not been designated in the Revised Publication Draft SADPD.
- 1.3 This Hearing Statement provides written responses to Q125, Q126, Q127, Q137, Q138 and Q142 of the Inspector’s Matters, Issues and Questions for the Examination Part 2 (MIQs), and should be read alongside DWH’s representations to the Revised Publication Draft SADPD.
- 1.4 Whilst David Wilson Homes is submitting a Hearing Statement in relation to Matter 8, it will not be attending the hearing session.

2. Response to the Inspector's Questions

Trees, hedgerows and woodland implementation (Policy ENV6)

Q125. Does Policy ENV6 serve a clear purpose in addition to the existing policies in the LPS for biodiversity and the protection of trees, hedgerows and woodland? Does it avoid unnecessary duplication of national policy and LPS policies, in particular Policy SE5, in protecting trees, hedgerows and woodland and ensuring the mitigation of their loss?

- 2.1 DWH considers that Policy ENV6 provides limited additional information above the existing text and requirements in LPS Policy SE5, and is merely a duplication of that policy with revised and additional wording.
- 2.2 Both policies set out a requirement that trees must be protected during development and that development proposals that result in the loss of trees will not be permitted. Both also contain a similar requirement in relation to tree planting in new developments.
- 2.3 Paragraph 16f of the National Planning Policy Framework (NPPF) states that plans should avoid unnecessary duplication of policies. Policy ENV6 unnecessarily duplicates the requirements of LPS Policy SE5 without adding additional guidance or requirements (other than that which DWH considers to be unsound – see below and response to question Q126), and is therefore unnecessary.
- 2.4 Furthermore, the wording of Policy ENV6 can be interpreted as being more restrictive than LPS Policy SE5. LPS Policy SE5 provides that development that results in the loss of trees can still be permitted where there are “clear overriding reasons for allowing the development”. Policy ENV6 contains now such allowance. By being more restrictive than LPS Policy SE5, it is not consistent with that policy. Allowing the loss of trees where there is exceptional circumstances is also a requirement of national planning policy (paragraph 180c of the NPPF). Policy ENV6 is therefore also contrary to national planning policy.
- 2.5 DWH therefore considers that Policy ENV6 is unsound and should be deleted.

Q126. Is the requirement in criterion 3 of Policy ENV6 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?

- 2.6 No evidence has been provided by CEC for this ratio of replacement. The policy is therefore not justified and is unsound in this respect.
- 2.7 As set out in DWH's representations to the Revised Publication Version of the SADPD, if CEC are seeking a “net environmental” gain, this could be achieved in many other ways

than seeking an unjustified 3:1 tree ratio. Paragraph 4.43 of the Revised Publication Draft makes reference to the use of the DEFRA biodiversity offsetting metric for calculating the replacement of habitat lost through development. This is considered to be a more appropriate option for ensuring a biodiversity net gain.

- 2.8 Policy ENV2 sets out requirements for achieving biodiversity net gain. Policy ENV6 is therefore considered unnecessary and should be deleted.

Q127. Are main modifications necessary to Policy ENV6 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?

- 2.9 LPS Policy SE5 already contains requirements for new development to incorporate planting and sustainable growth of new trees as part of a structured landscaping scheme. This would capture the requirement of paragraph 131 of the NPPF for street tree planting to be provided in new developments.
- 2.10 It is therefore not considered necessary for Policy ENV6 to be modified to include such reference. The combination of the existing text in LPS Policy SE5 and paragraph 131 of the NPPF is considered sufficient to achieve this aim. Main modifications to Policy ENV6 in this respect would only result in a duplication of existing policy.
- 2.11 DWH therefore maintains that Policy ENV6 is unnecessary and should be deleted.

Air Quality (Policy ENV12)

Q137. Does Policy ENV12 serve a clear purpose, avoiding unnecessary duplication of national and local policies on air quality, in particular LPS Policy SE12?

- 2.12 LPS Policy SE12 includes a requirement that development proposals demonstrate that any pollution impacts can be minimised or mitigated, and states that where it cannot, development will not be permitted. Policy ENV12 repeats this requirement. Whilst LPS Policy SE12 does not specifically refer to Air Quality Assessments, because it relates to more than just air quality issues (i.e. it includes other forms of pollution as well), it is considered that the introduction of Policy ENV12 would not add anything additional, other than making specific reference to an Air Quality Assessment. The requirement of the two policies (i.e. that information must be submitted with an application to demonstrate that pollution impacts can be minimised or mitigate) remains the same.
- 2.13 Policy ENV12 would therefore be a duplication of LPS Policy SE12, which is contrary to NPPF paragraph 16f. DWH therefore considers that Policy ENV12 should be deleted.

Q138. Are Policy ENV12 and paragraph 4.71 of the supporting justification clearly written and unambiguous in respect of the scale of proposal and the degree of impact on air quality for which Air Quality Assessment (AQA) will be required? Is the requirement for AQAs justified, based on proportionate evidence?

- 2.14 Policy ENV12 states that proposals that are “likely to have an impact” on local air quality will be required to provide an AQA Paragraph 4.71 of the supporting justification refers to AQA being required where there is likely to be a “significant or cumulative impact”. DWH interprets this as being a higher requirement than the “likely impact” referred to in the Policy text. There is therefore no consensus between the policy and the supporting justification on the level of impact that would trigger the requirement of an AQA.
- 2.15 Additionally, there is no definition of “likely impact” or “significant impact”. The policy and its supporting justification does not therefore provide any quantifiable measures or threshold that clarifies when an AQA would be required.
- 2.16 Policy ENV12 is therefore not clearly written and is ambiguous, contrary to paragraph 16d of the NPPF, and unsound as a result. DWH therefore considers that Policy ENV12 should be deleted.

Surface Water Management and Flood Risk (Policy ENV16)

Q142. Does Policy ENV16 serve a clear purpose, avoiding unnecessary duplication of Policy SE13 of the LPS and national policy in respect of the management of surface water run off?

- 2.17 DWH considers that Policy ENV16 duplicates LPS Policy SE13 by repeating the requirement for developments to incorporate Sustainable Drainage Systems (SuDS), unless it is not viable to do so. The requirement in Policy ENV16, repeats the requirement in criterion 4 of LPS Policy SE13 in this respect.
- 2.18 Additionally, criterion 4 of LPS Policy SE13 states that surface water drainage systems should aim to “*achieve a reduction in the existing runoff rate, but must not increase runoff*”. Policy ENV16 repeats this requirement at criterion 2. Whilst Policy ENV16 makes reference to non-statutory guidance, it is not considered that this provides any additional guidance over that stated in LPS Policy SE13.
- 2.19 Policy ENV16 is therefore considered to be unnecessary and should be deleted, as it does not serve a clear purpose, thereby being contrary to paragraph 16 of the NPPF.

Turley Office
1 New York Street
Manchester
M1 4HD

T 0161 233 7676