

EiP Statement

Cheshire East Site Allocations and Development Policies Document

Story Homes

Representor ID: 1255389

Our ref 42155/11/CM/MGR
Date September 2021

Subject Matter 8 – Natural Environment, Climate Change and Resources

1.0 Introduction

- 1.1 Lichfields is instructed by Story Homes [Story] to make representations on its behalf to the emerging Cheshire East Site Allocations and Development Policies Document [SADPD].
- 1.2 This Statement has been prepared in response to the Matters, Issues and Questions raised by the Inspector for the Matter 8 Examination in Public [EiP] hearing session.
- 1.3 Separate representations have been submitted in respect of the following Matters:
- 1 Matter 1 – Legal Compliance and Duty to Co-operate
 - 2 Matter 2 – Planning for Growth
 - 3 Matter 3 – Housing
 - 4 Matter 6 - General Requirements
 - 5 Matter 7 - Transport and Infrastructure
- 1.4 These Matter Papers representations should be read in conjunction with previous submissions on the SADPD [Representator ID 1255389].
- 1.5 Story is seeking to bring forward a sustainable and high-quality residential site at Ryleys Farm, Alderley Edge. In the Publication Draft SADPD, part of this land was allocated for residential development (Site ALD2 – Ryleys Farm, north of Chelford Road) and part of the site was identified as Safeguarded Land (Site ALD3 – Ryleys Farm (Safeguarded)).
- 1.6 In the Revised Publication Draft SADPD, the proposed allocation has now been removed. The Safeguarded land at Ryleys Farm remains but the northern and southern boundaries have been amended and the site has been reduced in size (from 2.7ha to 2.32ha).
- 1.7 Story strongly objects to the removal of the allocation at Ryleys Farm in the Revised Publication Draft SADPD. The identification of the safeguarded land is supported but we consider that the boundaries of the Safeguarded land should be amended, to provide a more permanent defensible boundary and to accommodate the re-allocation of land at Ryleys Farm.

- 1.8 This statement expands upon Story’s previous representations made throughout the Local Plan preparation process in light of the Inspector’s specific issues and questions. Where relevant, the comments made are assessed against the tests of soundness established by the National Planning Policy Framework [the Framework] and the National Planning Policy Practice Guidance [Practice Guidance].

2.0 Planning Issues

Ecological network (Policy ENV 1)

Q117. Is Policy ENV 1 positively prepared, justified based on proportionate evidence, effective and consistent with the LPS and national policy? In particular:

- a) In the absence of up to date site specific ecological assessments does the evidence adequately demonstrate the value or potential value for ecology of the land within each of the ecological network components, namely core areas, corridors and stepping stones, restoration areas, and Meres and Mosses catchments, and justify the extent of the buffer zones?*
- b) Are the boundaries of the respective wildlife designations and components of the ecological network accurately represented and differentiated on the Policies Map, so that the requirements in Part 4 of the policy for any particular site can be readily understood?*
- c) To avoid conflict with ecological designations and policies in made Neighbourhood Plans, is there a need for Part 4 of the policy to reference local wildlife corridors identified in Neighbourhood Plans as part of the ecological network?*
- d) To what degree would the requirement for development to protect, conserve, restore and enhance the ecological network act as a constraint on the delivery of uncommitted site allocations identified in the LPS and SADPD and further windfall opportunities for housing in the period to 2030?*
- e) Would it be evident to a decision maker what site specific mitigation measures are necessary within each of the ecological network component areas and zones to satisfy part 4 of the policy?*

- 2.1 Story Homes acknowledge the importance of ecological networks and need for new development in Cheshire East to preserve them.

- 2.2 However, the Policy does not set out a clear clarification in the explanatory text as to how the parts of the Borough covered by each ecological area have been defined. Without clear explanation as to how the ecological area boundaries have been decided, it is not possible to assess if they are justified.

- 2.3 Furthermore, the supporting evidence does not report on the value or potential value for ecology of the land within each of the ecological components. The areas shown on the Policies Map are intended to be drawn in accordance with the criteria in the Planning Practice Guidance (PPG)¹ which covers eleven considerations. Many of the considerations are not reported on in the supporting evidence, including audits of green infrastructure; information on biodiversity and geodiversity value of previously developed land; main landscape features which support

¹ PPG Natural Environment, 011 Reference ID: 8-011-20190721

migration, dispersal and geneflow, and the potential for new habitat corridors linking isolated sites.

- 2.4 Story Homes, therefore, is concerned that the Policy is too vague when setting out what each ecological area represents and what site-specific mitigation measures are necessary within them. For example, the explanatory text only states the following about Restoration Areas:

“Restoration Areas are designed to enhance connectivity, resilience and functioning of the ecological networks”.

- 2.5 It is not therefore possible to establish how the sites that fall within each ecological network space will be affected. Moreover, the wording of the Policy does not help to establish what should be achieved by development in each of the areas described in the Policy.

- 2.6 Unless more clarity is provided as to how the requirement of this Policy will impact the upon the development of a site and how much provision is required, it will not be possible for developers to ascertain how they would meet the requirements of this Policy. Furthermore, the requirements of the Policy need to be clearly set out in order to assess the cost that will be incurred to the developers. The Policy is therefore not effective and is in conflict with the Framework [§16] as it contains policies that are unclear and are ambiguous.

- 2.7 Clarification is also needed with regards to the overriding intention of the Policy ENV1 because the wording, in its current form, could be seen to stifle or preclude development of sites which fall within ecological areas.

Ecological Implementation (ENV 2)

Q118. Is Policy ENV 2 consistent with national policy, in particular with regard to the following requirements:

a) In Part 1, that all development ‘must’ deliver an overall net gain for biodiversity?

- 2.8 Story Homes recognises the benefits of pursuing opportunities for net gains in biodiversity; however, the Framework does not set out a blanket requirement for all development proposals to achieve this aim. The Framework² states the following with regards to the role of development proposals in delivering net gains for biodiversity:

“promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

- 2.9 The Framework advises local planning authorities to adhere to the following principle when determining planning applications:

“development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

- 2.10 In addition, legislation on this matter is still being considered through Parliament and has yet to receive Royal Assent. Story Homes acknowledges that the Government will mandate biodiversity net gain soon and is factoring in the additional obligations. Therefore, whilst Story

² Framework § 179(b)

Homes agrees with conserving biodiversity and geodiversity across Cheshire East, they do not consider the requirement to deliver net gains across all developments to be consistent with national policy.

b) In Part 1, that major developments and those affecting semi-natural habitats 'must' be supported by a biodiversity metric calculation?

2.11 Similarly, Story Homes does not consider the requirement that all major developments must be supported by a biodiversity metric calculation to be consistent with national policy, and legislation on this matter is still being considered through Parliament and has yet to receive Royal Assent. It is noted that the Guidance published on the 7th July 2021 from the Department of Environment, Food & Rural Affairs and Natural England advises that the Environmental Bill contains a new biodiversity net gain condition for planning permissions. To meet this requirement, you will need to measure biodiversity gains using a biodiversity metric. The metric is likely to be published when the net gain requirement takes effect. Until this guidance is provided it is not clear whether the Biodiversity Metric 3.0 is the correct starting point for the assessment.

c) In Part 2, that all development which 'impacts' on biodiversity and geodiversity, must satisfy the terms of the mitigation hierarchy?

2.12 Information produced by the Government³ states that biodiversity offsetting is an option available to developers to fulfil their obligations under the planning system's mitigation hierarchy, rather than a requirement. Story Homes therefore objects to the requirement for part c) to apply to all development.

Q119. Does the SADPD Viability Assessment demonstrate that a requirement for delivery of biodiversity net gain could be viably supported by the range of development types assessed, alongside all other policy requirements?

2.13 The requirements of the policy have been considered in the update to the Site Allocations and Development Policies Viability report. The suggested additional cost to achieve biodiversity net gain is about £21,000/ha which is based on the Government's Impact Assessment, and the updated viability report has tested this additional cost on the viability of the SADPD. This figure, however, only analyses the costs impact at an aggregate level, and there will be site and spatial specific impacts that could affect the viability of certain developments and in different locations. The Government's Impact Assessment does break costs down by region and between brownfield and greenfield sites but this has not been applied in the updated viability report for the SADPD. Relying on an average cost causes great uncertainty because there will be many factors that will influence the costs of biodiversity net gain site by site.

2.14 It is not satisfactory, therefore, to claim that the costs of biodiversity net gain have been tested for the SADPD. Further consideration that biodiversity net gain will have on viability is required before Policy ENV 2 can be taken forward.

³ <https://www.gov.uk/government/collections/biodiversity-offsetting>

Trees, hedgerows and woodland implementation (Policy ENV 6)

Q125. Does Policy ENV 6 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 SE 5, in protecting trees, hedgerows and woodland and ensuring the mitigation of their loss?

2.15 Story Homes has no comments to make on this matter.

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?

2.16 Story Homes supports the principle of protecting trees, woodland and hedgerows. However, we are concerned that the requirements set out in Policy ENV6 and its explanatory text are too onerous and do not have sufficient justification.

2.17 There is no justification in the Policy or explanatory text for the additional replacement trees other than the potential to provide net environmental gain. There are a number of ways in which net environmental gain can be achieved in the Borough without a blanket three (or more) to one replacement ratio which is not justified.

2.18 Story Homes is concerned that this requirement would place unnecessary burdens upon developers and could limit the development potential of residential sites if land is lost to facilitate the additional planting of trees and hedgerows.

2.19 As the wording of the policy states “at least three new trees for every tree removed” this indicates that the Council could seek a higher provision than the three to one ratio. Without a clear explanation as to when a higher provision would be required, it is not possible to ascertain the impact the Policy would have upon the development potential and viability of sites. Any requirement should be stated as a maximum for the purposes of clarity.

2.20 Furthermore, the explanatory text states that when the three to one requirement set out in the Policy cannot be met, contributions to off-site provisions should be made. The explanatory text states the following:

“Contributions to off-site replacement trees will be calculated using an appropriate cost equivalent replacement calculation agreed with the council, such as capital asset valuation of amenity trees (CAVAT). Compensation for the loss of woodland due to the impact of development shall be calculated in accordance with the DEFRA biodiversity offsetting metric referred to in Policy ENV 2 ‘Ecological implementation.’”

2.21 There is no requirement in national policy for the contributions to be made through the CAVAT and DEFRA offsetting metrics mentioned in the explanatory text and therefore Story Homes consider the policy to be unduly onerous. The financial burden placed on developers by these contributions could impact on the development potential of such sites and therefore cannot be seen to be positively prepared. In addition, the impacts of these policy requirements do not appear to have been considered in the Council’s Viability Assessment.

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?

2.22 Story Homes has no comments to make on this matter.

Climate change (Policy ENV 7)

Q128. Is the requirement in part 2 of Policy ENV 7 for new residential development to achieve reductions in CO2 emissions of 19% below the Target Emission Rate in the Buildings Regulations justified as appropriate in Cheshire East, based on proportionate evidence, and is it consistent with national policy?

- 2.23 Story Homes recognises the benefits of reducing energy use and promoting renewable technologies. Story Homes meets Part L on all sites and regularly seeks efficiencies above the recommended standard. However, no clear evidence has been provided in the SADPD to confirm why a 19% reduction has been identified and why it is justified. Policy ENV7 (2) is considered to be contrary to the Framework [para.35] as it is not justified and based on proportionate evidence.

Q129. Does the SADPD Viability Assessment demonstrate whether or not the higher emissions target could be viably supported by residential development in the borough? If not would this place the delivery of the remaining housing requirement at risk?

- 2.24 The impacts of policy do not appear to have been properly considered in the Council's Viability Assessment Update which states:

"This is a broad policy that sets out a high-level approach to design. On the whole, it does not require standards that are over and above building regulation standards".

- 2.25 This assumption is incorrect as a 19% reduction below Building Regulations standards is clearly a standard over and above Building Regulations standards. The impact of the policy on the viability of schemes does not therefore appear to have been properly considered and may harm the delivery of development.

- 2.26 In addition, the policy relates to a reduction in Building Regulation targets. In order to ensure consistency with the Building Regulations, it is considered that any reduction in emissions should be informed by up to date Building Regulations targets rather than through the application of a local plan policy. This may also cause discrepancies in the determination of planning applications where development plan policy conflicts with national standards.

Q130. Does Policy ENV 7 unnecessarily duplicate criterion 2 of Policy SE 9 in the LPS for renewable and low carbon energy sources and criterion 12 of Policy GEN 1 of the SADPD regarding the layout and design of development to facilitate waste recycling?

- 2.27 Story Homes has no comments to make on this matter.