

Cheshire West & Chester Council

Local Plan

(Part Two) Land Allocations
and Detailed Policies



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Cheshire West
and Chester

16 Green infrastructure, biodiversity and geodiversity

16.1 The National Planning Policy Framework (NPPF) emphasises the importance of protecting and enhancing the natural environment. Promoting development that conserves, manages and enhances the borough's valuable natural environments, resources and assets is a core theme within the Local Plan and the vision for the borough. Local Plan (Part One) policies [ENV 4](#) and [ENV 3](#) set out the Council's approach to protecting and enhancing biodiversity, geodiversity and green infrastructure.

16.2 The policies in this chapter provide further detailed guidance to support the achievement of no net biodiversity loss and delivery of net gain, by guiding consideration of biodiversity, geodiversity and planting in development proposals. Identifying the borough's ecological network supports opportunities to strengthen the resilience of the borough's biodiversity by linking up areas of high value habitat, and can inform and support the delivery of net gain in natural assets that bring wider benefits to the green infrastructure network and natural environment as a whole.

DM 44 - Protecting and enhancing the natural environment

Policy DM 44

In line with Local Plan (Part One) policy [ENV 4](#), development will be supported where there is no net loss of natural assets and, wherever possible, it delivers net gains within the borough.

Development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites must be accompanied by an Ecological Assessment that complies with industry best practice and guidance, and:

1. identifies the assets of biodiversity/geodiversity value on and within the vicinity of the site;
2. evaluates the value and extent of the assets;
3. assesses the likely expected impact of the development on assets of biodiversity/geodiversity value taking into account the mitigation hierarchy;
4. identifies the net losses and gains for biodiversity/geodiversity, using a biodiversity metric calculation;
5. identifies the options to enhance the value of the assets and contribute towards the borough's ecological network; and
6. provides sufficient information to inform a Habitats Regulations Assessment (HRA), where development could have an individual or in combination significant effect on a European Site or its supporting habitat.

Commensurate with the size and scale of potential impact, proposals must:

7. be designed in line with the mitigation hierarchy, with compensatory measures only considered as a last resort;
8. include a long term habitat and species management plan, if applicable;

9. include a management plan for invasive species, if applicable; and
10. utilise native species in landscaping schemes, where appropriate.

Development that makes a positive contribution towards the borough's ecological network will be supported. Within the components of the ecological network, as identified on the policies map, proposals should:

11. increase the size, quality or quantity of priority habitat within core areas, corridors or stepping stones;
12. within corridors and stepping stones, improve the connectivity of habitats for the movement of mobile species;
13. in restoration areas, improve the structural connectivity, resilience and function of the network;
14. in buffer zones within core areas and around protected meres and mosses, minimise adverse impacts from pollution or disturbance;
15. contribute towards the integration and creation of green infrastructure and habitats in line with Local Plan (Part One) policy [ENV 3](#).

Soil resources must be protected and used sustainably to retain ecosystem services, in line with accepted best practice.

Explanation

16.3 Local Plan (Part One) policy [ENV 4](#) seeks to safeguard and enhance biodiversity and geodiversity, including through the identification and protection of sites and/or features of international, national and local importance, as identified on the policies map. This policy provides further guidance on the implementation of Local Plan (Part One) policy [ENV 4](#), particularly in relation to the consideration of development proposals and information required alongside planning applications. To maintain and enhance the borough's habitats and biodiversity, development should avoid any net loss of biodiversity and geodiversity assets and seek to provide net gains, in accordance with the ecological network priorities.

16.4 The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on every public authority, in exercising its functions, to have regard to the purpose of conserving biodiversity, so far as is consistent with the proper exercise of those functions.

16.5 Where development has the potential to impact on protected sites, habitats or species (directly or indirectly) the Council will require the submission of a detailed ecological assessment. The assessment and protective measures should comply with industry best practice (BS42020), Natural England & DEFRA standing advice and industry guidance and be undertaken by a suitably qualified and competent ecologist.

16.6 The presence of a protected species is a material consideration in determining a planning application which if carried out would likely result in harm to that species or its habitat (ODPM Circular

06/2005^(vii)). The presence or otherwise of protected species and the extent that they may be affected by the proposed development should, therefore, be established before planning permission is granted, and surveys will be expected to be submitted where there is a reasonable likelihood of the species being present and affected by the development.

16.7 Project-specific HRA may be required where it is considered that a likely significant impact on a European Site could arise. This policy requires that sufficient information is submitted to inform the screening and, if required, a full HRA (in line with the Habitat Regulations), to be agreed by the Council. Such HRAs should consider SACs, SPAs and Ramsar sites themselves and also habitats outside the designated site boundaries that nonetheless support priority species for which the sites are designated, which also contribute to the borough's ecological network of sites and assets.

16.8 The mitigation hierarchy (avoid, minimise, mitigate, compensate) shall be followed when considering development proposals. Avoidance of damage will always be the Council's preferred option, with compensation only acceptable as a last resort. Compensation for habitat loss should aim for like for like replacement and either be delivered on-site or off-site, secured by planning conditions, planning obligations and/or biodiversity offsetting mechanisms within the borough. Compensatory measures underpinning no net loss will be expected to be adequately protected, monitored and managed over agreed timescales. The possibility of using compensation/offsetting measures strategically within the borough e.g. pooling compensation/offsetting obligations linked to several different projects, in order to optimise the outcomes for biodiversity and ecosystem services may be considered.

16.9 An Ecological Network for Cheshire West and Chester (2016) has been developed taking account of the hierarchy of ecological designations. It links areas of biodiversity importance at a broad landscape scale and maps the main components of the ecological network as being:

- core areas which contain concentrations of habitats that are rare or important because of the wildlife they support and areas of irreplaceable natural habitat;
- corridors and stepping stones that enable mobile species to move between core areas and the wider landscape;
- restoration areas which are designed to enhance connectivity, resilience and the functioning of the ecological network;
- buffer zones which are areas within the identified core areas around the individual component sites and habitats which protects them from external adverse impacts such as disturbance and pollution;
- sustainable land use areas which are within the wider landscape, focused on the sustainable use of natural resources and appropriate economic activities which assist in the delivery of ecosystem services.

16.10 The ecological network is an important component of the borough's green infrastructure network. The policy seeks to achieve net gains in biodiversity and geodiversity assets in the borough

vii Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

which, when delivered in line with the ecological network priorities, can contribute towards strengthening the borough's wider green infrastructure network, natural capital and maximise gains to the natural environment as a whole.

16.11 Whilst the preference is for utilising locally native species in landscaping schemes, the use of evergreen tree species may be encouraged to benefit air quality, where appropriate.

16.12 Development proposals should minimise the loss of high grade agricultural land, as set out in Local Plan (Part One) policy [STRAT 1](#). For development proposals on the best and most versatile agricultural land, the Council will consider how significant the agricultural land issues are and the need for detailed field assessments. This will be in accordance with technical advice or information from Natural England.

16.13 This policy should be read alongside other relevant development plan policies, and can be used to inform policies in emerging neighbourhood plans where there are opportunities to support net gains in biodiversity and enhancements to the ecological network.

16.14 The Council will monitor the implementation of this policy and may provide further detailed guidance to inform and support the achievement of net gain.

DM 45 - Trees, woodland and hedgerows

Policy DM 45

In line with Local Plan (Part One) policies [ENV 3](#) and [ENV 4](#), development will be supported where it conserves, manages and, wherever possible, enhances existing trees, woodlands, traditional orchards, and hedgerows. All significant healthy trees, woodlands, traditional orchards, and hedgerows should be integrated into the development scheme. Where possible, existing significant trees should be incorporated within public open space.

Where it is demonstrated to the satisfaction of the Council that integration is not possible and the above assets would be lost, development proposals must:

1. include replacement trees, woodlands and hedgerows within the site, or where this can be demonstrated to not be practical, contribute to off-site provision, prioritised within the locality of the development;
2. include replacement planting at a ratio of at least two new trees for each tree lost. Replacement trees should be of heavy or extra heavy standard, and where prominent trees are to be removed, large specimen trees may be required; and
3. use locally native species, where appropriate.

Development affecting all existing and new woodlands should:

4. support proposals which assist in the positive use of woodlands;

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