

# **Stroud Local Plan**

## **Examination in Public**

**Matter 10c** – Natural and Historic Environment

Hearing Statement by Savills on behalf of L&Q Estates

February 2023



### **Biodiversity and geodiversity – Delivery Policy ES6**

**10c.28 Is the policy clear as to how 10% BNG will be calculated? Is additional information needed to make the policy effective.**

- a. In the absence of any other measurement tool we assume that the Authority is intending to use the latest approved DEFRA metric in the implementation of this policy. We suggest that this is confirmed in the policy wording for clarity.

**10c.32 Natural England have proposed some detailed amendments to the wording of this policy regarding Habitats and the HRA process. Has agreement between the Council and NE been reached on this issue? What amendments, if any, are suggested as necessary to make the policy sound. AND**

**10c.34 The policy states that development should not adversely affect local wildlife sites, local nature reserves, local geological or geomorphological sites or local ecological or green infrastructure networks. Is this justified and consistent with national policy? Does the policy draw sufficient distinction between the different levels of protection that apply to international, national and local sites respectively.**

- a. The draft Policy requires some amendments to ensure that it complies with national legislation, policy and guidance. First, the reference to ‘causes harm’ under the internationally important sites discussion should be amended to having an adverse impact on the integrity of the designation; with this reflecting the test set out in the Habitat Regulations which this policy is seeking to duplicate.
- b. Second, in relation to ‘adversely affect’, and the reference to national designations, this does not reflect paragraph 175 of the NPPF, which confirms that any residual adverse impact would be weighed against the benefits of the development.
- c. Finally, the policy includes a test of no adverse effect on a variety of local sites. This is not a proportionate response to the importance of these assets and the balance of their need for protection against the need for growth. If both international and national designations can, in accordance with national policy, be subject to a degree of residual adverse harm, with this

being weighed against the benefits of the scheme, then it is not considered reasonable that a higher bar is set for locally important sites.

### **Trees, hedgerows and woodlands – Delivery Policy ES8**

#### **10c.42 In requiring ‘no net loss of hedgerow’ is the wording sufficiently flexible to take account of site specific circumstances? Is the approach justified?**

- a. The policy as drafted seeks to extend the protection provided by the NPPF to ancient and veteran trees under paragraph 175 to a wider range of features which are ‘locally valued’ including hedgerows. This is not appropriate or justified; the protection afforded to landscape features must be proportionate and reflect their contribution. Furthermore, the retention of hedgerows within a development will not always lead to the optimal layout from a masterplanning and urban design perspective; restricting development parcels to modern field boundaries which have been defined by agricultural practice or historic landownership.
- b. A more flexible and responsive solution is to rigorously apply the requirement for a 10% BNG but allow flexibility in how the 10% is achieved. In our experience, regardless of policy, developers often seek to retain habitat features including hedgerows on site where that is feasible and consistent with good masterplanning. Indeed, they are incentivised to do so, as the loss of hedgerows requires BNG credits to be made up through mitigation elsewhere within the development. There is therefore no need to elevate the protection of hedgerows or other local GI features to the disproportionate extent that is the case in Policy ES8.

#### **10c.45 The policy also refers to ‘locally valued’ trees, hedgerows and woodland etc. How will the term ‘locally valued’ be defined and on what basis will this be determined? Will it be clear to developers and local communities what is ‘locally valued’ in addition to those assets which are already protected.**

- c. There is no description as to what constitutes a ‘locally valued’ tree, and as such, it is not possible for either a developer, the local community or indeed the Authority to effectively implement this element of the policy. This lack of clarity is particularly challenging for a developer considering the acquisition of a site or preparing a planning application without certainty over which landscape features would be protected by statutory policy.

### Valuing our historic environment and assets – Delivery Policy ES10

**10c.47 Is Delivery Policy ES10 consistent with national policy and are the criteria justified and effective? In particular: ... (e) Criterion 4 of the policy refers to the protection and enhancement of key views and vistas. Is the policy clear on how these terms will be defined? Is it intended to refer to those which are relevant to the heritage asset's setting or all views?**

- a. We support criterion 4 of the policy and the use of heritage assets within placemaking through the creation of views and vistas where appropriate. As currently drafted, it may read that all existing views to such an asset should be protected. This would be unjustified and unsound.
- b. We therefore recommend that the wording is amended, and that rather than protecting and enhancing views, the policy emphasises the importance of considering the opportunities of views and vistas to inform design and placemaking. 'Protection of Views' is not in itself a heritage consideration, it is rather the assessment of the significance of these views within the wider setting of any heritage asset which is important in determining planning applications.

**(f) Is criterion 5 consistent with national policy, for example in its approach to the level of any harm or loss and the differences between designated and non-designated heritage assets?**

- a. The conservation and enhancement of heritage assets is a subject which benefits from its own dedicated section within the Framework which establishes a framework within which identified thresholds of harm are attributed degrees of weight in the decision-making process on planning applications. There is also a separate statutory duty upon local authorities prescribed in Section 66 of the Listed Buildings and Conservation Areas Act 1990.
- b. This well-trodden legal and policy framework has been tested through the courts and is well understood by practitioners. In policies related to the Historic Environment such as ES10, it is important to closely follow this legal and policy framework to ensure that the plan is consistent with national policy and therefore found sound, and avoid any confusion or uncertainty.

**Savills – 1 February 2023**