

APPENDIX 2

Cheshire East Local Plan

Developer Contributions Supplementary Planning Document

Report of Consultation on Final Draft SPD

May 2024

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1. Introduction

- 1.1 Supplementary Planning Documents (SPDs) add further detail to the policies in the development plan and are used to provide guidance for development on specific sites, or on particular issues. SPDs may be a material planning consideration in planning decisions but are not part of the development plan.
- 1.2 The Ecology and Biodiversity Net Gain SPD provides guidance on the implementation of existing development plan policies from the Cheshire East Local Plan Strategy (LPS) (adopted July 2017), Site Allocations and Development Policies Document (SADPD) (adopted December 2022) and 'saved' policies from the Cheshire Minerals Local Plan and the Cheshire Waste Local Plan.
- 1.3 The SPD provides guidance on the Council's approach to securing protecting and enhancing the environment and implementing Biodiversity Net Gain. The SPD is limited to matters that fall within the remit of the Council's duties in regard to ecology and biodiversity net gain. The specific areas covered in the SPD are:
 - Validation
 - Information requirements
 - Using the DEFRA Metric
 - Monitoring and facilitation fees
- 1.4 The first draft of the BNG SPD was published for consultation during May and June 2021. A report of consultation on the first draft document was also produced, which detailed all the main issues raised and a council response to those issues.
- 1.5 The final draft Environmental Protection SPD was published for four weeks consultation between October and December 2023. This report of consultation provides further information on this final draft consultation.

2. Consultation documents

- 2.1 In addition to the Final BNG SPD, a Strategic Environmental Assessment, Habitats Regulations Assessment screening assessment and an Equalities Impact Assessment were published alongside the consultation document for comment.
- 2.2 In addition, a statutory notice and comments form were published to support the consultation.

2.3 The consultation documents remain available to view on the council's consultation portal¹.

3. Document availability

3.1 Electronic copies of the consultation documents were made available online on the council's consultation portal, which could be accessed through the council's website.

3.2 Printed copies of documents were also available (on request) at the following locations during opening hours:

- Crewe Customer Service Centre, Delamere House, Crewe
- Macclesfield Customer Service Centre, Macclesfield Town Hall
- Council Offices, Westfields, Sandbach.

4. Publicity and engagement

Consultation notifications

4.1 Notification of the consultation was sent to all active stakeholders on the council's Local Plan consultation database who had not opted out of receiving notifications of new consultations, via printed letters and emails. This consisted of around 200 printed letters and over 2,000 emails sent on 31st October 2023. The stakeholders on the database include residents of Cheshire East, landowners, developers, planning consultants, businesses, local groups, and other organisations including the statutory consultees.

4.2 Notifications were also sent to all town and parish councils in Cheshire East, elected members and MPs.

4.3 Examples of notification letters and emails are included in Appendix 1.

Other publicity

4.4 A number of pages on the Council's website provided information and links to the consultation. These pages included:

- The council's homepage (in the 'latest news' section): www.cheshireeast.gov.uk.
- The consultations page www.cheshireeast.gov.uk/consultations

¹ [Final Draft Developer Contributions SPD - Details - Keystone \(objective.co.uk\)](http://www.objective.co.uk)

- The Supplementary Planning Documents page www.cheshireeast.gov.uk/planning/spatial-planning/cheshire-east-local-plan/supplementary-plan-documents

4.5 An example screenshot of webpages is included in Appendix 2.

4.6 A media release was issued on 31st October 2023, which informed people about the consultation. A copy of the media release is included in Appendix 3.

5. Submitting comments

5.1 Comments could be submitted in several ways:

- Online: using the consultation portal accessed from the council's website.
- By email to localplan@cheshireeast.gov.uk
- By post to Strategic Planning (Westfields) C/O Municipal Buildings, Earle Street, Crewe CW1 2LL.

5.2 Screenshots of the consultation portal are included in Appendix 4.

5.3 Printed copies of consultation response forms were available for people to take away from the locations listed in paragraph 3.2 above. The form could also be downloaded from the consultation portal for completion offline. A copy of the response form is included in Appendix 5.

5.4 Information on how to submit comments was included on the consultation portal and the printed/downloadable response form.

6. Representations received.

6.1 In total, the final draft consultation received 150 comments from 24 consultees.

6.2 The comments received covered a range of topics and issues. A summary of the main issues raised and the council's response (including any changes proposed to the SPD) is set out in the Table below.

6.3 A summary of the representations received at the previous draft stage and the council's response (including changes made to the SPD) is included at Appendix 6 for completeness.

<u>Consultee</u>	<u>Consultee Response</u>	<u>CE Response</u>
Emery Planning	<p>It is unclear why the Council are pursuing a SPD prior to statutory instruments becoming law in 2024;</p> <p>The SPD cannot set out new policy requirements as this can only be done through the development plan process. At section 5 the SPD states the council will require a 10% net gain, this is not current development plan policy.</p>	Since consultation further detail around BNG has been published by the government including the formal requirement for 10% net gain. The final SPD is now consistent with national legal requirements.
The Planning Bureau on behalf of McCarthy and Stone	The Council should then amend the draft SPD so that it is consistent with any updated guidance and draft regulations. We also note that the BNG SPD covers an area wider than just the statutory notion of Biodiversity Net Gain and therefore to avoid confusion the BNG SPD should be renamed to something on the lines of 'Ecology and Biodiversity Net Gain'.	The SPD has been reviewed to take account of updated guidance and the name has been changed.
Environment Agency	We generally support the principles of the draft Biodiversity Net Gain (BNG) Supplementary Planning Document (SPD). However, we note that, again, there is no mention of the 'Watercourse' component of the DEFRA Biodiversity Metric. We raised this concern when we responded to the first draft of the SPD back in June 2021. There's no reference to the River Condition Assessment and the fundamental requirement for a Modular River Physical (MoRPh) survey for any development with a watercourse flowing within, and 10 metres from, the red line boundary. Developers have an important role in carrying out river restoration to secure 10% BNG as part of the 'Watercourse' component of the Metric. This will also make a crucial contribution to Water Framework Directive measures to improve our watercourses, so they reach the statutory objective of 'good ecological status and potential.' River restoration associated with BNG will also help reconnect priority habitats, contributing to the objectives of the Local Nature Recovery Strategy for Cheshire.	Text has been added to address this point.
Canal and River Trust	We would ask that where a local planning authority is aware of a proposal to undertake development within the Trust's statutory	Text has been added to highlight this matter

		<p>consultee notified area (especially when it is within 10m of our waterway) the developer is encouraged to undertake pre-application discussions with the Trust to ensure that appropriate BNG requirements and opportunities are discussed. Details on our pre-application advice can be found on our website.</p>	
Pegasus on behalf of Tatton Estate Management and DB Symmetry		<p>We note that the Council have consulted on a separate Biodiversity Net Gain SPD, which sets out costs associated with the Council's monitoring of 30-year management plans at either a fee of £1,500 per application or 10% of the off-site BNG compensation costs. Whilst we note that BNG is a new national policy requirement, which developers will need to adhere to (at their cost), these additional monitoring costs were not set out as part of the evidence for the Site Allocations DPD, the LPS or CIL process and therefore are a new developer cost. Again, this fails the tests applied by the NPPF and Paragraph: 002 Reference ID: 10-002-20190509 of the NPPG and should be picked up through a full review of the Local Plan.</p>	<p>Planning Practice Guidance advises that: 'Local planning authorities can charge a monitoring fee though section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 agreement.' (Paragraph: 028 Reference ID: 74-028-20240214)</p>
Knutsford Town Council		<p>The Town Council would like to see the mitigation hierarchy expanded to include clear stages to better minimise the impact of unavoidable ecological losses. The Town Council suggests the following hierarchy be applied:</p> <ul style="list-style-type: none"> • Avoid - All development proposals must ensure losses of, and impacts to biodiversity are firstly avoided. • On-site Mitigation - Where impacts cannot be fully avoided, mitigation proposals will be required on site. • Local Area Mitigation – Where on-site mitigations cannot fully meet requirements, where appropriate, Cheshire East Council and the relevant town/parish council could discuss options with developers and local landowners to seek mitigations implemented within the parish the development is located, or if this is not possible within the surrounding parishes. 	<p>The requirements of the mitigation hierarchy are set out in para.186 (a) of the NPPF which the Council will work to on planning matters.</p> <p>Town and parish councils are valued consultee in the planning process and the Local Planning Authority welcomes commentary on the proposals it determines, be they received directly from town and parish councils or via the local ward members as local representative.</p> <p>Whilst advisable to do so, there is no formal requirement for applicants to engage with town and parish councils and therefore introducing such an expectation in a SPD would not be appropriate. There is no legal basis for requiring BNG to be delivered in a</p>

	<ul style="list-style-type: none"> • Wider-Area Mitigation – Where Local Area mitigations cannot be met, where appropriate, Cheshire East Council and the relevant town/parish councils could discuss options with developers and landowners to seek mitigations implemented within the wider borough. • Out-of-Area/Compensatory Mitigation - When all available options in the above hierarchy have been explored and residual net gain is not possible, habitat creation or enhancement may be delivered out of the local authority area, and as a last resort, compensation should be provided. 	specific location, however, Neighbourhood Plans can play an important role in this matter setting out local expectations around BNG and mitigation an encouraging applicants to look for opportunities within the relevant parish wherever are possible (this can be assisted where the local neighbourhood plan includes an assessment of local habitats).
David Davies	<p>Proposed text amendment for clarity: "..it has diminished biodiversity to a fraction.." [not " decreased"].</p> <p>Comment that the statistics quoted are for the world: question whether there are equivalent stats for England/UK that could be quoted in this paragraph for context.</p>	Changes to the introduction have been made to provide some local headline indicators.
	This para could also add context by clarifying that, in addition to the Environment Act 2021, there has previously been the SECTION 40 DUTY (etc) in NERC ACT 2006 which already expected LPAs to prepare Plans having regard to conserving biodiversity.	The NERC act is a separate process and does not need to be addressed in the scope of this SPD.
	Proposed text amendment for clarity “..Sets out what written information is required to be submitted with a..”	Change made.
	Question: should text discuss HOW MATERIAL it is considered to be (ie after its adoption)? Also this para should clarify that SPD would apply to all Borough, not just Macclesfield.	Change has been made to clarify that the SPD applies across Cheshire east.
Natural England	<p>Natural England (NE) welcome the inclusion of overarching Planning Policy Framework within the SPD. In terms of Legislative Context, the Environment Act 2021 underpins Schedule 7a of the Town and Country Planning Act 1990. Paragraph 3.2 should be updated to reflect this.</p> <p>NE advise paragraph 3.2 is also updated to align with the revised January 2024 date for mandatory BNG, to align with the release of the</p>	Relevant changes have been made and the duplicated reference to SE 6 removed.

	<p>Statutory Biodiversity Metric and to reference habitat securement, management and monitoring for at least 30 years.</p> <p>We note Policy SE 6: Green Infrastructure is referenced twice at 3.22 and 3.26. Please amend to only include one of these.</p>	
David Davies	Update para references re: NPPF (12/23)	Done.
Simon Browne	It is important to also include reference to 'irreplaceable habitats', preferably as related to NERC S41 definitions. These should be offered a very high degree of protection irrespective of site designations. In Cheshire Lowland Raised Bog should certainly be included in this definition.	Additional text on irreplaceable habitats added.
Gordon Richardson	This paragraph would be strengthened and made less ambiguous by reference to s.41 of the NERC Act 2006. In this way, an array of habitats not included in the Biodiversity Gain (irreplaceable habitats) Regulations 2024 would be brought within the remit of the SPD, giving the Council and developers a greater range of proxy habitats to consider.	The NERC act is a separate process and does not need to be addressed in the scope of this SPD.
Natural England	<p>Previous versions of the biodiversity metric are referred to in paragraphs 5.1 and 5.10.</p> <p>These should be amended to reflect the release of the Statutory Biodiversity Metric.</p> <p>Where the Small Sites Metric is mentioned in paragraph 5.3, NE advise this is reworded to note the requirement to use the metric will take effect over differing timeframes depending on the size of the development. For instance, the Small Sites Metric is to be used from April 2024 and the relevant tool for Nationally Significant Infrastructure Projects (NSIPs) is to be used from late November 2025.</p> <p>At 5.11, NE welcomes reference to delivering BNG in strategically important locations. We advise this is updated to provide clarity that</p>	These comments have been addressed in revisions and the document updated accordingly.

	<p>strategic locations will be identified and informed by the Local Nature Recovery Strategy (LNRS) once complete.</p> <p>5.12 should be amended to clarify BNG will need to be secured by an appropriate legal agreement to ensure long term management over a period of at least 30 years.</p> <p>Guidance on appropriate legal agreements can be found here: Legal agreements to secure your biodiversity net gain.</p> <p>Similarly, NE advise 5.14 is amended to say “Monitored and reviewed at regular intervals”.</p> <p>NE welcome 5.13 and direct you to recent guidance on Creating a habitat management and monitoring plan for biodiversity net gain.</p>	
Poynton TC	<p>Poynton Town Council urge that Paragraph 5.1 of the draft Biodiversity Net Gain SPD be strengthened as shown below.</p> <p>“5.1 Aligning to national requirements, Cheshire East Council are seeking a minimum 10% net gain in biodiversity from new development. In all but exceptional cases this must be delivered on-site, and the gain must be demonstrated using the latest Defra approved biodiversity metric. In exceptional cases where this is not possible, the gain may involve off-site compensation within the same town or parish or no more than one mile from the parish boundary, with the approach to be agreed with the Local Planning Authority (LPA). Such compensation sites will normally be accessible to the public.”</p>	<p>Unfortunately, this proposed amendment is not in accordance with the statutory requirements which the document must align to.</p>
Cllr Knibbs	<p>Off Site compensation is non-sensical and must be avoided and discouraged at all costs. It's not the easy way out of paying lip-service to the destruction of our biodiversity.</p>	<p>The Biodiversity Gain hierarchy will apply, but offsite delivery is acceptable when on site delivery cannot be achieved.</p>
David McDonald	<p>Don't be content with 10%. The timescales and resources involved mean that it will be impossible to recreate any habitat accurately - are you really going to provide all of the food plants and breeding habitat for the birds and insects that visit that pond you are about to dig up?</p>	<p>10% is the statutory requirement anything beyond this, such as in a site specific allocation, needs to be justified and evidenced.</p>

	Are you visiting at night to see what bats and other creatures need that pond to survive. Given that we know the results cannot be as rich as the original, why not ask for 20%?	
David McDonald	Have all the relevant forms been amended so that applicants know exactly what is expected? Can we move away from having dozens of conditions tacked on to each planning application by having rigid guidelines on the form and by throwing out at source applications that do not meet those guidelines?	Forms have been amended.
Barratt & David Wilson Homes	<p>“To calculate how the minimum 10% increase in biodiversity is to be achieved, biodiversity losses and gains associated with development and land management practices need to be measured in a consistent, robust, and transparent way.”</p> <p>Suggest that including a reference to the three habitat types is made to ensure applicants don't omit hedgerows and rivers where present. The same comment here would be valid in Paragraph 6.6.</p>	Additional text added to cover this point.
	<p>“Where compensation is targeted at a specific species, off site compensation must be delivered in an area where this species is known to occur. Desk and field-based assessments may be required to establish this.”</p> <p>We support this however this para would benefit from additional clarity as it may get confused between the additionality principle generally, and the nuance of the additionality principle whereby compensatory habitat can be counted towards BNG in part but not for the full 10%. Similarly, does this also apply to developments, the primary objective of which, is nature conservation.</p> <p>Paragraph 5.5 of the SPD states: “Agreed in advance with the LPA” Agreed in advance of what? Or at what stage of planning? Some clarity would be beneficial.</p>	<p>Text clarified.</p> <p>The reference to ‘Agreed in advance’ has now been removed.</p>
	“Secured by an appropriate agreement to ensure long term management”. Suggest including at least the option to use S106	Text revised.

	agreements and conservation covenants subject to CEC acting as a responsible body would be beneficial.	
Natural England	<p>Previous versions the biodiversity metric are referred to in paragraphs 6.11 and 6.24. These should be amended to reflect the release of the Statutory Biodiversity Metric.</p> <p>NE note the link provided at 6.12 is out of date and advise it is replaced with a link to the Draft Small Sites Metric Statutory User Guide.</p> <p>We also advise paragraph 6.37 is amended in line with up to date guidance on Exempt Developments and reference to the 'Government's response to the recent consultation on Biodiversity Net Gain Regulations and Implementation' is removed.</p>	These matters have now been addressed.
CWaC	Is it best to use local plan policy wording here rather than "positive contribution", as that is what will be relied upon for small sites until April 2024?? E.g. The wording in 12.1.	The text has now been revised and updated.
Barratt & David Wilson Homes	<p>Between Paragraphs 6.6 and 6.7 the SPD states: "Minor Development" plus associated paras 6.7-6.10.</p> <p>Suggest that this section could be removed as paras 6.13-6.23 cover minor development requirements in more detail.</p>	Already revised.
David Davies	The text here could be clarified by saying that applicant should ascertain that their pd scheme would not breach any relevant legislation pertaining to nature/species protection. As currently drafted gives the impression that ANY HARM would result in legal breach. You may also want to list relevant legislation e.g. WACA 1981, other still applicable European legislation etc.	The text has now been revised and updated.
	Text correction "..the Council's interactive."	The text has now been revised and updated.
Ben McLachlan CWaC	The Council recognises the importance of ensuring that the application of the Biodiversity Net Gain requirement is proportionate to the size of the development and the resulting impact on habitats. Therefore, the Council considers that Policies SE3 and ENV2 do not apply to	The text has now been revised and updated.

	<p>commercial or leisure development of a size below a 'de minimis' threshold of 25m².</p> <p>Why is this only highlighted for commercial or leisure development?</p>	
Natural England	<p>Natural England welcome the inclusion of a separate chapter dedicated to the mitigation hierarchy.</p> <p>As a 'last resort', and if the applicant provides full justification for why it is not possible to deliver BNG on-site or locally off-site, it may be possible for the applicant to buy Statutory Biodiversity Credits from the Government to fulfil their BNG requirements.</p>	The text has now been revised and updated.
	<p>We note paragraph 8.1 states BNG delivery will be sought on-site where possible and engagement with ecological consultants is vital to ensure the design process demonstrates how policy requirements are addressed. NE advise the mitigation hierarchy must also be included within these policy requirements.</p> <p>8.3 details what to do when on-site BNG is not possible. However, further clarity is to be required. The Biodiversity Gain Hierarchy steps must be followed in order, see Understanding Biodiversity Net Gain with further information about the Biodiversity Gain Hierarchy provided in the Regulations, see part 7A in The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.</p> <p>NE advise paragraph 8.4 is amended to give further weight to the upcoming LNRS.</p> <p>Example wording as follows:</p> <p>"Off-site habitat provision should be prioritised firstly towards those areas identified in the Local Nature Recovery Strategy, when published.</p>	<p>The mitigation hierarchy is mentioned in the revised text.</p> <p>BNG hierarchy text added.</p> <p>Reference to the LNRS added.</p>

	<p>Until then, other areas/sites should be prioritised for off-site provision such as...”</p> <p>Similarly, we advise 8.5 is reworded to say:</p> <p>“Until the Local Nature Recovery Strategy is published, existing habitats or habitat creation/enhancement proposals within Cheshire East Ecological Network or areas identified in the previous paragraph (8.4) should be...”</p> <p>When the LNRS is published, only locations and actions mapped in the LNRS can trigger high strategic significance for BNG. Before the LNRS is completed, other strategies identified by the Local Authority can be used to trigger high (if within an identified plan or strategy) or medium (if not within an identified plan or strategy, but is ecologically desirable) strategic significance. Further information can be found in the Strategic Significance Table on page 26 of the Statutory Biodiversity Metric Draft User Guide.</p>	
Barratt & David Wilson Homes	<p>“BNG delivery in this location should not increase the risk of bird strike hazard within 13km of the airport.”</p> <p>Would the issue of a list of the types of habitat deemed unsuitable or those likely to increase risk of birdstrike be possible to ensure habitat design constraints are understood early?</p>	This information would need to come from MAG as it is very site specific, text has been inserted accordingly.
Natural England	Where development falls within an Impact Risk Zone (IRZ), Natural England must be consulted.	This is mentioned in the Habitat regulations assessment section.
	9.2 To support determination of planning applications, the Council therefore expects adequate ecological information to be provided. Where no ecological report has been submitted and there is a likelihood of biodiversity being present and affected by a proposal, applicants will be requested to provide reasonable information in line with Government Standing Advice.	To reflect this, the name of the SPD has been changed to ‘Ecology and BNG’

	<p>The phrase “likelihood of biodiversity being present and affected by a proposal” is assumed to be from Government Circular 06/06, but that legislation just covers protected species? “Reasonable information” could be challenged.</p> <p>Within section 7, 9 and 10, there is mention of impacts on protected species and HRA’s, as well as general biodiversity enhancements in other sections; so maybe change the name of the SPD to include more than Biodiversity Net Gain?</p>	
Natural England	<p>We note paragraph 10.14 refers to the submission of an Ecological Impact Assessment with the majority of planning applications. While we welcome this, the paragraph would be better placed under the Ecological Appraisal Reports section of Chapter 10.</p> <p>Any Biodiversity Net Gain report or Biodiversity Gain Plan would be required once planning permission has been granted. Paragraph 10.15 should be amended to align with this and the release of the Statutory Biodiversity Metric.</p> <p>The objective noted in 10.17 should read “to deliver at least 10% net gain for biodiversity in line with the mitigation hierarchy and therefore...”.</p>	<p>The reference to EclA is only to introduce the issue, rather than address it in detail. Changes have been made to the text at 10.17.</p>
David Davies	<p>text correction: "effect" not "affect". Also formatting issue: paras 10.8 / 10.9/10.11 appear to be indented under the other paras</p>	<p>The text has now been revised and updated.</p>
Barret & David Wilson Homes	<p>Paragraph 10.15 of the SPD contains what was likely a footnote to CIEEM Guidance.</p> <p>Could it be clarified if the footnote was intending to refer to the CIEEM BNG Report Templates?</p>	<p>The text has now been revised and updated.</p>
	<p>Paragraph 10.18 of the SPD may benefit from a reference to the Biodiversity Gain Plan.</p> <p>Section 11 may be better included as an appendix for applicant guidance rather than a dedicated section within the SPD.</p>	<p>More information on biodiversity gain plans has been included.</p>

<p>Natural England</p>	<p>Natural England encourage steps within the Step by step guide are updated as follows:</p> <p>11.1 Step 1: Identify and map the habitat type(s) within red line boundary of the application by undertaking baseline ecological assessment surveys at appropriate time of year.</p> <p>11.2 Step 2: Assess the baseline condition of each habitat by undertaking baseline ecological assessment surveys at appropriate time of year.</p> <p>11.3 Step 3: Apply the mitigation hierarchy (avoid, mitigate, compensate) to development proposals to ensure negative impacts on biodiversity are minimised.</p> <p>This may include redesign and/or relocation of proposals according to survey findings.</p> <p>Previous versions the biodiversity metric are referred to in paragraphs 11.8, 11.9, 11.11 and 11.19. These should be amended to reflect the release of the Statutory Biodiversity Metric.</p> <p>Natural England also advise only a competent person should use the Statutory Biodiversity Metric, as defined in the Draft User Guide. Competency is aligned with the British Standard 'Process for designing and implementing biodiversity net gain (BS 8683:202)'. Similarly, only a qualified assessor can undertake a river condition assessment.</p> <p>We welcome the inclusion of paragraph 11.14. A project red line boundary must not be adjusted to move habitats only subject to enhancement to off-site sections of the biodiversity metric tool. On-site is defined as all land within a red line boundary of a development. Off-site for the purposes of the metric calculation tool means land outside of the on-site boundary, which is dedicated to habitat interventions</p>	<p>Text revised to take account of these recommendations.</p>
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	<p>(habitat enhancement or creation), regardless of proximity or ownership.</p> <p>In reference to 11.15, purposeful degradation of habitats in advance of a metric calculation being undertaken, the use of data records, satellite imagery and historic field surveys should be provided to determine pre-degradation habitat types. A higher condition score should be assigned in the absence of contrary evidence.</p>	
CWaC	<p>Some advice on what is on site and what is off site in terms of red line and blue line areas could be useful here?</p> <p>Also to consider detailing Minimum Mapping Units for baseline and habitat creation areas so there is a documented approach for this ,as there are conflicts currently between the Metric and UK Habs.</p>	The text has now been revised and updated in regard to the red-line. No action taken on 'minimum mapping'
Barratt and David Wilson Homes	Paragraph 11.7-8 are repeated elsewhere in the document and could be removed.	The text has now been revised and updated
David Davies CWaC	<p>appears to be missing text?: " ..all habitats within the ? of the application.."</p> <p>11.1-11.6 could be integrated into Section 11.17-11.22?</p>	The text has now been revised and updated
David Davies / Barratt and David Wilson Homes	<p>Paragraph 11.15 of the SPD states:</p> <p>"If a development site has been cleared with the resulting loss of habitats in advance of a biodiversity metric calculation having been undertaken baseline should be taken as being the habitats present prior to clearance."</p> <p>Suggest that the date within the primary legislation 30th January 2020.</p> <p>"Off-site delivery - Delivery and monitoring where biodiversity credits are purchased"</p> <p>Suggest updating text to specify statutory biodiversity credits? If so, this may be difficult to track and monitor as the location of the site where</p>	<p>Text revised to include 2020 date.</p> <p>The text has now been revised and updated</p>

	the creation/enhancements may eventually be delivered may be far from the source of the impact.	
Natural England	<p>Natural England advise paragraph 12.10 is amended to give reference to the management and monitoring timeframe of at least 30 years.</p> <p>We also advise paragraph 12.12 is updated to provide clarity that legal agreements can be secured by planning obligation (section 106 agreement) with the Local Planning Authority or via a conservation covenant with a Responsible Body.</p> <p>In reference to 12.13 regarding the councils position on acting as a habitat provider, all off-site gain sites will need to be registered on the national biodiversity gain site register by application before planning permission can be granted.</p>	The text has now been revised and updated and the third point acknowledged.
David Davies	<p>In relation to Paras 12.5 – 12.13:</p> <p>section: -should there also be an option of buying credits from the Government (if applicable), or would this be covered under option 2?</p> <p>-Also, must option 2 site be WITHIN Cheshire East (as this is not specified)? -it is understood why the LPA would want to agree the location of off-site BNG creation through a 3rd party provider, but beyond this (and assuming they sign the legal agreement in any event), why must the identity of the 3rd party provider be agreed with LPA? Isn't this a free market issue? - is there any reason the SPD does not promote using conservation covenants under the Environment Act 2021 (alongside generic planning legal agreements)?</p>	The text has now been revised and updated to reference statutory credits.
Barratt and David Wilson Homes	<p>Paragraph 12.8 of the SPD states: "Option 3 A mixture of the above"</p> <p>The statutory credit scheme has been omitted from the offset options.</p>	Statutory credits have been added as an option.

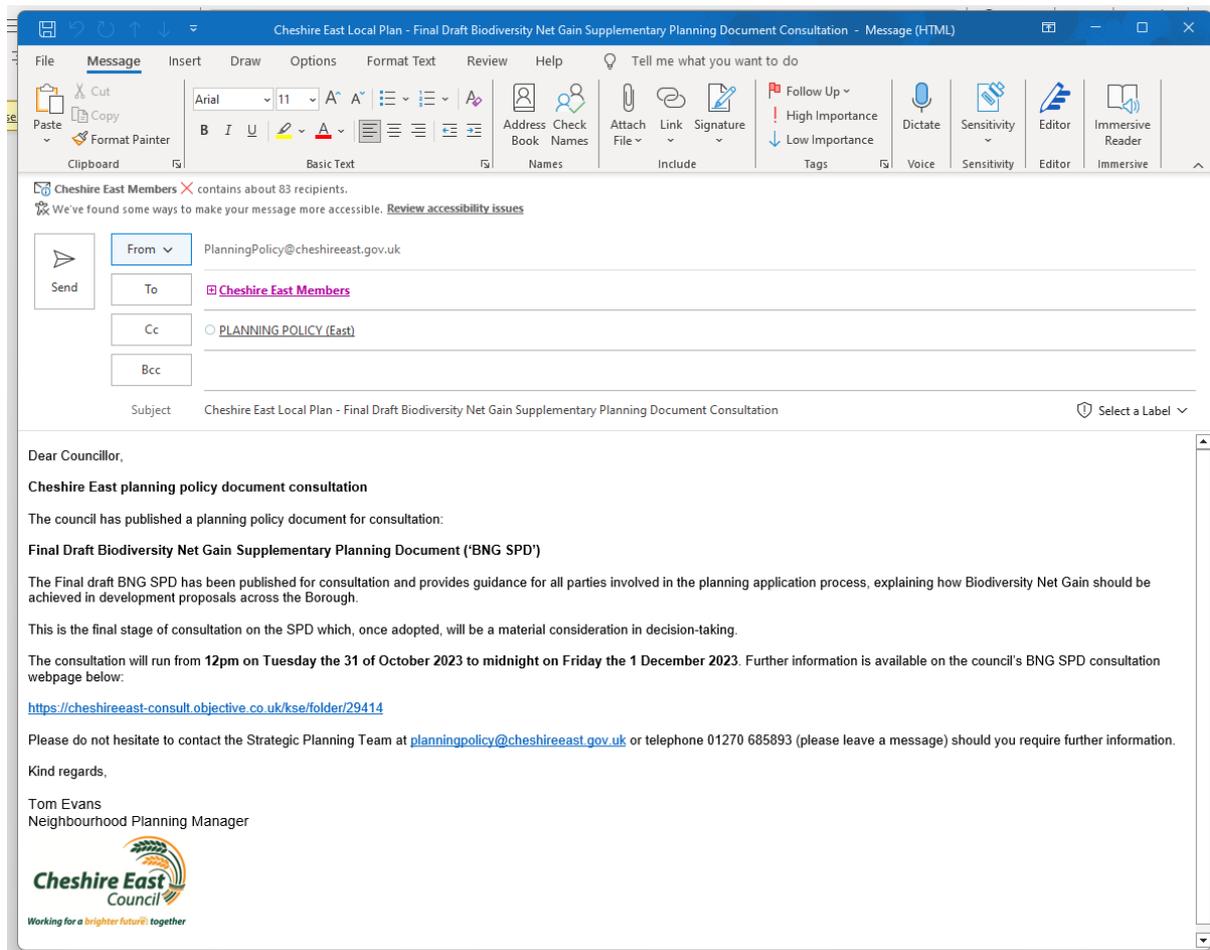
<p>McCarthy and Stone</p>	<p>Para 16 b) of the NPPF requires plans to be, amongst other elements, ' b) be prepared positively, in a way that is aspirational but deliverable'. Planning Practice Guidance addresses Supplementary Planning documents and at Paragraph: 008 Reference ID: 61-008-20190315 states that 'Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development'.</p> <p>Section 13 deals with the 'Incorporation of Additional Biodiversity Features' this details a number of features beyond what may be delivered by the biodiversity metric, that proposals must include to enhance biodiversity. Although this is building on policies in the adopted Local Plan the requirement for additional features such as green walls, brown roofs and new wildlife ponds for example has a financial cost and therefore should not be introduced within an SPD. This section should therefore be removed for the SPD to be in accordance with Paragraph: 008 Reference ID:</p> <p>61-008-20190315.</p> <p>Recommendation</p> <p>Delete section 13 for the SPD to be consistent with Paragraph: 008 Reference ID:</p> <p>61-008-20190315</p>	<p>Providing guidance on what features should be provided to lead to an enhancement of biodiversity and meet the legal requirement is not introducing a new policy requirement.</p>
<p>Barratt and David Wilson Homes</p>	<p>Paragraph 13.8 and 13.5 references to green walls and green/brown roofs and creation of new wildlife ponds.</p>	<p>Point acknowledged but these are examples of features that can be incorporated into developments. Reference to 'ponds, green roofs and walls' has been removed.</p>

	The habitats noted as being additional biodiversity features are contained within the biodiversity metric and shouldn't necessarily be considered additional.	
Natural England / Barratt and David Wilson Homes	Natural England note Chapter 14 has the same title as Chapter 12 but states the section applies to minor applications. Therefore, we advise it should be retitled to align with statement at 14.1. We advise the Chapter is also updated to clarify such identification of priorities should occur until the LNRS is completed. Once complete, these should be supplementary tools and the LNRS should inform priorities noted within this Chapter.	Chapter titles have been revised and references to LNRS added.
CWaC	Does there need to be a line in there saying that this may be superseded by LNRS mapping in the future?	References to LNRS added.
David Davies	text correction: "comprise" not "compromise"	Revised.
Cllr Knibbs	There is insufficient buffering zone for all wildlife sensitive areas. It must be at least 30m for Ancient Woodlands and 15m for Rivers streams and other nature conservation areas.	There is no established distance for buffering and therefore any specified distance would need justification. Given the difference in circumstances around sites and habitats, a blanket approach may not be suitable in all circumstances.
Barratt and David Wilson Homes	Suggest updating this section to include reference to the irreplaceable habitats guidance of which Ancient Woodland, among others, forms a part?	There is no guidance on buffers for other irreplaceable habitats.
Poynton Town Council	Fees should not be set at a level that will unfairly discourage small developments and "self-build" schemes.	Fees are being reviewed.
Natural England	Therefore the wording of paragraph 8.5 could be altered to reflect that situation for clarity and to ensure that the document remains up to date post LNRS publication. Could make reference to Natural England Green Infrastructure Framework	Text has been revised to include reference to LNRS.
McCarthy and Stone	Para 16 b) of the NPPF requires plans to be, amongst other elements, ' b) be prepared positively, in a way that is aspirational but deliverable'. Planning Practice Guidance addresses Supplementary Planning documents and at Paragraph: 008 Reference ID: 61-008-20190315	The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 was introduced in September 2019 to allow fees for monitoring obligations to be

	<p>states that ‘Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development’.</p> <p>Section 16 ‘Monitoring and Facilitation Fee’ sets the Council’s intention to ‘introduce a monitoring fee in relation to all applications that require biodiversity net gain’.</p> <p>Policy ENV2 of the adopted Site Allocation and Development Policies Document ensures that developers manage and maintain of on-site and off-site habitat but does not discuss the council’s own monitoring costs. Therefore this is again introducing a financial cost and should not be introduced within an SPD. This section should therefore be removed for the SPD to be in accordance with Paragraph: 008</p> <p>Reference ID: 61-008-20190315.</p> <p>Recommendation</p> <p>Delete para 16.1 to 16.12</p>	<p>sought from developers where: a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and b) the sum to be paid to the authority does not exceed the authority’s estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.</p> <p>There is therefore a legal basis on which the LPA can recover the costs associated with BNG.</p>
CWaC	<p>16.7 and 16.8 discusses approaches to offsite monitoring fees of either Option 1: 10% of sum or Option 2: £1500 per application that requires the delivery of BNG off site. These may not cover costs based on the work other LPA’s have done and the monitoring fee calculator that Verna have released.</p>	<p>Fees being revised.</p>
David Davies	<p>-“Biodiversity Gain Plan”,</p> <p>-“ Environment Act 2021”,</p> <p>-“Conservation Covenant”</p>	<p>The Glossary has been updated to include additional terms.</p>

	-“LEMP” -“LNRS” -“Mitigation hierarchy”	
Natural England	Natural England advise Appendix 2 is cross-referenced and updated in accordance with any of the advice provided within this letter, particularly the retitling of any associated documentation during the BNG process.	Appendix 2 has now been removed and reference made to a link to the relevant section of the council's website.

Appendix 1: Example letters and emails



Example Email sent to consultees on database

Address

Strategic Planning
Westfields, Middlewich Road
Sandbach
CW11 1HZ

Tel: 01270 685893 (please leave a message)
Email: planningpolicy@cheshireeast.gov.uk

DATE: 31/10/2023 OUR REF: Final Draft BNG SPD

Dear Clerk,

Cheshire East planning policy document consultation

The council has published a planning policy document for consultation:

Final Draft Biodiversity Net Gain Supplementary Planning Document (BNG SPD)

The final Draft Biodiversity Net Gain Supplementary Planning Document provides guidance for all parties involved in the planning application process, explaining how Biodiversity Net Gain should be achieved in development proposals across the Borough.

This is the final stage of consultation on the SPD which, once adopted, will be a material consideration in decision-taking.

The consultation will run from **12pm on Tuesday the 31 of October 2023 to midnight on Friday the 1 December 2023**. Further information is available on the council's BNG SPD consultation webpage: <https://cheshireeast-consult.objective.co.uk/kse/folder/29414>

Please do not hesitate to contact the Strategic Planning Team using the details at the top of this letter should you require further information on this consultation.

Yours sincerley,



Tom Evans
Neighbourhood Planning Manager

Letter sent to consultees on database

Appendix 2: Example website screen shot

 🔊 Listen

Enter Keywords

[Home](#) / [Planning](#) / [Spatial planning](#) / [Cheshire East Local Plan](#) / [Supplementary Planning Documents](#)

Supplementary planning documents

Supplementary planning documents add further detail to policies in the development plan and provide further guidance on specific topics or locations.

Draft supplementary planning documents

Final Draft [BNG](#) [SPD](#) Consultation

The final draft consultation began at **12pm of Tuesday the 31 of October 2023**, and will close at **midnight of Friday the 1 of December 2023**.

You can view the document and the representations made, as well as make your own comments on our [consultation portal](#).

Final Draft [DC](#) [SPD](#) Consultation

The final draft consultation began at **12pm of Friday the 17 of November 2023**, and will close at **midnight of Friday the 15 of December 2023**.

You can view the document and the representations made, as well as make your own comments on our [consultation portal](#).

Final Draft [EP](#) [SPD](#) Consultation

The final draft consultation began at **12pm of Friday the 17 of November 2023**, and will close at **midnight of Friday the 15 of December 2023**.

You can view the document and the representations made, as well as make your own comments on our [consultation portal](#).

Other Draft [SPDs](#)

[SPDs](#) being prepared on a number of topics including:

- [Jodrell Bank Observatory](#); and
- [Sustainable Drainage Systems](#).

Comments on previous consultations are currently being considered and the next steps for each [SPD](#) will be published here when available.

Screenshot: SPDs webpage www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/supplementary_plan_documents

Appendix 3: Press release



Listen and translate

Enter Keywords

[Home](#) / [Council and Democracy](#) / [Council Information](#) / [Media Hub](#) / [Media releases](#)

/ 31/10/2023 - Protection of wildlife and natural habitats embedded in latest planning document



Protection of wildlife and natural habitats to be embedded in council's latest planning guidance

31 October 2023

Developers are to be urged to follow new guidelines to protect natural habitats and promote biodiversity, as Cheshire East Council seeks views on its latest draft supplementary planning guidance.

A four-week consultation is to begin on the updated planning document following the feedback received on the initial draft published and consulted on in May/June 2021.

The latest draft of the biodiversity net gain supplementary planning document was presented to the council's environment and communities committee and a [further consultation](#) will now take place, starting Tuesday 31 October.

This supplementary planning document provides guidance to developers as to how Cheshire East Council seeks to reduce the impact of developments on our environment by requiring at least ten per cent overall improvement to biodiversity and habitats, promoting sustainable development, while helping to mitigate the impacts of the climate emergency.

The policy reflects the council's corporate plan to be an open, fair, and green authority.

Although the council has been developing an approach to biodiversity net gain for some time, this guidance will bring the council in line with the new 2022 Environment Act, which comes into effect from January 2024.

Councillor Mick Warren, Cheshire East Council's chair of the environment and communities committee, said: "This is an important document if we want to take real steps towards protecting our environment and natural habitats and make our own contribution towards tackling the biodiversity crisis.

"The views of all interested parties are important to us so that we can finalise new planning guidance that will supplement our existing local plan strategy and help the council, developers and communities to achieve housing or commercial developments that enhance our environment and not detract from it."



The guidance will help the council secure improvements to and protection of sites with high biodiversity and geodiversity value. The document provides advice on additional requirements for submission of construction management plans, landscaping, green infrastructure and open space proposals, in certain circumstances.

Once adopted, the supplementary planning document will help to inform all future planning decisions and assist developers to bring forward sites and applications that reflect the aspirations of the council, as a green authority, and a council that seeks to protect the environment and enhance, rather than destroy, our natural habitats.

[To take part in the consultation follow this link](#)

Copy of press release

Appendix 4: Consultation portal screenshot

Planning Policy Consultation Portal ➔

Welcome to Cheshire East Council's Planning Policy Consultation Portal.

We would love to hear your feedback on new planning policies and guidance, and we use this consultation portal to invite views. You can use the portal to submit comments on current consultations, view the comments submitted for recent closed consultations, and register to receive updates on new consultations. In most cases, you will be asked to log-in or register before submitting comments.

All planning policy consultations are listed below, and you can also view the consultations by topic area:

- Minerals and Waste Plan
- Neighbourhood Planning
- Site Allocations and Development Policies Document
- Supplementary Planning Documents

To view all current planning policies, please see the [Local Plan pages](#) on the council's website.

Default Ascending Search

<p>Final Draft Biodiversity Net Gain Supplementary Planning Document</p> <p>3</p> <p>The Biodiversity Net Gain SPD provides guidance for all parties involved in the planning application process, explaining how BNG should be achieved in development proposals across the Borough.</p> <p>closed</p> <p>31/10/2023 12:00PM 22/12/2023 11:59PM</p> <p>LEARN MORE GO TO EVENT</p>	<p>Final Draft Developer Contributions SPD</p> <p>142</p> <p>Consultation on the final draft SPD. This will provide guidance on contributions to (or provision) of infrastructure, facilities and services and how these will be sought through planning obligations.</p> <p>closed</p> <p>17/11/2023 12:00PM 15/12/2023 11:59PM</p> <p>LEARN MORE GO TO EVENT</p>	<p>Final Draft Environmental Protection SPD</p> <p>34</p> <p>Consultation on the final draft SPD. This will provide guidance on a range of health-related environmental issues that must be addressed through the planning process.</p> <p>closed</p> <p>17/11/2023 12:00PM 15/12/2023 11:59PM</p> <p>LEARN MORE GO TO EVENT</p>
<p>Weston & Basford NDP (Modification) Regulation 16</p> <p>13</p> <p>The Weston & Basford NDP (Modification) regulation 16 submitted plan consultation webpage.</p> <p>closed</p> <p>29/08/2023 12:00PM 23/10/2023 07:00PM</p> <p>LEARN MORE</p>	<p>Final Draft Sustainable Drainage Systems SPD</p> <p>23</p> <p>Consultation on the final draft SPD. This will provide guidance on how applicants can integrate sustainable drainage systems in their proposals.</p> <p>closed</p> <p>04/09/2023 12:00PM 02/10/2023 07:00PM</p> <p>LEARN MORE</p>	<p>Draft Minerals and Waste Plan 285</p> <p>Consultation on the Draft MWP. This will allocate sites/areas for the provision of minerals and the management of waste. It will also set policies to guide decisions on planning applications.</p> <p>closed</p> <p>09/11/2022 07:00AM 21/12/2022 05:00PM</p> <p>LEARN MORE VIEW THE DOCUMENT</p>
<p>Call for Minerals Sites and Areas 0</p> <p>Invitation to put forward sites for future minerals related development. This information will be used to help inform land allocations in the Minerals and Waste Plan.</p> <p>closed</p> <p>09/11/2022 07:00AM 21/12/2022 05:00PM</p>	<p>Call for Waste Sites 0</p> <p>Invitation to put forward sites for future waste related development. This information will be used to help inform land allocations in the Minerals and Waste Plan.</p> <p>closed</p> <p>09/11/2022 07:00AM 21/12/2022 05:00PM</p>	<p>Draft MWP Interim Sustainability Appraisal</p> <p>4</p> <p>The interim Sustainability Appraisal assesses the extent to which the Draft MWP will help to achieve relevant environmental, economic and social objectives, when judged against the alternatives.</p>

Consultation portal screenshot 1

Supplementary Planning Documents Consultations

Final Draft Biodiversity Net Gain Supplementary Planning Document

INFORMAL SUBMISSION - CLOSED

The Biodiversity Net Gain SPD provides guidance for all parties involved in the planning application process, explaining how BNG should be achieved in development proposals across the Borough.

INFORMATION	PROPOSAL	WHAT PEOPLE SAY
<p>More Information ▲</p> <p>Strategic Planning Team</p> <p>Cheshire East Council</p> <p>0300 123 5014 (Please ask for Strategic Planning)</p> <p>planningpolicy@cheshireeast.gov.uk</p>		<p>PRIVACY POLICY</p> <p>If you take part: your name may be displayed, your answers may be displayed, your town/city will not be shown</p> <p>GO TO EVENT</p> <hr/> <p>The Final Draft Biodiversity Net Gain Supplementary Planning Document provides guidance for all parties involved in the planning application process, explaining how Biodiversity Net Gain should be achieved in development proposals across the Borough.</p> <p>Responses are invited on the First Draft Biodiversity Net Gain SPD between 12pm Tuesday 31 of October 2023 and midnight on Friday 22 of December 2023.</p> <p>At the end of November the government plans to release further guidance and statutory regulations to support the delivery of Biodiversity Net Gain. In order to allow interested parties further time to consider this Supplementary Planning Document alongside the pending advice, our consultation on the Cheshire East Biodiversity Net Gain Supplementary Planning Document is to be extended until midnight on 22nd of December.</p> <p>Consultation Document</p> <p>The Final Draft Biodiversity Net Gain SPD is available to download on this consultation portal:</p> <ul style="list-style-type: none">Final Draft Biodiversity Net Gain SPD (PDF) <p>Appendices:</p> <ul style="list-style-type: none">Appendix 1 Table of Local Requirements for Protected Species (PDF)Appendix 2 Example BNG S106 (PDF)Appendix 3 First Draft BNG SPD Report of Consultation (PDF)Appendix 4 Final Draft BNG SPD SEA HRA Screening (PDF)Appendix 5 Draft BNG SPD EqIA Form (PDF) <p>A screening exercise has been carried out to determine whether the draft document gives rise to the need for further Strategic Environmental Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening concludes that further such assessment is not necessary. The screening report is also available for consultation and this is included at Appendix 4 of the draft SPD.</p> <p>An Equalities Impact Assessment ("EIA") has also been published and this concludes that the Final Draft Biodiversity Net Gain Supplementary Planning Document will not have a significant adverse impact on persons sharing any of the characteristics protected under the Equality Act 2010. Copies of published EIAs can be found on the Council's website .</p> <p>For the duration of the consultation, the document can also be viewed at public libraries in Cheshire East. Opening hours may currently be restricted due to the coronavirus pandemic and you are advised to check the current libraries opening times on our website or telephone the 24 hour library information service on 0300 123 7739.</p> <p>Submit your views</p> <p>To comment online using this consultation portal, please log-in or register and then click the 'Start Survey' button below. This is our preferred method of submitting responses, but you can also respond by email (to planningpolicy@cheshireeast.gov.uk) or in writing (to Strategic Planning Westfields, C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ).</p> <p>Alternatively, you can download this Final Draft BNG SPD Comments Form (PDF) and return it by email or by post to the relevant address above.</p> <p>Whichever method used, please make sure that your comments reach us by midnight on Friday 22 of December 2023. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal information will be processed in line with our Strategic Planning Privacy Notice and your name and comments will be published on this consultation portal.</p>
<p>Supporting Files ▲</p> <ul style="list-style-type: none">Appendix 1 Table of Local Requirements for Protected Species.pdfAppendix 2 Example BNG S106.pdfAppendix 3 First Draft BNG SPD Report of Consultation.pdfAppendix 4 Final Draft BNG SPD SEA HRA Screening Jul23.pdfAppendix 5 Draft BNG SPD EqIA Form.pdfFinal Draft BNG SPD Comments Form.pdfFinal Draft BNG SPD Statutory Notice.pdfFinal Draft BNG SPD Oct 23.pdf		
<p>Recent Comments ▲</p> <p>Rebecca Wyllie</p> <p>Patryk Gorzka</p> <p>See What People Say</p>		

Consultation portal screenshot 2

Appendix 5: Consultation response form



Cheshire East Local Plan Final Draft Biodiversity Net Gain Supplementary Planning Document - Comments Form

The Final Draft Biodiversity Net Gain Supplementary Planning Document ('BNG SPD') has been prepared. The SPD provides guidance for all parties involved in the planning application process, explaining how Biodiversity Net Gain should be achieved in development proposals across the Borough.

Consultation on the final draft SPD will take place between **12pm on Tuesday the 31 of October 2023 to midnight on Friday the 1 December 2023**.

Consultation document

The consultation document can be viewed online at

<https://cheshireeast-consult.objective.co.uk/kse/folder/29414>

A screening exercise has been carried out to determine whether the draft document gives rise to the need for further Strategic Environmental Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening concludes that further such assessment is not necessary. The screening report is also available for consultation, and this is included as an Appendix of the SPD.

For the duration of the consultation, the document can also be viewed at public libraries in Cheshire East during opening hours. For information about opening hours see www.cheshireeast.gov.uk/libraries or telephone 0300 123 7739).

Submit your views

The council's online consultation portal is our preferred method of submitting responses (<https://cheshireeast-consult.objective.co.uk/kse/folder/29414>) but you can also submit responses or return this form by email or post to:

By e-mail: planningpolicy@cheshireeast.gov.uk

By post: Strategic Planning (Westfields), C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ

Please make sure that your comments reach us by **midnight on Friday the 1 December 2023**. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal data will be processed in line with our Strategic Planning Privacy Notice, which is available on the council's website:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/website_information/privacy-notices/spatial-planning-including-neighbourhood-planning-team-privacy-notice.aspx

For further assistance in making comments, you can contact the Strategic Planning Team at planningpolicy@cheshireeast.gov.uk or by leaving a message on 01270 685893 and we will respond as soon as possible.



Cheshire East Local Plan Final Draft Biodiversity Net Gain Supplementary Planning Document - Comments Form

Please return to: Strategic Planning (Westfields)
C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ or by email to
localplan@cheshireeast.gov.uk

Please return by: Midnight on Friday the 1 December 2023

This comment form has two parts:

- Part A – Personal details.
- Part B – Your representation(s).

Comments Form Part A: Personal Details

	Personal Details*	Agent's Details (if applicable)
	<i>* If an agent is appointed, please complete only the Title, Name and Organisation in column 1 but complete the full contact details of the agent in column 2.</i>	
Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text"/>
Last Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address Line 1	<input type="text"/>	<input type="text"/>
Address Line 2	<input type="text"/>	<input type="text"/>
Address Line 3	<input type="text"/>	<input type="text"/>
Address Line 4	<input type="text"/>	<input type="text"/>
Postcode	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
Email Address (where relevant)	<input type="text"/>	<input type="text"/>
Your Reference No. (if known)	<input type="text"/>	<input type="text"/>

Please complete a separate Part B form for each comment that you would like to make. This response form provides enough space for four comments but please copy and attach further part B forms if required.

Comments Form Part B: Final Draft Biodiversity Net Gain SPD Comments Form

Name and
Organisation:

Office Use Only:

PD:

RI:

Q1. Which section of the document are you commenting on?

Page / Chapter / Paragraph / Figure

(please delete as appropriate and state which): _____

Q2. What is your overall view on this section? (please tick one box)

Support

Object

Comment only

Q3. Please set out your comments or views on this section:

Comments Form Part B: Final Draft Biodiversity Net Gain SPD Comments Form

Name and
Organisation:

Office Use Only:

PID:

RIID:

Q1. Which section of the document are you commenting on?

Page / Chapter / Paragraph / Figure

(please delete as appropriate and state which): _____

Q2. What is your overall view on this section? (please tick one box)

Support

Object

Comment only

Q3. Please set out your comments or views on this section:

Comments Form Part B: Final Draft Biodiversity Net Gain SPD Comments Form

Name and
Organisation:

Office Use Only:

PID:

RIID:

Q1. Which section of the document are you commenting on?

Page / Chapter / Paragraph / Figure

(please delete as appropriate and state which): _____

Q2. What is your overall view on this section? (please tick one box)

Support

Object

Comment only

Q3. Please set out your comments or views on this section:

Comments Form Part B: Final Draft Biodiversity Net Gain SPD Comments Form

Name and
Organisation:

Office Use Only:

PID:

RID:

Q1. Which section of the document are you commenting on?

Page / Chapter / Paragraph / Figure

(please delete as appropriate and state which): _____

Q2. What is your overall view on this section? (please tick one box)

Support

Object

Comment only

Q3. Please set out your comments or views on this section:

Extract from comments form (not including the duplicated part B forms)

Appendix 6: Representations from the previous first draft stage

Document section	Summary of the main issues raised	Representors	Council response including any changes proposed
Section 1: Introduction	The content of this draft Biodiversity Net Gain SPD aligns much more closely with the SADPD which awaits Examination rather than the adopted Plan document from 2017.	Cashtal Properties Ltd	The first draft BNG SPD was prepared in anticipation of the SADPD being adopted in early 2022 but the examination process took longer than expected. The SADPD has now been examined, found sound and adopted in December 2022. The BNG SPD provides guidance on environmental policies of the CELPS but has been designed to align closely to the SADPD, in particular to policies 'ENV1 Ecological Network' and 'ENV2 Ecological Implementation'.
	All staff and elected members involved in consideration of biodiversity issues relating to planning decisions need to be adequately trained and mentored	Peak District National Park Authority	Staff and elected members have undertaken training in BNG matters and CPD related to this agenda is an on-going requirement and practice for in-house ecologists who provide internal training to planning staff.
Section 2	CPRE recognise SA and SEA not required of the document	CPRE Cheshire	Cheshire East Council are of the view that SEA and SA are not a required part of the process related to the production of this SPD.
Section 3	This section could be considerably strengthened by conveying the urgency that the interlinked climate and biodiversity crisis means for making biodiversity net gain	Mr. Christopher Thornton	Noted. Further explanatory text has been included in the introductory parts of the document.
	We recommend that a reference should be included to the climate emergency and the harm to biodiversity that will arise consequently in the future.	CPRE Cheshire	As above
	We consider that no further work can proceed on the emerging BNG SPD until: 1. The objections to the emerging SADPD in relation to biodiversity net gain have been resolved through independent examination; and/or 2. The Environment Bill has received royal assent and there will undoubtedly be transition arrangements in place for authorities whereby adopted development plans do not place such a burden on developers. Appendix 1 of the BNG SPD seeks to address strategic environmental assessment and habitat regulations assessment screening and it concludes that no significant environmental effects would arise as a result of the SPD.	Bloor Homes (NW) Ltd Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	The first draft BNG SPD was prepared in anticipation of both the progression of Environment Act being implemented , and the SADPD being adopted in early 2022. However the examination process for the SADPD took longer than expected. The SADPD has now been examined, found sound and adopted in December 2022. The BNG requirements of the Environment Act come into force in January 2024 and it has been prudent to delay progression of this SPD to allow for the emergence of further guidance on how the Act should be implemented, and also await for the publication of associated regulations.

			<p>The BNG SPD provides guidance on environmental policies of the CELPS but has been designed to align closely to the SADPD, in particular to policies 'ENV1 Ecological Network' and 'ENV2 Ecological Implementation'.</p> <p>The points raised have now been resolved.</p>
	It may be prudent for the Council to delay the progression of the Biodiversity Net Gain SPD until the Environment Bill is passed into law. This would enable the Council to reflect the requirement to deliver a 10% net gain in biodiversity within the SPD, rather than providing only limited guidance beyond that set out in the Local Development Plan.	Gladman Developments Ltd	As above, the Bill is now enacted.
	The Framework does not advocate a blanket approach to biodiversity net gain and it does not promote a quantitative metric calculator for identifying whether a net gain can be achieved.	Bloor Homes (NW) Ltd Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	The SPD recognises other metrics may be used and sets out the councils approach but also states that using an alternative to the DEFRA metric may result in delays as officers establish how to work with an alternative set of calculations.
	The Council must in the first instance seek to fully understand the consequences of applying the BNG SPD as drafted in terms of viability, site capacities and the overall strategy and objectives of the Cheshire East LPS.	Bloor Homes (NW) Ltd Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Viability of the primary policies which this SPD provides guidance on was considered during the examination of the SADPD. No viability problems were identified.
	There is no evidence that the Council has sought to understand the implications of the Draft BNG SPD for the requirements for a deliverable supply of sites.	Bloor Homes (NW) Ltd	As above
	The detailed guidance set out in the BNG SPD should only relate to the policies of the adopted development plan, in accordance with national policy and the legal framework governing the remit of supplementary planning documents.	IM Land	<p>The first draft BNG SPD was prepared in anticipated of both the progression of Environment Act being implemented , and the SADPD being adopted in early 2022. However the examination process for the SADPD took longer than expected. The SADPD has now been examined, found sound and adopted in December 2022.</p> <p>The BNG requirements of the Environment Act come into force in January 2024 and it has been prudent to delay progression of this SPD to allow for the emergence of further guidance on how the Act should be implemented, and also await for the publication of associated regulations.</p> <p>The BNG SPD provides guidance on environmental policies of the CELPS but has been designed to align closely to the SADPD, in particular to policies 'ENV1 Ecological Network' and 'ENV2 Ecological Implementation'.</p>

			The points raised have now been resolved.
	The SPD requires amendment to stipulate that BNG should not increase the risk of bird-strike hazard within 13km of the airport	Manchester Airport Group	The point is noted and the SPD has been updated accordingly to clarify the approach to BNG within the Manchester Airport Consultation zone and provide a link to digital mapping for applicants.
Section 4	We advise that this section includes clarification that Biodiversity Net Gain (BNG) does not replace existing environmental legislation or policy requirements. This includes the application of the mitigation hierarchy and BNG does not apply to development subject to the Habitats Regulations	Natural England	Noted, document updated accordingly and the mitigation hierarchy is explained in the document
	In answer to the question in paragraph 4.1, whether smaller sites should consider biodiversity net gain, we believe there should be a commitment to ensure a minimum of 10% Biodiversity Net Gain for all developments in Cheshire East and this must be highlighted in the Supplementary Planning Document	The Environment Agency	Explanatory text has been included in regard to small sites
	the SPD's progress should be held in abeyance until the BNG legislation within the Environment Bill passes into law, with the associated DEFRA metric endorsed and finalised by government	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Please see comments above. The SPD is now being progressed now that there is greater certainty on the governments intentions around BNG.
	We note that DEFRA will be introducing a "small sites" metric and the SPD should commit to being fully consistent with this to ensure clarity for developers.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	A small sites metric has been published . The SPD has been updated to reflect this guidance.
	Achieving the "greatest" BNG is not a requirement of national policy and should not therefore be sought within the SPD. It also fails to reflect other valid constraints/considerations which may arise on site which mean that the greatest BNG cannot be achieved.	Harrow Estates plc and Avro Heritage Ltd	Noted, the wording in the document has been changed in the interests of clarity.
	The provision for off-site mitigation should be incorporated into §4.4(d) for consistency with the broad approach advocated elsewhere in the draft SPD.	Bourne Leisure Limited	This has now been addressed in the document.
	Recommendation (2) At §4.4 clarification needs to be added to confirm that this is a data gathering exercise, and not a field-based exercise.	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	This has now been addressed in the document.
Section 5.	Acknowledging that the ecological networks are likely to evolve into Local Nature Recovery Strategy Networks which will play an important role in guiding the delivery of BNG going forward	Natural England	This has now been addressed in the document.
	The Ecological Network Map is difficult to decipher.	Transition Wilmslow	A link to a digital version of this map has been included and the original image removed.

	production of the SPD should be delayed until the adoption of the SADPD so that the evidence can be tested properly, and it can be demonstrated that the two documents clearly align.	Harrow Estates plc and Avro Heritage Ltd	See comments above
	canal corridors may also be recognised as potential 'off site' ecological assets for habitat provision (section 8.11), and prioritised for projects where additional benefits need to be sought. Offsite commuted sums could be used to provide biodiversity net gain along our waterways, where these can't be secured on site.	Canal & River Trust	Whilst Canal corridors maybe used as potential offsite providers of BNG, they are not specifically mentioned in the SPD. Rather they are included under the umbrella term of 9thrid party land owners). Should the Canal and Rivers Trust decide to act as BNG providers, the guidance related to third party landowners will apply.
	For the avoidance of doubt it is necessary that this section makes clear what type and scale of application or development will be subject to these requirements.	Bourne Leisure Limited	Type and scale of application referenced
	At §5.3 the guidance should be updated to make clear that the Core Area can be delivered off-site or potentially through the use of 'Biodiversity Credits' to be brought in under the Environment Bill. This can be achieved by including "on or off the development site" following "the size of the core area":	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	This is no longer part of the Environment Act but further regulations may allow this approach.
	The requirements should be proportionate, and the text should be re-worded to clarify the types of application to which this requirement will apply.	Harrow Estates plc and Avro Heritage Ltd	A new section on Development Management Process has been introduced and addresses this point.
Section 6	it would be more appropriate to produce the SPD once the relevant legislation has reached Royal Assent, and the final version of the metric has been published	Bourne Leisure Limited	See comments above
	Gladman recommend that the Council consider allocating land to specifically provide opportunities for offsite mitigation of the effects of new development on biodiversity. This would be a proactive approach to ensuring a net gain in biodiversity can be achieved by all new development, where offsite mitigation is required.	Gladman	The council may consider this through the review of the Local Plan or via the Cheshire Nature Recovery Strategy
	The other triggers for requiring application of the metric are unclear. To ensure there is no doubt when an application would trigger this requirement "all other developments effecting natural or semi-natural habitats" and a "transport scheme" should be more clearly defined or explained to assist in transparency of the Council's application of this requirement.	Bourne Leisure Limited Harrow Estates plc and Avro Heritage Ltd	To consider. New wording has been introduced at X to further clarify the position in this regard
	Consider whether each change to a layout requires BNG – what parameters are reasonable?	Bourne Leisure Limited	The approach to design changes is set out at section 10.9
	The SPD appears to suggest at §6.3 that there will be a requirement for a different BNG calculation if a layout changes. This requirement is considered to be disproportionate.	Harrow Estates plc and Avro Heritage Ltd	The approach to design changes is set out at section 10.9
	The SPD should make it clear about what level of detail is expected for the different types of planning application e.g. outline, reserved matters or full planning applications.	Jones Homes & Persimmon Homes (Jones Homes simmon Homes	Further guide has been provided at section X regarding

	§6.6 as currently drafted is inaccurate and therefore needs to be removed; the current metric (2.0) does not allow for indirect impacts to be input into the calculator	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Use of latest metric included in the latest version. Further guidance provided on indirect impacts.
	We would strongly suggest that reference to the Cheshire Wildlife Trust is removed from paragraph 6.8 due to the potential perceived conflict of interest.	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Reference removed
	Clarity is requested in relation to §6.10. It states: The survey and calculation should include the whole of the development boundary (red line) and adjacent land where direct or indirect impacts upon adjacent habitats are anticipated. As written the emerging SPD suggests surveys will be required to look at land within the red edge but also land beyond. It is not clear what would trigger a requirement to consider land outside the red edge.	Bourne Leisure Limited Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes Harrow Estates plc and Avro Heritage Ltd	The document has been updated to clarify the circumstances under which land outside the red-line boundary will be considered for the purposes of BNG calculations.
	The survey and calculation should NOT be required to consider or include (undefined) 'adjacent' habitats. It should focus on the red line area.	Mineral Products Association	The document has been updated to clarify the circumstances under which land outside the red-line boundary will be considered for the purposes of BNG calculations.
	Identify phrases that need clarifying in the glossary 'low distinctiveness' 'poor condition' etc.		References to low distinctiveness etc have now been removed from the document
	The statement that creation of low distinctiveness habitats can only ever reach poor condition is harsh given that the SPD specifically encourages developers to incorporate biodiverse habitats into the site's green infrastructure. There are many examples of design guidance that focusses on biodiversity. The SPD should provide more encouragement for developers to build biodiverse-friendly habitats into new urban habitats. We suggest that this is re-worded to state that low distinctiveness habitats will normally be expected to achieve poor condition, unless the applicant can demonstrate how moderate or good condition would be achieved for the site in question.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes - 1274852)	noted
	The wording of the SPD at §6.14 regarding pre-development habitat value should be rephrased to more precisely reflect the emerging legislation in the Environment Bill	Bourne Leisure Limited	The section has been updated to more closely reflect the legislation.
Section 7	General support for use of the mitigation hierarchy		noted

	Harrow broadly supports the suggested approach to applying the mitigation hierarchy but considers that there should be scope to agree mitigation with the Council during the application process	Harrow Estates plc and Avro Heritage Ltd	Noted and reflected in the SPD
	For outline applications, it may not be possible or reasonable for a developer to provide detailed information on how or where off-site measures will be delivered. This statement of the mitigation hierarchy should be accompanied by a recognition that for outline applications, sufficient information should be provided to give the LPA confidence that BNG can be secured through conditions or obligations attached to the outline permission.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted and clarification provide in the document
Section 8	It would be beneficial to provide clarity on the preference for on-site provision of BNG and that the Council will only consider off-site provision when it has been adequately demonstrated that net gains cannot be achieved on-site. Natural England advise that off -site provision should always be located as close as possible to where the losses in habitat will occur	Natural England	The mitigation hierarchy and addresses this
	Section 8 places the onus entirely on the developer to prepare a package of measures in advance of a planning application submission and ensure deliverability and long-term management arrangements. This puts a great deal of burden on the developer and is likely to result in an ad-hoc and inconsistent approach in terms of planning applications. A simple mechanism for S106 should be put in place, led by the Council.	Bloor Homes (NW) Ltd Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	It is the developers responsibility to demonstrate how net gain will be achieved.
	8.5 inconsistent with earlier parts of the document. Agreement mechanism for offsite/onsite delivery not set out. Monitoring and management plan needs to be proportionate.	Bourne Leisure Limited	Noted and updated accordingly.
	Recommendation (9) Clarification is required at §8.5(d) to make clear the meaning of the term 'strategically important'. Recommendation (10) Clarification is required at §8.5(g) to make clear which bodies will run the proposed 'offset register'. Recommendation (11) Clarification is required at §8.5(h) to make clear which bodies will be responsible for 'monitoring'.	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Noted. Strategically important has been clarified at section 5.
	Consider including model clauses at 7.5	Bloor Homes (NW) Ltd	Noted, an example S106 is included at appendix 2.
	For outline applications, sufficient detail should be provided to demonstrate that there is no reason for the LPA to consider that BNG cannot be delivered through planning condition or obligation.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted and document updated
	The Council needs to provide resource to identify land parcels suitable for offsite solutions and create a geodatabase of sites that have been assessed and verified as potential offset sites. This would create a more open market.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	This is not the role of the council currently.
Section 9	9.1 - Consistency is needed with para 4.1	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted and text has now been amended

9.14	In the first instance we note that the Council will receive a fee for the determination of the planning application and as this work will form part of the application process there is no clear justification for an additional fee. If this fee is to be applied, the precise fee should be identified, evidence should be provide to show why it cannot be covered by the planning application fee and evidence should be provided to show how the figure identified has been derived. Harrow is concerned that the unit costs identified and set up fees seem high and no clear explanation is provided to demonstrate how these costs have been derived so it is not clear whether they are justified.	Harrow Estates plc and Avro Heritage Ltd Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Approach to fees updated with updated explanation.
	The Council's proposed admin fee of £1,200 per unit seems reasonable, but there should be a basis of calculation provided for transparency	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Approach to fees updated with updated explanation.
	Gladman submit that the formula and a breakdown for these costings (and any subsequent updates) is provided for review and comment.		Approach to fees updated with updated explanation.
	9.22 we would welcome standard templates for both conditions and s106 agreements as they would help avoid any delays with decision making.		Included in Appendices
	No break-down is provided at §9.23 on how the set-up fee has been calculated (at £6,945). In any event, and especially if these costs are from Cheshire Wildlife Trust, the future draft of the SPD needs to provide additional evidence justifying this figure. It is not considered to be reasonable as drafted, without this justification. The £6,945 set-up fee per agreement seems high for simple agreements. We appreciate the benefits of a simple charging structure, but we suggest the Council might consider a two-band structure with a lower charge for small schemes and/or situations where a new management plan does not need to be prepared. In any case, the £6,945 should be clarified in terms of staff time, in the interests of transparency.		Approach to fees updated with updated explanation.
Section 10 10.1	It is not clear how an 'approved' organisation will be defined and agreed by the LPA. Harrow considers that details should be provided as to how these "approved responsible" bodies will be identified as this information is not currently provided in the SPD.	Bourne Leisure Limited Harrow EStates	The updated SPD no longer makes reference to 'approved organisations'.
10.1	Section 10 needs to be strengthened to include a detailed process for coming to these legal agreements with developers including a list of appropriate sanctions if they will not comply. Therefore, there should be a recommendation that the biodiversity agreement MUST BE IN PLACE before the development starts.	Bollington Town Council	noted
10.4	We disagree that all High Distinctiveness habitats require a specialist contractor to implement, and we are not convinced that this will be enforceable. We suggest that this requirement is modified to state that for high distinctiveness habitats, the developer's ecologist should provide assurances of the ability of the contractor to implement the habitat establishment	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	The updated SPD no longer makes reference to 'high distinctiveness habitats'.
10.5	At §10.5 the SPD notes that the implementation of off-site habitat creation proposals will be secured by means of a section 106 agreement. Whilst this approach is welcomed, Bourne Leisure considers that the option of securing proposals by means of a negatively worded 'Grampian' condition should also be included in this section.	Bourne Leisure Limited	Noted. Explanation o the approach to conditions is set out at section 16.

10.6	Harrow notes that §10.6 of the SPD requires that all development proposals must also include proposals for the incorporation of features to enhance the biodiversity of the resulting development in addition to proposals for habitat creation and enhancement as assessed by the biodiversity metric calculation. Examples identified include green wall and green/brown roofs, and features for nesting birds and bats. Harrow is concerned that this requirement is effectively seeking additional biodiversity enhancement when proposals will already be subject to significant biodiversity requirements through the metric. It is not considered that this approach is justified as the Council will effectively be 'double charging' in order to achieve additional biodiversity gain.	Harrow Estates plc and Avro Heritage Ltd	Approach clarified and updated in the document
10.7	We do not consider that the wording of §10.7 (page 24) is currently appropriate, as it states that where schemes that are classed as 'minor AND not affecting natural/semi-natural habitats', they will be exempt from having to be put through the Defra metric. We consider that all minor and small-scale major applications should be exempt. This approach would remain consistent with the adopted and emerging Development Plan Documents as they would still have to demonstrate ecological enhancement, using appropriate features from (a) – (k) in §10.8. (18) The reference to natural and semi-natural habitats should be removed from paragraph 10.7 and replaced by a scale-based approach which would remain consistent with the Development Plan whilst continuing to ensure BNG is delivered.	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Legislation has been updated to clarify the position, the updated document reflects this.
10.8	The list of BNG features is good, but more guidance is needed on what is actually expected and what a planning officer and small developer should agree on without specialist knowledge. Again, this indicates that a Biodiversity SPD should precede or incorporate the BNG SPD. Alternatively, the Cheshire East Design Guide could be amended to incorporate advice on BNG measures.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted. Guidance is now provided via the small sites metric, referred to in the document at section 5.
Section 11	We advise the Ecological Network Map should be made available as an online interactive map and with GIS shapefiles for download and use.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted. The ecological map is now linked to in the document
	Whether within the red line of a proposed development or at an offsite area, an isolated area of gain for biodiversity will be of limited value if there is not an identified corridor or stepping ability to a wider natural environment. In all cases the developer should be required to demonstrate that this linking is identified within the proposal.	Mr Roger Cole	Noted.
Section 12	England Trees Action Plan and Peat Action Plans introduce actions to research further protections for such habitats. We suggest that there is merit in referring to these strategies and perhaps deferring more detailed guidance on buffer zones pending the outcome of these pieces of research.		Guidance on buffer zones has been included
Section 13	Table 1 has a vague heading– states CWT BNG. Clarification is required on the purpose of this table and if this is a Cheshire Wildlife Trust (CWT) or Cheshire East requirement, Tables 2 and 3 are not appropriately titled and reference is again made to CWT. Full clarification is required on how the costs and prices have been calculated for transparency as expected from a local authority.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Table updated, references updated
13.4	Accelerated succession will not be an option in Defra metric 3.0 and sites which are suitable for woodland creation may not always support existing grassland. Finer detail and more clarification is needed on this point.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted. This section of text has now been removed and updated.

	Recommendation (20) Land should not be designated as Potential Local Wildlife Sites unless there is a realistic chance of habitats being proposed, we would instead suggest that future monitoring of land to assess its suitability against the Local Wildlife Sites Criteria.	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Noted. Reference to potential local wildlife sites has been removed.
	Recommendation (14) A breakdown should be included to justify how the figure of £1,200 covering Cheshire East Council's costs is arrived at, given that we are not aware of other Local Authorities who charge such a fee.	As above	Noted and approach modified
	Recommendation (16) It is essential that a break-down of the £6,945 set-up fee is provided as justification to Table 1, to ensure the SPD is robust and reasonable.	As above	Noted, approach to fees ahs been updated and modified at section 16.
	It is therefore essential that the SPD is explicit in stating that the BNG metric will not be applied to sites which already benefit from outline planning permission, given that to introduce this would go beyond the scope of a Reserved Matters submission. This is a key point that the guidance needs to cover as both the adopted LPS and the emerging SADPD refer only to Net Gain being delivered within 'development proposals', and does not differentiate between Full, Outline, and Reserved Matters submissions.	As above	Noted, approach modified and reference to how outline applications should be dealt with is included at section 9.