

Cheshire East Local Plan

Biodiversity Net Gain Draft Supplementary Planning Document

April 2021



Contents

1. Introduction	2
Purpose of the Supplementary Planning Document.....	2
Status of the SPD.....	2
2. Draft SPD Consultation	3
Submitting your views	3
What happens after the consultation?	4
3. Planning Policy Framework	5
Emerging plans	7
4. General Principles	9
5. Identifying Relevant Assets	10
6. Establishing the Value of Assets Using the Defra Biodiversity Metric	12
7. Applying the Mitigation hierarchy	14
8. Delivering Biodiversity Net Gain	15
Provision of BNG.....	15
9. How to carry out Biodiversity Net Gain Calculations	17
10. Long Term Management of Compensatory Habitats	21
11. The Ecological Network	23
12. Buffering of Important Nature Conservation Sites including Ancient Woodlands	26
13. Appendix 1: Guidance on Commuted Sums	27
14. Glossary	32

1. Introduction

Purpose of the Supplementary Planning Document

- 1.1 Supplementary Planning Documents (“SPDs”) add further detail to policies contained within the development plan and are used to provide guidance on specific sites or particular issues. SPDs do not form part of the adopted development plan but they are a material planning consideration in decision taking.
- 1.2 This SPD provides guidance on achieving Biodiversity Net-Gain (BNG) from new development. BNG is achieved when a development site creates an increase biodiversity, compared to what was on the site before development took place. This Draft Biodiversity Net Gain SPD sets out how this can be achieved in Cheshire East and builds upon existing development plan policies found in the Cheshire East Local Plan Strategy (adopted July 2017) and ‘saved’ policies within previous Local Plans¹. The SPD also identifies additional plans and policies that are currently in preparation and this consultation is seeking views on how the content proposed here, and on how this content could be improved or expanded to ensure Biodiversity Net-Gain is efficiently secured through the planning system.
- 1.3 The purpose of this SPD is to provide information about the provision of and/or contributions towards the delivery of biodiversity net gain in new development and sets out the circumstances where such provision, including financial contributions, will be sought through planning obligations.
- 1.4 This SPD is designed to assist prospective developers and applicants by providing guidance on how proposals can demonstrate they have met the requirements of planning policy related to biodiversity net gain in Cheshire East. By providing this information upfront Cheshire East Council aims to minimise uncertainty in the development process and ensure negotiating obligations is based on a clear and consistent approach.
- 1.5 The Draft SPD:
 - Explains what biodiversity Net Gain is.
 - Identifies national and local planning policies relevant to the delivery of biodiversity net gain.
 - Sets out the process through which applicants can demonstrate they have met the requirements of the Local Plan.

Status of the SPD

- 1.6 The SPD has been prepared in accordance with the Planning Act 2004 and the associated Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 1.7 Once finalised and published, this document will replace requirements set out in the Macclesfield Borough Council Supplementary Planning Guidance on s106 (Planning) Agreements (2004); and Congleton Borough Local Development Framework Interim Policy Note - Public Open Space Provision for New Residential Development (2008).

¹ Including the Congleton Local Plan, Crewe & Nantwich Local Plan and the Macclesfield Local Plan.

1.8

2. Draft SPD Consultation

2.1 Consultation on the draft SPD will take place between 10th May 2021 and 7th June 2021. Comments must be received by the Council **no later than 5pm on 7th June 2021**.

2.2 The consultation documents can be viewed online at:

<https://cheshireeast-consult.objective.co.uk/portal/planning/spd/BNG>

and 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).

2.3 There is no legal requirement for Supplementary Planning Documents to be accompanied by Sustainability Appraisal, and this is reinforced in national planning guidance. However, “in exceptional circumstances” there may be a requirement for SPDs to be subject to Strategic Environmental Assessment (SEA) where it is considered likely that they may have a significant effect on the environment that has not already been assessed within the SEA of the Local Plan. A screening assessment has been undertaken and concludes that further such assessment is not necessary.

2.4 A screening exercise has been carried out to determine whether the document gives rise to the need for Appropriate Assessment (under the Habitats Regulations). This similarly concludes that further such assessment is not necessary. These screening assessments have been published (Appendix 1) and you can give your views on their findings too.

Submitting your views

2.5 The council’s online consultation portal is our preferred method for submitted responses, but you can also respond by e-mail or in writing using a comment form available online and at the locations listed above. You can respond:

- **Online:** Via the consultation portal at: <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/BNG>
- **By e-mail:** To planningpolicy@cheshireeast.gov.uk
- **By post:** Strategic Planning (Westfields), C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ

2.6 Please make sure that your comments reach us by **5pm on the 7th June 2021**. 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 Spatial Planning Privacy Notice, which is available on the council’s website (www.cheshireeast.gov.uk). Your name and comments will be published and made available to view on the council’s online consultation portal.

What happens after the consultation?

- 2.7 Following consultation, the council will carefully consider all representations received before deciding whether any amendments to the draft SPD are needed. The final version of the SPD alongside a Consultation Statement summarising the feedback and changes to the SPD will then be published for further comment before the SPD is proposed for adoption by the Council.
- 2.8 Once adopted the SPD will be formal planning guidance and will be considered as a material consideration when assessing planning applications in Cheshire East.

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3. Planning Policy Framework

- 3.1 The Councils approach to securing Biodiversity Net Gain is based on existing planning policy set out in the National Planning Policy Framework and policies held in the Development Plan. The guidance in this SPD sets out how applicants can demonstrate compliance with existing policy requirements.

National Policy Context

- 3.2 The Government's National Planning Policy Framework (NPPF) February 2019 has at its heart the core principle of sustainable development and set out a number of requirements related to the securing of biodiversity net gain through the planning system. The key sections of the NPPF that are relevant to biodiversity are:

- a) Section 8: healthy and safe communities
- b) Section 15: conserving and enhancing the natural environment.

- 3.3 These sections contain important policy requirements; the following paragraphs are notable:

- a) **Paragraph 170** states that through planning policy and planning decisions, the natural environment should be enhanced by 'minimising impacts on and providing net gains for biodiversity' (criterion d)
- b) **Paragraph 171** advises that development plans should 'plan for the enhancement of natural capital'.
- c) **Paragraph 174** provides specific advice on habitats and biodiversity. In particular criterion b states that development plans should 'identify and pursue opportunities for securing measurable net gains for biodiversity'
- d) **Paragraph 175** establishes the principles that Local Authorities should use to determine planning applications where biodiversity and geodiversity are material considerations. This policy establishes the mitigation hierarchy and, at criterion d, encourages securing measurable net gains for biodiversity in development proposals.
- e) **I think NPPF paragraphs 8 c and 141 are also relevant.**

National Planning Practice Guidance

- 3.4 The Government's National Planning Policy Guidance also provides guidance on the natural environment. On Biodiversity, geodiversity and ecosystems the PPG provides advice on how development should not only protect but also enhance biodiversity (paragraph 017 Reference ID: 8-017-20140306) and how biodiversity and geodiversity should be considered. The guidance also sets out the mitigation hierarchy and provides advice on how to achieve biodiversity net-gain (paragraph: 023 Reference ID: 8-023-20190721)

Cheshire East Council Local Plan Strategy

- 3.5 Cheshire East Councils Local Plan is being prepared in two parts. The first part of the Local Plan, The Local Plan Strategy sets out a number of key policies that align to the NPPF and seek to ensure that impact of development on the natural environment is taken into account through the planning application process:

- a) **Policy SC3 Health and Well Being** seeks to promote safe, active and healthy lifestyles through delivery of several measures including open and recreational space, green infrastructure and local food growing space.
- b) **Policy SE3 Biodiversity and Geodiversity** requires all development to positively contribute to the conservation and enhancement of biodiversity and establishes a requirement to protect biodiversity and geodiversity assets and seeks their enhancement through supporting and improving ecological networks.
- c) **Policy SE4 The Landscape**, recognises the importance of habitats that may have a landscape importance and seeks to protect or conserve the ecological qualities of an area
- d) **SE5 Trees Hedgerows and Woodland** promotes the retention of valuable trees and hedgerows and the sustainable management of woodlands in the borough
- e) **SE6 Green Infrastructure** identifies strategic Green Infrastructure assets and seeks the protection and enhancement of these.

Saved Policies

3.6 Several policies from the legacy local plans for Crewe and Nantwich, Congleton and Macclesfield have been saved. Some of the most relevant to this SPD are listed here:

3.7 Crewe and Nantwich Borough Local Plan:

- i) NE5: Nature Conservation and Habitats
- ii) NE6 Sites of International Importance for Nature Conservation
- iii) NE7: Sites of National Importance for Nature Conservation
- iv) NE8: Sites of Local Importance for Nature Conservation
- v) NE9: Protected Species
- vi) NE10 New Woodland Planting and Landscaping
- vii) NE11: River and Canal Corridors

3.8 Macclesfield Borough Local Plan:

- i) NE9 Protection of River Corridors
- ii) NE10: Conservation of River Bollin
- iii) NE11: Nature Conservation
- iv) NE12 SSSIs, SBIs and Nature Reserves
- v) NE13 Sites of Biological Importance
- vi) NE14: Nature Conservation Sites
- vii) NE15 Habitat Enhancement
- viii) NE16 Nature Conservation Priority Areas
- ix) NE18 Accessibility to Nature Conservation

3.9 Congleton Borough Local Plan:

- i) NR2: Statutory Sites
- ii) NR3: Habitats
- iii) NR4: Non-Statutory Sites
- iv) NR5: Non-Statutory Sites
- v) NR6: Reclamation of Land

Cheshire East Council Site Allocations and Development Policies Document

3.10 Part two of the Local Plan, the Site Allocations and Development Policies Document (SADPD) sets out further detail on ecological issues, building on policy SE3 of the CELPS to set out the extent and value of ecological networks in the borough through

policy ENV1 and a requirement to deliver biodiversity net gain in policy ENV2. Policies ENV 6 Trees, Hedgerows and Woodland Implementation and policy REC 3 Green Space Implementation are also relevant considerations:

- a) **ENV 1: Ecological Network.** Identifies ecological networks within Cheshire East and requires that new development seek proportionate opportunities to protect, conserve, restore and enhance the network.
- b) **ENV 2: Ecological Implementation.** This policy states development proposals must deliver an overall net gain for biodiversity using the DEFRA biodiversity metric calculation.
- c) **ENV 6: Trees, Hedgerows and Woodland Implementation.** This policy states replacement trees, woodlands and/or hedgerows must be integrated in development schemes as part of a comprehensive landscape scheme.
- d) **Policy REC 3: Green Space Implementation.** This policy states that all areas of green space that are of strategic significance should be conveyed to the council along with a commuted sum for a minimum provision of 20 years maintenance.

Neighbourhood Plans

- 3.11 There 35 made neighbourhood plans in Cheshire East. Many plans include locally specific requirements in regard to the natural environment and Biodiversity, including detailed habitat map that identify biodiversity assets and wildlife corridors. These should be consulted and, where relevant, worked with in establishing an approach.
- 3.12 Relevant neighbourhood plan policies are mapped and available to view on the Councils GIS network.
- 3.13 All neighbourhood plans can be [accessed here](#).

Emerging plans

- 3.14 The council is currently preparing Local Plan documents which, once adopted, will form part of the adopted development plan. These include the Site Allocations and Development Policies (“SADPD”), the Minerals and Waste Development Plan Document and the Crewe Hub Area Action Plan.

Cheshire East Site Allocations and Development Policies Document

- 3.15 The SADPD will form the second part of the Local Plan. It will set non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development to assist in meeting the overall development requirements set out in the LPS.
- 3.16 A revised publication draft version of the SADPD was published for a period of public representations between the 26 October and the 23 December 2020.
- 3.17 Although the SADPD is in draft and has a few stages to go through before adoption, this draft Biodiversity SPD has been prepared to be consistent with emerging planning policies. Whilst this is not a legal or national planning policy requirement, this approach

provides opportunity for this SPD to complement and support the implementation of future development plan policies too.

Cheshire East Minerals and Waste Development Plan Document

- 3.18 The Minerals and Waste Development Plan Document is currently in preparation. It will set out the council's planning policies on minerals and waste.

Crewe Hub Area Action Plan

- 3.19 The Crewe Hub Area Action Plan (CHAAP) is currently in preparation and considers a planning framework to facilitate and manage development around Crewe Railway Station, in response to HS2 and other matters.

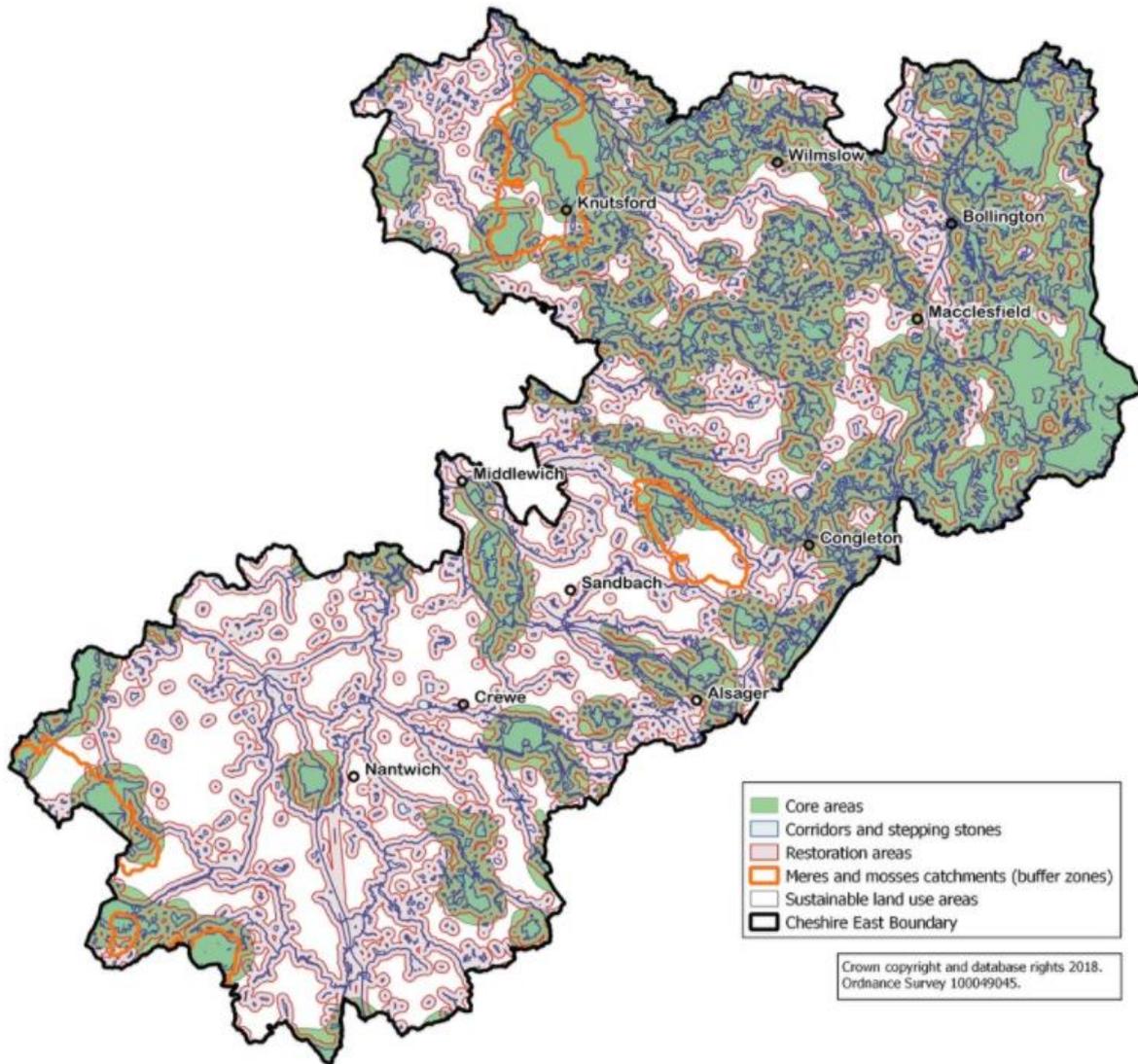
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4. General Principles

- 4.1 Whilst the guidance in this SPD focuses on how applicants can demonstrate they have achieved Biodiversity Net Gain on larger development sites, all development in Cheshire East should positively contribute to the conservation and enhancement of biodiversity and geodiversity. Accordingly, this SPD also provides guidance on how smaller scale developments can make a big difference to improving biodiversity in Cheshire East, and the measures that applicants should take to demonstrate compliance with the local plan in this regard. Guidance on these matters is set out at section 10.
- 4.2 The basic principle that underpins the delivery of biodiversity net gain is to ensure that development secures more and better-quality biodiversity than would exist without development taking place. To achieve this, applicants are expected to demonstrate how their proposals meet the policy requirements of the local plan, submitting information that sets out how biodiversity will be improved.
- 4.3 To achieve this, this is **what** applicants should do:
- a) Use the Defra Biodiversity Metric to:
 - b) Assess the biodiversity value of the site, then:
 - c) Determine the impact of development options on the biodiversity value of the site; and
 - d) Establish a design solution that delivers the greatest biodiversity net gain.
- 4.4 This is **how** applicants should do it:
- a) Identify relevant assets
 - b) Establish the value and extent of those asset using the Defra Biodiversity Metric
 - c) Apply the Mitigation Hierarchy to assess the impact of development on the asset
 - d) Identify design solutions that avoid, mitigate or compensate for the impact, and enhance the Ecological Network
 - e) Submit detailed solutions that deliver Biodiversity Net Gain
- 4.5 The guidance below provides advice on how applicants can follow the process outlined above and demonstrate compliance with polices in the Development Plan.

5. Identifying Relevant Assets

5.1 Policy SE3 of the LPS identifies areas of high biodiversity or geodiversity and emerging policy ENV1 of the SADPD sets out the extent of the Ecological Network in Cheshire East. The Ecological Network is the extent of known ecological assets which incorporates existing protected sites and priority habitats, and it identifies areas to restore and buffer the network. The ecological network will assist in the provision of nature conservation and ecosystem services that are essential for sustainable development, including water management, carbon capture and access to nature with associated recreational and health benefits.



5.2 When demonstrating compliance with the relevant policies of the development plan, applicants should consider the location of their site within the network and include measures that would best enhance biodiversity within and close to their site. The network identifies and categorises the location of ecological assets across the borough:

- Core Areas
- Corridors and Stepping Stones
- Restoration Areas
- Meres and Mosses Catchments (buffer Zones)

- e) Sustainable Land Use Areas
- f) Seeks ecological improvement

5.3 Applicants should submit an Ecological Assessment that identifies the relevant assets on site and includes a separate Biodiversity Net Gain Report which uses the Defra/Natural England Biodiversity Metric to demonstrate how they have increased the size of the core area, increased the quality and quantity of priority habitat and/or created new priority habitat that can act as stepping stones or corridors.

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6. Establishing the Value of Assets Using the Defra Biodiversity Metric

- 6.1 To determine whether a proposal is compliant with policy requirements applicants will be expected to submit detailed worked-up proposals that clearly set out how Biodiversity Net Gain will be achieved.
- 6.2 A net gain in biodiversity must be demonstrated using a Biodiversity net gain calculation undertaken using the Defra Biodiversity Metric for all major developments, as defined by the Town and Country Planning Act, transport schemes and all other developments effecting natural or semi-natural habitats.
- 6.3 Appointing an ecological consultant at an early stage of the project is advised to ensure the best possible outcomes for achieving Biodiversity Net Gain on site, using an iterative approach through the design process. If different layout options are considered each should have a corresponding biodiversity calculation completed.
- 6.4 All supporting evidence including calculations, justifications, distinctiveness and condition assessments must be submitted as part of a Biodiversity Net Gain report.

Biodiversity Calculations

- 6.5 Biodiversity Net Gain Calculations are to be undertaken in accordance with the Natural England Version 2 metric (December 2019) or subsequent revised Natural England/Defra metric.
- 6.6 The calculation must consider both the direct impacts of a proposed development, both permanent and temporary, also the indirect effects of development, such as lighting on a woodland edge, or pollution resulting from the operation of a scheme.
- 6.7 The net gain calculation and achieving biodiversity net gain must be undertaken in accordance with the following documents and any subsequent publications:
 - a) The Biodiversity Metric 2.0 auditing and accounting for biodiversity, User guide July 2019 (Natural England).
 - b) Biodiversity net gain, Good Practice Principles for development – A practical guide (2019) CIEEM, IEMA, CIRIA
- 6.8 Applicants are advised to seek assistance from Cheshire Wildlife Trust, the Environment Bank or an ecological consultant when completing the calculation.

Survey Work

- 6.9 To inform the net gain calculations vegetation surveys must be undertaken at the appropriate time of year. The following survey information and assessment is required to complete the calculation:
 - a) Area of each habitat and length of each linear feature present within the red line of the application.
 - b) Habitat type in UK Habs, or translated into UK Habs from another survey type, including indicator species (with reference to the guidance provided in Cheshire Region Local Wildlife Selection criteria);
 - c) Habitat condition

- d) Root Protection Areas of any trees on site that do not form part of another habitat on site.
 - e) Impact from development based upon current planning layout, both directly onsite, and indirectly offsite;
 - f) Onsite biodiversity mitigation and compensation measures.
- 6.10 The survey and calculation should include the whole of the development boundary (red line) and also adjacent land where direct or indirect impacts upon adjacent habitats are anticipated.
- 6.11 The evaluation of habitats recorded on site should be undertaken with reference to the Cheshire Region Local Wildlife Site selection criteria. Habitats that meet the selection criteria thresholds should normally be considered to be of 'County' value and of High or Very High distinctiveness'.
- 6.12 Habitat Condition should be assessed in accordance with the guidance provided with the Metric Version 2 beta or subsequent guidelines. When assessing any habitats not covered by this guidance, developers and their advisors will be expected to apply evidence based professional judgement.
- 6.13 Low distinctiveness habitats created as part of development proposals will only ever be expected to achieve Poor condition.
- 6.14 The survey and calculation should include the whole of the development boundary (red line) and also adjacent land where direct or indirect impacts upon adjacent habitats are anticipated.
- 6.15 If a development site has been cleared with the resulting loss of habitats in advance of a biodiversity metric calculation being undertaken the baseline for the metric is to be taken as the habitats present prior to site clearance. The biodiversity value of the habitats lost is to be estimated based upon a desk-based assessment and professional judgement. The precautionary principal is to be applied where the distinctiveness or condition of the habitats lost is uncertain.

7. Applying the Mitigation hierarchy

- 7.1 The approach to achieving net gain should start with assessing and understanding the type and value of biodiversity being affected by the development proposed. This is dependent on the location of the site within the ecological network; and the type, area and quality of ecological assets that are present, as determined by using the Defra Biodiversity Metric.
- 7.2 Once this is understood, it is essential that applicants apply the Mitigation Hierarchy to demonstrate how ecological issues have been considered and how an optimal Biodiversity Net Gain solution has been reached in the proposal.
- 7.3 In applying the mitigation hierarchy applicants should demonstrate how they have:
- Sought to **avoid** loss of existing biodiversity on-site (either through loss of scale or quality of habitat)
 - Where this is not possible, applicants should demonstrate how they have **mitigated** the impact of development on biodiversity on-site/nearby
 - Where mitigation on site or nearby is not possible applicants should set out the options they have considered, and the reasons why a) and b) above were not possible. Applicants should also set out how they will **compensate** for any loss or impact on biodiversity through on and offsite improvements or contributions.
- 7.4 Avoiding harm to biodiversity assets will always be the preferred approach, and it is expected that applicants demonstrate they have explored options to retain habitats on site before seeking to mitigate their loss or, where necessary, propose compensatory measures delivered off-site.
- 7.5 In providing information on how the mitigation hierarchy has been applied applicants are advised to address the following questions:
- What is the impact of the proposed design on identified assets?
 - If there is an impact can the scheme be redesigned to remove or reduce that impact?
 - If the impact cannot be avoided, can the impacted be mitigated for? If so, what are the measures are proposed and will they be sufficient to 1) mitigate the impact and 2) secured BNG?
 - If the impact cannot be avoided or mitigated, can it be compensated for?
 - If compensatory measures are proposed will they be on-site, offsite but nearby or offsite entirely?
 - What are the compensatory measures?
 - How will they be applied?
 - Does the Defra Biodiversity Metric demonstrate the measures will deliver a Biodiversity Net Gain?

8. Delivering Biodiversity Net Gain

- 8.1 The Council requires applicants to increase biodiversity through their developments, and, through their planning applications, to demonstrate that the measures being put forward will achieve this. If applicants satisfy this requirement, they will ensure their schemes are compliant with the relevant policies of the local plan.

General Principles of Biodiversity Net Gain

- 8.2 If an impact on an ecological asset is identified, applicants must propose how that impact will be avoided, mitigated or compensated for in accordance with the mitigation hierarchy.
- 8.3 Where mitigation or compensation is proposed, habitat creation proposals, both on and offsite, must avoid 'down trading' of habitat value by proposing to create habitats of lower distinctiveness than those lost.
- 8.4 Habitat creation proposals must be additional to any existing obligations and not deliver something that would occur anyway (for example through an existing planning permission, Forestry Commission grant or Environmental Stewardship scheme).
- 8.5 All proposals to deliver biodiversity Net gain through on-site and off-site habitat creation must be:
- a) In compliance with forthcoming British Standard BS 8683 (Process for designing and implementing Biodiversity Net Gain)
 - b) Agreed in advance with the LPA
 - c) Evaluated through the use of the Biodiversity Metric
 - d) Located in a strategically important area as identified by the LPA (unless agreed in advance)
 - e) Secured by an appropriate agreement to ensure long term management
 - f) Be supported by a monitoring and management plan (adaptive management plan)
 - g) Included on an offset register
 - h) Monitored and reviewed

Provision of BNG

- 8.6 Offsite schemes developed by an applicant or the Local Planning Authority may aim to (or enable partner organisations to):
- a) create new habitats
 - b) enhance existing habitats
 - c) purchase land for the purpose of habitat creation
 - d) manage land for nature conservation purposes
 - e) pay for infrastructure to enable management to take place
 - f) monitor the habitat creation; and
 - g) pay professional fees associated with the above.

- 8.7 In order to establish that it is feasible for on and/or off-site habitat creation/enhancement proposals to deliver a net gain for biodiversity developers will be expected to submit detailed worked up proposals.
- 8.8 Details of the design, location and extent of any habitat creation proposed will be required. Where offsite habitat creation is proposed it is particularly important that sufficient detail is submitted to reassure the Council that it is feasible that suitable provision can be delivered and maintained in the long term. Developers are encouraged to seek professional advice to ensure their proposals meet this requirement.
- 8.9 Where offsite habitat creation is proposed the Council expects that sufficient detail is submitted that demonstrates delivery is feasible and that suitable provision can be delivered and maintained in the long term. Developers are encouraged to seek professional advice to ensure their proposals meet this requirement.
- 8.10 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
- 8.11 Where off-site habitat provision is necessary, this should be directed to the following areas:
- a) identified as Nature Improvement Areas,
 - b) areas identified by the Ecological Network Map as delivering the most benefit for biodiversity (Core Areas, Corridors and Stepping Stones, Restoration areas)
 - c) any designated Wildlife Corridors shown in neighbourhood plans
 - d) Priority areas identified in the CELPS or SADPD
 - e) areas identified in Local Nature Recovery Strategies.
- 8.12 Habitat creation in these strategically important sites will deliver a greater benefit for biodiversity and so potentially less habitat creation will be required in order to achieve the same biodiversity benefits.
- 8.13 Habitat creation and enhancement will only be possible where suitable opportunities arise. Consequently, offsite habitat creation and enhancement may be delivered at any suitable location within Cheshire East (with preference given to those locations listed at 8.11) where a suitable opportunity exists.
- 8.14 This may be some distance from the site of the related development proposals. There is no requirement for compensatory habitats to be subject to public access. However public access is encouraged where this can occur without being detrimental to the value of the habitats created.

Habitat Banks

- 8.15 If a developer wishes to rely on habitat created by a Habitat Bank, this habitat would usually be in place in advance of a planning application being submitted.

9. How to carry out Biodiversity Net Gain Calculations

- 9.1 A net gain in biodiversity must be demonstrated through the use of a Biodiversity net gain calculation for all major developments, as defined by the Town and Country Planning Act, transport schemes and all other developments effecting natural or semi-natural habitats.
- 9.2 Appointing an ecological consultant at an early stage of the project is advised to ensure the best possible outcomes for achieving Biodiversity Net Gain on site using an iterative approach. If different layout options are considered each should have a corresponding biodiversity calculation completed.
- 9.3 All supporting evidence including calculations, justifications, distinctiveness and condition assessments must be submitted as part of a separate Biodiversity Net Gain report, provided in addition to an Ecological Impact Assessment or any other specific Ecological reports required.
- 9.4 Biodiversity Net Gain Calculations are to be undertaken in accordance with the Natural England Version 2 metric (December 2019) or subsequent revised Natural England/Defra metric.
- 9.5 The calculation must consider both the direct impacts of a proposed development, both permanent and temporary, also the indirect effects of development, such as lighting on a woodland edge, or pollution resulting from the operation of a scheme.
- 9.6 The net gain calculation and achieving biodiversity net gain must be undertaken in accordance with the following documents and/or any subsequent publications:
 - a) The Biodiversity Metric 2.0 auditing and accounting for biodiversity, User guide July 2019 (Natural England).
 - b) Biodiversity net gain, Good Practice Principles for development – A practical guide (2019) CIEEM, IEMA, CIRIA

How complete the Metric Calculation

- 9.7 Applicants are advised to seek assistance from Cheshire Wildlife Trust, the Environment Bank or an ecological consultant when completing the calculation.
- 9.8 To inform the net gain calculations vegetation surveys must be undertaken at the appropriate time of year. The following survey information and assessment is required to complete the calculation:
 - a) Area of each habitat and length of each linear feature present within the red line of the application.
 - b) Habitat type in UK Habs, or translated into UK Habs from another survey type, including indicator species (with reference to the guidance provided in Cheshire Region Local Wildlife Selection criteria);

- c) Habitat condition
 - (1) Root Protection Areas of any trees on site that do not form part of another habitat on site.
 - (2) Impact from development based upon current planning layout, both directly onsite, and indirectly offsite;

Implementation of Net Gain (Major Schemes and those affecting natural/semi natural habitats)

9.9 If the biodiversity metric calculation shows that a proposed development would result in a failure to deliver the required net gain for biodiversity the applicant should:

- a) Firstly review design solutions and re-apply the Mitigation Hierarchy, seeking to avoid any impacts
- b) Secondly, identify potential impacts from an alternative design solution, and set out how on-site mitigation will deliver greater benefits for biodiversity on site.
- c) Thirdly, where this is not possible the applicant should then look to offset these impacts through the delivery of benefits for biodiversity at an offsite location. The Council may, in some circumstances, consider a commuted sum for the delivery of habitat creation at an offsite location. Commuted sums will include the cost of land acquisition, purchase or rental, for the purposes of habitat creation by either the Council or partner organisations.

9.10 Where the above process is followed, demonstrated, and concludes that off-site provision is necessary, off-site habitat creation for the purposes of delivering Biodiversity net gain and will be secured by either:

- a) Option 1 Developers providing their own off-set
- b) Option 2 Purchase of off-sets from an independent provider
- c) Option 3 Commuted sum to the LPA
- d) Option 4 A mixture of the above

Option 1 Developers providing their own offset on land within their control

9.11 This option may be used if there is land suitable for habitat creation within Cheshire East which is owned or in the control of the applicant. Habitat creation measures, management and monitoring would be secured by a legal agreement or planning condition to ensure they are delivered in accordance with good practice principles.

Option 2 Purchase of offsets from an independent provider and delivery body/habitat bank

9.12 The provider/habitat bank must be agreed with the LPA and the principles set out below must be applied. Under this option a contribution from the developer will be paid directly into the independent provider/habitat bank. The provider/habitat bank would then be required to provide suitable assurances of habitat delivery to the LPA.

Option 3 Commuted sum payable to the LPA

9.13 In some circumstances, particularly lower impact schemes or where the Council is aware of suitable opportunities for compensatory habitat creation at an offsite location, the Council may consider a commuted sum secured through a legal agreement, that would be used to deliver suitable compensatory habitat.

- 9.14 The Council will charge a fee to cover its and partners costs of developing and implementing habitat creation and management measures using the commuted funds. The fee will cover: officer time to liaise with landowners and partners, undertake site visits to appraise the opportunities for habitat creation, draw up habitat creation measures and management plans, legal fees for land acquisition, associated administration, site visit to monitor delivery and to maintain a registry of offsets agreed.
- 9.15 At the time of writing fees are anticipated to be £1,200 per biodiversity unit required. CEC fees are likely to be reviewed every two years.
- 9.16 The Council will work with partner organisations to ensure that any commuted sum is used appropriately to ensure sufficient habitat creation is delivered in a quantifiable way to address the loss of biodiversity resulting from the consented development. The Council will utilise the funding to create habitat that delivers best value for biodiversity. In some circumstances this may involve the creation of smaller areas of habitat subject to more costly long-term management or alternatively funding may be utilised to deliver larger areas of habitat with relatively limited management input.
- 9.17 The figures in table 1 provide a guide to the likely levels of commuted sums per biodiversity unit required to address the deficit of biodiversity units required to deliver net gain. The costings include habitat creation, 30 years management, land costs and monitoring of the success of management.
- 9.18 An offset provider/habitat bank may ask for lower or higher prices than the figures provided in the table.
- 9.19 The proposed commuted sum figures in table 1 have been calculated to be compatible with the Metric Version 2 beta (December 2019). These costs may be subject to change as the metric is revised.
- 9.20 Very large-scale habitat creation schemes involving multiple habitat types on substantial areas of land may require substantial additional staff and infrastructure resources to deliver and maintain. A bespoke commuted sum calculation is likely to be required for these schemes.
- 9.21 Further information and guidance on the approach to commuted sums is set out at Appendix 1.

9.22 Table 1: A guide to developer contributions (offsetting)

Target Broad Habitat	Target Habitat type (according to Version 2.0 metric)	Management period	Expected condition (target condition)	Price per biodiversity unit (valid for version 2.0 metric only)	Category (from version 2.0 metric)	Set up fee (per agreement) includes legal fees, admin, management plan

Woodland	Lowland deciduous woodland	Mixed	30yr+	Good	£15,434	Accelerated succession	£6,945
Grassland	Other Grassland	neutral	30yr+	Good	£10,035	Creation/ Enhancement	£6,945
Wetland	Priority ponds/ditches/reed- bed		30yr+	Good	£9,361	Creation	£6,945

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10. Long Term Management of Compensatory Habitats

- 10.1 Securing the long-term future of newly created or enhanced habitats is vital to achieving a net gain for biodiversity. Therefore any on or off site measures contributing to Biodiversity Net Gain will be acceptable only if the developer has secured long-term management, for example through the transfer of funds to an LPA approved responsible body to manage, monitor and report back to the LPA..
- 10.2 Therefore developers will be expected to secure the long term monitoring and adaptive management of any on-site or off-site habitat creation or enhancement works to ensure created habitats are allowed sufficient time to both achieve their target value and to ensure they are maintained into the future. Therefore, development proposals must include a commitment to implement management for a period of 30 years with regular reporting to the LPA, which would be secured through a condition or planning obligation. A longer time period may be necessary if this is a requirement of the Environment Act once enacted or where the newly created/enhanced habitats are of a type with particularly long establishment periods or are of particularly high nature conservation significance. As habitats subject to longer management are likely to achieve higher target condition, the length of time proposed as part of a management plan will be considered in the net gain calculation.
- 10.3 Management plans must include proposals to control non-native invasive species when appropriate.
- 10.4 The Council encourages developers to engage a recognised conservation body in the delivery of long-term habitat creation proposals. If high or very high distinctiveness habitats are to be delivered a specialist contractor or nature conservation body must be appointed to assist with delivery.
- 10.5 The implementation of off-site habitat creation proposals will be secured by means of a section 106 agreement.

Incorporation of additional features for biodiversity enhancement

- 10.6 In addition to proposals for habitat creation and enhancement as assessed by the biodiversity metric calculation all development proposals must also include proposals for the incorporation of features to enhance the biodiversity of the resulting development. Such features can include:
 - a) Features for nesting birds associated with the built environment such as swifts and house sparrows
 - b) Green walls and green/brown roofs
 - c) Features for roosting bats
 - d) Creation of new wildlife ponds and the re-creation of historically lost ponds
 - e) Log piles and compost heaps
 - f) Provision of gaps in boundary fences to allow access by hedgehogs and provision of hedgehog domes. Hedgehog Highways should be marked out on site to ensure they are not blocked up by future landowners.

Implementation of Net Gain (Minor applications not affecting natural/semi natural habitat).

10.7 Developments which fall below the threshold which requires the submission of a full biodiversity metric calculation (minor application not affecting natural/semi natural habitats) must be supported by proposals for the incorporation of features for biodiversity enhancement, in addition to what may be required to address any adverse impacts resulting from the development.

10.8 Appropriate features include:

- a) Features for nesting birds associated with the built environment such as swifts and house sparrows
- b) Features for roosting bats
- c) Green walls and green/brown roofs
- d) Mixed native species hedgerows
- e) Creation of new wildlife ponds and the re-creation of historically lost ponds
- f) Native scrub and tree planting
- g) Orchard/fruit trees
- h) Creation of species rich grassland
- i) Creation of rough grassland suitable for foraging barn owls and provision of barn owl nest boxes
- j) Log piles and compost heaps
- k) Provision of gaps in boundary fences to allow access by hedgehogs and provision of hedgehog domes. Hedgehog Highways should be marked out on site to ensure they are not blocked up by future landowners.

10.9 The provision of these types of features is also required for those schemes subject to a metric calculation as detailed in section 10.6.

10.10 At the time of writing it is anticipated that a 'Small sites Biodiversity Metric' may be available in early 2021. Once this metric becomes available it, and subsequent revisions, should be used for all applicable planning applications.

11. The Ecological Network

- 11.1 SADPD Policy ENV 1 requires any development proposals in Core Areas or Corridors and steppingstone sites as identified by the Cheshire East Ecological Network map to:
- a) Increase the size of core areas
 - b) Increase the quality and quantity of priority habitat
 - c) Create new priority habitat that can act as stepping stones or corridors.
- 11.2 ENV 1 also requires any development in restoration zones to also increase structural connectivity between steppingstones.
- 11.3 As described in the earlier sections of this SPD all development proposals are required to deliver a net gain for biodiversity in accordance with SE 3 (5) and ENV 2 of the SADPD. Compliance with Local Plan Core strategy policy SE 3 (5) and ENV 2 as specified in this SPD within Core Areas, Corridors, Steppingstone and Restoration sites would also make a significant contribution towards compliance with SADPD policy ENV 1 and vice versa.
- 11.4 The purpose of SADPD Policy ENV 1 is to ensure that where development occurs in any area that is strategically important for biodiversity then the habitat creation delivered by these developments is similarly delivered in a strategic manner to maximise the benefits to enhancing a resilient ecological network within the Borough.
- 11.5 The Ecological Network Map associated with ENV 1 should be used to inform the input in the 'strategic significance' entry on the Biodiversity Metric Calculation version 2 spreadsheet.
- 11.6 The Council will expect most developments to deliver the required net gain for biodiversity through habitat creation undertaken within the red line of a planning application. However, where this is not possible the Council will expect any development sites to identify appropriate offsite opportunities for habitat creation, working with partners as may be appropriate.
- 11.7 SADPD Policy NE 1 iv. Requires any developments within the catchment of the Cheshire Meres and Mosses to avoid any contamination and hydrological impacts on the catchment. The catchments for a number of meres and mosses are shown on the Council's ecological network map. Developers and applicants should however be aware that there are numerous meres and mosses in Cheshire the catchments for which have not been mapped. Identification of meres and mosses and their associated catchments should therefore be undertaken as part of ecological assessment undertaken in support of any future planning applications.
- 11.8 Developers must use the Council's ecological network map in accordance with the requirements of policy ENV1 when formulating their proposals for biodiversity net gain. An illustration of how this could be achieved is provided in Table 2 below.
- 11.9 **Table 2: Illustration of how developments within the zones identified in ENV 1 can meet the relevant policy obligations.**

Ecological Network Map Zone	Policy requirements under ENV1	Example of how the policy requirements of ENV 1 may be fulfilled.
<p>Core areas, Corridors and Stepping Sites.</p>	<p>Increase the size of core areas, increase the quality and quantity of priority habitat' create new priority habitat that can act as steppingstones or corridors.</p>	<p>Habitat creation such as woodland planting or species rich grassland creation to extend the area of any existing priority habitat or designated site present.</p>
		<p>Habitat Management to increase the value of existing habitats, including measures such as removal of non-native species or the introduction of a suitable cutting regime.</p>
		<p>Creation of new habitats that complement existing habitats in the broader area to allow wildlife to use these as stepping stones to move between existing habitats in the vicinity.</p>
<p>Restoration Areas</p>	<p>Increase the size of core areas, increase the quality and quantity of priority habitat, create new priority habitat that can act as steppingstones or corridors. Increase structural connectivity between steppingstones.</p>	<p>Habitat creation such as woodland planting or species rich grassland creation to extend the area of any existing priority habitat or designated site present.</p>
		<p>Habitat Management to increase the value of existing habitats, including measures such as removal of non-native species or the introduction of a suitable cutting regime.</p>
		<p>Creation of new habitats that complement existing habitats in the broader area to allow wildlife to use these as steppingstones to move between existing habitats in the vicinity.</p>
		<p>Create linear habitats, such as along water courses or new hedgerows to increase connectivity between existing habitats or designated sites.</p>
<p>Sustainable Land Use Areas</p>	<p>Actively contribute to the integration and</p>	<p>Increase the biodiversity value of green infrastructure delivered as part of a development.</p>

	creation of appropriate green infrastructure.	This can be done by incorporating native species planting in formal open spaces, designing SUDS schemes to maximise their biodiversity value and providing open space with a designing large open space areas with a more naturalistic Country Park type approach.
Mere and Mosses Catchments	Avoid any contamination and hydrological impacts on associated catchments.	Identify the extent of the catchments of any Meres and Mosses sites relevant to a development sites and avoiding any direct impacts on the catchments and ensuring development proposals avoid any discharge of surface or water into the relevant catchment.

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12. Buffering of Important Nature Conservation Sites including Ancient Woodlands

- 12.1 Ancient woodlands receive protection through Local Plan policy SE3 and paragraph 175c of the NPPF.
- 12.2 Ancient woodlands, including plantations on ancient woodland sites, are highly valuable and sensitive to several indirect impacts associated with development. To minimise these effects development proposals located adjacent to all ancient woodland must provide undeveloped buffers in accordance with current best practice and Natural England's Standing Advice. The location and size of the buffer required must be informed by an assessment of the potential direct/indirect impacts of the proposed development that includes consideration of the proposed layout, the hydrology and topography of the proposed development site and woodland and any other relevant factors.
- 12.3 Priority Habitats and Species and Local Wildlife Sites also receive protection through Local Plan Policy SE 3. Where development is proposed adjacent to these the provision of undeveloped buffer zones is a suitable means of limiting indirect impacts upon them. Development proposals must therefore include suitable buffers as a means of avoiding these indirect impacts and must be supported by evidence to justify the extent of the undeveloped buffer proposed as part of the scheme.
- 12.4 Proposals for the provision of buffers must take account of any policy requirements for the extent and location of buffers detailed in the relevant Neighbourhood Plan.

13. Appendix 1: Guidance on Commuted Sums

13.1 Ours is an approach that meets all the good practice principles set out in *Biodiversity Net Gain: Good practice principles for development CIEEM, CIRIA, IEMA 2016*. It involves a 30year management period towards set targets according to a bespoke, adaptive management plan. The habitat creation options currently available are woodland, grassland, wetland and hedgerows.

Meets Biodiversity Net Gain good practice principles	√
Habitat creation/restoration using professional experts	√
Adaptive management plan	√
30+ years management	√
Regular management reviews	√
Monitoring and reporting against set targets	√
Remedial measures taken if targets not met	√
All habitat will achieve good condition within management period	√
Land costs included	√
Set up fee per agreement which includes legal fees	√
A list of all sites relevant to the agreement provided to the LA	√
Included on a GIS based register of sites. All sites will initially be assigned pLWS status and flagged in data searches. If monitoring shows LWS criteria are met then site will be put forward to LWS Partnership for selection.	√
A not-for-profit organisation	√
All habitats contribute to the recovery or expansion of	√

Habitat creation options

Hedgerow creation

13.2 This option will be aimed at creating hedgerows with a mix of approximately 5 native species adapted to the local area. Hedgerows will be double fenced unless this is not appropriate for the location.

Woodland creation

13.3 In order to achieve the predicted uplift in biodiversity value at the offset site all woodland planting schemes will be created using the 'accelerated succession' option in Defra 2.0. Accelerated succession (rather than planting into bare earth or newly created landscapes) retains the value of the existing baseline habitats, meaning an uplift in biodiversity can be achieved more readily. It encourages natural successional processes by allowing a woodland to slowly develop from other habitats such as grassland/scrub. This results in a higher value, more biodiverse woodland habitat compared to tree planting alone. Planting mix will comprise of native, deciduous species chosen to replicate the natural woodland communities in the locality and will vary according to geographic location and soil type

Grassland creation

13.4 Grassland creation is targeted at achieving species-rich neutral grassland using locally sourced seed to preserve local distinctiveness and genetic diversity. All

sites will be assessed for their suitability to become a receptor site. This will be done by soil testing and assessing the existing plant communities on the offset site. For some sites it may not be possible to source seeds locally, in which case an appropriate seed mix will be used, taking into consideration local soils, geography and plant communities.

- 13.5 If Lowland Meadow Priority Habitat creation is required a bespoke approach will be needed as the soil nutrient status is critically important for the establishment of this habitat. This is likely to be more costly than the creation of neutral grassland partly because we would need to create this habitat on sites that already support neutral grassland, so less units per hectare can be created.

Wetland creation

- 13.6 This involves creating a mosaic of ponds and scrapes with interconnecting habitat. It is targeted at creating priority habitats which (if the site is suitable) will also include reedbeds, ditches and marginal wetland vegetation

Biodiversity unit

- 13.7 Using the Defra Biodiversity offsetting metric 2.0 we have calculated the cost per biodiversity unit when the correct risk multipliers are applied (supporting calculations in appendix 1). In all cases (apart from woodland) we have assumed that the offset site is improved grassland (NVC MG7) or other low distinctiveness/poor condition habitat. For woodland creation we have assumed the offset site is poor semi-improved grassland (NVC MG6); this is a medium distinctiveness habitat of poor condition. It is a pasture habitat of medium to low fertility which has potential to undergo succession to broadleaved woodland.

Monitoring/reporting

- 13.8 All habitat creation will be managed according to an adaptive management plan with regular reporting on progress towards target condition. Management will be altered accordingly if the monitoring shows progress is not on track to achieve condition.
- 13.9 All offset sites will be GIS mapped and registered as potential Local Wildlife Sites (LWS) meaning they will be flagged as potential constraints in spatial planning. Should the sites eventually meet the criteria for LWS selection they will be designated as such (non-statutory).

Details and costing

- 13.10 The following tables (2 and 3) set out the costs per biodiversity unit for the different approaches. Further technical details are set out in the appendices
- 13.11 The figures below are intended as a guide only. All individual schemes would require a bespoke approach which may result in higher or lower costs than those given below.

Approach 1	CWT Offsetting - 30 year+ management, land costs included					
Target Broad habitat	Target Habitat type (according to Defra 2.0)	Management period	Expected condition (target condition)	Price per biodiversity unit (valid for Defra 2.0 only)	Category (from Defra 2.0)	² Set up fee (per agreement) includes legal fees, admin, management plan
Woodland	Lowland mixed deciduous woodland	30yr+	Good	£15,434	Accelerated succession	£6945
Grassland	Neutral	30yr+	Good	£10,035	Creation	£6945
Wetland	Priority ponds/ditches/reed-beds ³	30yr+	Good	£9,361	Creation	£6945

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Approach 1

Target Broad habitat	Target Habitat type according to Defra 2.0	Baseline ⁴		Target ⁵		Time risk factor ⁶	Difficulty risk factor ⁷	Ecological connectivity multiplier ⁸	Uplift/ha for enhancement	Uplift/ha for accelerated succession	Uplift/ha for creation	Category	Uplift bu/ha	Creation, long term management and land costs per ha ⁹	Cost per unit (cost per ha / unit uplift per ha)
		Distinctive ness A	Condition B	Distinctive ness C	Condition D										
Woodland	Lowland mixed deciduous woodland	4	1	6	3	0.32	0.33	1.1	-	3.39	-	Accelerated succession	3.39	£52,321	£15,434
Grassland	Neutral grassland	2	1	4	3	0.586	1	1			5.03	Creation	5.03	£50,475	£10,035
Wetland	Priority ponds	2	1	6	3	0.7	0.67	1.1	-	-	7.29	Creation	6.49 ¹¹	£60,751	£9,361
	Reedbeds	2	1	6	3	0.586	0.67	1.1	-	-	5.77	Creation			
	Ditches	2	1	4	3	0.7	1	1	-	-	6.40	Creation			

⁴ Values according to Defra 2.0. Distinctiveness: very high 8, high 6, medium 4, low 2; Condition: good 3, moderate 2, poor 1

⁵ Values according to Defra 2.0. Distinctiveness: very high 8, high 6, medium 4, low 2; Condition: good 3, moderate 2, poor 1

⁶ Time risk factor for target habitat according to Defra 2.0

⁷ Difficulty risk factor for target habitat according to Defra 2.0

⁸ High distinctiveness habitats have a 1.1 ecological connectivity risk multiplier under Defra 2.0

⁹ Details set out in table 2. RPI2.5%

¹⁰ Figure taken from Defra 2.0 excelcalculator

¹¹ Mean value assuming mosaic of 3 habitats.

Hedgerow creation

Broad habitat	Habitat type	Target (per km)		Time risk factor	Difficulty risk factor	Uplift/km for creation	Category	Creation costs/ km (including double fencing/gate)	Costs per unit (cost per km/unit uplift per km)
		Distinctiveness C	Condition D						
Hedgerow	Native hedgerow	2	1	0.965	1	1.93	Creation	£23,600	£12,228

14. Glossary

Authority Monitoring Report	An annual report prepared by Cheshire East Council to assess progress and effectiveness of a Local Plan.
Community Infrastructure Levy	A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.
Development	Defined by the Town and Country Planning Act 1990 as “the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change of use of any building or other land.” Most forms of development require planning permission, unless expressly granted planning permission via a development order.
Development Plan	This includes adopted Local Plans and Neighbourhood Plans and is defined in Section 38 of the Planning and Compulsory Planning Act 2004
Green Infrastructure	A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.
Habitats Regulations Assessment	The process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest.
Local Plan	<p>The plan for the development of the local area, drawn up by the local planning authority in consultation with the community.</p> <p>In law this is described as the Development Plan Documents adopted under the Planning and Compulsory Purchase Act 2004.</p> <p>Current core strategies or other planning policies, which under the regulations would be considered to be Development Plan Documents, form part of the Local Plan. This term includes old policies which have been saved under the 2004 Act.</p>
Local Plan Strategy	Development Plan Document setting out the spatial vision and strategic objectives of the planning framework for an area, having regard to the Community Strategy.

Local Planning Authority	The local authority or council that is empowered by law to exercise planning functions. In the case of this SPD, the Local Planning Authority is Cheshire East Council.
Neighbourhood Plan	A plan prepared by a parish council or neighbourhood forum for a particular neighbourhood area (made under the Planning & Compulsory Purchase Act 2004).
Site Allocations and Development Policies Document	Part of the Local Plan which will contain land allocations and detailed policies and proposals to deliver and guide the future use of that land.
Supplementary Planning Document	A Local Development Document that may cover a range of issues, thematic or site specific, and provides further detail of policies and proposals in a 'parent' Development Plan Documents.
Sustainability Appraisal	An appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development.
Strategic Environmental Appraisal	SEA is a process and a tool for evaluating the effects of proposed policies, plans and programmes on natural resources, social, cultural and economic conditions and the institutional environment in which decisions are made.
Viability Study	A report, including a financial appraisal, to establish the profit or loss arising from a proposed development. It will usually provide an analysis of both the figures inputted and output results together with other matters of relevance. An assessment will normally provide a judgement as to the profitability, or loss, of a development.



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