

**EXAMINATION OF THE STROUD DISTRICT LOCAL
PLAN REVIEW**

INSPECTORS' MATTERS, ISSUES AND QUESTIONS

MATTER 10: Environment

Matter 10c Natural and historic environment

On behalf of: Robert Hitchins Ltd

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V1	17.01.2023	P. Smith	S. Hamilton-Foyn	
V2	10.02.2023	P. Smith	S. Hamilton-Foyn	Comments from DF Ecology Solutions



Pegasus is instructed by Robert Hitchins Ltd to submit a Statement in respect of Matter 10c, pursuant to the Matters and Questions identified by the Examination Inspectors.

Separately additional Statements have been submitted in respect of the following Matters:

- Matter 1
- Matter 2
- Matter 3
- Matter 6
- Matter 6a
- Matter 6c
- Matter 6d
- Matter 6g
- Matter 7
 - Matter 7a
 - Matter 7b
 - Matter 7c
- Matter 8
- Matter 10
 - Matter 10a
 - Matter 10c
 - Matter 10d
- Matter 11
 - Matter 11a
 - Matter 11b
 - Matter 11c

Following the submission of the Reg 19 representations in July 2021 Pegasus along with PFA Consulting and Pioneer Housing and Development Consultants have also responded to the Stroud District Local Plan Review Additional Technical Evidence in October 2022.

The Hearing Statements should be read alongside our representations and supporting evidence. As instructed, we have not repeated our representations of July 2021 or October 2022; but instead sort to highlight the salient points in response to the MIQs and indicated what changes we consider necessary in order for the Plan to be found sound.



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10. **MATTER 10 – ENVIRONMENT**

10.1 **Matter 10c Natural and historic environment**

Biodiversity and geodiversity – Delivery Policy ES6

26. **Policy ES6 requires development proposals to provide a minimum of 10% net gain in biodiversity (BNG). How will this requirement take account of emerging statutory requirements in the Environment Bill regarding BNG to ensure that there is no overlap or that the policy becomes outdated?**

26.1 It is not uncommon for local policy to be superseded by national legislation and policy. In this instance there is opportunity for the Policy to be fully aligned with the Environment Act before the Plan is adopted, notwithstanding the requirement not to repeat national policy.

27. **Is the minimum 10% BNG requirement justified and consistent with national policy? Should the amount requested be less, or indeed greater in some circumstances such as on strategic site allocations?**

27.1 Whilst the 10% target is cited within the Environment Act it is important to note that as, yet this is not mandatory, and will not be so until the required secondary legislation pertaining to the Act is written. Whilst it may be unlikely that the nationally set target will be changed, it would be prudent for the Policy to suggest development achieve ‘a net gain’ (no particular % target in advance of that secondary legislation) and refer to the requirement for development to meet any subsequent mandated target as part of the Act. There is no justification for a locally set requirement to be in excess of 10%.

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

28.1 For clarity, the Policy should refer to the requirement to use the DEFRA Biodiversity Metric unless there are exceptional circumstances.

29. **Should the policy specify transitional arrangements for the implementation of this policy? A period of two years has been suggested. Is a transitional period justified or necessary?**

29.1 If the Policy is fully aligned with the Environment Act a transition period is unnecessary as it is already incorporated within the Act.

30. **When the provision of a minimum of 10% BNG is not achievable on a development site, the policy requires off site measures to be provided. How will this requirement be implemented?**

30.1 The details are for Stroud District Council to answer. However, the mechanisms would be either a s106 agreement in advance of the Act or a Conservation Covenant once the Act and the mandatory target is in place.

31. **The policy does not currently explicitly refer to the delivery of new areas of SANGs. Is such a reference necessary?**

31.1 This is for Stroud District Council to answer.



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

32.1 This is for Stroud District Council and Natural England to answer.

33. Has the Council's viability assessment made a sufficient and realistic assessment of the costs associated with implanting this policy for developers?

33.1 As set out in the response prepared by Pioneer Property Services Ltd on behalf of Robert Hitchins Ltd to the Viability Assessment 2022 Refresh (EB111), it remains unclear whether the potential cost of Policy ES6 have been robustly tested.

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

34.1 The Policy should be worded such that overall, with appropriate mitigation and/or compensation, development should not adversely affect the interest features for which the sites are designated, unless the benefits of the scheme clearly outweigh the harm.

35. Is the policy as a whole worded sufficiently flexibly and positively to ensure that development that takes account of biodiversity and geodiversity (and complies with relevant legislation and regulations) is enabled? If not, what are the reasons for this?

35.1 See 34.1 above.

Landscape character – Delivery Policy ES7

36. Is the policy consistent with national policy relating to AONB?

36.1 No comments.

37. The policy refers to the Cotswolds AONB as a whole and the types of development that may be acceptable subject to specified criteria. Is the policy as worded sufficiently detailed or should more specific mention be made of areas within the AONB? If so, would this be necessary to make the policy effective?

37.1 No comments

38. The policy states that major development will not be permitted unless it is demonstrated to be in the national interest and there is a lack of alternative sustainable development sites. In setting the bar at 'major development' is this the right one, should it be lower (for example 5 or more dwellings) or indeed higher? If so, why and on what basis?

38.1 No comments.

39. Does the policy aim of seeking to retain the existing distinctive qualities of the landscape take account of the challenges presented by climate change and changes in the agricultural industry (for example changes to agricultural payments)? Can this aim be achieved and if not, why not?

39.1 No comments.

40. Is the desire for development to protect or enhance the landscape character consistent with the need for planning to deliver appropriate levels of housing and jobs within the AONB?

40.1 No comments.

41. Does the policy draw sufficient distinction between the approach to development within the AONB and development outside of it but within its setting? Is the policy consistent with national policy in this regard?

41.1 No comments.

Trees, hedgerows and woodlands – Delivery Policy ES8

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

42.1 No comments.

43. How will this requirement interact with policy ES6 and the policy regarding BNG?

43.1 No comments.

44. The policy refers to the ‘unacceptable loss’ of trees, hedgerows and woodland etc. What criteria will be used to determine whether a loss is ‘unacceptable’? Is the policy wording clear?

44.1 No comments.

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

45.1 No comments.

Valuing our historic environment and assets – Delivery Policy ES10

46. Does the Plan set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk, in accordance with national policy?

46.1 No comments

47. Is Delivery Policy ES10 consistent with national policy and are the criteria justified and effective? In particular:

- d. Is it clear from the wording of the policy in what circumstances archaeological assessments would be required?

- e. **Criterion 4 of the policy refers to the protection and enhancement of key views and vistas. Is the policy clear on how these terms will be defined? Is it intended to refer to those which are relevant to the heritage asset's setting or all views?**
- f. **Is criterion 5 consistent with national policy, for example in its approach to the level of any harm or loss and the differences between designated and non-designated heritage assets?**

47.1 No comments.

48. **Is the wording of the policy consistent with the recommendations in the SA to guide the form of future development and minimise harm to heritage assets (with reference to comments from Historic England)?**

48.1 No comments.

Maintaining, restoring and regenerating the District's canals – Delivery Policy ES11

49. **Parts of the policy read as Council objectives. Is the policy justified and effective?**

49.1 No comments.

50. **Is the purpose of the policy clear? Is it for proposals to carry out restoration works to the canals, or is it for other forms of development on or adjacent to them, or is it for both?**

50.1 No comments.

51. **Is it clear what 'on the route of' and 'adjacent to' means when determining when the policy would apply to development proposals? Are the canal routes clearly defined on the policies map?**

51.1 No comments.

52. **Is it clear what is required from development or are the requirements duplicated in other Plan policies e.g. green infrastructure, design and biodiversity?**

52.1 No comments.

53. **Is the policy sufficiently clear about the need for canal restoration works to take account of designated biodiversity sites or core parts of the local ecological network?**

53.1 No comments.

Conversion of redundant agricultural, forestry and rural buildings

54. **Does the policy take sufficient account of the need to assess effects on biodiversity and protected species?**

54.1 No comments.

55. **Is criteria 7 of the policy justified and consistent with national policy? Specifically, the hierarchy set out and the requirement for robust evidence including marketing over a reasonable period? Under the terms of the policy, how would a 'reasonable period' be defined?**

55.1 No comments.



Equestrian Development – Delivery Policy ES9

56. Does the policy as worded take sufficient account of the keeping of horses for sport and exercise?

56.1 No comments

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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