



Small copper by Matt Berry



Cheshire

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Cheshire West and Chester Council,

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04 November 2021

To whom it may concern,

Re: Land Action Plan: For the Climate and Nature Emergencies (Consultation Draft)

The Cheshire Wildlife Trust (CWT) is the leading conservation charity in the Cheshire area that focusses on all aspects of wildlife. In our response to the consultation for the Draft CWaC Land Action Plan (the "LAP") we seek to represent the views of our 17,000+ local members, particularly those who live in Cheshire West and Chester.

Vision

We generally welcome the statements set out in the LAP Vision, in particular we strongly support the references to low carbon farming, sequestering carbon in soils and vegetation and to delivering a more connected landscape to aid nature recovery. We also welcome the references to reducing flood risk by slowing peak flows and reducing run-off, although we recommend that nature based solutions (NBS) to these issues are prioritised (i.e. green rather than grey infrastructure).

The Case for Action

We strongly approve of the references to the intrinsic link between the climate and nature crises in this section and the joined up thinking that is required to tackle an issue of this size. We also strongly support the commitment for the CWaC borough to be net zero by 2045, the qualitative targets for staying within the boroughs carbon budget and the recognition that immediate action to reduce greenhouse gas (GHG) emissions is critical to achieving these targets.

See our later points (Section 3) on the LAP GHG emissions baseline of agriculture and land use (340 ktCO₂e), particularly in regard to the emissions of improved grasslands, peatlands in a degraded condition (i.e. in agricultural or un-natural states) and other semi-natural habitats that offer ongoing carbon sequestration.

1. Overarching

List of Council and Partner Actions

- We strongly support Action 1.1 to embed the LAP into the broadest range of policies and strategies and not just those related to the environment.

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Patron Richard Walker

President Felicity Goodey CBE DL **Chairman** Bill Stothart

Chief Executive Charlotte Harris



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- We strongly support Action 1.2 as interdisciplinary collaboration is essential for the delivery of green infrastructure (GI) that delivers multiple functions.
- We strongly support Action 1.4 to undertake carbon accounting.
- We would like to see Action 1.8 strengthened in regard to biodiversity net-gain (BNG). We recommend rephrasing the action as follows:
 - 1.8 Review the Council's land holdings, including its farm estate, to explore the case for this land to contribute to the Council's goal of becoming carbon neutral by 2030, as well as helping adapt to climate change and *deliver* nature recovery, including the ~~potential to introduce~~ *introduction of a measurable* biodiversity net-gain commitment on this land.
- We generally agree with Action 1.10 however, in line with our comments submitted as part of the Local Plan Conversation (LPC) 2021 (Annex 1) we recommend a number of areas for improvement including; strengthening and expanding upon the existing BNG policies and developing and adopting a specific climate change policy as part of any updates to the local plan.
- We strongly support Action 1.11 to support the Planning Team. We would like to see this expanded to the interdepartmental officers (e.g. nature conservation, planning enforcement etc.) that support the Planning Team in their day to day duties. Without significant support the effective implementation, delivery and monitoring of BNG (a key mechanism for delivering NBS to climate change and nature's recovery) will not be possible.
- We strongly support Action 1.12 as the value of Neighbourhood Planning cannot be overstated.
- While we support Action 1.14, due to niche requirements and sensitivity to disturbance, there will be many occasions where the priorities for the recovery of nature may not align with those of NBS to climate change and the other multiple functions of GI. It is paramount that, using national (NPPF, Nature Recovery Network etc.) and local strategy (Cheshire Local Nature Recovery Strategy, Cheshire Biodiversity Action Plan etc.), work to deliver nature's recovery is prioritised in the areas in which it will be most effective – even if that means it does not contribute to climate change mitigation/adaption or the other functions of GI.
- We strongly support Actions 1.15 and 1.16; one of CWT's three strategic aims is to have 1 in 4 people take action for nature's recovery.
- We strongly support Actions 1.17 and 1.18 as up to date, accurate spatial data can be extremely valuable in the strategic delivery of NBS to climate change and nature recovery.

2. Produce Food

We agree that dairy production will need to continue and that some areas are more suitable for this type of agriculture than others, however, a reference should be provided to evidence the statement "west Cheshire should continue to play an important part in ongoing meat and dairy production as, due to the nature of its climate and soils, it is one of the most efficient places in the world for dairy production".

See our later points (Section 3) on the LAP GHG emissions baseline of agriculture and land use (340 ktCO₂e), particularly in regard to peatlands in a degraded condition (i.e. in agricultural or un-natural states). Of particular



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relevance to food production is balancing the significant emissions arising as a result of drainage based agriculture on deep peat reserves with the need to maintain productivity of land to produce food. Research in this field is ongoing and a recently published study from Evans et al. (2021)¹ which, although less desirable than full peatland restoration (or managed transition to a more natural condition) offers an alternative approach. The study found that raising the water table in order to reduce the amount of aerated peat results in significant emissions savings without preventing the productive use of the land. Therefore, using this approach, GHG emissions from peatlands drained for agriculture would be greatly reduced without necessarily halting their productive use.

We recommend Action 2.4 is strengthened to stop livestock being fed on soy linked to rainforest destruction outright, rather than advocate for this to happen.

3. Sequester and Store Carbon

We welcome this section and generally approve of the content, particularly the acknowledgement that land use change can and does significantly impact GHG emissions (something we asked to be incorporated into any local plan update as part of the LPC 2021 see Annex 1). However, because this section focuses on stored carbon rather than GHG flux (sequestration or emission), there are a number of elements in this section that are either missing or should be expanded on as they could potentially be misinterpreted.

Carbon Storage vs. GHG Flux

We agree that the evidence behind carbon storage and emission/sequestration of soils and semi-natural habitats is in its infancy and therefore it can be difficult to estimate the changes in carbon/GHG that occur as a result of the loss, degradation, enhancement or creation of semi-natural habitats. However, the focus on stored carbon is potentially misleading and therefore we recommend this section is expanded to discuss GHG flux (rates of emission/sequestration) as well. While there is a significant amount of carbon stored in the soils and vegetation of improved grassland of CWaC (due mainly to the vast area of this habitat in the borough), this carbon store is actively diminishing at a significant rate due to the GHG emissions associated with this habitat type; estimated in a recent Wildlife Trust² report to be between 4.99 – 5.25 tCO₂e ha⁻¹ yr⁻¹ on organo mineral soils and 27.54 tCO₂e ha⁻¹ yr⁻¹ on peat soils. Assuming the lower emissions factor and assuming all improved grassland is located on organo mineral soils (which we know is not the case) this is equivalent to annual GHG emissions of at least 219,365 tCO₂e/yr, a significant proportion (64%) of the LAP GHG emissions baseline of 340 ktCO₂e. Using the same assumptions for cultivated/disturbed land (TWT Emissions factor of 1.62 tCO₂e ha⁻¹ yr⁻¹ for arable habitats on organo mineral soils) this gives additional emissions of 34,261 tCO₂e/yr (10% of the LAP GHG emissions baseline).

¹ Evans, C.D., Peacock, M., Baird, A.J., Artz, R.R.E., Burden, A., Callaghan, N., Chapman, P.J., Cooper, H.M., Coyle, M., Craig, E. and Cumming, A. (2021) *Overriding water table control on managed peatland greenhouse gas emissions*. Nature, April, pp.1-7. <https://doi.org/10.1038/s41586-021-03523-1>

² Thom, T.J. & Doar, N. (2021) *Quantifying the potential impact of Nature Based Solutions on Greenhouse Gas Emissions from UK habitats*. The Wildlife Trusts, Newark.

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GHG flux must be expanded on in this section as the current focus on carbon storage is misleading; the carbon stored in these habitats is not secure in the long term. In its current version this section reads as though these habitats store carbon when in reality they are responsible for at least three quarters of CWaC's land use and agriculture emissions.

NBS to Climate Change

It is important to manage expectations when it comes to what NBS to climate change can deliver, they are not a substitute for rapid fossil fuel phase out. However, there are considerable benefits of employing NBS to climate change. As stated in the LAP they can 'offset' residual or hard to eliminate emissions, habitats can also be managed into a less degraded state (known as avoided emissions) to reduce the boroughs overall Land use, land use change and forestry (LULUCF) emissions and some habitats will sequester new carbon. Unfortunately, very few semi-natural habitats continue to securely store carbon over long periods of time. For example, the conversion of arable and intensive grasslands to extensive species-rich grasslands can lead to a period of sequestration while higher levels of soil organic carbon are accumulated (following conversion), but this will tail off to a new state of equilibrium. Exactly how long this takes is unknown but is likely to be counted in decades. Currently available reliable evidence indicates that only three broad habitats deliver ongoing sequestration (i.e. counted in centuries):

- Near-natural and pristine peatlands which sequester small amounts of atmospheric carbon and continue to do this over thousands of years (as long as climatic and hydrological conditions are suitable), resulting in the build-up of very large carbon stores.
- Woodlands (and forestry depending on the fate of the harvested product) which have high sequestration rates in younger growth phases, and can store significant amounts of carbon in above-ground living biomass for centuries. Rates decline over time but this can take centuries, so woodlands can be considered as habitats with long-term sequestration potential.
- Saltmarsh which continually sequesters carbon through high sedimentation rates into long-term storage. Like woodlands, sequestration rates in saltmarsh slow as the marsh matures. The extent of saltmarsh, is, however, currently limited.

Despite this, and as discussed in the LAP, many semi-natural habitats (including those not mentioned above) are important carbon stores even if they are not actively sequestering carbon. Therefore, it is essential that this LAP actions the protection of habitats that provide ongoing sequestration and other high nature value open habitats (even if not actively sequestering carbon) such as species-rich grasslands and heathlands in order to prevent the loss of these existing and extensive carbon stores.

Peatlands

As acknowledged in the report, there are likely to be significant GHG emissions associated with peatlands in a degraded condition (i.e. those used for agriculture or in other un-natural states) across CWaC, in particular around Frodsham and Ince marshes, the river Gowy and Appleton Thorn (amongst other locations). While the LAP states that GHG emissions from agriculture and land use are approx. 340 ktCO₂e/yr (8% of all emissions), we anticipate this could in fact be higher if peatlands were assessed in detail. While the Anthesis CWaC Climate Emergency report (from which data for this section was taken) does account for soil carbon, it does not appear to account for detailed



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emissions associated with degraded peatlands. The report also states that the LULUCF sector is currently acting as a net sink of CO₂ in CWaC, storing 1% of the gross emissions from livestock and land each year. However, research undertaken by Evans et al. (2017)³ to develop specific 'tier 2' emissions factors for UK peatlands estimate these habitats have transitioned from a pre-anthropogenic influence net-sink to a net-source. The addition of this peatland emissions contribution has resulted in the entire UK LULUCF sector transitioning from a net GHG sink to a net GHG source (Gregg et al. 2021)⁴. It is therefore important to consider how a detailed assessment of CWaC peatland GHG emissions could affect the LULUCF sector in the borough; when assessed using detailed tier 2 emissions figures the sector could potentially follow a similar trend observed nationally and transition to a significant net GHG source.

As a reference, an assessment of Cheshire East Peatlands (undertaken by the Cheshire Wildlife Trust) found that peatlands across the borough covered only 3,600 ha (slightly more than CWaC) but were potentially responsible for the emission of over 48 ktCO₂e/yr. If peatlands in CWaC are emitting similar amounts of GHGs which have not been factored into the LAP agriculture and land use 340 ktCO₂e baseline, this could be a significant margin of error that would effectively render the proposed 10% reduction in emissions from land use by 2025 insignificant. We would be interested to learn whether peatlands were factored into the Anthesis report and are therefore included in the LAP baseline CO₂e figures. We also strongly support Action 3.5 to review and assess the GHG emissions of peatlands across CWaC.

Saltmarsh

Saltmarsh is often overlooked as a potential store of carbon as it is not a common or widespread habitat. However, as there are significant areas of saltmarsh associated with the Mersey Estuary in CWaC, we recommend that an additional action is added to the LAP to review the existing saltmarsh extent in order to develop an understanding of how this important habitat can be protected, enhanced and expanded to increase its contribution to reducing the boroughs LULUCF emissions, plus the additional benefits this habitat can provide (i.e. coastal flood alleviation, biodiversity etc.).

Development and Planning

One of the main threats to semi-natural habitats in CWaC is the expansion of development. As we have established above, the loss of semi-natural habitats (in particular peatlands, woodlands and saltmarsh) has a significant impact on both the carbon stored within soil and biomass and the ongoing GHG flux of an area of land (due to the change in land use). Therefore, the impacts of land use change due to development must be considered in the LAP as it will directly affect the ability of the borough to achieve net zero emissions by 2045 and the interim targets for staying within the CWaC carbon budget. In line with our LPC 2021 comments (see Annex 1) we recommend an action is included in the LAP for new or updated planning policy that requires applicants to consider climate change in all

³ Evans, C., Artz, R., Moxley, J., Smyth, M-A., Taylor, E., Archer, N., Burden, A., Williamson, J., Donnelly, D., Thomson, A., Buys, G., Malcolm, H., Wilson, D., Renou-Wilson, F., Potts J. (2017) *Implementation of an emission inventory for UK peatlands*. Report to the Department for Business, Energy and Industrial Strategy, Centre for Ecology and Hydrology, Bangor. 88pp.

⁴ Gregg, R., Elias, J. L., Alonso, I., Crosher, I. E., Muto, P. and Morecroft, M.D. (2021) *Carbon storage and sequestration by habitat: a review of the evidence (second edition)*. Natural England Research Report NERR094. Natural England, York.



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Town and Country Planning Act (TCPA) applications determined through the planning system (applicable to both EIA and non-EIA developments). This should specifically include any land use change emissions arising as a result of development impacts (i.e. emissions arising as a result of the loss of/land-use change of semi-natural habitats).

We also recommend that an action is included in the LAP to ensure a moratorium on peat extraction and development on peatland. As well as the permanent loss of a finite ecosystem service asset (with the potential to act as a carbon sink for many hundreds or thousands of years if managed correctly), extraction and development that requires the removal or modification of a peat body (regardless of its condition e.g. degraded or relict) to facilitate development will result in significant GHG emissions which are highly likely to undermine the CWaC net zero 2045 target. Rather than allocate or approve areas of deep peat for development, CWT believe these important natural capital assets should be left in the ground and protected, restored and managed to provide alternative benefits to the residents of CWaC. This approach falls in line with the findings and recommendations of a number of published national and regional strategies including; the England Peat Action Plan (DEFRA)⁵, the Climate Change Committee's Sixth Carbon Budget⁶ and the NPPF (Para 120b). The financial implications of peatland restoration should not be a barrier to their restoration; it is clear the economic benefits of peatland restoration exceed the costs. The ONS estimate that the cost of restoring all UK peatlands to near natural condition would range from £8.4 - £21.3 billion while delivering carbon benefits of £109 billion alone, outweighing the costs of doing so by 5 to 10 times (DEFRA England Peat Action Plan). When considered alongside the provision of additional ecosystem services, such as flood management, water quality and improved biodiversity, peatland restoration provides very high value for money green infrastructure improvement.

4. Provide Low Carbon Energy

CWT support the goal of the Council to transition to low carbon energy. However, low carbon and renewable energy generation schemes must not be installed in locations where the detriment of the natural environment or biodiversity outweighs or offsets the benefits of the development itself. This is counterintuitive and ineffective and only acts to delay addressing the core issue. The intrinsic link between the nature and climate emergencies, as acknowledged in the LAP, means both must be considered simultaneously across all Council decisions to truly reverse either crisis.

While we welcome the review into expanding the growth of bioenergy crops, we are concerned that some species and cultivars of *Miscanthus sp.* can act and spread in similar ways to non-native invasive plant species (including those under Schedule 9 of the Wildlife and Countryside Act as amended 1981 such as Japanese knotweed). There are examples of cultivars of *Miscanthus sp.* escaping from ornamental plantings where it can then form large clumps along disturbed areas and displace native vegetation. In line with the recommendations of the Committee on

⁵ Department for Environment, Food & Rural Affairs (DEFRA) (2021a) *England Peat Action Plan*. Viewed 20 October 2021 [<https://www.gov.uk/government/publications/england-peat-action-plan>]

⁶ Climate Change Committee (CCC) (2020) *Sixth Carbon Budget: The UK's Path to Net Zero*. Climate Change Committee.



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Climate Change (CCC) Biomass in a low-carbon economy report (2018) any *Miscanthus sp.* used in the provision of biomass must be a sterile hybrid crop which has been proven not to be invasive. However, we believe more research is required as even sterile hybrids can spread rhizomatously in the local area and potentially further afield during harvesting and throughout the distribution process.

Footnote 67 is missing from this section (page 41).

6. Reduce the Need for Car Travel

While we welcome the action to reduce the reliance on car travel through the provision of green travel routes, in line with our previous comments this should not come at the detriment of the natural environment or biodiversity in particular. Alternative travel corridors are a good example of how, in some instances, priorities for the recovery of nature may not align with the other multiple functions of GI. The increased light pollution and general disturbance associated with a green travel route could have significant effects on certain important ecological features if they are not adequately considered from the outset.

However we recognise, and as an organisation champion, the benefits of nature for health and wellbeing and strongly support increasing the network of green travel routes (where appropriate) because of the increased access to nature this will bring.

7. Help Nature Adapt

In general we strongly support the content of this section, in particular the references to; 30% of CWaC land to be protected by 2030, rewilding, the Lawton principles and the Cheshire Local Nature Recovery Strategy. However, we are disappointed at the interpretation of the 30 by 30 target in the LAP.

30 by 30

While we welcome the action to protect 30% of land in the borough for nature by 2030, and the inclusion of a breakdown of the areas currently designated in order to achieve this, we strongly disagree that landscape-focused designations such as National Parks and (more relevant to CWaC) Areas of Outstanding Natural Beauty (AONB's) should not be included in this. As is the case in the proposed Sandstone Ridge AONB, large swathes of these designated areas are severely depleted of wildlife because of overgrazing, poor management or intensive agricultural practices. Therefore, as this designation is unlikely to contribute to the protection of nature, we strongly recommend it is removed from this section.

We also disagree with the approach taken to include overlapping designations and strongly recommend these are not double-counted, as they currently appear to be in this section. Thirty by 30 is a spatial target and therefore needs to apply to 30% of land in CWaC. Excluding the area of the potential Sandstone Ridge AONB, the LAP suggests that 22% of land is currently protected for nature. However, this is misleading as many of the designations



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(particularly the larger internationally and nationally designated sites such as the Dee and Mersey Estuaries) overlap, meaning the true area is likely to be significantly lower. Following our own assessment, we believe that currently 21% of the borough provides space for nature but only 5.6% of land is protected. To achieve 30 by 30 locally, a further 25,000 acres (10,000 Ha) of space for nature will need to be created. We recommend that the table in this section is revised to highlight the total area accounting for the overlaps (i.e. the true area of CWaC designated for nature conservation, rather than the sum of all the nature conservation designations in CWaC, which are two very different assessments). In addition, we also recommend that the declining state of the existing network of designated sites across CWaC is discussed in this section. While there are some examples of sites in favourable condition, many are in unfavourable condition due to the lack of an appropriate management regime, and therefore are unlikely to truly represent land that is good for nature.

It is important the LAP accurately presents the scale of the challenge to bring nature into recovery. In our opinion; the double counting of designated areas, the lack of information surrounding the baseline condition of designated sites and the use of an inappropriate designation (the proposed Sandstone Ridge AONB) to make up the shortfall in area means the actions to achieve this target are not robust or in line with the true aspirations of 30 by 30. We recommend this is revised as a priority.

Footnote 88 is also missing from this section (page 52).

BNG

While we support Action 7.5, to invest in Council skills and ability to act as lead for BNG, we are also disappointed that BNG is only mentioned once in this section in relation to investment. BNG will play a significant role in the delivery of nature's recovery and will require significant investment in a number of Council departments (Planning, Nature Conservation, Enforcement etc.) to implement. We submitted substantial comments around CWaC's implementation of BNG in the Local Plan Conversation (Annex 1) that should be reviewed in regard to expanding Action 7.5 and the explanatory text in this section. Most importantly we strongly recommend that the current wording of CWaC's BNG policy (Policy DM 44) is strengthened in order to ensure BNG is delivered as part of all appropriate planning applications.

Barriers to Species Dispersal

While welcome the action to explore the potential to create green bridges to allow for species migration and dispersal, we recommend that this is based on the findings of project specific ecological assessments for new infrastructure and the Local Nature Recovery Strategy for existing infrastructure, rather than an assessment of where potential barriers (e.g. roads) may be. Project consultants, where appropriate for new infrastructure, using the LNRS can identify the best locations (opportunity areas) for connecting and expanding the local ecological network. Using the findings of the LNRS to highlight where opportunity areas intersect major infrastructure should ensure green bridges (and other crossing points) are positioned in the most effective locations for wildlife.

Rewilding

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We also welcome the reference to re-wilding in the explanatory text however are disappointed to see this has not been included in a specific rewilding action. We recommend an additional action is added to assess the opportunity for rewilding in CWaC, for example, across the Council's agricultural estate.

Supporting Maps

While the ecological network maps in this section are helpful to illustrate current areas of ecological value and opportunity across CWaC, they may need to be updated or adapted to fit any LNRS development methodology that may be set by DEFRA/Natural England. CWT understand that the degree to which LNRS will be mapped using a standard methodology is yet to be confirmed by DEFRA, therefore at this stage it should be noted that new/updated ecological network mapping, additional to that in the LAP, may be required to satisfy Action 7.2.

9. Reduce Surface Water Flood Risk

We welcome the actions to implement policies to require SuDS in the Local Plan and to target areas to retrofit SuDS using existing or new GI. However, we recommend caveating the actions in this section with confirmation that this will not include areas of value to biodiversity or important ecological features. Many watercourses, ditches, lakes and ponds in CWaC are designated sites of nature conservation and the habitats and species which they support are likely to be particularly sensitive to changes in hydrology or increases in pollution that may occur as a result of SuDS.

In line with our previous comments around peatland restoration and management, peatlands in a more-natural condition intercept and store greater volumes of surface water, helping to mitigate flood risk and provide a sustainable supply of high-quality drinking water. Peatland restoration and management can contribute to a number of key actions across this plan, highlighting the value for money the improvement of peatland green infrastructure can provide to CWaC.

10. Reduce River and Tidal Flood Risk

We welcome the content and actions in this section, in particular Action 10.4 to identify river stretches for rehabilitation and restoration. Wetland habitats such as floodplain meadows, fens and marshes will offer significant carbon sequestration and biodiversity benefits alongside flood mitigation. These habitat creation/restoration opportunities are also often best-located on land where development or agriculture is either unsuitable or unsustainable, offering a potentially valuable and sustainable land use-case (supported by the NPPF) in these areas.

We would recommend more specific emphasis in the actions on assessing the use of saltmarsh to reduce flood risk due to the potential benefits this habitat can also provide for biodiversity and its ongoing ability to sequester carbon.

We would also like to see an additional action in this section around watercourse naturalness. Canalised or other unnatural artificial watercourse channels contribute significantly to the flood risk caused by rivers. We recommend an action is included in the LAP to undertake an assessment of the watercourses of CWaC; with a primary focus on

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reviewing the degree to which watercourses have been artificially modified and the potential to which they could be restored to a more natural profile to reduce flood risk across the borough.

11. Manage Water Resources

In line with our previous comments on the importance of peatland restoration, the Office for National Statistics (ONS) estimate the annual value of water supply from UK peatlands to be £208 - £888 million (DEFRA England Peat Action Plan). However, over the past 30 years dissolved organic carbon (DOC) being released into water has increased as a result of ongoing peatland degradation. This process causes discolouration and a reduction in water quality which can cost millions of pounds per year to remove during treatment. Therefore, as previously stated peatland restoration and management can contribute to a number of key actions across this plan including the management of water resources, highlighting again the value for money the improvement of peatland green infrastructure can provide to CWaC.

12. Manage Visitor Pressure

We welcome the actions and supporting text in this section. However, we would like to see specific references to the potential impacts on biodiversity or nature in this section, e.g. the hierarchy of designated sites in this section (i.e. international, national and locally designated sites) rather than just landscapes in general. For example, increased visitor pressure combined with the impacts of climate change could have significant specific impacts to the sites in CWaC that support internationally important assemblages of wintering or migratory birds. We recommend an additional action is included to understand and assess the potential impacts of visitor pressure and climate change on biodiversity specifically.

We welcome the action to explore the use of innovative funding measures in order to contribute to mitigation that will alleviate visitor pressure, but recommend that the operators of existing and new visitor infrastructure or commercial facilities and large event organisers etc. are targeted to provide contributions to visitor pressure mitigation, rather than visitors themselves.

13. Reduce Soil Erosion

See our previous comments on peatland restoration.

Cheshire Wildlife Trust would be happy to meet and discuss or expand on any of the above points or recommended changes above in detail with the Council, should any representative wish to do so.

We trust you will find these comments helpful.

Yours sincerely,

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Working for wildlife across **Cheshire East, Cheshire West & Chester, Halton, Stockport, Tameside, Trafford, Warrington & Wirral.**

Patron Richard Walker
President Felicity Goodey CBE DL **Chairman** Bill Stothart
Chief Executive Charlotte Harris



Registered Charity No. 214927

A company Limited by Guarantee Registered in England No. 738693



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Cheshire

People taking action for wildlife

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Annex 1 – CWT Comments Submitted to the CWaC Local Plan Conversation 2021

General Comments

We are currently in the midst of a global climate and ecological emergency and as a result CWT believe the Council should seek to provide better integration of climate and nature conservation policies within the Local Plan. Delivery of high quality, well designed, strategically located and multifunctional green infrastructure is urgently required to secure the coordinated outcomes and multiple ecosystem service benefits needed to address the crisis and bring nature and our climate into recovery.

Climate Change

CWT would like to see a greater emphasis on how the implementation of nature based solutions (NBS) to climate change can be incorporated into the local plan or into an additional supplementary planning document (SPD). While they are not a substitute for rapid fossil fuel phase out, NBS can contribute to a reduction in greenhouse gases through the enhancement of existing carbon sinks and through avoided emissions. We would like the Council to identify the risks to existing semi-natural habitats of importance for carbon storage and to prioritise nature-based solutions to build resilience to climate change.

Current literature suggests that there are three key semi-natural habitats deliver ongoing carbon sequestration; near-natural peatlands, woodlands and saltmarsh. Cheshire is uniquely positioned geographically and as a result has significant coverage of all three of these habitat types across the borough. However, unfortunately many of these habitats are at risk from expanding development and agriculture. For example, the highly degraded peatlands, saltmarsh and woodlands associated with Helsby, Ince and Frodsham marshes and Delamere Forest represent just two key areas of many that should be prioritised for additional protection and restoration in order to reduce the boroughs Land Use, Land Use Change and Forestry (LULUCF - national inventory emissions reporting category) emissions footprint through avoided emissions and storing new carbon. A baseline assessment of these key 'carbon habitats' is essential to understand where, how much and in what condition these important habitats are across the borough. Alongside additional carbon storage and avoided GHG emissions, NBS to climate change can also deliver other natural capital gains such as benefits to biodiversity, increased flood alleviation (by 'slowing the flow' of water during intense rainfall) and improved water and air quality. This is particularly true of peatland restoration. As reported in the recently published England Peat Action Plan (DEFRA); the ONS estimate that the cost of restoring all UK peatlands to near natural condition would range from £8.4 - £21.3 billion while delivering carbon benefits of £109 billion alone, outweighing the costs of the restoration by 5 to 10 times before even considering the delivery value of the other ecosystem service benefits highlighted above. This means the provision of NBS to climate change, and in particular peatland restoration, represents extremely high value for money green infrastructure improvement and should therefore be a priority in any revision or supplementation of the CWaC Local Plan.

CWaC Council declared a climate emergency on 21 May 2019. Despite that the current CWaC Local Plan (Part 1 & 2) does not have a specific policy to address climate change unlike many other LA's including neighbouring Cheshire

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East, Wirral (forthcoming) and Greater Manchester Combined Authorities (Forthcoming in Places for Everyone). CWT believe that this should be addressed as a matter of urgency and, in addition to traditional strategies to become carbon neutral (e.g. fossil fuel phase out, de-carbonising electricity generation, upscaling building retrofit etc.), any new policy should also include a focus on NBS to climate change and include:

- An immediate suspension of all development on peatlands, saltmarshes and ancient woodlands and additional protection for these important natural carbon stores;
- Policies and incentives to influence a transition to wetter agricultural practices on peatlands, an immediate suspension of all industrial and commercial peat extraction and an immediate ban on the sale of peat based products (e.g. horticultural growing media);
- Policies to improve the Council's ability to anticipate, prepare for, and respond to hazardous events, trends, or disturbances related to climate change, also known as climate resilience, and;
- A requirement to consider Climate Change in all Town and Country Planning Act (TCPA) applications determined through the planning system (applicable to both EIA and non-EIA developments), including any LUCLUF emissions arising as a result of development impacts (i.e. emissions arising as a result of the loss of/land-use change of semi-natural habitats).

Environment

We would like to see the Council expand the current climate emergency declaration to include nature and to provide better integration of new and existing green infrastructure and climate strategies. We would also like to see additions to the local plan and new SDP pertaining to the requirements set out in the forthcoming Environment Bill, with a particular focus on strengthening and expanding upon the Council's current Biodiversity net-gain (BNG) policies (including new SPD to detail the process) and new policies in regard to CWaC's Local Nature Recovery Strategy and Nature Recovery Network.

Biodiversity Net Gain (BNG)

Any new BNG SPD or updated local plan policy must reflect the standards set out in current good practice guidance such as BS 8683 'Process for designing and implementing Biodiversity Net Gain' and the BNG Good Practice Principles of Development set out by CIRIA, IEMA and CIEEM etc.

The current wording of CWaC's current BNG policy (Policy DM 44) is not worded strongly enough as it can be interpreted to apply only to those developments that will impact upon "*protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites*". In line with the forthcoming Environment Bill, BNG should be applicable to all development under the TCPA and all Nationally Significant Infrastructure Projects (NSIPs). CWT would also like additional commitment from CWaC to ensure BNG is also applied to all

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significant Permitted Developments and those development sites which initially have little measurable biodiversity value.

It is important to note that BNG must not replace or undermine the mitigation hierarchy. It must only be applied once the mitigation hierarchy has been fully followed. However, BNG cannot be applied to irreplaceable habitats. Where, in wholly exceptional circumstances (as defined in the NPPF) and there are no other reasonable alternatives, having followed the mitigation hierarchy, it is concluded that destructive or damaging development has to go ahead, these irreplaceable features must be subject to a separate bespoke compensation procedure for the irreplaceable habitat part of the site which must start above the highest point of the metric.

Biodiversity Net Gain must be delivered in perpetuity, with mechanisms in place to ensure the gains endure. There must also be mechanisms in place to ensure the delivery and long-term management and monitoring of net-gain is enforceable by the Council with procedures in place should post intervention habitat creation or enhancement not meet the targeted condition.

CWT welcome a mandatory requirement for a minimum of 10% BNG (in line with the recommendations in the forthcoming Environment bill) as a first step but, in the context of the ecological crisis, believe that development must go beyond this minimum and endeavour to deliver at least 20% BNG. This is not without precedent, a number of LPA's across the country have gone beyond the minimum 10% mandated net-gain including Cambridgeshire County Council and Hertfordshire County Council. As part of their environment and climate emergency declaration, Wirral Council have recently committed to delivering a 20% net-gain on all council owned land. This must be measured using the approved DEFRA BNG Metric 3.0 (or subsequently updated versions from DEFRA).

Biodiversity Net Gain should be delivered strategically and contribute to establishing ecological networks. Although the first choice is to deliver on-site or as near to the development as possible, the location should be whatever is most effective for the biodiversity in question. Once the mitigation hierarchy has been followed, onsite habitat creation may not be the most favourable option to support nature's recovery. Habitat creation must therefore be considered in line with the Local Nature Recovery Strategy and Nature Recovery Network Map. Newly created or restored sites need to be functionally linked to other similar habitat to encourage colonisation, contribute to making existing sites either bigger or more joined, and helping to ensure long-term resilience. By contrast, small, isolated net gain sites are not only less suitable ecologically, but they will also be difficult and expensive to establish and manage for nature. There is also scope for meaningful and strategic pooling of Biodiversity Net Gain at scale, by using the Nature Recovery Network map to identify opportunities which will best support nature's recovery. The location of any off-site delivery should be identified and secured prior to determination of an application.

To effectively contribute to nature's recovery, delivery of BNG must be additional to existing mechanisms for nature conservation and enhancement. BNG should not be delivered on sites where there is already a regulatory requirement for the landowner to bring the land into favourable conservation status (SSSIs). In exceptional circumstances, Biodiversity Net Gain might fund enhancement of an element of a SSSI or SPA/SAC that is not included in the site citation. For example, new habitat might be provided for a key species if strategically indicated,

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providing it does not damage the features for which the site is designated. BNG must also not be delivered as part of a regulatory obligation e.g. mitigation or compensation for impacts to protected species (e.g. Great Crested Newt habitat creation on site, off site or as part of the District Level Licensing Scheme) cannot be counted towards BNG.

Biodiversity Net Gain should not be used to justify replacing a high value habitat with a greater extent of lower value habitat. Compensatory habitat should always be like for like, and BNG additional to this. To ensure BNG genuinely contributes to nature's recovery, improvements under any system of net gain must be additional to any habitat compensation, on-site high- quality green infrastructure and green/open space requirements that should have occurred anyway, including any actions required to comply with existing legal and policy obligations including those for protected species.

There must be an effective mechanism in place to ensure the gains for biodiversity are delivered as agreed, sustained over time, and protected from future allocation and development. A county register of net gain sites in CWaC should be established, centrally held, and publicly accessible, to ensure transparency. Land and Ecological Management Plans must include amelioration mechanisms, should monitoring detect that BNG is not achieved within the stated timescales. Establishing a robust enforcement procedure is essential, particularly when BNG is delivered on Council owned land, and should be independently monitored either by the Local nature Partnership or through some other externally-led process.

Finally, the Biodiversity Net Gain process should be subject to regular review, reports (including a transparent register of habitat losses/gains), updates to accommodate improvements of the process across CWaC and lessons learned through delivery to ensure best practice.

CWT provided significant support to Cheshire East Council in the delivery of their BNG SPD (recently released for public consultation) and can support CWaC in the production of any new or updated local plan policy or SPD should the Council require it.

Local Nature Recovery Strategy (LNRS) and Nature Recovery Network (NRN)

Although CWaC does have an Ecological Network that is identified within the Local Plan (Part 2 – Policy DM44), this will need to be strengthened and expanded in line with forthcoming recommendations from DEFRA for responsible authorities to produce and manage a LNRS and NRN as mandated in the forthcoming Environment Bill.

LNRS's are a new system of spatial strategies for nature, contained in the government's Environment Bill. The strategies will work closely alongside other measures in the Bill. They will; support delivery of mandatory BNG and provide a focus for a strengthened duty on all public authorities to conserve and enhance biodiversity. They will also underpin the NRN, alongside work to develop partnerships and to integrate nature into incentives and land management activities. They will differ from the current CWaC Ecological Network because as well as mapping the most valuable existing habitat for nature, they will require mapping of specific proposals for creating or improving habitat for nature and wider environmental goals and will need to agree priorities for nature's recovery across the

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borough. The production of each LNRS will be evidence based, locally led and collaborative, to help create a network of shared plans that public, private and voluntary sectors can all help to deliver.

CWT believe that preparation for the production of the Cheshire LNRS and NRN need to begin now. Strong, early leadership and transparency from the responsible authority is crucial in getting other partners involved from the outset and establishing good governance quickly is key. LNRSs require a wide range of inputs and no single existing group can provide this, therefore we believe the Council should be proactive in seeking to begin discussions with key stakeholders around LNRS's, the NRN and how these strategies will be incorporated in to the current Local Plan or new SPD.

Ecological Emergency

CWT believe more can be done within the CWaC Local Plan to address the ongoing ecological emergency. The Wildlife Trusts movement are asking for at least 30% of land and sea to be connected and protected for nature's recovery by 2030, in line with government commitments. In order to achieve this in Cheshire, we believe that 1 in 4 people across the borough need to take action for nature's recovery. CWT would be keen to liaise with CWaC and discuss how the following actions could be incorporated into the Local Plan or new SDP to help achieve this goal:

- Update the CWaC Biodiversity Action Plan (BAP) in order to help identify targets and objectives for the borough's LNRS and NRN;
- Managing at least 30% of land in CWaC for the benefit of wildlife by 2030 and agreeing targets for habitat and species recovery in line with the Local Nature Partnership (LNP) objectives to achieve this;
- Restoring all CWaC Sites of Special Scientific Interest (SSSI) to 'favourable' condition and implementing policies to manage recreational pressure on the most sensitive sites (including internationally, nationally and locally designated sites for nature conservation);
- Restoring all Council-owned Local Wildlife Sites to good condition, and inspiring other LWS landowners to do the same;
- Adopting and implementing standards for green infrastructure such as the 'Building with Nature' GI accreditation scheme;
- Ensuring all of CWaC's waterways are in good condition in line with the Water Framework Directive, with water quality that supports healthy wildlife by 2030. This can be achieved through the creation and implementation of policies pertaining to LNRS, NRN, Ecological Networks and BNG, and;
- Rewilding road verges and hedgerows and encouraging pollinators with a pollinators plan.

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Land and Sites – Brownfield Sites of High Environmental Value

While the NPPF is explicit that previously developed land, treated as synonymous with brownfield, should be prioritised for development, it is only applicable to brownfield sites that are not of 'high environmental value'. A site should be considered to be of 'high environmental value' if it contains priority habitat listed under section 41 Natural Environment and Rural Communities Act 2006 or if the site holds a nature conservation designation such as Site of Special Scientific Interest, or is defined as a Local Wildlife Site (or equivalent) in local planning policy. Brownfield land can support a wide range of terrestrial and aquatic habitats. This diversity has made them increasingly important for endangered and rare invertebrates as well as lichens, plants, birds, bats, reptiles and amphibians.

A range of priority habitats can be found on brownfield land, however most frequently found is the Section 41 habitat 'open mosaic on previously developed land' (OMH). Typically, OMH sites will show evidence of previous disturbance, either through soil being removed or severely modified by previous use, or the addition of materials such as industrial spoil, with spatial variation developing across the site. The resultant variation allows for a mosaic of different habitats to be supported in close proximity creating a patchwork of varied habitats such as bare ground, wild-flower rich grassland, heathland and other habitats. These close proximity mosaics, combined with a low nutrient content of the soil which prevents fast growing plant species becoming dominant, provides a continuity of resources for invertebrates and other wildlife throughout the year. CWT recommend that all brownfield sites that meet the criteria to be considered of high environmental value are identified and protected from development as a priority as part of any new or updated local plan policy or SPD.

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