

## **Matter 7: Strategic Environmental and landscape policies**

1. In respect of policy WS 5.5, will the Recreational Mitigation Strategy ('RMS') provide sufficient offset to ensure that the Plan does not entail likely significant adverse effects?
2. Are all Sites of Special Scientific Interest, Special Protection Areas, Special Areas of Conservation, Nature Improvement Areas, local wildlife sites, sites of biological importance and marine special areas of conservation identified and mapped?
3. Are policies WS 5.1 'Green and Blue Infrastructure Networks', WS 5.4 'Ecological Networks' and WS 5.7 'Maintenance of Green Infrastructure and Open Space' sufficiently robust in terms of ecological protection in line with NPPF paragraph 180? Is it clear where they will apply?

### **4. Is policy WS 5.4, criterion M, consistent with the provisions of the Environment Act 2021 in terms of biodiversity net gain?**

- 4.1. This policy states that all development must deliver a minimum of 10% biodiversity net gain calculated using the DEFRA metric and where development is located on Council owned land it must deliver a minimum of 20%.
- 4.2. The Council will know that the Government is bringing forward the most appropriate approach to biodiversity net gain. The HBF considers that the Council should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Act and the emerging regulations. This legislation and accompanying regulations will require development to achieve a net gain for biodiversity. This nationally required gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. The mandatory national requirement will not be a cap on the aspirations of developers who want to voluntarily go further. The mandatory requirement offers developers a level playing field nationally and reduced risks of unexpected costs and delays.
- 4.3. The requirement for a 20% net gain in biodiversity on Council owned land is not sound. No robust justification has been provided as to why these parts of the Wirral are any different to the rest of the country and should set a higher requirement for net biodiversity gains from new development. If Government considers 10% sufficient to mitigate the impact of new development in future, then this should also be an appropriate level of net gain for the Wirral. It is important to recognise that the Environment Act does not set this as a minimum and at present there is no suggestion that in future policy will allow for a higher requirement to be set in local plans. The HBF considers that any BNG policy in the Local Plan must be deliverable and not a serve as a stop on new development. The intention of BNG is that development enables improvements to biodiversity, enabling nature recovery and delivery of the wider benefits of increased nature, for example health and wellbeing, climate change mitigation, carbon sequestration etc.
- 4.4. The HBF also has concerns that the impact of a 20% requirement has not been fully considered. A 20% requirement will have a more considerable cost impact than is suggested in the CIL and Viability Assessment Study and one that could impact on the

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deliverability of some sites. The Viability Assessment only includes a cost of £244 per unit for brownfield sites and £1,027 per unit for greenfield sites.

- 4.5. The Government published a biodiversity net gain impact assessment in 2019 which outlined their analysis of the costs<sup>1</sup> associated with net gain. For the North West it identified a cost of £1,137 per home for greenfield sites and £242 for brownfield sites for Scenario B (based on 2017 prices), this scenario assumes the developer is unable to avoid, mitigate and compensate all impacts on site but is able to secure local compensatory habitat creation. The HBF considers that the costs should be updated to reflect current costs, and that the policy will need to consider whether these assumptions are correct given the other policies included within the Plan such as the density requirements, and the increased requirement for 20% net gain on Council owned land. The Government biodiversity net gain impact assessment identifies considerably higher costs for net gain if Scenario C is used, this scenario considers the use of biodiversity credits and off-site provisions. DEFRA published indicative credit prices on 27<sup>th</sup> July 2023, these range in price from £42,000 per credit for low distinctiveness habitats through to £650,000 per credit for high distinctiveness habitats such as lakes, £44,000 per credit for linear hedgerows and £230,000 for watercourses. With BNG becoming mandatory from November 2023 for all but exemptions and small sites, there is significant concern that the market for off-site biodiversity provision is still emerging. There are not yet bank of off-site biodiversity options available in every area. Although this is the medium to long term aspiration, the current situation means at least for now there may be a greater reliance on statutory credit to bring sites forward for development.
- 4.6. Therefore, the HBF considers that this element in relation to the biodiversity net gain requirements is not necessary and provides unnecessary duplication. If the policy is to be retained, then the HBF recommends that the policy is amended to ensure that it reflects the 10% net gain and approach established in the Environment Act.

5. With reference to the Landscape Character Assessment [ECC4.1 to ECC4.5], are the Areas of Special Landscape Value justified (policy WS 5.8)? Would policy WS 5.8 'Landscape Character' be effective in terms of guiding decision-taking in such areas, particularly criterion T?

6. Are any alterations to the boundaries of the Green Belt proposed since the Unitary Development Plan (2000) or Merseyside Green Belt (established 1983 following the examination of the Merseyside structure plan in 1982)?<sup>2</sup> Have appropriate and proportionate parcels of land been assessed in terms of landscape and Green Belt value based on an appropriate methodology [GB1.1 to GB1.15]?

7. Local Plan policy WP 8.1 says that national Green Belt policy 'will apply in the determination of proposals within the Rural Settlement Area...'. Is the Rural Settlement Area

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<sup>1</sup> Defra (2019) Impact Assessment: biodiversity net gain and local nature recovery strategies [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/839610/net-gain-ia.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf)

<sup>2</sup> 2 UDP interactive map available at <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/unitary-development-plan/forward>.

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('settlement area 8') defined on the policies map? Is it entirely Green Belt? Is specific provision needed for utilities infrastructure?

8. Is the Local Plan based on robust evidence related to heritage, and does it set out an appropriate and positive strategy for the conservation and enjoyment of the historic environment, including in respect of policy WS 7.5 'Tall Buildings'?

9. Is the Local Plan based on appropriate evidence, including in respect of climate change allowances, related to meeting the challenges of climate change, flooding, and coastal change? Is policy WS 1.4 'Flooding and Drainage', criterion K, consciously and justifiably different to NPPF paragraph 159?<sup>3</sup> Is suitably detailed account taken of Groundwater Source protection Zones?

10. Have all suitable local green spaces, and also countryside recreation sites, been identified and mapped accurately? Are all demonstrably special? Is the identification of others necessary for soundness?

11. Is the Local Plan consistent with the aims of the NPPF in terms of air quality?

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<sup>3</sup> Noting the interaction with policies WD 4 to WD 4.4.