

APPENDIX A

Top barrister to speak at National Planning Summit

A leading barrister will discuss how a proposed new duty for developers to deliver a ten per cent uplift in biodiversity through their schemes will work in practice at Planning's virtual national conference on 18-19 May.

by Ellie Kahn



In a pre-recorded address, Sasha White QC, head of the planning group at Landmark Chambers, told the summit, which is organised by *Planning*, about how the government's proposed requirement for biodiversity net gain in all new developments is working in practice.

White said both the forthcoming (though currently "beached") Environment Bill and the government's proposed planning changes outlined in its white paper "indicate the requirement for biodiversity net gain (BNG), of what looks likely to be 10 per cent" from new developments.

BNG is already called for in the National Planning Policy Framework, and this "is being interpreted to require net gain", he pointed out. "It's clearly already a material consideration," he said, adding that failing to demonstrate biodiversity net gain "can already be fatal to a planning application".

White outlined ten planning cases, including appeals, at which BNG has arisen as an issue. Among his "takeaways" from these were that "you are likely to get refusal if BNG isn't addressed" and so "you need to secure a mechanism for it, either on-site or elsewhere".

The latter was exemplified by a case in Sheffield, where housing was proposed on an allocated site of high biodiversity value. Here, the appeal judge found a development acceptable even though it incurred biodiversity loss, as the council had demonstrated effective mitigation elsewhere, he said.

A highway upgrade in Derbyshire had similarly shown effective translocation of species-rich grassland and was therefore compliant with national highways policy, he added.

Already, inspectors are citing what the law "will be", specifically on the figure of 10 per cent BNG, White said - exemplified by an appeal over a Surrey Heath housing proposal which the inspector was "confident" would give rise to BNG of close to 30 per cent.

"Decision makers, whether that's the local authority or an inspector, need to be satisfied that BNG can be secured effectively, through a UU (unilateral undertaking, by the developer) or planning condition," he said.

That can mean introducing a "biodiversity metric" he said, as a case in Cheshire showed. Here, an inspector "was unclear why a metric could not have been undertaken to demonstrate net gain".

The takeaway here is that "one must demonstrate BNG, not just suppose it",

White concluded.

APPENDIX B

St Helens Borough to benefit from £12m plan for 500 hectares of new woodland in England

Article date - 21 December 2020

In the next five months, The Mersey Forest will be one of ten Community Forests across England planting over 500 hectares with trees in a push to help deliver against the Government's tree planting targets.



The new programme - Trees for Climate - will see trees planted in Community Forests that span the country, from Yorkshire to Somerset. When mature, the trees will eventually store over 100,000 tonnes of carbon dioxide, the equivalent of over 45,000 trans-Atlantic flights and contributing to meeting the government's net zero by 2050 target. The project will also reduce flood risk, increase sustainable UK grown timber, provide more places for nature and biodiversity to thrive, and increase peoples' access to and enjoyment of woodland. The funding will also create new jobs and secure existing ones within the forestry and environmental sector, helping to boost local economies as part of a green recovery.

In the next five months, The Mersey Forest Partnership is aiming to plant nearly 40 hectares of new woodland – nearly three times the size of Victoria Park – around Merseyside and North Cheshire, within urban parks and green spaces and on farmland.

Last year, both St Helens Borough Council and the wider Liverpool City Region declared a climate emergency and this new planting will help contribute to local action.

Landowners should contact The Mersey Forest Team if they have land suitable for tree planting.

Councillor Andy Bowden, St Helens Borough Council's Cabinet Member for Environment and Transport, said:

"As a council we have declared a climate emergency and pledged to have in place a zero-carbon footprint by 2040. This is why we are establishing a climate change commission, why we need to balance the needs of creating jobs and growth with how we manage and use the majority of our borough which is green space, and why we understand the importance of trees, forests and woodlands in the fight against climate change.

"Our approach to planning already means at least two trees must be replanted for every one lost as part of any development, so additional trees through this initiative are welcomed."

APPENDIX C

Dan Walker
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Hardwick Business Park
Noral Way
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Oxfordshire
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Date: 8th December 2020

Ref: St Helens S106



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Dear Dan

Re: Former Parkside Colliery, Newton le Willows Planning Ref: P/2018/0048/OUP

Further to our discussions throughout the last week or so, I summarise the basis on which the Mersey Forest would be willing to partner with St Helens Council in respect of the Parkside Colliery (Newton le Willows) Section 106 agreement:

1. A budget sum of £675,000 to be paid directly from the Developer (Parkside Regeneration LLP) to the Mersey Forest Foundation via St Helens Council upon granting of implementable planning consent (Project Commencement). The Mersey Forest will ultimately be responsible for the budget management and associated record keeping.
2. The sum will be index-linked (to RPI) on the annual anniversary of this letter until payment is received by the Mersey Forest.
3. The Mersey Forest seek to establish a minimum of 16.7ha but up to 24.5ha of new woodland / tree planting / green infrastructure. The portion delivered under the Condition (16.7ha) cannot benefit from third-party funding, but anything above this minimum figure can.
4. The Mersey Forest will secure access to land for the creation of the requisite area of new woodland / tree planting / green infrastructure by way of entering into licences/contracts with landowners, taking leasehold interests, or through direct land purchase.
5. Geographic scope to seek the woodland creation / tree planting / green infrastructure area opportunities is extended to the whole of St Helens Council area (*plan of which to be appended to this agreement*).

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Charity Registration No. 1160790



6. The funds will be used to cover all costs associated with securing and delivering the requisite area(s) of new woodland / trees planted / green infrastructure and successful establishment thereof. It is worth noting, for the avoidance of doubt, this includes all reasonable costs for staff time and project management invested pursuant to fulfilling this Section 106 obligation.
7. Reasonable endeavours will be taken to achieve woodland creation / tree planted / green infrastructure area targets within 10 years from planning consent and payment of the agreed sum being received by the Mersey Forest.
8. The woodland creation / tree planted / green infrastructure areas will be planted / created, maintained and established over a 30-year period, with the Section 106 funds used to achieve / support this.

Yours sincerely



Tim Oliver
Trees for Climate Officer

For and behalf of, the Mersey Forest

APPENDIX D

APPENDIX

PAG SUGGESTION S-106 TREE PLANTING AMENDMENT TO PLAN

Background

Local plan inquiry 2021, St Helens MBC ecology policy refreshes. Newton-Le Willows Local Wildlife sites (LWS) are poor and unrepresentative. Update.

Biodiversity net gain under the Defra Metric has four statuses

1 - Avoidance: measures taken to reduce

2 - Minimisation: measures taken to reduce the duration, intensity and/or extent of impacts

3 - Rehabilitation/restoration: measures taken to improve degraded or removed ecosystems

4 - Offset: Measures taken to compensate for any residual, adverse impacts after full implementation of the previous three steps

4 is last resort after all alternatives are explored. This is the position being proposed for Parkside Phase one. We can do better.

Tree Planting – in the right circumstances planting trees will derive ecological benefits. It will also deliver climate change absorption of greenhouse gases albeit these are very limited, less than 1%. But in some cases planting trees will harm biodiversity which thrives in mixed habitats with a range of species / ecosystems, only some of which are woodland base. Woodlands also dominate other habitats, in some cases.

Newton-Le-Willows (and surrounds) already have a good range of mature broad leaved woodland. What it is short of are scrub, wetland, water bodies and grassland. Lyme and Wood pit Country Park already has an extensive sapling planting programme. Newton does not need more trees, it needs broad habitat creation

PAG PROPOSAL

Mersey Forest, as an organisation, is engaged in a program of wider and diversified local habitat creation. It is not just about Tree Planting. Lancashire Wildlife Trust are also active in the area (they already have a management role with the SSSI and have detailed ecological knowledge of the area) they are also an opportunity for deployment.

£675k funds are deployed but in a more targeted manner to that proposed.

This has part of a broad localised biodiversity management plan with defined objectives, scope and timescales. Plan is supported by appropriate governance.

The plan is focussed on the green belt between Newton, Lowton, and Winwick and Newton-Le-Willows generally. Early Planning is undertaken for an ecology plan for the entire Parkside master plan phases one, two and three.

Involves local community and schools, local groups etc.

Legal and statutory framework within St Helens MBC, formed from local plan refresh process.

APPENDIX E

Harvest mice at the Wigan Flashes. [Wigan Council Lancashire Wildlife Trust Visit Greenheart](#) part of the recent re-introduction (to ICUN Guidelines). [The Carbon Landscape Partnership](#)



APPENDIX F

Huge "town sized" Parkside Habitat loss and loss of critical wildlife corridors for area.

