



Stoke-on-Trent City Council Local Plan 2020–2040
Publication (Regulation 19) Consultation Response
Staffordshire Wildlife Trust

14 September 2026

Sent via email to: localplan@stoke.gov.uk

Staffordshire Wildlife Trust welcomes the opportunity to comment on the Stoke-on-Trent Regulation 19 Publication Local Plan. This representation builds upon our extensive formal response submitted at the Regulation 18 stage and is informed by a comprehensive review of the changes implemented between the first draft and the current Regulation 19 document.

While the Trust welcomes positive changes made in this iteration—including the updated terminology to "green and blue infrastructure," the commitment to re-naturalising the River Trent in Policy NA1, the 3:1 tree replacement ratio in Policy NA4, and the explicit recognition of irreplaceable tree habitats—several critical areas remain unsound and legally non-compliant under the framework of the National Planning Policy Framework (NPPF) December 2024 edition.

[Executive Summary of Representation](#)

In accordance with the statutory requirements of the local plan examination process, this representation objects to the Publication Local Plan on the grounds of Unsoundness and Legal Non-Compliance. Specifically, the document demonstrates that the plan and its accompanying Policies Map are Not Justified under the December 2024 NPPF due to a deficient environmental evidence base, caused by the absence of a formal data-sharing agreement with the Local Biological Records Centre and a missing baseline monitoring framework. Furthermore, the plan is shown to be Not Effective due to policy loopholes affecting exempt sites, drainage, light pollution, and glossary definitions, alongside a structural legal compliance failure where policies rely on enforcement mechanisms that the council cannot legally execute. A series of detailed policy corrections, proposed glossary text modifications, and structural monitoring framework indicators are included within the main body of this text, and the scheduled modifications detailed below must be implemented prior to submission to the Secretary of State to render the plan sound and legally compliant.





Statement of Legal Non-Compliance

- A. Breach of the Enhanced Biodiversity Duty (Section 40, NERC Act 2006)
Public authorities have a strict statutory duty under Section 40 of the NERC Act 2006 (as amended by the Environment Act 2021) to actively look for opportunities to conserve and enhance biodiversity across all functions. By completely omitting Policy NA3 (Biodiversity and Geodiversity) from the key policies, indicators, risks, and actions within the Monitoring Framework (Spatial Objective 8), the Council has failed to establish a statutory mechanism to measure, track, or enforce its nature recovery obligations.
- B. Fundamental Legal Error in Enforcement Mechanisms (Paragraph 12.3.9)
Paragraph 12.3.9 states that the Council will use "*conservation covenants*" to secure long-term nature conservation interests. Under Part 7 of the Environment Act 2021, a local planning authority is not a designated "responsible body" capable of holding or executing conservation covenants unless it has formally applied to, and been registered by, the Secretary of State. The policy as written relies on a legal tool the council cannot systematically deploy. The plan must be amended to specify Section 106 agreements and planning conditions as the primary legal mechanisms to secure long-term on-site and off-site delivery.

Statement of Unsoundness

- A. Not Justified: Deficient Evidence Base and Scope
- Omission of Indirect and Functional Linkage Harm: The plan is unsound because the policy framework fails to account for development that causes indirect harm to biodiversity conservation interests outside a site's red-line boundary. National policy requires safeguarding habitats from secondary, cross-boundary impacts such as hydrological disruption, hyper-local air pollution, lighting, and increased urban recreational pressure on nearby sensitive sites.
 - Misjudgement of Brownfield / Previously Developed Land (PDL) Value: The spatial strategy heavily prioritizes a brownfield-first approach. However, it is not fully justified by the evidence base because it fails to recognize that PDL can contain highly biodiverse Open Mosaic Habitats of critical value to rare and protected invertebrate species. Allocating these sites without a policy requirement for specialist invertebrate surveys where necessary, represents a significant evidential gap.
- B. Not Effective: Ambiguity and Loophole Formulations
- Conflation of Distinct Hierarchies (Paragraph 12.3.5): The text introduces severe ambiguity by conflating the Statutory BNG Gain Hierarchy (governed by Environment Act secondary legislation) with the NPPF Mitigation Hierarchy (*Avoid, Mitigate,*





Compensate). Merging these distinct legal and planning pathways into a single sentence will confuse decision-makers and developers, rendering the policy ineffective in practical application.

- Exempt Sites BNG Loophole: While the removal of the rigid "10%" baseline phrasing in Policy NA3 is welcomed to ensure small or exempt developments are captured, the plan fails to define a simplified metric mechanism (such as the Small Sites Metric) for applications legally exempt from the statutory net gain condition. Without this baseline mechanism, a high volume of minor applications will escape contributing to the wider network. It should be acceptable to accept species measures or offsite measures if an overall gain cannot be achieved on site, however species-specific measures should be above and beyond what is required for protected species legislation, the NPPF or government guidance.

Omissions Identified in the Text

The Trust notes four policy omissions in the current text that undermine the effectiveness and soundness of the plan. To resolve these issues, we have suggested some policy text:

- Nature-Based Sustainable Drainage Systems (SuDS): Section 13.4 (Sustainable Drainage) completely fails to mandate nature-based, biodiverse SuDS. The policy should state that SuDS layouts must double as high-value wetland stepping stones to directly support the local Nature Recovery Network (NRN or LNRS).
Suggested Policy Text Addition: *"All new development must deliver multi-functional, nature-based Sustainable Drainage Systems (SuDS) wherever feasible. SuDS schemes should be designed to maximize biodiversity and be integrated into the site's open space layout to function as high-value wetland habitats that actively support the local Nature Recovery Network and LNRS."*
- Absence of Mandatory Buffer Zones for Irreplaceable Habitats: While Policy NA4 successfully recognizes ancient woodland and veteran trees as irreplaceable, it fails to specify a mandatory minimum buffer zone to protect them from root compaction and urban edge effects during and after construction. Standard Root Protection Areas (RPAs) are an engineering tool meant to keep trees standing during construction; they do not function as the long-term ecological buffer zones required to protect ancient habitats from permanent post-development urban edge impacts.
Suggested Policy Text Addition: *"A minimum semi-natural buffer zone of at least 15 metres must be maintained between any development footprint and the edge of ancient woodland or ancient or veteran trees. This buffer zone must consist of semi-natural habitat, cannot consist of domestic gardens or engineered hardstanding, and can contribute towards achieving no net loss, but cannot be counted as a habitat"*





creation uplift toward achieving the mandatory statutory Biodiversity Net Gain percentage requirements.”

- Lack of Compliance with BNG Trading Rules for Local Wildlife Sites: The current text of Policy NA3 allows harm to a Local Wildlife Site (LWS including SBIs and BASs) if the subjective benefits “clearly outweigh the harm.” This phrasing creates an unacceptable loophole that bypasses mandatory national trading rules.
Suggested Policy Text Addition: *“Any proposal impacting a non-statutory designated site (LWS or BAS) or sites that meet the criteria for LWS must strictly comply with statutory BNG trading rules. High-distinctiveness habitats cannot be offset by low-distinctiveness gains, and any off-site compensation must be secured within the local Stoke-on-Trent ecological network footprint.”*
- Omission of Dark Infrastructure Safeguards: The plan defines the importance of the green and blue infrastructure network for wildlife corridors but fails to protect these pathways from light pollution, which could negatively impact nocturnal priority species – and potentially fail to comply with protected species legislation.
Suggested Policy Text Addition: *“Development proposals adjacent to, or containing, elements of the green and blue infrastructure network will be required to submit a professional lighting impact assessment. Artificial lighting schemes must be designed to avoid illumination of these corridors – specifically semi-natural habitats and foraging or commuting routes, ensuring dark infrastructure pathways are preserved for nocturnal priority species, including bats and otters.”*

Formal Schedule of Proposed Modifications to the Glossary

To ensure that key ecological terms are legally robust, clear to developers, and fully aligned with national policy definitions, the Trust suggests the following textual modifications to the Local Plan Glossary:

- Ancient Woodland current text: *“An area that has been wooded continuously since at least 1600 AD.”*
Ancient Woodland proposed modification: *“An area that has been wooded continuously since at least 1600 AD. This includes both ancient semi-natural woodland and plantations on ancient woodland sites (PAWS), which retain complex ancient soils and remnants of specialist woodland species.”*
- Ecological Networks current text: *“Sites and corridors of biodiversity importance that are linked together.”*
Ecological Networks proposed modification: *“The basic, joined-up infrastructure of existing and future habitats needed to allow populations of species to survive in*





fluctuating conditions. This includes core statutory/non-statutory designated sites, wildlife corridors, fragmented stepping stones, and designated nature recovery opportunity areas.”

Appendix 6 (Monitoring Framework) Amendment

The Trust considers the complete omission of species and habitat tracking from the monitoring framework to be a severe defect. While we recognize the Council currently lacks a comprehensive city-wide species baseline to measure individual population fluctuations directly, this can be resolved through a dual-action monitoring approach. This framework should track both the statutory process compliance of applications and the physical status of habitats across the entire borough.

This should include tracking whether applications are appropriately protecting and mitigating for the hierarchy of designated ecological sites and protected and priority species. In addition, there should be a way to monitor that sites that are exempt from statutory BNG are still providing a net gain for biodiversity. Where appropriate this should include monitoring the long term impacts of a development on protected or priority species where mitigation measures or compensation have been employed.

We suggest that the following text be added as a distinct structural entry in the framework table under Spatial Objective 8:

Policy Heading: Policy NA3: Biodiversity and Geodiversity

Indicators: 1. Percentage of planning applications accompanied by up-to-date ecological surveys and Biodiversity Net Gain assessments validated as compliant with British Standard BS 42020:2013 and CIEEM guidelines and recommendations.

2. Percentage of sites within the established hierarchy of designations for biodiversity showing a measured uplift in ecological condition – where applicable this should be in compliance with Vulnerability Assessments and Management plans (VAMs) for SSSIs or individual site management plans.

Target / Trigger: Target: 100% compliance with national ecological survey guidelines and zero net loss of biodiversity across all sites in the borough. Trigger: Any application approved without a verified, guideline-compliant survey if required, or any recorded net loss in biodiversity on any site under the remit of Policy NA3.

Action: Review of the development management validation checklist. Adjustments to planning application consideration procedures to ensure the systematic assignment of relevant, enforceable planning conditions and Section 106 agreements targeted at





monitoring compliance for both long-term habitat management and species-specific protection schemes where not covered through statutory BNG monitoring.

Examination of the Policies Map: Soundness and Legal Compliance Flaws

- A. **Test of Soundness: Not Justified (Deficient and Outdated Evidence Base)**
A local plan and its accompanying Policies Map must be justified by proportionate, up-to-date ecological evidence. While Policy NA3 references the emerging Local Nature Recovery Strategy (LNRS), the Council does not maintain a formal data-sharing agreement with the Local Biological Records Centre. Consequently, the non-statutory boundaries plotted on the Policies Map are structurally flawed because they are not informed by the latest regional species distribution data or priority habitat adjustments. Referencing the LNRS textually while failing to embed its active baseline data into the spatial mapping means the map is not based on a robust or up-to-date environmental evidence base.
- B. **Test of Soundness: Not Effective (Failure to Map Network Connectivity)**
The current Policies Map functions purely as a retrospective inventory of established statutory and non-statutory designated features, such as SSSIs, LNRs, and Local Wildlife Sites. By failing to spatially depict active Nature Recovery Networks, ecological corridors, and landscape-scale opportunity areas, the map is ineffective. To satisfy national policy, a Policies Map cannot simply draw defensive boundaries around existing sites; it must visually chart the strategic network gaps and connectivity zones required to facilitate species migration. Without this, development management officers cannot effectively assess whether an application breaks a vital, non-designated stepping-stone corridor.

Suggested Modifications for the Policies Map

To resolve these deficiencies prior to submission to the Secretary of State, the Trust suggests the following modifications:

- **Evidential Rectification:** The Council should formalise a comprehensive data-sharing agreement with the Local Biological Records Centre to verify and update all non-statutory site boundaries (LWS, SBIs, and BAS) on the Policies Map using the latest available data.
- **Spatial Revisions:** The Policies Map should be updated to include an overlay dataset charting the Stoke-on-Trent Nature Recovery Network (NRN) Corridors and Landscape Opportunity Areas to serve as a proactive tool for BNG deployment and development management decision-making.





- Textual Integration: The introductory text of Section 12 must cross-reference the Policies Map not as a static list of designations, but as a live spatial manifestation of the NRN, clearly stating how species records and migratory alerts inform the raw baseline of the mapped network.

Strategic Review of Sensitive Site Allocations

While the Trust notes the allocation of sites within highly sensitive ecological vicinities—specifically H58 (Packmoor), land within the Green Belt near the villages of Ball Green and Norton Green, and strategic employment hubs like BL12, we are not commenting on individual site allocations. However, any sites of ecological importance should be assessed, protected, or mitigated for through a legally watertight policy framework.

Because Policy NA3 (Biodiversity) is currently unsupported by the monitoring framework, relies on legally unenforceable mechanisms (conservation covenants), and utilizes a flawed glossary definition that fails to protect PAWS or fragmented stepping-stone corridors, the plan cannot guarantee that development at Packmoor, Norton Green, or BL12 will avoid significant, irreversible harm to the local Nature Recovery Network, LNRS and the hierarchy of statutory and non-statutory protected sites and priority and protected species. The overarching policies must be made sound before these allocations can be safely executed in accordance with national policy.

