**Solihull Local Plan Reg 19 submission stage**

Warwickshire Wildlife Trust has reviewed the Solihull Regulation 18 Submission Plan and has the following comments. The Trust supports the work that has been into the plan up until this stage but has a number of remaining concerns.

At this stage in the plan making process Regulation 19 stage of the plan in line with The Planning and Compulsory Purchase Act 2004 comments must be made on the test of soundness or

whether the plan complies with the relevant legal requirements. This includes whether the plan is ‘justified’- ‘an appropriate strategy, taking into account reasonable alternatives, based on proportionate evidence. Or consistent with national policy- in accordance with NPPF’. The following comments are in line with this requirement and on the round relate to the justified soundness test.

Overall WWT support the identification of LWS’s on the proposals map, however are extremely concerned about number of site allocations which are designated Local Wildlife Sites, near to ancient woodland and in the green belt. It is considered that these site allocations are not in line with the test of soundness.

**National Planning Policy Framework (NPPF) states:**

Paragraph 174 of the NPPF (2019) requires that plans:

“Protect and enhance biodiversity” and “safeguard components of local wildlife-rich habitats and wider ecological networks…”

**Natural Environment and Rural Communities Act 2006**

Section 40 of the NERC Act stipulates a *‘duty to conserve biodiversity’* and requires that:

 *“The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity… Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.”*

<http://www.legislation.gov.uk/ukpga/2006/16/section/40>

**‘**A Green Future: Our 25 Year Plan to Improve the Environment’ also flags biodiversity and the environment as key issues over the next 25 years.

**Site Allocations**

Warwickshire Wildlife Trust (WWT) is particularly concerned regarding the following site allocation:

-Allocation BS1 Balsall common Barratt’s Farm, is adjoining a linear Local Wildlife Site (LWS), Kenilworth Greenway, any proposals should ensure that development doesn’t impact on any biodiversity, including protected species, particularly though increased activity, noise and light pollution.

-Allocation BL1 - West of Dickens Heath- 350 dwellings, is directly adjacent to three designated LWS’s and adjacent to designated Ancient Woodland and in the green belt. We have had a number of concerns from a vast majority of our members regarding this site.

The policy wording is also not considered to be strong enough stating ‘potential for enhancement and appropriate buffer to Tythe Barn Coppice ancient woodland’. The word ‘potential’ should be modified out of the plan text, appropriate buffers should also be included on all of the Local Wildlife Site edges. The Landscape Assessment (2016) states also that the Blythe area has a high overall sensitivity to new development.

-Allocation BVP Blythe valley park, for between 59,000 and 99,000 sqm Mixed B use, this allocation is directly covering and would destroy part of LWS Blythe Valley County Park, and adjoin other LWS’s, with no proposals for buffers on the edge of the employment allocation. The site is also green belt and the proposed employment need is vague varying by 40,000sqm, in line with thes tests of soundness this figure should be based on an employment need for the area and to support housing need. An allocation for the lower figure would have less of an environmental impact and could include an area not designated as a Local Wildlife Site.

-Birmingham business park allocation is directly adjacent a designated Local Wildlife Site, with no mention of a buffer in the policy wording, or consideration of impact on the amenity of the neighbouring site.

-Allocation KN2: South of Knowle (Arden Triangle) for 600 dwellings is directly on a number of LWS’s and would include the loss of semi-improved grassland. Whilst the WWT is pleased to see the retention of the LWS, the site would be effectively surrounding by build development, noise, light pollution etc, which would affect species including protected species using the site, habitats and biodiversity. Whilst we are also pleased to see the inclusion of biodiversity offsetting this is just for semi improved grassland and should only be considered as a last resort, the policy requirements in 4 are also very vague and therefore would be hard to effectively enforce on a meaningful level.

-Allocation KN1 Hampton Road, Knowle 180 dwellings, is adjoining a designated Local Wildlife Site which could impact the important wildlife site, although we are pleased to see retention the LWS and provision of an appropriate buffer onto Purnells Brook Woodland Local Wildlife Site, although there is no obvious detail regarding the scale and make up of the buffer.

-Allocation UK2 – to potentially accommodate a relocated Household Waste and Recycling Facility- serious concerns as proposal is adjoining Elmdone Grange wood LWS and Elmdone Wood Nature Park and concerning part of Caste Hill Meadows LWS, and adjoining Hampton and Elmdone Coppice. Such facility would have a serious disruptive and noise impact, light pollution, impact on breeding species and on the biodiversity and protected species on these designated sites.

-Allocation SO1 East of Solihull for 700 dwellings is adjoining a LWS – Hampton and Elmdone Copppice which would impact on the biodiversity and protected species on the site. there is also no requirement to provide a buffer between the site and the Local Wildlife Site. 4i ‘Biodiversity enhancement’ is also too vague.

-JLR Jaguar Landowner allocation, covers directly over a LWS and directly adjoins, with no mention in the Policy wording of preservation of the Local Wildlife Site or consideration of the biodiversity in line with the NPPF and NERC Act.

**Policy P10 Natural Environment**

**States;**

1. The Council recognises the importance of a healthy natural environment in its own

right, and for the natural capital benefits it provides to the people, places and

economy of the Borough. The Council will seek to protect, enhance, restore, increase

and connect the natural environment and secure measurable net gains in

biodiversity. The full value and benefits of the natural environment will be taken into

account in considering all development proposals, including the contribution to the

green economy, the health and wellbeing of residents, and the role of green

infrastructure in reducing the impacts of climate change and improving air quality.

Joint working with neighbouring authorities and partners will be supported,

recognising the need for a landscape scale approach to the natural environment and

conservation of biodiversity and geodiversity.

Biodiversity and Geodiversity

2. The Council will seek to conserve, enhance and restore biodiversity **MOD ADD ‘and important habitats’** and geodiversity across the Borough. Development whose primary objective is to conserve or enhance biodiversity and/or geodiversity will be supported; while opportunities to

incorporate biodiversity improvements in and around developments will be

encouraged, especially where this can secure measurable net gains for biodiversity.

3. Protection of designated sites, ancient woodland, **ADD: Local Wildlife and potential local wildlife sites,** and priority habitats shall **ALSO include the establishment of buffers to any new development so that they connect** withexisting and created green infrastructure assets.

4. Development should be informed by up-to-date information on habitats and species,

and take full account of national and local guidance on conserving biodiversity,

opportunities for biodiversity enhancement and for improving and restoring the

Borough’s green infrastructure (especially fragmentation of habitats). When

appropriate, development should seek to enhance accessibility to the natural

environment, especially for disabled people.

5. Developers will be expected to take full account of **MOD- not strong enough wording protect and maintain as a key nature capital in the borough. t**he nature conservation or geological value, and the existence of any protected, rare, endangered or priority

habitats or species included in the Local Biodiversity Action Plan, national S.41 list,

or sites in the Local Geological Action Plan, as well as the Wildlife and Countryside

Act and Conservation of Habitats and Species Regulations.

6. Developers will be required to undertake an ecological survey, proportionate to the

scale and type of development, following best practice methods.

7. In considering the need for green space improvements associated with new

development, developers should have regard for the standards and priorities in the

Green Spaces Strategy/Open Space SPD in relation to accessible natural green

space, and Defra’s forthcoming GI standards.

**Biodiversity Net Gain**

8. Development will be required to demonstrate how it will secure a ‘net gain’ in

biodiversity of at least 10% compared with the pre-development baseline.

9. In the first instance, net gain should be provided in situ, as habitats and features to

support native biodiversity, as well as conserving and enhancing existing nature

conservation assets value within and around the development.

10. In the circumstances where development, which otherwise meets the objectives of

the Plan, is likely to have significant harmful effects on the natural environment, as a

result of the development itself, or the cumulative impact of developments,

developers must demonstrate that all possible alternatives that would result in less

harm have been considered and robustly discounted.

11. Where development is permitted, appropriate mitigation of the impacts and

compensation will be required to deliver a net gain in biodiversity. This should be

provided as:

i. habitat creation and/or restoration,

ii. increased connectivity of the ecological and green infrastructure network,

and;

iii. responds to landscape character and local distinctiveness.

12. Enhancements should be undertaken either on the site, or in its vicinity, but where it

is clearly justified that this is not possible, biodiversity offsetting, in alternative

strategic locations within the Borough’s ecological or green infrastructure network,

may be considered as a last resort.

13. Evidence should be provided using the Warwickshire, Coventry and Solihull

Biodiversity Impact Assessment calculator or Defra equivalent. Further guidance will

be provided in a Green Infrastructure and Biodiversity Net Gain SPD.

Arden Landscape

14. The Council will seek to protect, enhance and restore the diverse landscape features

of the Borough and to create characteristic habitats such as new woodlands, copses,

hedgerows and standard trees, urban trees, species-rich grassland, wood pasture,

parklands, wetlands and heathland. To halt and where possible reverse the

degrading of the Arden landscape and promote local distinctiveness.

15. Development should take full account of national and local guidance on protecting

and restoring the landscape and the areas in need of enhancement, including

guidance relating to the countryside. Developers will be expected to incorporate

measures to protect, enhance and restore the landscape, unless it is demonstrated

that it is not feasible, disproportionate or unnecessary **MOD –how would this be demonstrated not clear.**

**Sustainability Appraisal**

Policy BC3 - Kenilworth Road/Windmill Lane, Balsall Common section of the plan states that

‘558. Whilst the site does not perform well in the Sustainability Appraisal, with twice as many negative effects as positive, including one significant negative effect due to the distance to the key economic assets, much of the adverse effects relating to ecology, landscape, green infrastructure, historic assets and amenity can be mitigated with the more modest capacity now proposed’.

There is no detailed information or assessment of how this impact could be mitigated in the section of the plan. The policy proposes ‘creation of a significant corridor of public open space between the

development and the Relief Road. However public open space would most likely not provide suitable land for ecology and flora and fauna to thrive.

There is concern that the analysis in the Sustainability appraisal has not informed the plan making. As negative results have been discarded and sites seem to have been allocated without exploring alternative sites with less of an environmental assessment in detail.

Policy HA1 - Meriden Road, Hampton in Arden justification also states Para 643’ Whilst the site performs relatively poorly in the sustainability appraisal’. Again ignoring the results of the detailed SA work.

**Proposals Map**

We would also request that Nature Reserves and Potential Local Wildlife Sites are included on the proposals map.

**Conclusion**

Overall the WWT still has a number of concerns particularly with regards to the local of allocations and is concerned whether this is justified and whether the SA particularly environmental issues has fully informed site selection and allocation.

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Warwickshire Wildlife Trust