



Solihull MBC Local Plan Publication Stage Representation Form

Ref:

(For
official use
only)

Name of the Local Plan to which this representation relates:

Draft Submission Version

Please return to psp@solihull.gov.uk or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14th December 23:59

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This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text" value="Mr"/>	<input type="text" value="Ms"/>
First Name	<input type="text" value="Rupert"/>	<input type="text" value="Caroline"/>
Last Name	<input type="text" value="Young"/>	<input type="text" value="Chave"/>
Job Title (where relevant)	<input type="text" value="Development Director"/>	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Nurton Developments
(Hockley Heath) Ltd"/>	<input type="text" value="Chave Planning Ltd"/>
Address Line 1	<input type="text"/>	<input type="text" value="Enterprise Centre"/>
Line 2	<input type="text"/>	<input type="text" value="Bridge Street"/>
Line 3	<input type="text"/>	<input type="text" value="Derby"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="DE1 3LD"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address	<input type="text"/>	<input type="text"/>

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy P10 refers to a requirement to secure a net gain in biodiversity of 'at least' 10% (paragraph 8) and says that evidence should be provided using the Warwickshire, Coventry and Solihull Biodiversity Impact Calculator or DEFRA equivalent (paragraph 13). These requirements are not in accordance with the emerging Environment Bill and therefore they would not be sound or legally compliant once the bill passes into law, which is anticipated in spring 2021.

It is proposed in Schedule 14 of the Environment Bill (Bill 220 58/1) that Schedule 7a of the Environment Act includes the following provisions:

Biodiversity gain objective

2. (1) *The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.*

(2) *The biodiversity value attributable to the development is the total of—*
(a) the post-development biodiversity value of the onsite habitat,
(b) the biodiversity value, in relation to the development, of any registered

*offsite biodiversity gain allocated to the development, and
(c) the biodiversity value of any biodiversity credits purchased for the
development.*

(3) The relevant percentage is 10%.

*(4) The Secretary of State may by regulations amend this paragraph so as to
change the relevant percentage.*

Biodiversity value and the biodiversity metric

*3. References to the biodiversity value of any habitat or habitat enhancement are
to its value as calculated in accordance with the biodiversity metric.*

*4. (1) The biodiversity metric is a document for measuring, for the purposes of
this Schedule, the biodiversity value or relative biodiversity value of habitat
or habitat enhancement.*

*(2) The biodiversity metric is to be produced and published by the Secretary
of State.*

*(3) The Secretary of State may from time to time revise and republish the
biodiversity metric.*

It is clear that the Biodiversity Metric to be used will be that published by the Secretary State and not any local metric. It is also clear that the relevant percentage will be 10% and not 'at least' 10%. Therefore the use of the Warwickshire, Coventry and Solihull Biodiversity Impact Calculator is not supported by the emerging Environment Act and the requirement to achieve 'at least' 10% biodiversity gain goes beyond the provisions of the emerging Environment Act.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy P10 should be modified to remove the words 'at least' from paragraph 8 and so that paragraph 13 refers to the Biodiversity Metric to be published by the Secretary of State and not to the Warwickshire, Coventry and Solihull Biodiversity Impact Calculator.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to contribute to the discussion regarding the modifications required to this policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:



Date:

03/12/20