

Date: 12 December 2020
Our ref: 332453
Your ref: Solihull Local Plan Review (Reg 19)



Submitted via psp@solihull.gov.uk

BY EMAIL ONLY

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Dear Sir / Madam

**Solihull Local Plan – Draft Submission Plan
The Town and Country Planning (Local Planning) (England) Regulations 2012
Regulation 19 Statutory Consultation – Publication of a Local Plan**

Thank you for your consultation on the above which we received 30 October 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

NE recognises that it has been necessary to review the current local plan, the “Solihull Local Plan” 2011-2028 (SLP), adopted December 2013, for a number of reasons, largely associated with growth and development needs and pressures. We recognise that this plan largely replaces the SLP 2013, and that, therefore, most of its policies will no longer carry any weight. The only exceptions are the site allocations from the 2013 plan which remain to be brought forward.

Natural England considers that increased development and growth should provide opportunities for aligned green infrastructure / biodiversity enhancement and creation, including as part of green belt release.

We understand that this Draft Submission Version takes account of earlier consultations that took place between 2015 and 2019 and is also based on updated evidence. This formal consultation also follows informal comments we provided on draft policies back in July this year.

For the purposes of this consultation I confirm that Natural England has reviewed the following:

- Solihull Local Plan – Draft Submission Plan (October 2020)
- Natural Environment Topic Paper (October 2020)
- Draft Infrastructure Delivery Plan (IDP) – Solihull Local Plan Review (October 2020)
- Proposed Policies Plan Map (October 2020)
<https://www.solihull.gov.uk/Portals/0/Planning/LPR/Proposed-Policies-Map-Local-Plan-Review.pdf>
- Updated Habitat Regulations Assessment (HRA): Stage 1 Screening (September 2020) ref. RT-MME-152313 Rev B

In consideration of the locations of the proposed site allocations (as per Proposed Policies Plan Map), and distance / lack of environmental pathway with internationally and nationally protected sites, Natural England has not considered the Concept Masterplans in detail and will not be providing comment in this regard.

**CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)
WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

Protected Sites

Natural England has considered the Local Plan Review with regard to likely impact upon nationally and internally protected sites and confirms in has no concerns in either regard.

Specific comments in relation to the Updated HRA Screening Report are provided below.

We have not assessed the likely impact of the LPR, however, upon local sites and would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this Plan on the following when considering the Plan:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

IN SUMMARY, NATURAL ENGLAND CONSIDERS THESE SUBMISSIONS ARE ‘SOUND’, HAS NO SIGNIFICANT CONCERNS AS REGARDS THEIR CONTENT AND IS GENERALLY SUPPORTIVE OF THE PROVISIONS AS PROPOSED.

WE FURTHER CONFIRM WE HAVE NO OBJECTION AS REGARDS PROTECTED SITES.

More detailed comments on each document are provided in turn below. Recommendations are underlined in red.

Solihull Local Plan – Draft Submission Plan (October 2020)

Plan Section	NE Position	NE Additional comments
<i>Foreward (p4)</i>	Support	We welcome reference to the importance of and need for quality ‘blue and green infrastructure’ up front. Now more than ever, in light of climate change targets and the aspirations of Defras 25 Year Environment Plan (25YEP), the need for improved biodiversity protection and enhancement needs to take its place at the heart of a strategic plan and indeed, embedded throughout relevant themes to secure its delivery.
<i>Introduction (p5)</i>	Support	NE wholly welcomes the reference to the Meriden Gap at para 11 and its ‘strategic importance’ in separating Solihull and Birmingham from Coventry. The Meriden Gap is also an important N-S ecological corridor recognised by Natural England and we would resist development within the area which compromised this function. This evidence will be drawn out via the emerging LNRS / wider NRN .
Our Borough		
<i>Overview of the Borough (p8)</i>	<u>Recommendation</u>	<u>NE are disappointed to see no reference to natural assets in the description of the borough.</u>

Plan Section	NE Position	NE Additional comments
Challenges		
<i>Paragraph 38</i>	Support	Challenges identified generally supported
<i>Challenge K - protecting and enhancing our natural assets (p20)</i>	Support	No comments
<i>Challenge L – water quality and flood risk (p20)</i>	Support	Welcome the inclusion of a recognised need to protect the water quality of the River Blythe (SSSI)
<i>Challenge N - Mitigating the impacts of High Speed 2 and the growth associated with the UKC Hub area (p21)</i>	<u>Recommendation</u>	<u>Disappointed to see no mention of green infrastructure or habitat linkages. This is sizeable development and the importance of securing quality green infrastructure for the needs of nature and people is vitally important. Would recommend inclusion of need to plan for and secure such environmental connections alongside the built form. (Cross ref p24 'Borough Vision – but not simply connect to wider GI but also embed within)</u>
<i>Challenge O – Providing infrastructure and securing developer contributions (p22)</i>	Support	Welcomed and supported. Clear delivery mechanism for GI provision via the IDF and annual IDS.
Vision		
<i>Council Plan 2020 -25 (p23)</i>	Support	We welcome the provision of the summary of the Council Plan (2020-2025). NE welcomes the 3 core outcomes associated with the enhancing of Solihull's environment: the recognition of the need to improve air quality and the overall aspiration an enhanced, well connected natural environment with greater numbers of sustainable travel.
<i>Borough Vision Overview (p24)</i>	Support	NE welcomes the reference to the need for growth and economic connections associated with HS2 Station Interchange, Birmingham Airport, NEC and JLR to connect to wider green infrastructure. Welcome and support protection of strategically important 'Meriden Gap' going forward NE welcomes underpinning of Vision by the Council's Climate Change Declaration 2019 – directly responding to the Governments Climate Emergency and aspiration to become zero carbon by 2041. Also reference to WMCA target.
Spatial Strategy		
<i>Pages 26-28</i>	Support	NE has no concerns associated with the spatial strategy adopted and/or site selection process.
Policy Chapters		
Sustainable Economic Growth		
<i>Policy P1 UK Central Solihull</i>	Support	NE supports Policy P1 section 3iv and 3v as core policy requirements- Favouring of sustainable travel and

Plan Section	NE Position	NE Additional comments
Hub Area		delivery of a 'high quality strategic green and blue infrastructure network across the Hub area to enhance natural assets'.
Policy P1A Blythe Valley Business Park (p42)	Support	Support 2 – requirement to protect and enhance natural environment
Policy P2 Maintain Strong, Competitive Town	<u>Potential Recommendation</u>	<u>The policy recognises a need for diversification. Consider inclusion of new natural environment provision? - the natural environment can have a role in ensuring these areas remain focus for community interaction .</u>
Concept Masterplans	Support	Natural England welcomes the approach taken towards major site development, in the development of concept masterplans supported by policy.
Improving Accessibility & Encouraging Sustainable Travel		
Sustainable Travel Supporting text	Support	We welcome the adoption of the principles of Solihull Connected (2016) with regard to increasing sustainable travel. We welcome the councils development of an accompanying Cycling and Walking Strategy for the Borough and (LCWIP). Active travel will need form a major part of achieving sustainable growth – re: climate change targets and air quality improvements for people and wildlife.
Policy P7	Support	Also mention perhaps that walking and cycle routes can also marry up with GI and natural connections? Although this may be covered with cross ref to Solihull Connected 2vi
Protecting and Enhancing our Environment		
<i>Introduction (p89)</i>	Support	We welcome the reference to the Councils' Climate Change Prospectus which has been produced since the SLP was adopted, and its 4 core themes of: Clean Growth, Clean Air, Nature Gain and Communication, Education & Engagement. It is essential to base the plan and its policies around the important commitments around climate change as secured via the Climate Act 2019 and WMCAs commitment to achieve net zero by 2041.
<i>Paragraph 299, p90</i>	Support	Support and welcome the councils acknowledged value of the areas' natural capital, blue and green infrastructure and specific ref to the River Blythe SSSI.
<i>Paragraph 303</i>	Support	Welcomed recognition of the preparation of a Natural Capital Investment Strategy
Policy P9 Mitigating and Adapting to	Support	Welcome inclusion of both strategic and local sets of measures including of soft measures to assist such as GI (4iii)

Plan Section	NE Position	NE Additional comments
		<p><u>carbon stores such as peatland) should also be considered as part of ecological connectivity.</u></p> <p><u>Advise that Plan policies refer to the Defra Code of practice for the sustainable use of soils on construction sites.</u></p> <p><u>BMV land is Grades 1, 2 and 3a in the Agricultural Land Classification.</u></p> <p><u>The plan should recognise that development (soil sealing) has an irreversible adverse (cumulative) impact on the finite national and local stock of BMV land.</u></p> <p><u>Avoiding loss of BMV land is the priority as mitigation is rarely possible. Retaining higher quality land enhances future options for sustainable food production and helps secure other important ecosystem services. In the longer term, protection of BMV land may also reduce pressure for intensification of other land.</u></p>
Policy P10 Natural Environment <i>Supporting text</i>	Support	Welcome reference to ongoing partnership work and nature recovery and natural capital evidence. Confirm up to date account
Policy P11 Water and Flood Risk Management	Support	Seek to not only mitigate effects of development but seek to enhance water quality of River Blythe SSSI. Supporting of SuDS and naturalisation of river corridors
<u>Promoting Quality of Place</u>		
Policy P14 Amenity	Support	Welcome reference to importance of safeguarding important trees
Policy P15 Securing Design Quality	Support	NE welcomes the strong underpinning of natural environment needs, including biodiversity and climate change measures. Useful cross reference to P10 and P11 embedded in policy.
Policy P15 p398 supporting text	Support	NE welcomes and supports particular reference here to the importance of trees - provided they are carefully selected, positioned and maintained for longevity and hence maximum ecosystem services delivery
Policy P17A Green Belt Compensation	Support	NE supports inclusion of ref to environmental improvements as part of the Council's Green Infrastructure Opportunity Mapping.
<u>Health and Supporting Local Communities</u>		
Policy P18 Health and Well being	Support	Particularly support sub criterion 2x - <u>Retaining, increasing and enhancing green infrastructure within developments</u> including green spaces, planting, trees, open spaces and soft surfaces, in order to secure a variety of spaces for residents, visitors or employees to use and observe.
Policy P20 Provision for Open Space, Children's Play, Sport, Recreation and	Support	NE welcomes consideration of 'stepping stone sites' and habitat fragmentation as part of this policy.

Plan Section	NE Position	NE Additional comments
Leisure		
<u>Delivery and Monitoring</u>		
Policy P21 Developer Contributions & Infrastructure Provision	Support	NE welcomes development of IDP and annual IDS reviews to guide delivery. Welcomes recognition that each development needs to meet its own infrastructure needs and pressures in respect of green infrastructure

Natural Environment Topic Paper (October 2020)

NE considers this a useful document including the core policy, partnerships and projects that have informed the local plan review. We welcome important inclusions such as recent NPPF provisions and other national policy.

Topic Paper Section	NE Position	NE Additional comments
-	Support	We are pleased to see that concept statements are informed by P1 surveys.
<i>Paragraph 33 (Net Gain)</i>	<u>Recommendation</u>	<p><u>NE considers the 3rd sentence needs clarity. Here it appears you make comment that the government considers '...the best approach for net gain where development affects statutory protected sites.'</u></p> <p><u>However, to be clear, BNG does not replace existing environmental legislation or policy requirements. This includes the application of the mitigation hierarchy and BNG does not apply to development subject to the Habitats Regulations. It is not intended to be used to assess impacts and calculate compensation for habitat damage or loss affecting irreplaceable habitats or other designated sites, including SSSIs.</u></p> <p><u>This, you make clear at is at paragraph 54 – '...Net gain should be measurable, of lasting value and not override the protection for designated sites, protected or priority species and irreplaceable or priority habitats set out in the NPPF..'</u></p>
<i>Paragraph 40</i>	Support	We welcome reference to the WMCA project which is of relevance
<i>Paragraph 46-47</i>	<u>Support</u>	<u>NE welcomes value of soil in this topic paper. Recommends this value is translated into policy within the LPR</u>
<i>Conclusion and Appendices</i>	Support	<i>No concerns</i>

Draft Infrastructure Delivery Plan (IDP) – Solihull Local Plan Review (October 2020)

Natural England welcomes the development of the IDP which demonstrates a considered approach to practical delivery of the Plan’s aspirations relating to green infrastructure and the natural environment including cross boundary issues and potential cumulative effects. We are pleased to see this is being treated as a ‘live’ document, subject to regular reviews and updates or order to capture relevant risks and fresh opportunities. This is welcomed and assists in demonstrating the Plan’s ‘soundness’.

Draft IDP Section	NE Position	NE Additional comments
<i>Paragraph 1.8</i>	Support	We welcome the planned continuation of CIL funding to secure provision of local and strategic green infrastructure and the expectation that <i>‘where a development puts pressure on social or green infrastructure, or creates a need, ... provision will need to be made’</i>
<i>Section 2.3 (Green Infrastructure)</i>	Support	Natural England commends the recognition and inclusion of ‘ecosystems services’ delivery as a central purpose of GI. These can extend beyond those facilitating climate change adaptation and mitigation. Recommend identification of assets and needs as pinch points for prioritised action.
<i>Section 2.3.1</i>	Support	National context section up to date and welcomed.
<i>Section 2.3.2</i>	Support	Reference to emerging LNRS welcomed as well as the Infrastructure Strategy and Delivery Plan.
<i>Section 5.0 Green Infrastructure</i>	<u>Recommendation</u>	<u>Clearly, as detailed in the Topic Paper, there are a number of pieces of core evidence relating to GI now in development. As this is a live document we expect to see these inclusions in future iterations. NE notes the tabular recognition of potential adverse impacts from new growth and development in the borough and considers the emerging Nature Recovery Network and Local Nature Recovery Strategy (LNRS) as key to avoiding many of the risks.</u>
<i>Section 5.1 – water quality</i>	<u>Recommendation</u>	<u>Welcome recognition of River Blythe SSSI unfavourable condition. NE would welcome inclusion of need to actively enhance though policy</u>
<i>Section 5.3 – Trees and woodland</i>	Support	Supportive of urban Forest aspiration. Question – is the LPA confident that the policy levers provided by Policy P10 and Policy P14 are sufficient to achieve this end?
<i>Page 142-143 – Green Infrastructure</i>	Support	NE agrees that the provision made in individual concept plans provides the detail required in respect of open space provision. We welcome the development of the NCIP and Delivery Plan and look forward to its consultation at submission stage. We also welcome reference and acknowledgement of the emerging LNRS in this regard.

Proposed Policies Plan Map (October 2020)

- River Blythe SSSI appears to be largely missing from the map. Or perhaps it needs greater

definition?– recommend inclusion / greater visibility

- NE notes that Coleshill and Bannerley Pools SSSI is located directly adjacent borough boundary. This does not need be placed on the proposals map but does need to be considered in light of potential impacts from proposed development. Similarly, Brook Meadow Darley Green SSSI, Clowes Wood and New Fallings Coppice SSSI.
- SLP27 is located directly adjacent to Monkspath Meadow SSSI. NE sees from the key that this is an existing allocation as opposed to proposed as part of this review. If this is not the case then we would want to look into this further to ensure the special features of this protected site will not be harmed.
- The proposed allocations do not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals, however, should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.
- Natural England has no specific concerns as regards the proposed allocations and nationally protected sites.

Updated Habitat Regulations Assessment (HRA): Stage 1 Screening (September 2020)

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

You will recall Natural England had early sight of this document in September 2020 and provided assurance to this effect at this time. Further we fully support recommendation R2, in that, any future material revisions should be screened.

Natural England found the assessment was clear and concise and adopted a precautionary approach. It also considered the decision by the Court of Justice of the European Union in the case of People Over Wind and Sweetman V Coillte Teoranta (C-323/17).

We hope you find these comments useful.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Susan Murray on [REDACTED] any new consultations, or to provide further information on this consultation please send your correspondences to.

Yours faithfully

Susan Murray
Natural England
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