

Reviewing the Plan for **Solihull's Future**

Solihull Local Plan Review

Reg 19 Draft Local Plan:
Natural Environment
Topic Paper

October 2020



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1. Introduction

1. This volume contains a series of papers supporting the Council's Draft Local Plan which has been published for consultation. The topic papers look at the relevant national and local guidance that impact on the emerging plan. They also provide a summary of the evidence base and how it has been used to shape the local plan. The topic papers do not contain any policies, proposals or site allocations and should be seen as explanatory supporting documents.
2. The topic papers have focussed on the issues that have been subject to more significant change from 2013 local plan and address the following:
 - Introduction
 - Reference relevant national & regional policy/references
 - Identify the evidence used to inform the policy/policies
 - Explain how evidence has been used to shape the policy
 - Explain how representations on previous iterations of plan have been used to shape the policy

2. Background

Natural Environment Policy in the Solihull Local Plan 2013

3. The 2013 Local Plan identified “Protecting and enhancing our natural assets” as key challenges (K) and a guiding principle of the vision, and spatial strategy. Policy P10 ‘Natural Environment’ brought previous UDP policies together in one comprehensive policy.
4. The 2013 policy sought to recognise the value of natural capital in delivering ecosystem services as well as the intrinsic value of protecting and enhancing an environment rich in biodiversity and a range of habitats. Particular protection was placed on nationally designated sites, locally designated sites, as well as non-designated ecological networks and priority habitats and species.
5. A mechanism for biodiversity offsetting was introduced, in line with the Warwickshire, Coventry and Solihull biodiversity offsetting pilot. Green infrastructure was treated as a cross-cutting theme throughout the Plan, and features in other policies such as P9 (Climate Change), P11 (Water Management), P14 (Amenity), P15 (Securing Design Quality) and P18 (Health and Wellbeing).
6. The 2013 Local Plan was supported by evidence in the Solihull Green Infrastructure Study 2012 and the Sub-regional Green Infrastructure Study 2013, responding to input from Natural England and the local Wildlife Trust.
7. The Council has an in-house Ecologist providing advice on planning applications and policy development. The SLP policy has been effective in securing natural capital and green infrastructure enhancements on and off-site.
8. Since the adoption of the Local Plan in 2013, 26 new Local Wildlife Sites have been identified¹, and new Local Nature Reserves designated at Beechcroft in Castle Bromwich, and Langley Hall Park in Olton.²

¹ Habitat Biodiversity Audit data (2019/2020) – Total of 126 Local Wildlife Sites

² <https://www.solihull.gov.uk/Resident/Leisure-parks/parks-and-open-spaces/local-nature-reserves>

3. Local Plan Review

Introduction

9. In July 2015, the Council decided that instead of pursuing a Local Area Plan (LAP) for potential development around the HS2 Interchange, it should be pursued through a review of the Solihull Local Plan (SLP), which was adopted December 2013. Two further factors also pointed to an early review of the plan; namely to deal with the legal challenge to the housing requirement in the SLP and to address the housing shortfall that is occurring in the wider housing market area.

Scope, Issues and Options (2015)

10. The Local Plan Review Scope, Issues & Options was published for consultation during December 2015 and January 2016³. The document indicated that the Council considered that Challenge K relating to the natural environment remained relevant, and that Policy P10 would not require any further amendments.
11. The Interim Sustainability Appraisal published at the SIO stage analysed the 2013 policies against the 21 topics in the SA Framework.⁴
12. The SA indicated that the existing 2013 policy could be more proactive as: "The policy does not perform as highly as it might since its positive intentions are predicated upon development occurring that requires mitigation measures. Thus the benefits are traded for losses."
13. The SA recommended that any updated policy refers to the "management of ecological mitigation or offsetting measures and to provide for the enhancement of local biodiversity," as it is not clear from the policy whether undesignated sites are included.
14. Representations made at Scope, Issues and Options stage indicated that Policy P10 should be updated in the Local Plan Review to reflect changes in policy at national level, to provide greater protection for ancient trees and woodlands and make more explicit links with health and well-being. Natural England commented that it is necessary to ensure policy drivers are in place to promote strategic green infrastructure and to maintain ecological networks. The Environment Agency noted that fragmentation of green and blue infrastructure is an important challenge to be avoided.
15. In the Council's response to the representations, the Council noted the comments and stated that Policy P10 would be amended to take them into account.

Draft Local Plan Review (2016)

16. The Draft Local Plan Review document was published for consultation from December 2016 to February 2017.⁵ It sought views on a local plan review for the period 2018-2033 and included revised Policies P1-P21 from the adopted Local Plan, a housing requirement figure 15,765, including a contribution of 2,000 dwellings to the Greater Birmingham HMA shortfall. The spatial strategy provided for 20 new allocations, including 14 into the Green Belt.

³ https://www.solihull.gov.uk/Portals/0/Planning/LPR/LPR_Scope_Issues_and_Options_Consultation_Full.pdf

⁴ https://www.solihull.gov.uk/Portals/0/Planning/LPR/Sustainability_Appraisal_Scope_%20Issues_%20Options.pdf

⁵ <https://www.solihull.gov.uk/Portals/0/InfoandIntelligence/Solihull-Local-Plan-Review.pdf>

- 17. Policy P10 was updated to reflect the consultation responses to the Scope, Issues and Options Stage and recommendations in the Sustainability Appraisal. The policy structure was also re-arranged to clarify the policy objectives.

Draft Local Plan – Sustainability Appraisal

- 18. In advance of the publication of the Draft Local Plan, the Sustainability Appraisal’s Scoping Report was updated. Following consultation with statutory bodies, the Sustainability Appraisal Framework was refined to comprise 19 objectives grouped under 4 themes. The proposed strategy, site allocations and policies within the Draft Local Plan were then appraised and scored against these 19 objectives to assess how they fare in sustainability terms.
- 19. The objectives under the third theme ‘Natural resource protection & environmental enhancement’ are of particular relevance, and ensure that the wider impacts of the Plan are taken into account in a cross-cutting way:

Natural resource protection & environmental enhancement
9. To enhance the connectivity of ecological sites and enhance LBAP priority habitats and species.
10. To manage the landscape effects of development in recognition of the European Landscape Convention as well as the risks and opportunities associated with measures to address climate change.
11. To facilitate the delivery and enhance the quality of areas providing green infrastructure.
12. To enhance, conserve and protect buildings, sites and the setting of historic assets as part of development projects
13. To deliver improvements in townscape and enhance local distinctiveness.
14. Minimise air, soil, water, light and noise pollution. <ul style="list-style-type: none"> a) Continue to deliver reductions in particulate and nitrogen dioxide levels. b) Manage the drainage network to ensure no detriment to surface water quality. c) Reduce the intrusion of urban and highway lighting. d) Deliver reductions in road traffic noise focusing on those areas identified as First Priority Locations by Defra under the Environmental Noise Directive. e) To conserve the best and most versatile agricultural land.

- 20. The Interim SA for the Draft Local Plan (final version published January 2017) appraised the draft local plan policies against the objectives in the updated SA framework. The SA found that the 2016 Draft Policy is expected to deliver minor positive outcomes as the effects are local in their geographic influence, including landscape (SA10), urban adaptation (SA8), losses from flooding (SA7), and reducing health inequalities (SA17) as well as biodiversity (SA9).
- 21. Despite some amendments to the policy, the SA still concluded that the draft policy would perform more highly if the positive intentions were not predicated upon development occurring to create a need for mitigation measures. The text would also benefit from being clearer in terms of whether the policy applies to non-designated sites of ecological value.
- 22. The advice in the SA stated that “the plan is predicted to have potential negative effects on biodiversity, landscape and the historic environment due to the scale and location of growth on Green Belt sites in particular. Though these effects are not predicted to be major, there are cumulative effects across the borough. Plan policies that seek to protect and enhance biodiversity and landscape ought to minimise the negative effects that could potentially occur. Key to ensuring that significant negative effects are avoided is to ensure that strategic green infrastructure is enhanced and helps to improve connectivity between ecological networks.”

23. In response to Natural England's comments at Scope, Issues and Options stage, a draft Green Infrastructure Opportunities Map was included in the Draft Local Plan Review document.

Draft Local Plan – Representations to Consultation

24. The Summary of Representations to the Draft Local Plan were reported to Cabinet Members on 18th July 2017.⁶ There were 1750 respondents to the consultation, comprising over 6,300 representations. The consultation did not have a specific question for Policy P10, but responses were under the theme 'Protecting the Environment.'
25. There was general support for the policy and recognition of the importance to protect the natural environment. From the developer point of view there was some recommendation to ensure that the policy was flexible and was not unduly onerous. Natural England were concerned that a Habitats Regulations Appropriate Assessment had not yet been carried out and were keen to ensure that national sites, i.e. SSSIs were given the highest level of protection. Concerns were raised that the site allocations should accord with the proposed policy. The farming community were keen that their contribution as stewards of wildlife and the environment were recognised. The Warwickshire Wildlife Trust recommended alterations to the policy to ensure all locally designated sites were accorded their full biodiversity value and to include references to biodiversity net gain. The Trust also recommended that potential Local Wildlife Sites were assessed by the Local Wildlife Sites partnership as part of the SHELAA and wider site assessment process. The Woodland Trust asked for greater emphasis on ancient trees.

Supplementary Consultation to the Draft Local Plan (2019)

26. A Supplementary Consultation was published in January 2019⁷, which related specifically to proposed housing allocations and not policies. The Draft Local Plan had consulted on red line sites in 2016 and indicated estimated capacities based on the SHELAA (2016). Following further more detailed work on site constraints and deliverability issues, concept masterplans were drawn up for the proposed housing allocations and published in a separate document as part of the consultation.⁸
27. Provision of green infrastructure, retention of natural capital assets and connectivity with the wider countryside were guiding principles informing the concept masterplans. Ecological assessments were commissioned for the original draft local plan sites, and surveys on potential LWS had been carried out, resulting in the designation of new Local Wildlife Sites within the wider red line site plan for proposed Sites 4 and 9.
28. A HRAA was also commissioned and a Screening Report completed in April 2018 for the 2016 version draft local plan policies. This concluded that the sites and overall growth would not have a detrimental impact on European designated sites.

⁶ https://www.solihull.gov.uk/Portals/0/Planning/LPR/DLP_-_Summary_of_Representations.pdf

⁷ <https://www.solihull.gov.uk/Portals/0/Planning/LPR/Solihull-Local-Plan-Review-Draft-Concept-Materplans.pdf>

⁸ <https://www.solihull.gov.uk/Portals/0/Planning/LPR/Solihull-Local-Plan-Review-Draft-Concept-Materplans.pdf>

4. Strategic & Policy Context

National Strategic Context

29. Since the publication of the Natural Environment White Paper⁹ and the Biodiversity Strategy for England¹⁰ in 2011, there has continued to be a decline biodiversity in England¹¹. This is due to intensification of agriculture, climate change, urbanisation, pollution, hydrological change, invasive non-native species and unsustainable woodland management. The State of Nature Report¹² (2019) finds that, although progress has been made in some areas of biodiversity recovery, the UK will not meet most of the CBD's 2020 Aichi targets.

25-Year Environment Plan

30. In January 2018 the Government published 'A Green Future: Our 25 Year Plan to Improve the Environment'¹³ for England. The 151-page document covers a wide-range of issues concerning the environment, and a long-term vision and strategy on tackling the issues relating to sustainable land management, nature recovery, health & wellbeing, resource efficiency, reducing pollution and waste, marine ecosystems and the global environment.
31. The 25-year Environment Plan complements, and to be implemented alongside the Government's Clean Growth Strategy and Industrial Strategy from 2018-2019.
32. The 25-year Plan recognises that a more radical approach is needed to halt and reverse the decline in biodiversity and to deliver the creation of 'more, bigger, better, connected' places for nature. Initiatives proposed include:
- Embedding an 'environmental net gain' principle for development, including housing and infrastructure
 - Restoring 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term.
 - Creating or restoring 500,000 hectares of wildlife-rich habitat outside the protected site network, focusing on priority habitats as part of a wider set of land management changes providing extensive benefits.
 - Taking action to recover threatened, iconic or economically important species of animals, plants and fungi, and where possible to prevent human induced extinction or loss of known threatened species in England and the Overseas Territories.
 - Increasing woodland in England in line with our aspiration of 12% cover by 2060: this would involve planting 180,000 hectares by end of 2042.
 - Improving our approach to soil management: by 2030 we want all of England's soils to be managed sustainably, and we will use natural capital thinking to develop appropriate soil metrics and management approaches.
 - Ensuring that food is produced sustainably and profitably.

⁹ <https://www.gov.uk/government/publications/the-natural-choice-securing-the-value-of-nature>

¹⁰ <https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services>

¹¹ <https://nbn.org.uk/stateofnature2019/reports/>

¹² <https://nbn.org.uk/stateofnature2019/reports/>

¹³ <https://www.gov.uk/government/publications/25-year-environment-plan>

- Safeguarding and enhancing the beauty of our natural scenery and improving its environmental value while being sensitive to considerations of its heritage.
 - Making sure that there are high quality, accessible, natural spaces close to where people live and work, particularly in urban areas, and encouraging more people to spend time in them to benefit their health and wellbeing.
 - Focusing on increasing action to improve the environment from all sectors of society.
 - Managing and reducing the impact of existing plant and animal diseases; lowering the risk of new ones and tackling invasive non-native species.
33. In 2019, the Government consulted on biodiversity net gain, seeking views on how the planning system could be improved to protect the environment.¹⁴ The Government published its response to the consultation in July 2019 and in the Spring Statement announced it would mandate net gains for biodiversity in the Environment Bill. The net gain in legislation will stand at 10% but the Government committed to keep irreplaceable habitat sites out of scope of the net gain requirement and consider the best approach for net gain where development affects statutory protected sites. Defra have published a biodiversity metric, which provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change.¹⁵

Environment Bill

34. The Environment Bill was laid before Parliament on 30th January 2020. The Bill covers two broad themes. Firstly, providing a new domestic framework for environmental governance. Secondly, making provision on specific environmental policy areas including waste, air quality, water, nature and biodiversity, and conservation covenants.¹⁶
35. The 10th March 2020 update¹⁷ summarised the following:

“The nature and biodiversity Part of the Environment Bill (Part 6) and conservation covenants (Part 7) provide a framework of measures to support nature’s recovery in line with the ambition set out in the 25 Year Environment Plan.

This Bill contains a coherent package of new duties, tools and support to drive improvement for nature:

- *a 10% biodiversity net gain requirement on new development*
- *a strengthened biodiversity duty on public authorities*
- *Local Nature Recovery Strategies (LNRSs)*
- *targeted measures to protect existing trees*
- *conservation covenants*

Local authorities have a key role to play in the delivery of measures across the nature and biodiversity parts of the Bill. This will create additional demand for specialist environmental

¹⁴ <https://www.gov.uk/government/consultations/biodiversity-net-gain-updating-planning-requirements>

¹⁵ <http://publications.naturalengland.org.uk/publication/5850908674228224>

¹⁶ <https://www.parliament.uk/business/news/2020/february/have-your-say-on-the-environment-bill/>

¹⁷ <https://www.gov.uk/government/publications/environment-bill-2020/10-march-2020-nature-and-conservation-covenants-parts-6-and-7>

and ecological skills. We will support local authorities by ensuring they have access to resources, training, expertise and systems to support the implementation of the nature chapter.

The Bill lays the foundation for the Nature Recovery Network. In addition to setting the framework for at least one legally binding target for biodiversity, it establishes spatial mapping and planning tools – Local Nature Recovery Strategies - to help inform nature recovery and the actions and incentives to drive change on the ground.

The NRN will support an expanding and increasingly connected area of wildlife-rich habitats, which will aid the recovery of wildlife, help wildlife adapt to climate change and provide wider environmental benefits, such as carbon capture, water quality and recreation.

Sitting alongside our plans for introducing a new Environmental Land Management Scheme in the Agriculture Bill, the nature parts of the Environment Bill set out actions and incentives to drive change on the ground.”

36. Schedule 14 of the Draft Bill¹⁸ makes provision for biodiversity gain to be a condition of planning permission in England. Within the Schedule is a clause to allow the date of determining the pre-development biodiversity value to be set as the date of the Bill, i.e. 30th January 2020. This would, for example, prevent the degrading of biodiversity value on-site prior to a planning application to lower the net gain to be achieved.¹⁹
37. The progression of the Bill has been delayed by the impacts of the Covid-19 pandemic. A policy paper on the scope of legally binding environmental targets was published in August 2020²⁰, and a new date has been scheduled in December 2020 for the Bill to return to the House of Commons.²¹

¹⁸ As laid on 30th January 2020

¹⁹ Pre-development biodiversity value

5 (1) In relation to any development for which planning permission is granted, the pre-development biodiversity value of the onsite habitat is the biodiversity value of the onsite habitat on the relevant date.

(2) The relevant date is— (a) in a case in which planning permission is granted on application, the date of the application, and (b) in any other case, the date on which the planning permission is granted. (3) But the person submitting the biodiversity gain plan for approval and the planning authority may agree that the relevant date is to be a date earlier than that specified in sub-paragraph (2)(a) or (b) (but not a date which is before the day on which this Schedule comes into force in relation to the development). (4) This paragraph is subject to paragraphs 6 and 7.

6 If— (a) a person carries on activities on land on or after 30 January 2020 otherwise than in accordance with— (i) planning permission, or (ii) any other permission of a kind specified by the Secretary of State by regulations, and (b) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been, the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.

7 Where planning permission is granted in respect of land which is registered in the biodiversity gain site register under section 91 of the Environment Act 2020, the pre-development biodiversity value of the land is the total of— (a) the biodiversity value of the onsite habitat on the relevant date, and (b) to the extent that it is not included within that value, the biodiversity value of the habitat enhancement which is, on that date, recorded in the register as habitat enhancement to be achieved on the land.

²⁰ <https://www.gov.uk/government/publications/environment-bill-2020/august-2020-environment-bill-environmental-targets>

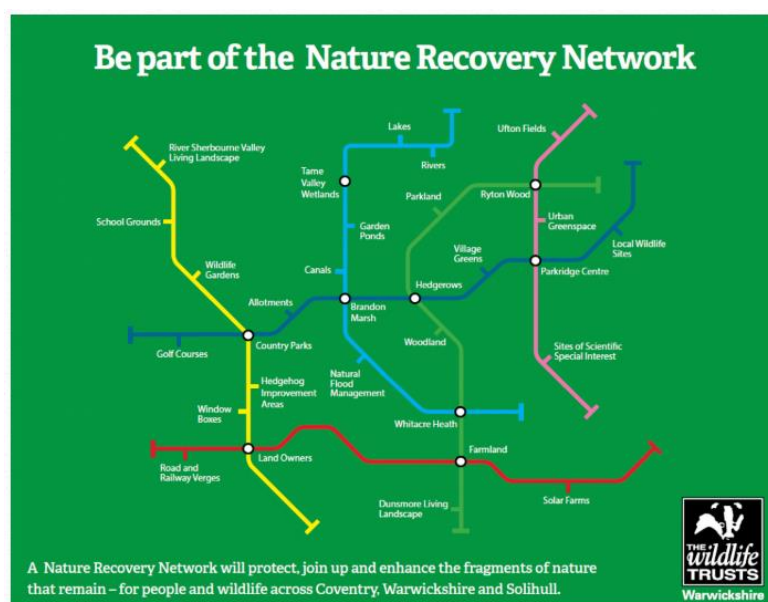
²¹ <https://services.parliament.uk/bills/2019-21/environment.html>

Regional Strategic Context

38. In January 2020 the West Midlands Combined Authority published a Green Paper “#WM2041 Actions to meet the climate crisis with inclusivity, prosperity and fairness” for a period of consultation.²²
39. Natural Capital is key to one of the four main objectives underpinning the Vision: “Enhance the natural and historic environment, improve biodiversity and water quality, reduce flood risk and highlight the opportunities for natural capital and environmental net gain.”
40. The WMCA reported on the consultation in June 2020, and put forward ‘A Programme for Implementing an Environmental Recovery’, which naturally also addressed the impacts of Covid-19.²³ Following recommendations in the report, the WMCA ‘Environment and Energy Board’ reported on “WM2041 Natural Capital Projects and Programmes” in October 2020.²⁴ These include a project to improve access and coverage to green space across the WMCA sub-region; an update on the progress towards a West Midlands National Park; and tree planting targets for each Local Authority in the CA.

Local Nature Partnership

41. Solihull collaborates with its West Midlands Combined Authority partners through the Environment and Energy Board and Natural Capital Roundtable²⁵. Solihull also sits within the Coventry, Solihull and Warwickshire Local Nature Partnership.²⁶
42. The Warwickshire Wildlife Trust is working with partners towards a Local Nature Recovery Network²⁷:



Nature Recovery Network map

²² <https://www.wmca.org.uk/media/4008/wm2041-final-003.pdf>

²³ <https://www.wmca.org.uk/media/4009/wm2041-a-programme-for-implementing-an-environmental-recovery-june-2020.pdf>

²⁴ <https://governance.wmca.org.uk/documents/s4722/Report.pdf>

²⁵ <https://www.sustainabilitywestmidlands.org.uk/wp-content/uploads/Natural-Environment-WMCA-Workstream-Update-19.3.18-.pdf>

²⁶ <https://www.warwickshirewildlifetrust.org.uk/LNP>

²⁷ <https://www.warwickshirewildlifetrust.org.uk/news/nature-recovery-networks>

NPPF

43. Since the consultation on the Draft Local Plan Review (Dec 2016 – Feb 2017) the NPPF has been updated in July 2018, and then again to take into account the new standard methodology for assessing housing need in February 2019.
44. Contributing to ‘protecting and enhancing our natural, built and historic environment; including making effective use of land [and] helping to improve biodiversity’ are considered central tenets to achieving the goal of sustainable development in the NPPF.²⁸ Paragraphs 170-177 of Chapter 15 ‘Conserving and enhancing the natural environment’ pay particular attention to biodiversity and ecosystems. Changes that affect the natural environment are: the distinction between strategic and local policies²⁹, whilst reiterating that conserving the natural environment is a strategic policy; greater emphasis on securing biodiversity net gain; reference to natural capital as well as ecosystem services³⁰.

Planning Practice Guidance

45. The Natural Environment section was first published on 21st January 2016, and last updated 21st July 2019. The contents are:
- Agricultural land, soil and brownfield land of environmental value
 - Green infrastructure
 - Biodiversity, geodiversity and ecosystems
 - Landscape
46. Soil is an essential natural capital asset and provides important ecosystem services; carbon and water storage, biodiversity reservoir, pollution buffer as well as medium to grow food crops and timber.
47. The PPG sets out the best and most versatile agricultural land (BMV) is defined as Grades 1, 2 and 3a. Natural England must be consulted on non-agricultural large scale development that is proposed on best and most versatile land that is not in accordance with the development plan. Additional guidance was issued in 2018 to protect BMV land and soils.³¹
48. Green infrastructure is described as:
- “a range of spaces and assets that provide environmental and wider benefits. It can, for example, include parks, playing fields, other areas of open space, woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees and ‘blue infrastructure’ such as streams, ponds, canals and other water bodies. References to green infrastructure in this guidance also apply to different types of blue infrastructure where appropriate.”³²*
49. Green infrastructure functions as:
- “a natural capital asset that provides multiple benefits, at a range of scales. For communities, these benefits can include enhanced wellbeing, outdoor recreation and access,*

²⁸ Para. 8

²⁹ Para. 20

³⁰ Para. 170

³¹ <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

³² Paragraph: 004 Reference ID: 8-004-20190721

enhanced biodiversity and landscapes, food and energy production, urban cooling, and the management of flood risk. These benefits are also known as ecosystem services.”³³

50. Green infrastructure strategies identifying the location of existing and proposed green infrastructure networks are important tools to set out the appropriate policies for their protection and enhancement. Furthermore, such strategies can inform the other plan policies, infrastructure delivery requirements and the Community Infrastructure Levy.
51. As Green infrastructure requires sustainable management and maintenance it is important to identify funding arrangements as early as possible in the design and development process.
52. [Section 40 of the Natural Environment and Rural Communities Act 2006](#) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. This means that conserving biodiversity is not just restricted to a particular plan policy, but should pervade the entire Local Plan in its strategy, allocations and wider policies as well as decision-making on individual planning applications.
53. The PPG provides additional guidance on the identification and mapping of local ecological networks and working with Local Nature Partnerships and similar to provide the latest evidence. Furthermore, local networks will inform the Nature Recovery Network; an expanding and increasingly-connected network of wildlife-rich habitat across England as set out in the Government's 25 year Environment Plan.
54. Greater detail is provided on achieving biodiversity net gain on new developments as well as wider environmental net gain in terms of increasing natural capital and the delivery of ecosystem services. 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. Net gain can be achieved on-site, off-site or a combination of both.
55. The importance of trees and woodlands is highlighted with special protections for irreplaceable ancient woodland and veteran trees. There are many benefits associated with planting trees within settlements, however, the future and/or replacement plantings will need to take into account the impacts of climate change on their resilience and longevity in choice of species and age structure.
56. The section on landscape recognises the intrinsic character and beauty of the countryside, which is not just limited to national and local designations, such as AONBs. Policies may set out criteria to assess the impacts on landscapes of particular local value and cumulative impacts of development should be carefully considered.

Legislation and guidance

57. Protecting biodiversity and species and habitats is enshrined in law, including the Wildlife and Countryside Act³⁴ and Countryside Rights of Way Act³⁵. The updated NPPF continues to reference Circular 06/2005 “Planning for biodiversity and geological conservation: a guide to good practice”.

³³ Paragraph: 005 Reference ID: 8-005-20190721

³⁴ 1981 (as amended)

³⁵ 2000 (as amended)

58. The UK exited the EU on 31 January 2020. Until 31 December 2020 the UK is in a transition period, during which EU legislation and policy will be followed. The Government is committed that from the 1st January 2021 the UK will maintain environmental standards and international obligations.³⁶
59. The Conservation of Habitats and Species Regulations 2017 transposes the EU Habitats Directive and Wild Bird Directive into domestic law.³⁷ To ensure that the same protections are afforded to habitats and species after 'Exit Day'³⁸ from the European Union, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 will be enacted, which pulls current environmental regulations underpinned by EU law across into national law. These should be cited as amendments to the 2017 Regulations, and will be largely limited to 'operability changes' that will ensure the regulations can continue to have the same working effect as now after the transition period.
60. The Government has also committed to establishing (through the Environment Bill) the Office for Environmental Protection (OEP), a new independent, statutory body will oversee

³⁶ <https://www.gov.uk/guidance/upholding-environmental-standards-if-theres-a-no-deal-brexit>

³⁷ Full CIEEM text here, from 4th March 2020: <https://cieem.net/referencing-environmental-eu-legislation-post-brexit/>

The UK exited the EU on 31 January 2020. There will now follow a transition period until the end of the year during which EU legislation and policy will be followed. The only exception to this is that while EU case law from before 31 January 2020 will continue to be relevant to the UK position, any modifications to the law as a result of cases after that date will not be relevant to the UK.

CIEEM will provide updates as the UK position develops through the various pieces of legislation that address environmental protection and governance in Westminster and the Devolved Nations.

The UK Government and Statutory Nature Conservation Bodies have provided further advice on environmental legislation and standards post-Brexit for [England](#), [Northern Ireland](#), [Scotland](#) and [Wales](#).

For England, [amendments to the Habitats Regulations](#) will be largely limited to 'operability changes' that will ensure the regulations can continue to have the same working effect as now after the transition period. The Regulations will continue to be officially referred to, and should be quoted in reports, as the 'Conservation of Habitats and Species Regulations 2017 (as amended)'. The Offshore Marine Habitats Regulations will officially become the 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)'.

Members and readers should note that there are both pre-Brexit amendments and also EU Exit amendments to the Habitats Regulations. The Regulations have been amended since 2017 for various minor reasons. In addition to these existing amendments (that are already in force), there are also drafted 2019 EU Exit amendments that will not come into effect until the end of the Implementation Period. The Regulations remain exactly as they were before EU Exit day. The 2017 Regulations as amended by earlier (non-Brexit) amendments are in effect, but are currently unamended by the EU Exit amendments.

In a letter to stakeholders last October, Natural England reiterated that as the UK leaves the EU:

1. The UK government is committed to maintaining environmental standards, and will continue to uphold international obligations.
2. All European protected sites and species retain the same level of protection once the UK leaves the European Union.
3. The environmental assessment regimes that inform planning decisions (SEA/EIA/HRA) continue to apply post EU exit.
4. All permits and licences issued by UK regulatory bodies continue to apply.
5. The legal framework for enforcing environmental regulations through regulatory bodies and the courts is unaffected by leaving the EU and continues to apply.

³⁸ 31st January 2020

compliance with environmental law and will be able to bring legal proceedings against government and public authorities if necessary. The OEP will therefore take on some of the European Commission's oversight and enforcement functions after Brexit.

5. Summary of Key Evidence

Habitat Biodiversity Audit

61. The Habitat Biodiversity Audit (HBA)³⁹ is a partnership project which was established back in 1995 and is still going strong today. The partnership is made up of the local authorities in Warwickshire and the unitary authorities for Coventry and Solihull, as well as representatives from the Wildlife Trust, Environment Agency and Natural England.
62. The HBA's remit is to produce a continuous revision of the Phase 1 Habitat Survey map which began in 1995. Phase 1 mapping is important to inform local planning decisions, local green and blue infrastructure planning and to identify potential local wildlife sites.

Ecological Assessments

63. The HBA have been commissioned to carry out Ecological Assessments of the proposed site allocations throughout the Local Plan Review process, taking into account the latest information on priority habitats and species from the local Biological Records Centre⁴⁰, which also sits within Warwickshire County Council. The Ecological Assessments have been used to inform the Concept Masterplans. As part of the ongoing development of the concept masterplans some potential Wildlife Sites have been further surveyed by the Local Wildlife Sites partnership. As a result, some of these sites have been designated as Local Wildlife Sites, e.g. extension of Tythe Barn Meadows west of Dickens Heath, and others found not be eligible of LWS status, but do contain priority habitats that need to be taken into account when bringing forward development.

Sub-regional Green Infrastructure Study (2013)

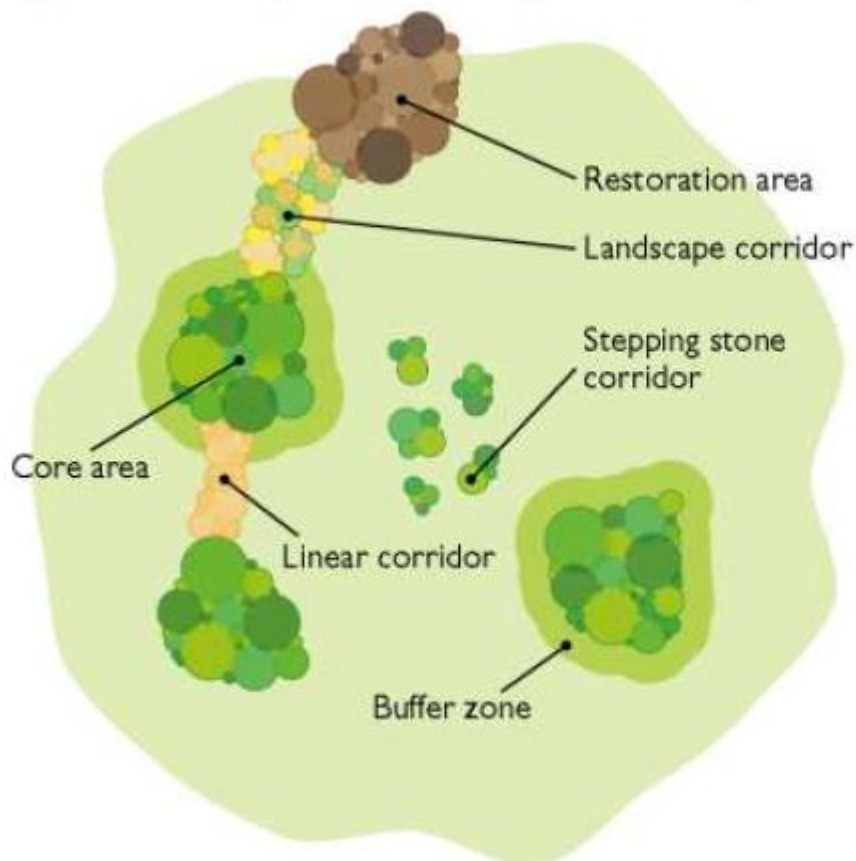
64. The sub-regional strategy was published in 2013 with the aim of providing an evidence base for the preparation of plans, policies and strategies relating to Green Infrastructure (GI) at a sub-regional level and at a local level. It covers landscape, biodiversity and accessibility, as well as detailing how GI can be delivered with the help from landholders and partners. .
65. The habitats in Solihull are denoted as: *"Solihull district is also fairly urbanised, but has a greater proportion of rural habitats than Coventry. Arable, amenity grassland and improved grassland are the dominant habitats, followed by semi-natural neutral grassland. The district also has a relatively large area of broad-leaved woodland for its size, which correlates with its position within the Arden Landscape Character Area."*
66. The strategy makes a number of recommendations. Of particular relevance are:
 - Strategic Landscape Improvements in line with the Warwickshire Arden Landscape Guidelines and Enhancement Zones
 - Strategic Enhancement of the urban/rural fringe countryside, especially in relation to new settlements. The landscape quality of the urban/rural fringe plays a key role in people's perception of the landscape character and important to people's quality of life. There are opportunities in the creation of new and maintaining existing GI, such as establishing new community woodlands and wildflower meadows.

³⁹ <https://www.warwickshirewildlifetrust.org.uk/HBA>

⁴⁰ <https://www.warwickshire.gov.uk/environment-ecology/warwickshire-biological-records-centre>

- Strategic Enhancement of transport corridors, including motorways and major road corridors. These are a primary means by which visitors, tourists and investors experience and perceive the sub-region. Enhancement can include more ecologically sensitive management of road verges for wild flowers and other wildlife habitats. Landscape character can be strengthened by the extension of roadside verge tree and shrub planting, clearing litter, reducing unnecessary clutter and limiting standardised treatments during highway improvement schemes.
 - Strategic Enhancement of working agricultural landscapes through the conservation and enhancement of traditional features of the farmed landscape such as hedgerows, standard trees, ponds and copses. This is particularly important for those areas poor condition and where intensive farming practices dominate.
67. The strategy advocates the adoption of the Lawton principles of 'more, bigger, better, connected' in reversing the declines in habitat and native biodiversity.

Figure 10: The components of ecological networks (from Making Space for Nature)



68. The Strategy includes reference to Core Area Habitat Maps for Grasslands, Woodlands and Wetlands. These are based on knowledge of BAP priority habitats, which have been mapped throughout the sub-region, and built up to identify 500m² or 1000m² core habitat areas. The document then identifies strategic, semi-strategic and non-strategic areas where enhancements will be focused. However, biodiversity is not restricted to these areas and opportunities to create new features and core areas should not be overlooked.
69. As part of the GI Strategy, work has been carried out with York University to create connectivity maps for woodland, grassland, wetlands and hedgerows. These indicate

optimal locations to enhance, restore and re-connect habitats to strengthen the sub-region's ecological network and green infrastructure.

70. Example maps are included in the Strategy, but full map details can be accessed online at: <http://maps.warwickshire.gov.uk/greeninfrastructure/> . Mapping extracts for different settlement in the Borough are included in Appendix 3.

Green Infrastructure Study (2012)

71. The Green Infrastructure was published in 2012 and has provided a baseline of Green Infrastructure provision and a springboard for ERDF projects such as Wildlife Ways and the Habitat Nature Improvement Programme.
72. At the time of writing the January 2012 GI Study there were 95 LWS in the Borough, and over 100 potential LWS had been identified.
73. Since that time, a number of potential LWS have been accessed and fully surveyed. As a result, by the end of 2019, 111 LWS had been designated in the Borough; and almost 90 potential LWS identified.
74. Since the publication of the Green Infrastructure Study, three additional Local Nature Reserves have been designated; Chelmsley Wood in Meriden Park (2012), Beechcroft in Castle Bromwich (2015) and Langley Hall Park in Olton (2016). A small area of Babbs Mill Local Nature Reserve was de-designated to make space for a 52-dwelling housing development, however, the remainder of the site has benefitted from nature improvements to ensure that the biodiversity value of the site is not diminished.
75. **Wildlife Ways**⁴¹
76. Wildlife Ways is a 3-year programme of works to make Solihull greener by opening up and improving existing routes, so allowing wildlife to flourish. The project will also help encourage more people to walk and cycle across the borough.
77. It will improve 69km of existing footpath and cycle networks. There will be 23km of new footways and improved access for cyclists. The routes will be landscaped and link, where possible, existing green spaces and offer sustainable transport options. The project will improve the habitat value of 56 hectares of parks and open spaces for the benefit of people and wildlife – equivalent to more than 90 football pitches.
78. The cost of the scheme is £16.8 million, with approximately half funded by the European Regional Development Fund (ERDF), with significant contributions from the National Productivity Investment Fund and West Midlands Combined Authority.
79. The project also includes 'Bees and Trees'⁴² – woodland and grassland management which builds on work already undertaken by our Habitat and Nature Improvements Project.
80. **Solihull Habitat and Nature Improvement Programme**⁴³
81. Part funded by the European Regional Development Fund, Solihull Council secured almost £2m of funding to improve areas of grassland, woodland and wetland, as well as increased tree planting, in the borough between 2017 and 2020.

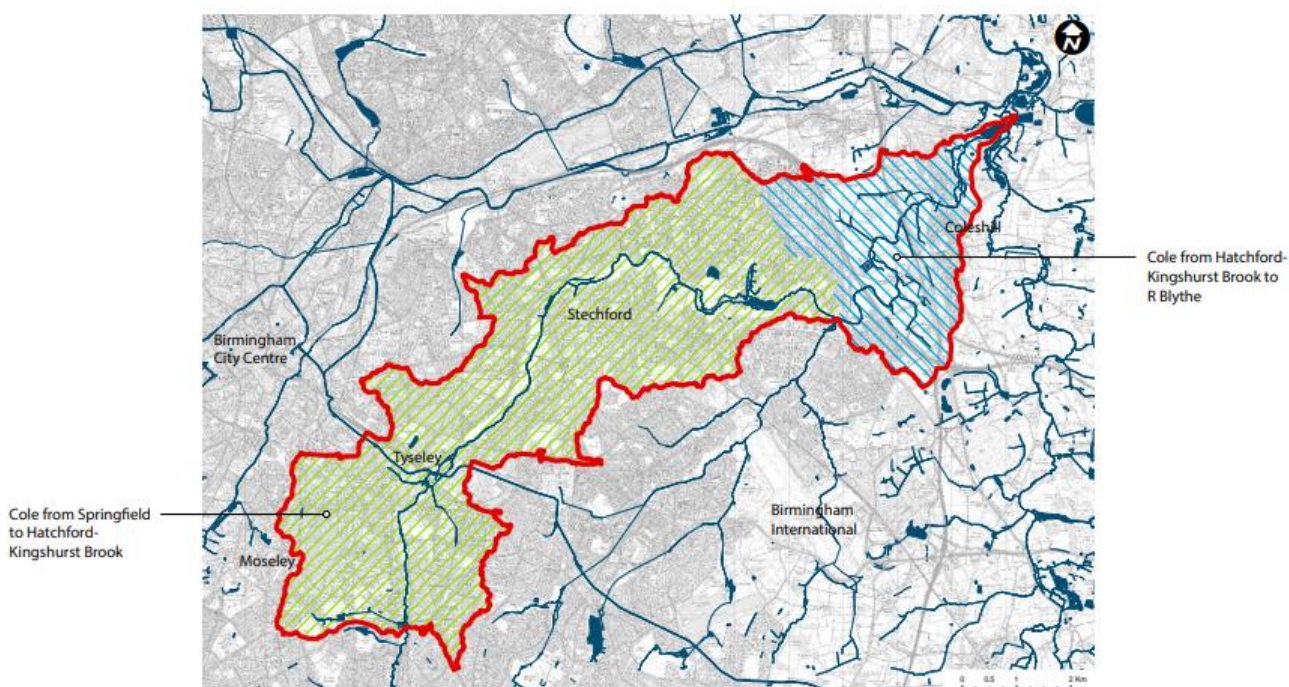
⁴¹ <https://wildlifeways.co.uk/questions/>

⁴² <https://socialsolihull.org.uk/peopleplacenature/projects/solihull-bees-and-trees-project/>

⁴³ <https://socialsolihull.org.uk/peopleplacenature/projects/erdf-solihull-habitat-and-nature-improvements-project/>

82. The Council's dedicated project team has worked with the Environment Agency, Warwickshire Wildlife Trust, community groups and volunteers to improve 100 hectares of accessible green space, and strengthen the natural capital of the region.
83. **Cole Valley Catchment Landscape Vision**
84. Building on the success of the Tame Valley Wetlands Partnership (TVWLP) and between 2014-2018, the Environment Agency and TVWLP identified the potential for a landscape vision and masterplan for the River Cole Catchment in the West Midlands. The Cole Valley expands across the Birmingham and Black Country Nature Improvement Area in East Birmingham, through North Solihull and to the Tame Valley Wetlands NIA in North Warwickshire.
85. The purpose of the Cole Valley Landscape Vision⁴⁴ (October, 2019) is to provide a common vision for the future of the river valley, agreed by stakeholders and can be used to guide development, assist with engagement, and secure funding for the delivery of blue green infrastructure over the next ten years.

Catchment Overview



Habitat Appropriate Assessment Screening Report (2018 and 2020)

86. In 2017, the Council commissioned a Habitat Regulations Assessment Screening exercise as part of the evidence base for the ongoing Solihull Local Plan Review. The purpose of the screening exercise was to consider whether the emerging proposals and policies detailed in the 2016 Local Plan Review could adversely affect a European Statutory Site, either individually or in combination with other plans and projects, and subsequently if an Appropriate Assessment is required, under Article 6 of the European Council Directive 92/43/EEC.

⁴⁴<http://www.tamevalleywetlands.co.uk/wp-content/uploads/2019/10/Cole-Valley-Catchment-Landscape-Vision-Report-2.pdf>

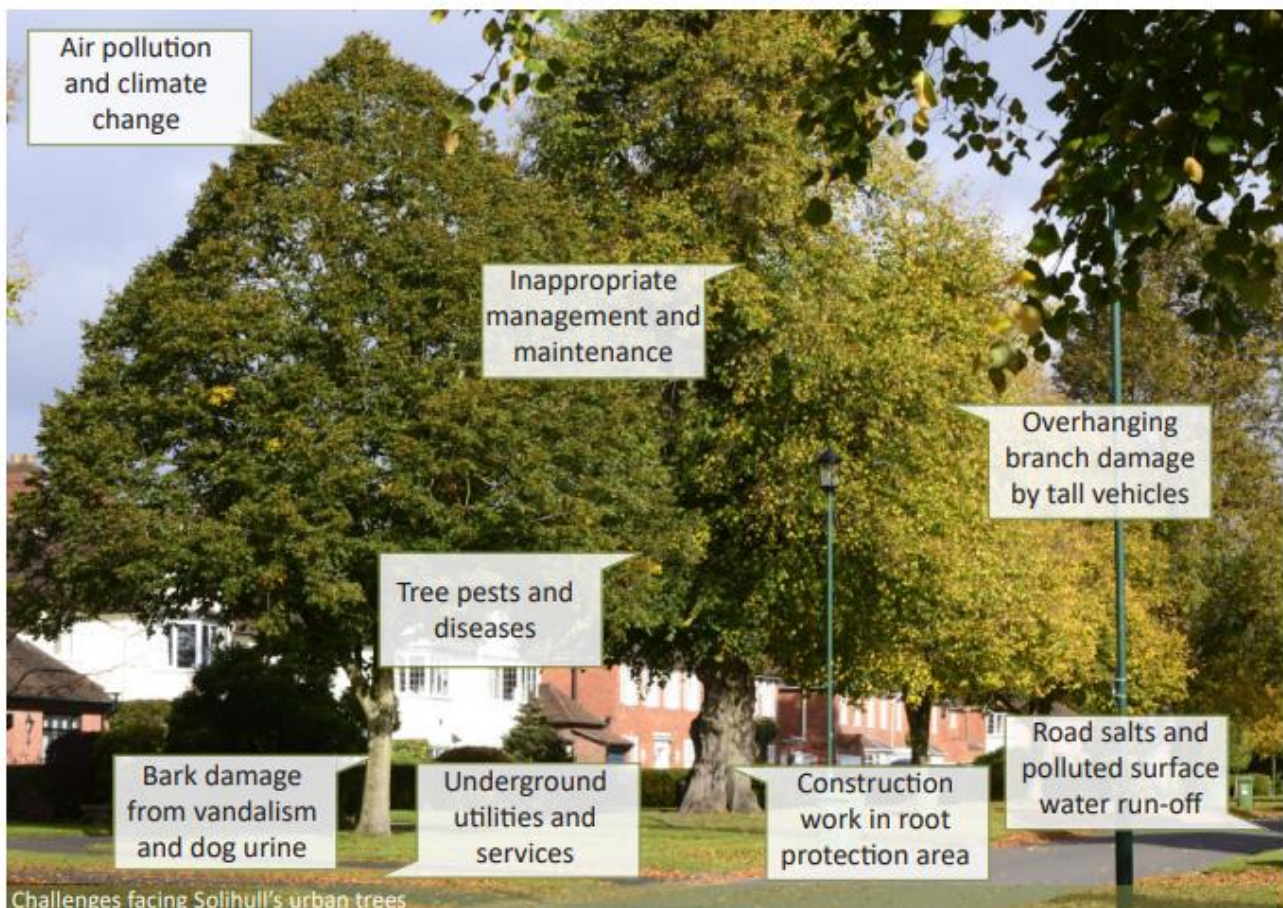
87. The screening exercise identified ten European Sites with potential linkages to the Solihull Metropolitan Borough area. Policies and proposals of the Solihull Local Plan were screened to determine if they could result in environmental impacts that could lead to a likely significant effect on a European Site within linkages to the Metropolitan Borough Area. Any impacts identified were assessed in accordance with the vulnerabilities of each European Site included in the assessment to determine potential connective impact pathways.
88. Based on a review of the available evidence base it was concluded that none of the policies and proposals of the Solihull Local Plan Review will result in a significant effect on the Natura 2000 network, either alone or in combination with other plans and projects. Solihull Metropolitan Borough Council, as the Competent Authority, are therefore advised that it will not be necessary for the Solihull Local Plan Review to be taken forward to a Stage 2 Appropriate Assessment.
89. Natural England reviewed the April 2018 HRAA Screening report in light of the the European Court of Justice (ECJ) decision in the case of *People Over Wind, Peter Sweetman v Coillte Teoranta (C-323/17)*, and concluded that the screening report had taken all environmental pathways into account to European sites, and the ruling did not apply.
90. The HRAA report was updated in 2020 to reflect the updated Local Plan Review site allocations and policies and similarly found that the none of the policies or proposals would have a significant effect on the Natura 2000 network.

Urban Forestry Strategy

91. The Council published their Urban Forestry Strategy in 2019⁴⁵. The Strategy sets out the multiple roles and benefits of trees and woodlands:
- Landscape and streetscape character
 - Health and wellbeing, our 'natural health service'
 - Ecosystem services, including water management and filtering pollution
 - Natural Capital, including biodiversity gains
92. The Council is the steward of large and varied tree stock, comprising: 29,500 highways trees, 50,000 parks trees, 5,600 cemeteries trees and 13,060 housing trees. Despite the overwhelming benefits of trees and woodlands, managing trees in the landscape can be challenging due to issues such as soil compaction due to inappropriate parking, leaf fall and drainage, visitor pressure on urban woodlands, choice of appropriate tree stock in terms of maturity and species, replanting and regeneration of historic tree avenues.

45

http://eservices.solihull.gov.uk/mginternet/documents/s66901/1b.%20Solihull%20Urban%20Forestry%20Strategy_draft%20rev.1.pdf



(p.28 Urban Forestry Strategy)

93. Following on from identifying the challenges in protecting and sustaining the Urban Forest, the Strategy sets out key drivers and stakeholders to ensuring their future. Under the planning theme, the following actions are recommended:
- Influencing planning policy to consider the urban forest as a mechanism to mitigate climate change and air pollution;
 - Working with planning policy and development control to review and update urban forestry policies;
 - Developing technical information and guidance in relation to trees and development
 - Developing technical guidance for tree diversity, species selection and planting establishment for development
 - Using the existing Green Infrastructure guidance to plan mass tree planting
94. Earlier in 2020, the Council committed to an ambitious ten-year tree planting programme of 250,000 trees. The 'Planting Our Future' campaign will encourage residents to engage with tree planting projects, get involved in other green infrastructure projects across the borough and offer support to private land owners who wish to plant trees. In the first year the

Council have partnered with the Woodland Trust, who have provided almost 12,000 trees, and teamed up with Voco® St. John's Solihull to launch a new orchard at Malvern Park.⁴⁶

Natural Capital Investment Strategy

95. Solihull Council's Nature Conservation Strategy was published in 2010 and supported the evidence base of the 2013 adopted Local Plan. Since that time the Council has been involved in a great number of projects and delivered many hectares of nature conservation improvements.
96. Solihull are currently developing a Natural Capital Investment Strategy and delivery programme aligned to the emerging WMCA Natural Capital Investment Strategy and programme.⁴⁷
97. An updated Nature Conservation Map is included in Appendix 1, which highlights the Borough's ecosystem and green infrastructure network. A draft plan of high level core biodiversity areas are shown in Appendix 2. The Council will be building on the Draft Green Infrastructure Vision in the 2016 Draft Plan, and for development of the Natural Capital Investment Strategy. These will include biodiversity and ecosystem network opportunities afforded by new developments, such as the UKC Hub Arden Cross, wider enhancements associated with the HS2 line, and more local scale opportunities around proposed Local Plan site allocations, the longer term tree planting strategy and making the most of the Council's green and blue infrastructure assets.

Green Infrastructure and Health and Wellbeing

98. The Health Topic Paper explains in more detail the interrelationships between Green Infrastructure and our physical, mental and emotional health and wellbeing, and is therefore not repeated here.

⁴⁶ <https://www.lovesolihull.org/plantingourfuture>

⁴⁷ <http://eservices.solihull.gov.uk/mgInternet/documents/s79730/Appendix%201%20-%20Green%20Prospectus.pdf>

6. How the Evidence has been used

Challenges and Objectives

99. The original 'Challenge K - Protecting and enhancing our natural assets' from the 2013 Local Plan and 2016 draft Local Plan Review continue to be considered a key challenge in delivering the Local Plan.
100. The detail has been updated to better reflect the aims of the Government's 25-year Environment Plan, and includes reference to Nature Recovery Networks and biodiversity net gain, as well as the Natural Capital Investment Strategy from the Council Plan (2020-2025).

Spatial Strategy

101. "Natural resource protection & environmental enhancement" is one of four key themes in the Sustainability Appraisal Framework against which the spatial strategy, allocations and policies have been tested. The mitigation hierarchy has been applied in the spatial strategy to primarily avoid sites or policy directives that will result in a detrimental impact on the natural environment or integrity of the green infrastructure network, such as avoiding Local Wildlife Sites, and where harm cannot be avoided it has been mitigated by retaining features such as hedgerows, or compensated for by habitat creation and/or restoration.

Broad Location/Site Allocation

102. The site allocations and concept masterplans have been informed by a design-led approach that respects landscape character, integrates green infrastructure and conserving and enhancing the natural environment.

Policy Changes

103. Para. 20-21 of the NPPF state that plans should make explicit which policies are strategic policies rather than local non-strategic policies that are more appropriately dealt with through neighbourhood plans or development management plans.
104. Policies making provision for the conservation and enhancement of the natural environment, including landscapes and green infrastructure are considered strategic in nature.
105. The policy has been updated in response to representations to the Local Plan Review Regulation 2018 consultation, changes in national policy, strategy and legislation and local policy drivers.
106. The policy has been strengthened to give a more positive proactive approach to nature conservation in response to comments in the Sustainability Appraisal.
107. Assessment criteria have been added to the section on the Arden landscape to in response to Planning Practice Guidance⁴⁸: *"Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence. Policies may set out criteria against which proposals for development affecting these areas will be assessed."*
108. The policy wording has been restructured to make it clearer that biodiversity assets of all development sites, not just those that are nationally or locally designated, will be assessed

⁴⁸ Paragraph: 036 Reference ID: 8-036-20190721

as part of the application process. More detailed guidance is provided on information to be provided with a planning application, in response to comments raised by the Warwickshire Wildlife Trust.

109. A section has been added specifically on ancient woodland and aged/veteran trees to highlight their importance as irreplaceable habitats in accordance with the updated NPPF and representations from the Woodland Trust. The wider policy protection of trees has been retained in Policy P14.
110. The text has been revised to place a stronger emphasis on securing measurable biodiversity net gain in response to the Environment Bill and the Government's commitment to halt and reverse the decline in biodiversity.
111. The supporting text has been updated to include the Government's 25-year Environment Plan, the forthcoming Environment Act, recent local initiatives such as the ERDF Wildlife Ways project and the Council's forthcoming Natural Capital Investment Plan.⁴⁹

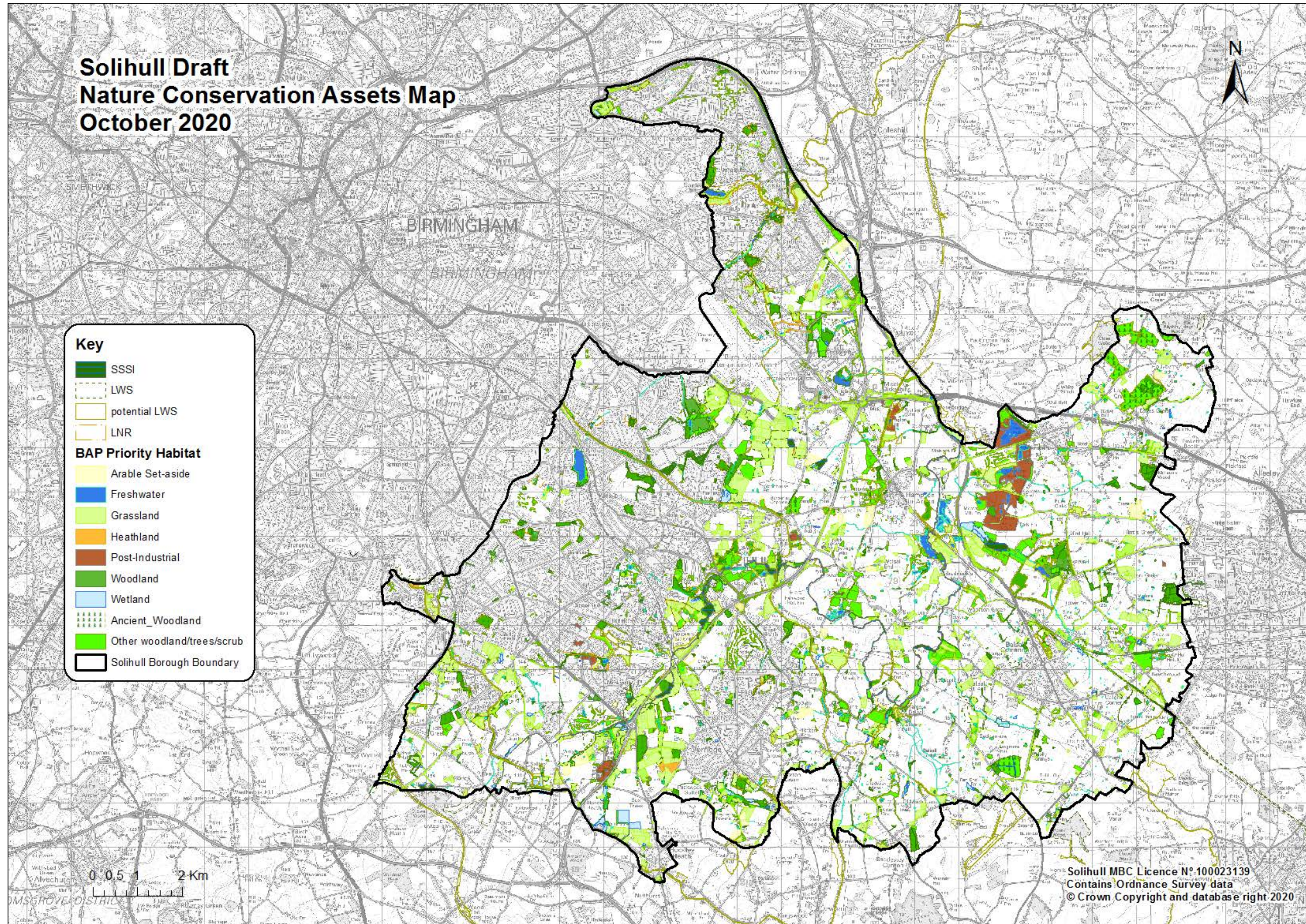
⁴⁹ Natural England have also recommended using the SSSI Impact Risk Zones GIS dataset, and the Council's ecologists have confirmed that they can utilise this when assessing planning applications.

7. Conclusion

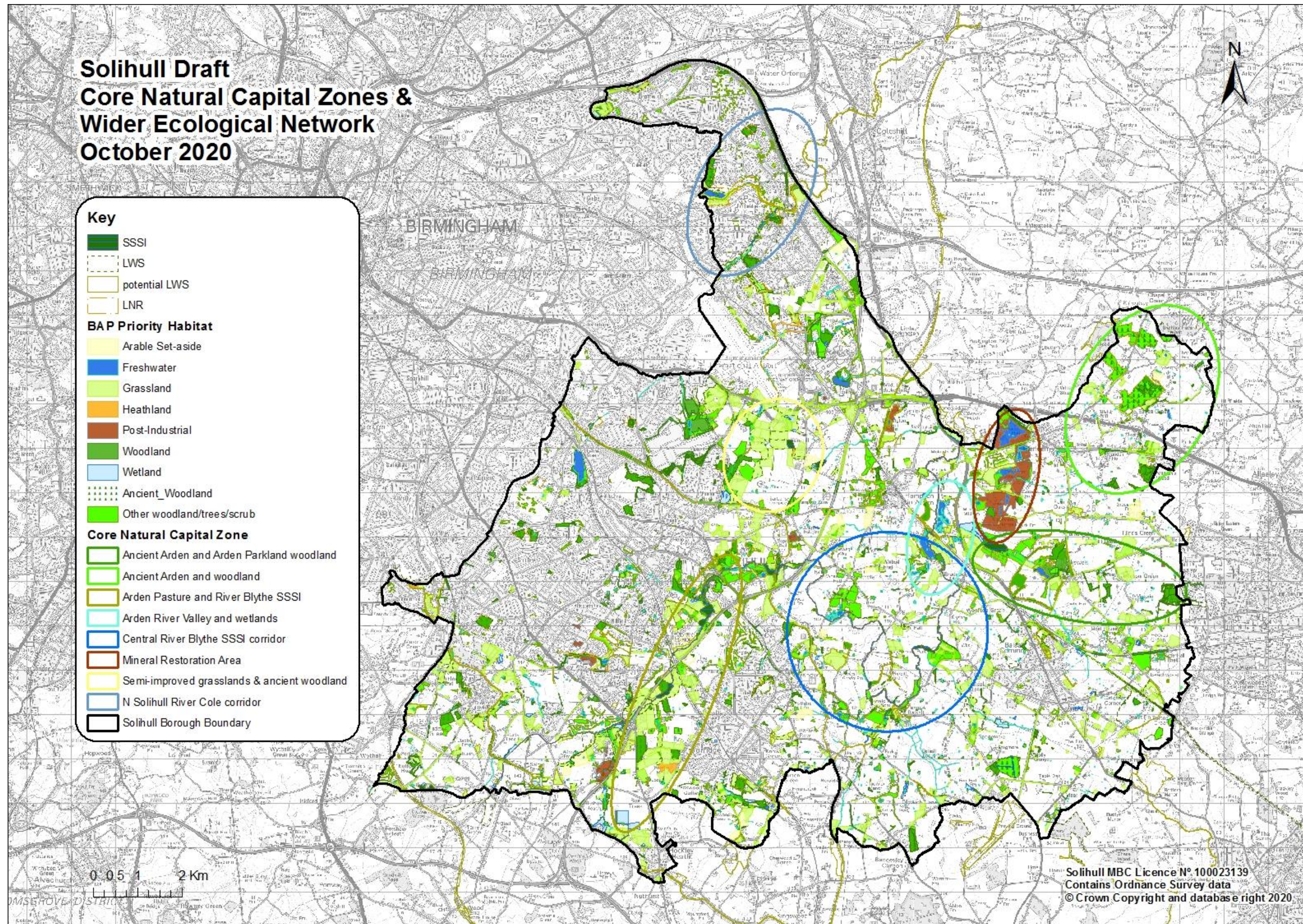
112. This Topic Paper has highlighted the different way in which the updated Local Plan has taken into account the natural environment in formulating its policies and proposals. The natural environment is a key theme in the Sustainability Appraisal Framework and cuts across different policy considerations, as well as being the focus of the specific Policy P10.
113. Ecological Assessments have informed the concept masterplans, whilst the sites and overall growth has been subject to screening under the Habitat Regulations. Green infrastructure is a key component of Policy P10 and is also featured in environmental, design and health Policies P9, P11, P13, P15, P17A, P18, P20, as well as more land use Policies P2 and P5.
114. Natural capital is valued for its wider ecosystem services as well as for intrinsic biodiversity value. The Local Plan's policies and proposals will provide the basis for delivering a green recovery post-Covid 19 and contribute to the Council's aims to deliver net environmental gain across the Borough.

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8. Appendix 1 – Draft Nature Conservation Assets Map



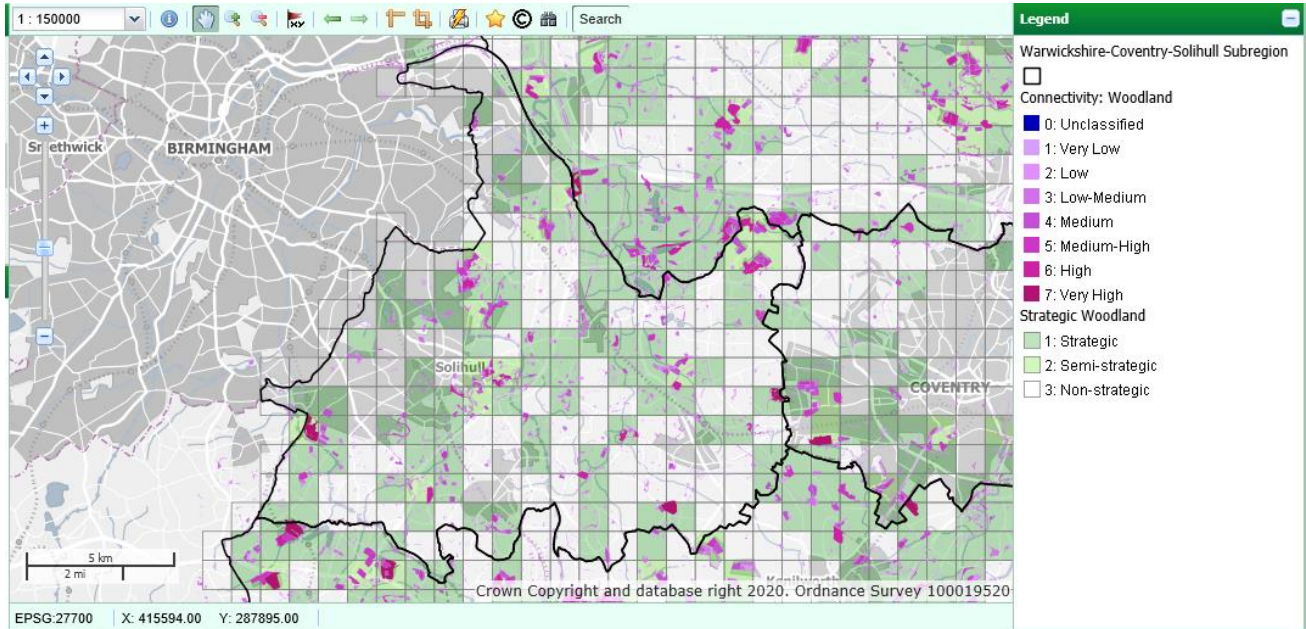
9. Appendix 2 – Draft Natural Capital & GI Opportunities Map



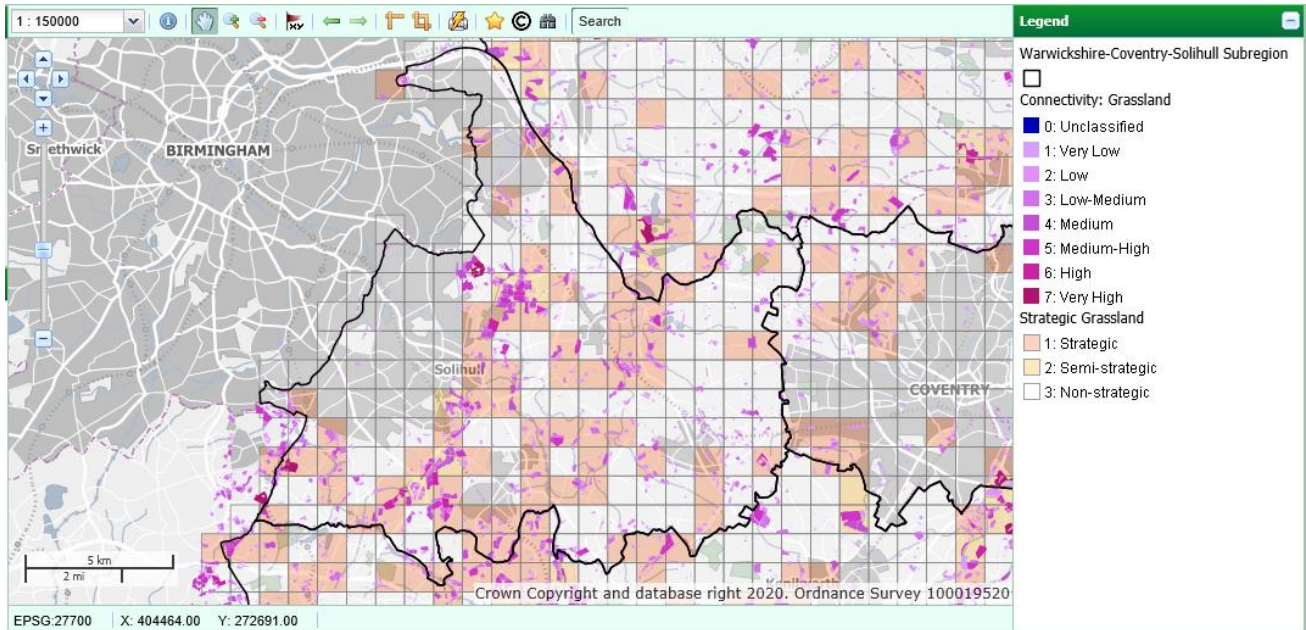
10. Appendix 3 – Sub-regional GI Strategic Areas in Solihull

115. Mapping to support the Sub regional Green Infrastructure Strategy has identified key habitat connectivity flows across the sub-region, and identified to monad level (1km by 1km) areas which would most benefit from habitat enhancements and improving green infrastructure links. Strategic areas are those with a lower level of woodland or grassland than the semi-strategic areas, denoting that there are more opportunities for green infrastructure creation, enhancement and/or restoration. Data has been extracted from the online open access mapping tool.⁵⁰

Map of Woodland connectivity and strategic monads in Solihull



Map of Grassland connectivity and strategic monads in Solihull



⁵⁰ <http://maps.warwickshire.gov.uk/greeninfrastructure/>

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