

Part B – Please use a separate sheet for each representation

Name or Organisation: Vistry Group

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="text" value="X"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="X"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="X"/>	No	<input type="text"/>

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 ES6 – Providing for Biodiversity and Geodiversity

Vistry recognise the importance of ensuring the impacts of development on biodiversity are minimised and are generally supportive of the Council’s proposed policy ES6. Policy ES6 however must be consistent with National policy and legislation. The Environment Bill will require a 10% net gain. This will be a national requirement, providing certainty for developers with regards to the costs associated with development. The 10% figure was concluded to be the correct amount in drafting the legislation, balancing the need for development and reversing environmental decline. Anything beyond this is not justified.

It is noted that paragraph 6.49 states that:

*Mechanisms for delivering **Biodiversity Net Gain (BNG)** can be on site, off site, in full or combination*

Vistry fully support the recognition that BNG can be achieved through off site mechanisms and there may be occasions where off site may achieve a better outcome than onsite mechanisms, for both biodiversity and for development, and this should be included within the wording of policy ES6 to ensure the policy remains effective in delivering the Biodiversity gains its sets out to achieve.

With regards to the wording of the policy itself, point (2) refers to the creation of links between ecological networks and habitat of principal importance on site, and "where possible, with nearby features". The policy wording is poorly drafted and it is unclear what is intended with the reference "where possible". Developers cannot control biodiversity beyond their contractual landownership position.

Similarly, point (4) also refers to development proposals "in close proximity to an ecological network corridor should enhance functionality and connectivity of the corridor". Again it is questionable how a developer could improve the "functionality" of a network if it is not within their contractual landownership.

In any case, it is questioned whether the Ecological Network corridors are appropriate to have this level of restrictions to development within them. The policy is not appropriately supported by an evidence base and therefore its inclusion is not justified.

(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.

The following amendments are required to make policy ES6 sound:

- Amend first paragraph to read:
Development proposals shall provide a ~~minimum of 10%~~ net gain in biodiversity in accordance with national requirements, through...
- Amend point 2 to read:
Maximising opportunities to enhance and create links between ecological networks and habitats of principal importance, where relevant.
- Delete point 4
- Delete paragraph ~~Where development is considered necessary, adequate mitigation measure or, exceptionally, compensatory measures, will be required, with the aim of providing an overall improvement in local biodiversity and or geodiversity~~ replace with
Mechanisms for delivering Biodiversity Net Gain (BNG) can be on site, off site, in full or combination, with the aim of providing an overall improvement in local biodiversity and/or geodiversity

(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)

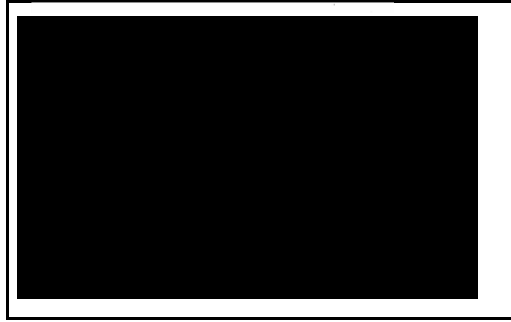
Yes, I wish to participate in hearing session(s)

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:

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:21/07/21

