

Part B – Please use a separate sheet for each representation

Name or Organisation: Crest Nicholson Land and Partnerships

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

Core Policies

Paragraph	<input type="text"/>	Policy	Policy ES6 – Providing for biodiversity and geodiversity (p.290)	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

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

The Council's policy approach to biodiversity should not deviate from the Government's proposals on biodiversity gain as set out in the forthcoming Environment Bill, which will require development to achieve a 10% net gain for biodiversity. The Government contends that 10% is an appropriate balance between securing development and arresting environmental decline and will be a mandatory national requirement on enactment of the legislation. Necessarily it does not prevent developers who are able to exceed this requirement from doing so if feasible. The addition of 'minimum' to the 10% requirement implies that delivering 10% BNG is barely acceptable, when it reflects the national standard. The qualification is not justified.

The policy is worded in a way that implies that development should be resisted as a default position: Use of the phrasing *Where development is considered necessary, adequate mitigation measures, or exceptionally compensation measures, will be required...* is unjustifiably negative.

(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 Policy ought to adopt the following approach:

"Where development has an impact on biodiversity/natural capital, adequate mitigation, or compensatory measures where necessary, to achieve 10% net gain, will be required."

The wording of the Policy also fails to draw any effective distinction between national and international sites and sites of local interest, by stating that proposals that have an adverse effect on either will not be permitted/should not take place. To be effective the policy should be clearer on the different approaches that will be taken, in accordance with the approach at paragraph 171 of the NPPF.

(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:

To assist the Inspector regarding the preparation of a sound Local Plan.

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:

21.7.21