


REPORT TO CABINET

07 August 2019

Subject:	Designation of Nature Conservation Sites
Presenting Cabinet Member:	Councillor Bob Lloyd – Cabinet Member for Inclusive Economic Growth
Director:	Amy Harhoff - Director Regeneration and Growth
Contribution towards Vision 2030:	
Key Decision:	Yes
Cabinet Member Approval and Date:	Councillor Lloyd – 2 nd July 2019
Director Approval:	Amy Harhoff – 5 th July 2019
Reason for Urgency:	Urgency provisions do not apply
Exempt Information Ref:	Exemption provisions do not apply
<u>Ward Councillor</u> (s) Consulted (if applicable):	No
Scrutiny Consultation Considered?	This initiative has not been referred for Scrutiny consideration
Contact Officer(s):	Zoe Wilson Planning Officer

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DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the designation of Massey's Bank, Hawfield Road, as a Site of Local Importance for Nature Conservation (set out in Appendix 1 – site reference 1 and Appendix 2 - Plan 1 of this report)
2. Approves the upgrade and extension in designation of Peakhouse Farm, from a Site of Local Importance for Nature Conservation to a Site of Importance for Nature Conservation (set out in Appendix 1 – Site reference 2 and Appendix 2 – Plan 2 of this report)
3. Approves the designation of Tanhouse Avenue as a Site of Local Importance for Nature Conservation. (set out in Appendix 1 – Site reference 3 and Appendix 2 – Plan 3 of this report)
4. Approves the partial extension of the Site of Importance for Nature Conservation at the East of Wilderness Woods and Wilderness Lane (set out in Appendix 1 – Site reference 4 and Appendix 2 – Plan 4 of this report)

1 PURPOSE OF THE REPORT

- 1.1 This report informs Cabinet of the results and recommendations of the ecological surveys carried out for Massey's Bank (Hawfield Road), Peakhouse Farm, Tanhouse Avenue, and the East of Wilderness Woods & Wilderness Lane. These sites have been identified as having the potential to be designated as nature conservation sites or have had their status amended.
- 1.2 As a result of these surveys and taking into account their recommendations, Cabinet is asked to;

- approve the designation at Massey's Bank, as Site of Local Importance for Nature Conservation (SLINC).
- approve the upgrade and extension in designation of Peakhouse Farm, from a SLINC to a Site of Importance for Nature Conservation (SINC)
- approve the designation at Tanhouse Avenue, as a SLINC
- approve the partial extension of the SINC at the East of Wilderness Woods and Wilderness Lane.

1.3 These recommendations are required to ensure that the Council's Local Plan is based on up-to-date evidence and can continue to be used as the basis for robust and defensible planning decisions.

2 IMPLICATION FOR VISION 2030

2.1 The provision of a network of green spaces and nature conservation sites improves the local environment, which in turn makes the borough more attractive as a place to live, work, enjoy recreation in and invest in.

2.2 The environmental infrastructure of the borough has the potential to increase levels of physical activity, improve mental health benefits and contribute to environmental benefits, thus contributing to the aim of achieving a healthier population. An attractive environment will significantly improve the prospect of achieving significant numbers of high quality new houses in locations that people wish to live in.

3 BACKGROUND AND MAIN CONSIDERATIONS

3.1 The Sandwell Site Allocations and Delivery Development Plan Document (SAD DPD) forms part of Sandwell's Local Plan. It sets out land use policies, allocates land for specific uses or purposes and identifies infrastructure requirements to achieve sustainable communities and development within the borough.

- 3.2 Sites of Importance for Nature Conservation (SINCs) and Sites of Local Importance for Nature Conservation (SLINCs) are designations identified in the SAD DPD and form part of the Borough's environmental infrastructure. Environmental infrastructure also includes green space, and Local Nature Reserves (LNRs). Such spaces are of importance as they have the potential to increase levels of physical activity, improve mental health benefits, contribute to environmental benefits, reduce the urban heat island effect, and benefit high quality residential development. The environmental infrastructure of the borough also provides an important ecological and educational resource.
- 3.3 SINCs and SLINCs are not subject to statutory protection. The Government envisages that sites are protected from development through the Local Plan process. The identification and allocation of SINCs and SLINCs within the SAD DPD is therefore crucial in maintaining and enhancing the Borough's environmental infrastructure.
- 3.4 Incorporating environmental infrastructure principles into Local Plan documents will help meet the Black Country Core Strategy vision for environmental transformation.
- 3.5 To complement the existing network of nature conservation sites, the Site Allocations & Delivery DPD (SAD DPD) identified 19 new sites which, subject to an ecological survey, have the potential to be new SINCs or SLINCs. All of these sites have now been either surveyed or survey work is due to commence this year.
- 3.6 An additional site at Tanhouse Avenue has since been identified as having potential significance worthy of protection.
- 3.7 Eleven of the identified sites have been surveyed in full, in the first two tranches of planned survey work. One further survey, at Wilderness Lane, has been broken down in to two areas. The site to the East of Wilderness Lane has been assessed and is one of the sites included within this report. The site to the West of Wilderness Lane is currently being surveyed.

- 3.8 Two additional surveys have been conducted during the first two tranches of survey work. These two sites had existing SINC/SLINC allocations but the surveys that originally informed their SINC/SLINC status were more than 15 years old. These two sites were therefore resurveyed. These two surveys are not included in the 19 potential new sites identified in the SADDPD.
- 3.9 There are eight further Potential Nature Conservation sites that remain to be surveyed, including the site west of Wilderness Lane. This will complete the survey work for the 19 sites identified as Potential Nature Conservation sites and the newly identified site at Tanhouse Avenue.
- 3.10 Planning legislation requires that Local Plan allocations and designations are based on robust and up-to-date evidence. Of the four sites surveyed, two are recommended to be upgraded to a SLINC, one has been upgraded and extended from a SLINC to a SINC, and one has maintained its SINC and SLINC status with its SINC boundary being extended.

4 THE CURRENT POSITION

- 4.1 The reports are based on recommendations made by The Wildlife Trust for Birmingham and the Black Country. The recommendation has been endorsed by the Local Sites Partnership (LSP).
- 4.2 The LSP is a group that consists of the four Black Country Authorities, Birmingham City Council, Birmingham and the Black Country Wildlife Trust, EcoRecord, Geodiversity, Natural England, The Environment Agency and botanists. The LSP is responsible for approving any new sites put forward for listing and then ensuring the endorsement/adoption of those sites by their own organisations
- 4.3 Sites of Importance for Nature Conservation (SINC) and Site of Importance for Local Nature Conservation (SLINC) are designations applied to the most important non-statutory nature conservation sites in the West Midlands. Although these sites do not receive statutory protection, they are protected from damaging development by Local Plan policies

4.4 There are now currently 34 SINC Designations in Sandwell and 71 SLINC designations. There are 10 sites currently identified as potential nature conservation sites, including the sites which are the subject of this report, and including the site west of Wilderness Lane. The locations of these sites are identified in the Site Allocations and Delivery Development Planning Document (SAD DPD).

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

5.1 The sites recommended as new nature conservation sites were identified as having the potential to be either SINC's or SLINC's during the preparation of the Site Allocations & Delivery DPD between 2009 and 2012. The SAD DPD was subject of extensive consultation during its various stages. This included statutory bodies such as Natural England, the Environment Agency, British Waterways (now the Canals & Rivers Trust) as well as ward members and the public.

5.2 The Birmingham and Black Country Local Sites Partnership were consulted in the preparation of the surveys and associated reports that form the basis of the above recommendations and their endorsement sought.

6 ALTERNATIVE OPTIONS

6.1 The report recommends whether or not to designate the four sites as SLINC's and/or SINC's, in order to provide protection from development. The reasons for opting to designate are set out in the supporting appendices and report.

7 STRATEGIC RESOURCE IMPLICATIONS

7.1 The production of survey work and associated reports regarding the potential nature conservation sites are funded through the Regeneration and Planning budget.

- 7.2 The Council's corporate risk assessment strategy has been complied with, to identify and assess the risks associated with this decision/recommendation. This has identified that there are no significant risks that need to be reported.
- 7.3 There are no direct financial implications arising from this report. However, sufficient resources will need to be identified within existing budgets to ensure that the ongoing potential nature conservation site review programme can be completed within an appropriate timescale.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The current Local Plan for Sandwell includes the Black Country Core Strategy (BCCS), the Sandwell Site Allocations and Delivery Development Plan Document (SAD DPD), and a number of Area Action Plans (AAPs) and Supplementary Planning Documents (SPDs). Details are set out in the approved Local Development Scheme (LDS).
- 8.2 The SAD DPD and associated proposals map provides policy, land use allocations and infrastructure requirements to achieve sustainable communities and development within the borough.
- 8.3 The surveying of the potential nature conservation sites is to provide clarity over their significance and to provide the additional layer of protection that comes with the designation of SINC and SLINC status.
- 8.4 The surveying of existing SINCs and SLINCs is also essential in order to ensure that such designations are based on robust and up-to-date evidence.
- 8.5 The potential for planning decisions to be challenged increases where it can be shown that Local Plan allocations are based on out-of-date or incomplete information. Ensuring that there is current information relating to the Borough's inventory of nature conservation sites, including SINCs and SLINCs, reduces this risk.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 The sites that are the subject of this report are included in the Site Allocations & Delivery DPD which was subject of a full Equality Impact Assessment prior to its adoption in 2012.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 The recommendations in this report do not result in the collection or retention of personal data.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 The designation and de-designation of nature conservation sites does not in itself result in any physical changes to the sites themselves. Therefore, there are no Crime and Disorder issues arising from the recommendations set out in this report.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 The recommendations in this report result from a need to ensure that the evidence that underlies the Local Plan is robust, up-to-date and is in line with current planning and environmental legislation.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 13.1 Nature conservation sites have the potential to increase levels of physical activity, improve mental health benefits, contribute to environmental benefits, reduce the urban heat island effect, and benefit high quality residential development. The environmental infrastructure of the borough also provides an important ecological and educational resource.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 No significant impact has been identified in terms of management or maintenance that results from the sites designation. The site at Peakhouse Farm is in Private Ownership as is the site at Wilderness Lane. The remaining two sites all fall under the management of Sandwell MBC. With regards to the Council owned sites, the designations should not impact on the management or maintenance of the sites.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 Nature Conservation sites, both SINCs and SLINCs, form an important part of the Borough's environmental infrastructure along with green space and Local Nature Reserves. Their contribution to the health, environmental wellbeing and overall attractiveness of the borough is recognised in the Borough's Local Plan.

15.2 The sites that are the subject of this report were surveyed as part of the process of bringing the evidence that underpins the Local Plan up to date and this has resulted in the recommended designations set out above.

15.3 Cabinet is therefore recommended to approve the recommendations and designations of the four sites.

15.4 These designations will be carried forward into the review of the Sandwell Development Plan, which has recently commenced.

16 BACKGROUND PAPERS

16.1 Black Country Core Strategy (2011)
Sandwell Site Allocations & Delivery DPD (2012)

17 APPENDICES:

Appendix A - Site Recommendation

Appendix B – Site plan

Amy Harhoff

Director – Regeneration and Growth

Appendix 1

Appendix 1: Site Recommendations			
Site	Plan No	Site Description	Recommendation
Massey's Bank (Hawfield Road)	1	Dominated by semi-natural semi-natural grassland and plantation woodland. Whilst these individual habitats do not support a high diversity of species or rare species, the site is considered to be ecologically important in Sandwell, primarily for the mosaic of habitats it supports, its role in the ecological network and as a part of the wider Rowley Hills. It also has potential to support notable invertebrate populations.	Upgrade to SLINC
Peakhouse Farm (revised)	2	The site comprises traditional farmland habitat, with an extensive network of native hedgerows. The grassland habitat provides moderate levels of structural and species diversity and offers a good example of rural farming in a predominantly built up area. The site is known to support local bird and invertebrate populations and is likely to act as a key foraging and commuting area for other species. The site lies within a core ecological area and holds a critical position in connecting Sandwell Valley and inner areas of the conurbation to the wider countryside.	Upgrade and extension to SINC
Tanhouse Avenue	3	Tanhouse Avenue comprises a variety of semi-natural habitats including neutral grassland, woodland and hedgerows which have developed on former agricultural and playing fields. This site forms part of the extensive open space of Sandwell Valley SINC/LNR and has good connectivity into the larger landscape with vistas across the Local Nature Reserve.	Upgrade to SLINC

<p>East side of Wilderness Lane</p>	<p>4</p>	<p>The survey site comprises semi-natural broadleaved / wet woodland, neutral grassland and remnant mature hedgerows. Wilderness Lane acts as a 'stepping stone' linking urbanised areas of Sandwell to Walsall's remnant countryside to the north. Wilderness Wood at the north of the site has interesting wet and flooded areas and may be an area of remnant ancient semi-natural woodland. Historic features including hollow former excavated areas and a trackway occur in The Spinney (south), as well as remnant defunct mature hedgerows which historically defined the field boundaries of the former agricultural landscape.</p>	<p>To maintain SLINC and SINC status and to extend SINC boundary</p>
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Appendix 2 – Site Maps


Plan 1: Massey's Bank (Hawfield Road)

Massey's Bank (Hawfield Road)



Massey's Bank (Hawfield Road)

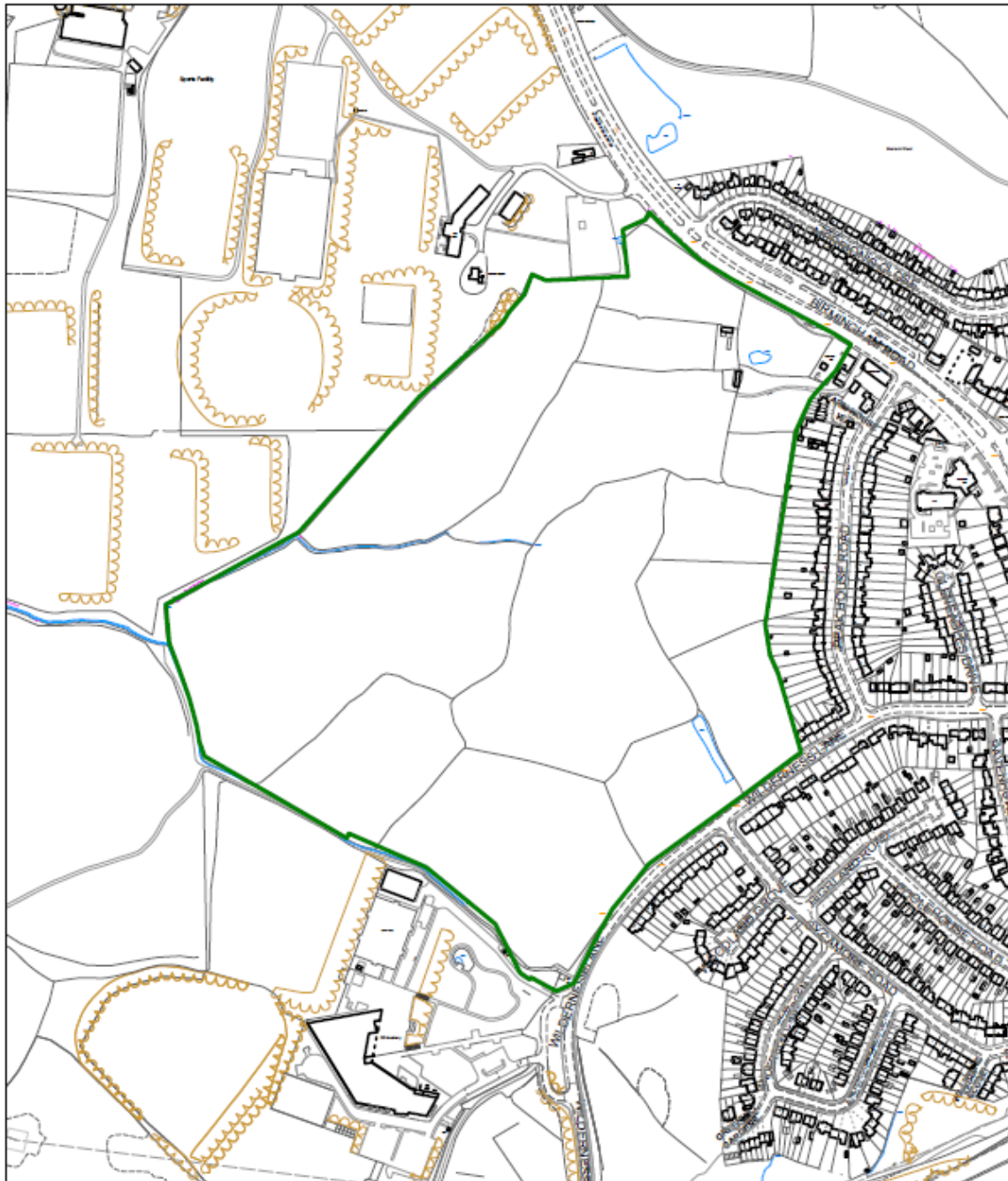
 Site boundary and recommended SLINC boundary

 NORTH Not to scale

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Plan 2: Peakhouse Farm (revised)


Peakhouse Farm



Peakhouse Farm



Survey Area and recommended SINC boundary

 NORTH Not to scale

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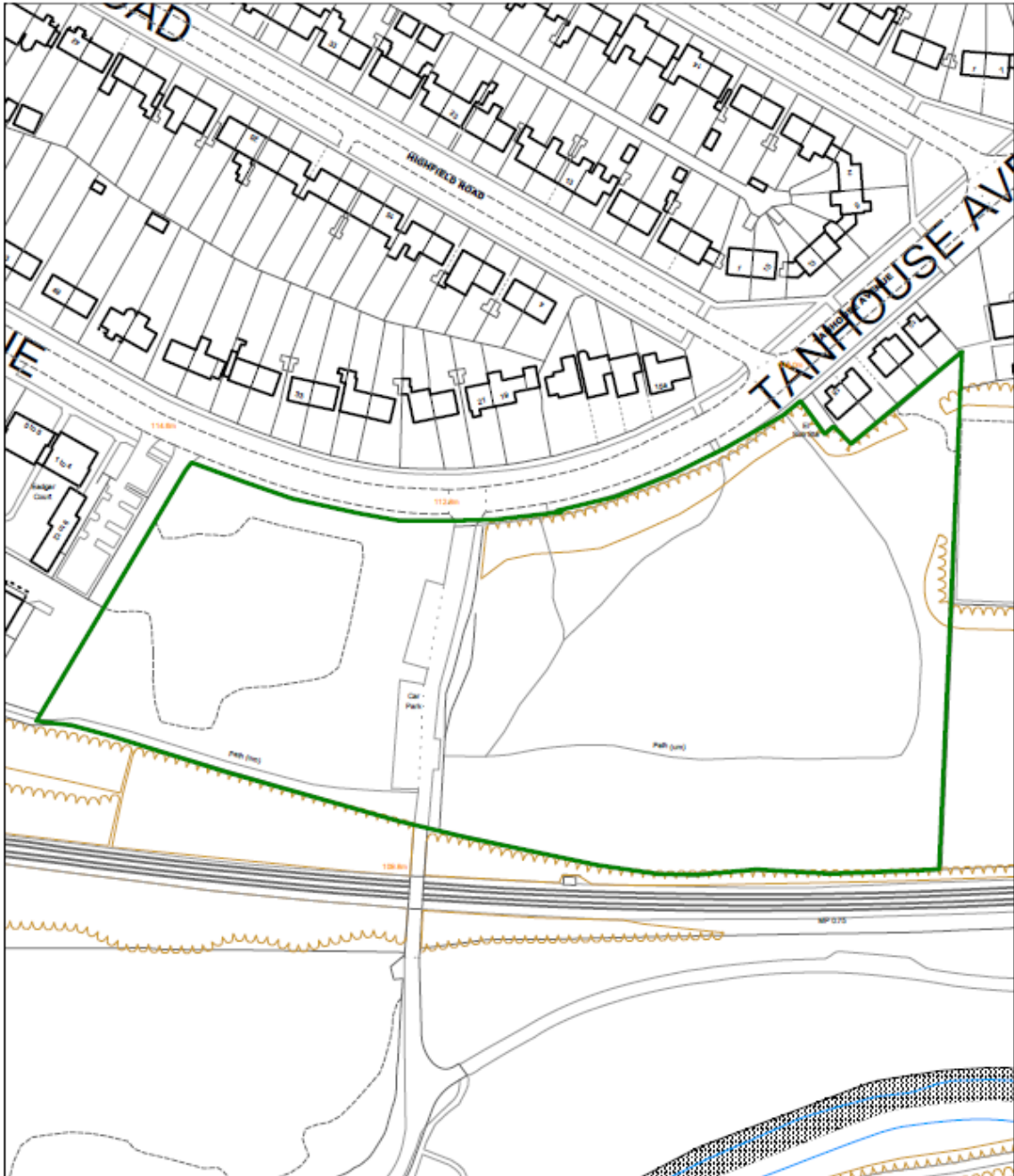
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Plan 3: Tanhouse Avenue

Tanhouse Avenue



Tanhouse Avenue

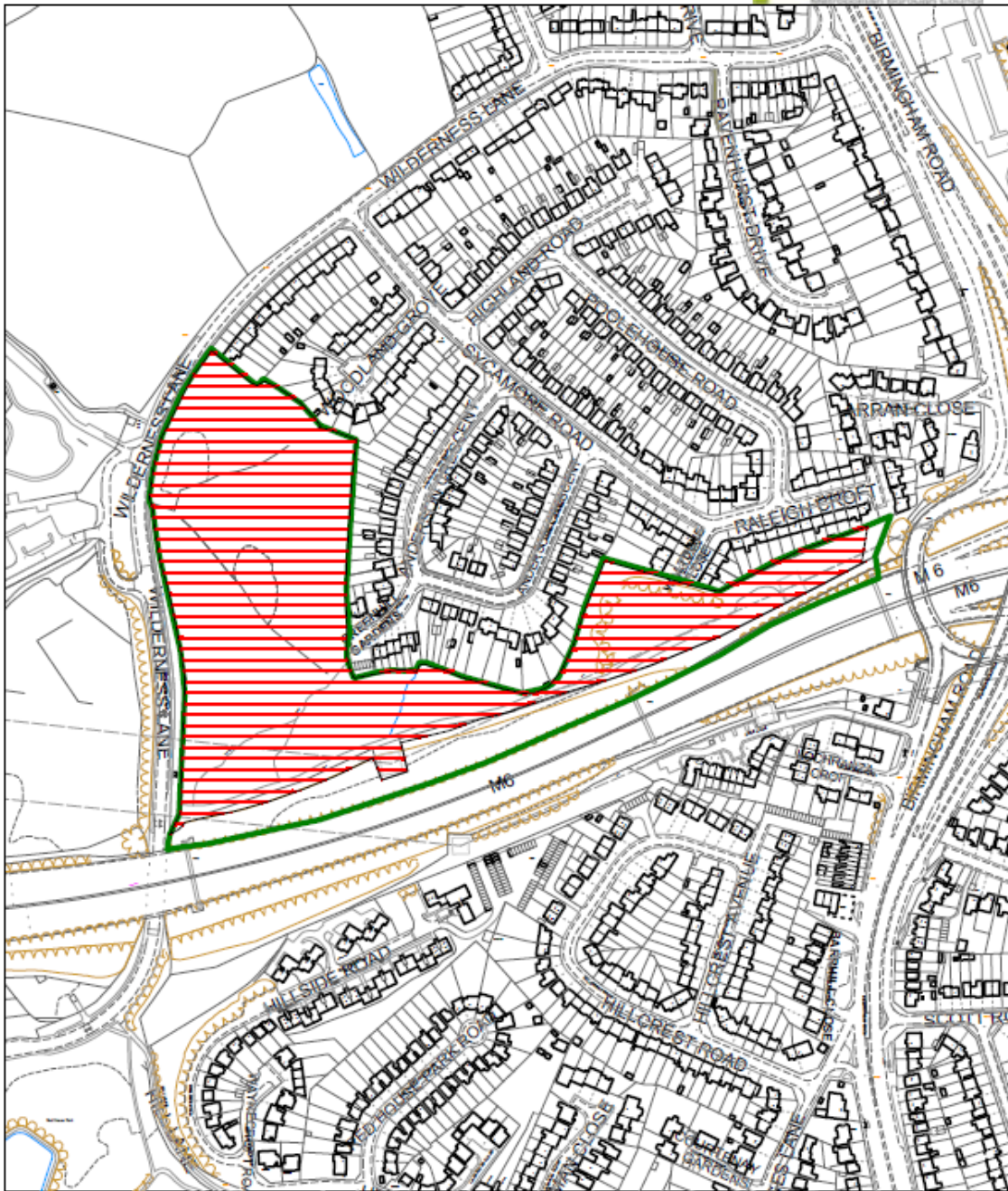
 Site Area and recommended SLINC boundary

 NORTH Not to scale


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Plan 4: East side of Wilderness Wood & Wilderness Lane


Wilderness Wood and Wilderness Lane



Wilderness Wood and Wilderness Lane

 Survey Boundary

 Recommended SINC boundary

 NORTH Not to scale

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