



**SANDWELL LOCAL PLAN - EXAMINATION IN PUBLIC  
JANUARY 2025**

## **TOPIC PAPER – THE ENVIRONMENT**

Appendix 3 - Sandwell Local Plan policies and NPPF requirements

Appendix 3 –

NPPF requirement	NPPF (Dec 2023) Paragraph	SLP approach
<p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> <li>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</li> <li>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</li> <li>c) ...</li> <li>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</li> <li>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</li> <li>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</li> </ul>	<p>180</p>	<p>The <b>SLP Vision</b> identifies that Sandwell’s environment is valued for its own sake as well as for its contribution to the character and amenity of the borough and flags the creation of biodiversity – related improvements.</p> <p>This is picked up and expanded on in the plan’s objectives - <b>Objective 3</b> looks to protect and enhance Sandwell’s natural environment, natural resources, biodiversity, wildlife corridors, geological resources, countryside and landscapes, whilst ensuring that residents have equitable access to interlinked green infrastructure.</p> <p>Relevant policies include Policy SDS7, Policy SDS8, Policy SNE1 - Policy SNE6, Policy SHW4 - Policy SHW6.</p> <p><b>Objective 12</b> also looks to provide a built and natural environment that protects health and wellbeing through minimising pollution (air, noise and other forms) and this is achieved through policies SDS1 - SDS5, Policy SDS7 - Policy SDS8, Policy SNE1 - Policy SNE6, Policy SCC1 - Policy SCC6, Policy SHW3, Policies SCO1 – SCO3</p> <p><b>Policy SNE4</b> seeks the protection of sites that form part of the Black Country UNESCO Global Geopark in Sandwell and also promotes the need for development to make a positive contribution to the protection and enhancement of geodiversity.</p> <p><b>Policy SNE5</b> looks to protect the intrinsic landscape, heritage and ecological value of the Rowley Hills, a strategically important range of hills within the borough (and crossing into neighbouring Dudley) that form a major landmark visible across much of the surrounding Black Country area. They have significant historic importance as part of the borough’s industrial past as well as for nature conservation.</p>

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<p>Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>62</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.</p> <p><sup>62</sup> Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.</p>	181	<p><b>Policy SNE1</b> addresses nature conservation (identifies the importance of international, national and locally designated sites and species. It also recognises the importance of habitat and wildlife networks and their cross-boundary roles and requires development to avoid impeding such networks. Development in Sandwell should contribute positively to the protection, enhancement and expansion of the natural environment across the wider Black Country by:</p> <ul style="list-style-type: none"> <li>• extending and improving the condition of habitats and nature conservation sites,</li> <li>• improving opportunities for the movement of wildlife within and beyond urban areas,</li> <li>• restoring or creating habitats / geological features that actively contribute to the implementation of Nature Recovery Networks, Biodiversity Action Plans (BAPs) and / or Geodiversity Action Plans (GAPs) at a national, regional, or local level,</li> <li>• ensuring that developments adjacent to canals and natural watercourses deliver improved and extended corridors for the movement of wildlife and people</li> </ul>
<p>To protect and enhance biodiversity and geodiversity, plans should:</p> <p>a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity<sup>65</sup>; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation<sup>66</sup>; and</p> <p>b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue</p>	185	<p>In addition to the above on Policy SNE1, policies in the SLP that specifically address the requirements of paragraph 185 include the following:</p> <p><b>Policy SNE2</b> covers the protection and enhancement of wildlife habitats, including BNG and the LNRS, as well as opportunities to deliver local improvements for wildlife and habitats. It also includes details of the BNG-related habitat receptor sites identified by the Council to provide off-site BNG units as required. Local biodiversity-related requirements include the provision of universal swift bricks in new developments as nesting opportunities for several endangered bird species.</p>

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<p>opportunities for securing measurable net gains for biodiversity.</p> <p><sup>65</sup> Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.</p> <p><sup>66</sup> Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.</p>		<p><b>Policy SNE3</b> promotes the provision, retention and protection of trees, woodlands and hedgerows, including the retention of ancient and veteran trees and woodland.</p> <p><b>Policy SNE4</b> seeks the protection of sites that form part of the Black Country UNESCO Global Geopark in Sandwell and also promotes the need for development to make a positive contribution to the protection and enhancement of geodiversity.</p> <p><b>Policy SNE6</b> identifies the importance of the canal system in Sandwell as part of a Black Country-wide network of habitats and ecological opportunities</p>
<p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) ...</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>67</sup> and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.</p> <p><sup>67</sup> For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.</p>	186	<p>Various policies throughout the SLP require decisions on planning and development proposals to take into account potential negative impacts on the environment, biodiversity and green and blue infrastructure.</p> <p>In addition to the policies outlined above, these include:</p> <p><b>Policy SDS1</b> sets out the Spatial Strategy for Sandwell and requires the provision of environmental infrastructure in new development, and for such development to protect habitats, ecology, landscapes, and parks across the borough.</p> <p>Policy SDS8 states that the loss of green infrastructure will be resisted unless new opportunities that mitigate or compensate for the loss can be provided.</p> <p><b>Policy SNE1</b> makes it very clear that development that would have an adverse impact on designated sites of ecological and nature conservation value will be refused unless a strategic benefit can be demonstrated and harm can be minimised / mitigated (but only in the case of sites of local importance for nature conservation).</p> <p><b>Policy SNE3</b> offers protection to both trees and hedgerows; Ancient and veteran trees and woodlands will be protected absolutely under the policy, while there is a presumption against the removal of hedges for development purposes.</p>

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		<p><b>Policy SNE5</b> will not permit development within the Rowley Hills Strategic Open Space that would impact on wildlife habitats supporting biodiversity.</p> <p><b>Policy SNE4</b> will not support development that would have an adverse impact on geosites forming part of the Black Country UNESCO Global Geopark in Sandwell.</p> <p><b>Policy SHW4</b> supports proposals for open space and recreational provision that address the ecological and environmental priorities in the LNRS.</p> <p><b>Policy SHO2</b> looks to refuse windfall sites that if developed would harm the environmental or ecological value of the site and the wider area.</p> <p><b>Policy SID3</b> requires 5G network infrastructure to be located where it has the least adverse impact on landscapes and biodiversity where possible.</p>
<p>Planning policies and decisions should ensure that:</p> <p>a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); ...</p>	189	<p>Chapter 14 of the SLP contains a suite of policies that address the fact that much of the land within Sandwell has been impacted by historic heavy industry, contaminating uses and the extensive mining of mineral resources. This has left a legacy of poor quality and unstable land, with ground conditions varying greatly across relatively short distances within the borough.</p> <p><b>Policy SCO3</b> requires development proposals to take account of ground conditions and to provide details of necessary assessment and remediation prior to permission being given.</p>
<p>Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:</p> <p>a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise</p>	191	<p>Many of the SLP policies, including those noted above, will work to control the adverse impacts of development on the environment, which in many cases will prevent the creation of polluting and disruptive development and uses.</p> <p><b>Policy SHW3</b> addresses air quality and the need to ensure that no deterioration in air quality would be permitted and that opportunities to mitigate impacts that do arise are identified and taken.</p>

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<p>giving rise to significant adverse impacts on health and the quality of life<sup>69</sup>;</p> <p>b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and</p> <p>c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p> <p><sup>69</sup> See Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food &amp; Rural Affairs, 2010).</p>		<p>Chapter 14 also considers the issue of pollution.</p> <p><b>Policy SCO1</b> considers the impacts and legacies of hazardous installations in the borough, again relating to its history of heavy industry and manufacturing.</p> <p><b>Policy SCO2</b> addresses pollution, including those aspects created by noise, vibration, odours, and artificial lighting. Development that are likely to cause such issues are only permitted where sufficient mitigation can be implemented.</p>