

Report to Cabinet

4 December 2024

Subject:	Designation of Nature Conservation Sites
Cabinet Member:	Cabinet Member for Regeneration and Infrastructure Councillor Peter Hughes
Director:	Executive Director – Place Alan Lunt
Key Decision:	Yes Type (c) - an executive decision which is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.
Contact Officer:	Peter Simpson Planning Policy Officer peter_simpson@sandwell.gov.uk

1 Recommendations

For the reasons set out in the report, it is recommended that approval be given to the following Nature Conservation designations:-

- 1.1 Land at Victory Avenue - Extension and part deletion to existing SLINC boundary as shown on the plan 1 at Appendix A.
- 1.2 Shaw Street – Extension to existing SINC boundary and part deletion of SINC as shown on the plan 2 at Appendix A.
- 1.3 Princes End Disused Railway - Extension to existing SLINC boundary as shown on the plan 3 at Appendix A.
- 1.4 Darby End Disused Railway - Part deletion of existing SLINC boundary as shown on the plan 4 at Appendix A.

- 1.5 Balls Hill Branch Canal- Extension to and part deletion of existing SLINC boundary as shown on the plans 5.1 to 5.8 at Appendix A.
- 1.6 M5 Embankment – Reconfirm existing SLINC evaluation as shown on the plan 6 at Appendix A.
- 1.7 Waterfall Lane – Extension & part deletion of existing SINC boundary as shown on the plan 7 at Appendix A.
- 1.8 Land off Factory Road - Reconfirm existing SLINC evaluation as shown on the plan 8 at Appendix A.
- 1.9 the Executive Director of Place be authorised to make the necessary changes to the Sandwell Local Plan Proposals Map to reflect the designations identified in the report.

2 Reasons for Recommendations

- 2.1 This report informs Cabinet of the results and recommendations of the ecological surveys carried out for land at the above locations.
- 2.2 These sites all have existing Site of Local Importance for Nature Conservation (SLINC) designations or the higher ranking Site of Importance for Nature Conservation (SINC) designations
- 2.3 Following resurvey to update or confirm their status, the following recommendations have been endorsed (in principle) by the Local Sites Partnership (LSP). Minor amendments to the reports and plans are in train, but will not materially effect the recommendations.
- 2.4 Two SINC's have been extended and had deletions to their extent.
- 2.5 Two SLINC's have been extended and had deletions to their extent, two SLINC's has been extended and two SLINC's have had their extent reconfirmed with no change to their designation or extent.

3 How does this deliver objectives of the Council Plan

Growing Up in Sandwell	Nature Conservation Sites can add educational value through the provision of green infrastructure and an important ecological resource
Living in Sandwell	<p>An attractive environment will improve the prospect of achieving significant numbers of high-quality new houses in locations that people wish to live in.</p> <p>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.</p>
Healthy in Sandwell	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.

4 Context and Key Issues

Background

- 4.1 Sites of Importance for Nature Conservation (SINCs) and Sites of Local Importance for Nature Conservation (SLINCs) are designations identified in the Site and Delivery Development Plan Document (SAD DPD) and the emerging Sandwell Local Plan (SLP). They form part of the Borough's environmental infrastructure. Potential Sites of Interest (PSIs) are not identified in the Local plan as they have not been subject to survey but have been highlighted as sites that may be worthy of designation and potential follow up surveys in the future.
- 4.2 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 and emerging SLP is therefore important in maintaining and enhancing the Borough's environmental infrastructure.
- 4.3 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.

- 4.4 The Birmingham and Black Country Local Sites Partnership (LSP) was consulted in the preparation of the surveys and associated reports that form the basis of the above recommendations and its endorsement sought.
- 4.5 The 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.
- 4.6 The Sandwell Local Plan is the emerging planning document which will replace the Black Country Core Strategy and the SAD DPD. The Sandwell Local Plan will continue to set out land use policies, allocating land for specific uses or purposes as well as identifying infrastructure requirements to achieve sustainable communities and development within the borough.
- 4.7 To ensure the designation of nature conservation sites remain valid and up to date, survey work has been carried out on existing SINCS and SLINCS. This ensures we have an up to date, defensible and robust evidence base.

Survey Programme

- 4.8 All of the sites surveyed had existing designations.
- 4.9 Planning legislation requires that Local Plan allocations and designations are based on robust and up-to-date evidence.
- 4.10 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 endorsing new sites

and existing sites when re surveyed and then ensuring the endorsement/ adoption of those sites by their own organisations.

4.11 Sites of Importance for Nature Conservation (SINC) and Site of Importance for Local Nature Conservation (SLINC) are designations applied to 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.

4.12 The sites surveyed and the recommendations are;

Land at Victory Avenue - Extension and part deletion to SLINC.

A large central area within the current SLINC site boundary around Sean Dolan Close has been developed as housing and it is recommended that this area is removed from the site boundary. There is a small sliver of hardstanding in the north-east that also should be excluded.

The south of the site now consists of an extension of Rowley Regis cemetery. As this predominantly comprises areas of amenity grassland and hardstanding, it is not of substantive nature conservation value. Therefore, it is recommended that this area is removed from the site boundary.

In addition, it is suggested that the contiguous wooded area to the north-west of the existing site boundary which was surveyed during this assessment is incorporated by extending the site boundary in this area.

Shaw Street - Extension, part deletion to SINC and further survey.

Areas along the northern and southern boundaries have been laid to hardstanding or bare ground for use by adjacent industry and it is proposed they are removed from the site boundary.

An area of dense scrub is present to the south-east of the site. It is recommended that the site boundary is extended to incorporate this area of scrub.

Additionally, no access was possible to an area in the east of the site due to not being granted by the landowner. This area was previously integral to the designation as a SINC. Therefore, it is recommended that

this area is retained as a SINC and subject to further survey, if access is possible, to allow a fully informed assessment of the site.

Additionally, the site is located adjacent to a section of Snow Hill to Wolverhampton Railway SLINC. As this SLINC has not been recently surveyed, this should also be surveyed and could be combined with the survey of the area in the south-east of the site.

Princes End Disused Railway - Extension to SLINC.

A section of field to the south-east of the existing SLINC boundary was included in the survey. This additional area is currently a PSI. This area predominantly comprises an area of semi-improved neutral grassland and areas of plantation woodland. It is recommended that the SLINC boundary is extended to incorporate this area. This is the open area edged green on the plan of the SLINC.

Darby End Disused Railway - Part deletion of SLINC and further survey.

A narrow area of hardstanding along the eastern site boundary lies within fenced land associated with the adjacent factory and it is recommended that this is excluded from the site boundary.

Additionally, an area immediately north of the site is identified as a Potential Site of Importance (PSI). This area was previously surveyed in 1988. It is recommended that this area is subject to further survey to assess whether it warrants inclusion within the Darby End Disused Railway SLINC boundary.

Balls Hill Branch Canal - Extension & part deletion of SLINC and further survey.

It is recommended that several areas currently outside of the site boundary are included within a revised boundary, including areas of semi-improved neutral grassland, dense scrub, and semi-natural broad-leaved woodland.

Additionally, there are several areas currently within the site boundary which are located within adjacent industrial sites. These areas were mapped as 'not surveyed' as access was not possible. It is recommended these areas are removed from the site boundary.

There are also several areas adjacent to the site boundary which appear to be of potential value to wildlife. Access was not available for

these areas and therefore a detailed survey was not undertaken. However, these areas could be of value to wildlife and therefore it is recommended that further survey is undertaken of these areas to assess whether they warrant inclusion into the site boundary.

M5 Embankment – Reconfirm SLINC evaluation.

The site meets SLINC criteria. From mapping and information provided by EcoRecord it appears the site is already designated as a SLINC.

There is an additional area of land to the south-east of the site that is currently identified as a Potential Site of Importance (PSI). This area is predominantly grassland. It is recommended that this area is subject to further survey, in the months of June to July (the optimum survey season for grassland) to assess whether it meets SINC or SLINC criteria.

Waterfall Lane – Extension & part deletion of SINC.

The existing site boundary excludes an area in the middle of the site. Additionally, an area to the north-east of the site comprising access from Powke Lane to the east was not included within the boundary. These areas were previously not included in the site boundary but have been identified as Potential Sites of Importance (PSI). Sandwell MBC requested detailed surveys of both these areas were undertaken.

The central area comprises woodland and grassland, as well as a section of the new cemetery. The area to the north-east comprises hardstanding, introduced shrub and trees.

It is recommended that the boundary is amended to include areas within the central PSI which are outside of the new cemetery fence line, and to exclude areas within the new cemetery in both the central PSI and within the current site boundary. This is recommended as the new cemetery comprises areas of hardstanding and amenity grassland which do not have substantive nature conservation value.

The PSI to the north-east comprises predominantly hardstanding and introduced shrub and therefore is not recommended for inclusion within the boundary.

Several areas in the east of the site comprise extensions of private gardens. It is recommended that these areas are removed from the site boundary.

Land off Factory Road - Reconfirm SLINC evaluation.

No amendments to the site boundary are recommended. The site should remain designated as a SLINC.

5 Alternative Options

- 5.1 The alternative is to not commission survey work, which would result in an out-of-date evidence base and the potential for SINC and SLINC sites to be at greater risk of being lost.
- 5.2 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 there is current information relating to the borough's inventory of nature conservation sites, including SINC and SLINC sites, reduces this risk.

7 Implications

Resources:	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, as this forms part the core function.
Legal and Governance:	National planning policy sets out clear expectations for local authorities to take a strategic approach to the environment and biodiversity. Survey and resurvey work on sites of ecological interest and value should contribute to current and emergent development plan documents (such as the emerging Local Plan and important supplementary planning documents). S.40 of the Natural Environment and Rural Communities (NERC) Act (2006) requires all public bodies to have regard to biodiversity conservation when carrying out their functions – commonly referred to as the 'Biodiversity duty'. These designations support the Council in the discharge of this obligation. The continued monitoring of the status of nature conservation sites

	and identifying new sites is also part of the requirements of The Conservation of Habitats and Species Regulations (2010). Arrangements for the designation and protection of sites for planning purposes falls outside of the scope of this report and is instead undertaken via the development and review of the emergent Local Plan.
Risk:	The Council's corporate risk assessment strategy has been complied with, to identify and assess the risks associates with this decision/recommendation. This has identified that there are no significant risks that need to be reported.
Equality:	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.
Health and Wellbeing:	The maintenance of Nature Conservation sites will have a positive impact on the health and wellbeing, (including mental health) of the population by providing a green network of sites for Biodiversity
Social Value:	Nature Conservation sites improve the social value of the area by providing green and natural spaces, which is positive for health and well-being
Climate Change:	Nature Conservation Sites are addressing Climate Change and link strongly to Biodiversity Net Gain (BNG)
Corporate Parenting:	There are no corporate parenting implications arising from the recommendations contained in this report.

8. Appendices

Appendix A - Site Plans

9. Background Papers

Black Country Core Strategy (2011)

Sandwell Site Allocations & Delivery DPD (2012)

Publication Sandwell Local Plan (2024)