



SANDWELL LOCAL PLAN - EXAMINATION IN PUBLIC

JANUARY 2025

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1. Introduction

- 1.1 Sandwell is a multi-centred metropolitan borough and forms part of the West Midlands conurbation. The district comprises six historic former boroughs:
- Oldbury
 - Rowley Regis (including the town centres of Blackheath and Cradley Heath)
 - Smethwick (including the town centres of Bearwood and Cape Hill¹)
 - Tipton (including the town centre of Great Bridge)
 - Wednesbury
 - West Bromwich
- 1.2 All these historic boroughs contain numerous smaller settlements and localities, each with their own distinct identities. West Bromwich is designated as Sandwell's Strategic Town Centre and is the largest town in the borough, while Sandwell Council House (the headquarters of the local authority) is situated in Oldbury. In 2019 Sandwell was ranked 12th most deprived of England's 317 local authority areas.
- 1.3 Sandwell is bordered by the cities of Birmingham and Wolverhampton and the metropolitan boroughs of Dudley and Walsall. Spanning the borough are the parliamentary constituencies of West Bromwich West, West Bromwich East, Warley and part of Halesowen and Rowley Regis, which crosses into the borough of Dudley.

Environment

- 1.4 The borough covers an area of 86 square kilometres. Of this area, around 20km² are identified as various types of open space, both unrestricted (parks, community open spaces etc.) and restricted (allotments, some sports fields etc.). Many of these sites also contain further designations, such as local nature reserves, sites of importance for both local and regional nature conservation, Green Belt, waterways and green corridors.

Demographic and economic background

- 1.5 The 2021 Census estimates that Sandwell has 341,900 residents, representing an increase of 11.0% since 2011. This compares with a rise of 6.3% in England and Wales. This 11% increase is the highest recorded in the West Midlands Metropolitan County area, the next highest being in Coventry (8.9%). In 2021, Sandwell ranked 27th for total population out of 309² local authority areas in England, moving up six places in a decade. The borough's population is predicted to grow at a faster rate than both the population of the West Midlands and the national average and is forecast to increase by 30,000 between 2016 and 2030.
- 1.6 This area is the second-most densely populated local authority area across the West Midlands (after Birmingham)³.
- 1.7 Sandwell has a young and diverse population, with more than 40% of its residents under the age of 30, compared to around 30% elsewhere in the UK; almost 40% of residents are from an ethnic minority background, making the population more diverse than the regional and UK average of 18.8% and 14% respectively.

Health

¹ The use of the term 'town centre' in this context refers to the modern centres in a planning sense. The historic centre of Smethwick, the area along the High Street, continues to be referred to as the Town Centre locally.

² Local government restructuring in Cumbria, North Yorkshire and Somerset took effect from 1 April 2023. Elections to new shadow unitary authorities in these areas were held in May 2022. As of 1 April 2023, there are 21 county councils, 164 district councils and 132 single-tier authorities, making a total of 317 local authorities in England. Source - Commons Library Research Briefing, 7 October 2022

³ <https://www.ons.gov.uk/visualisations/censusareachanges/E08000028/>

- 1.8 The health of people in Sandwell does not on the whole compare well with England averages. Sandwell is one of the 20% most deprived districts / unitary authorities in England and around 25.5% (18,495) of its children live in low-income families. Life expectancy for both men and women is lower than the England average; 76.1 years for men and 80.7 years for women compared to 79.4 years (male) and 83.1 years (female) nationally⁴. Life expectancy inequality also exists within Sandwell itself – life expectancy is 8.6 years lower for men and 8 years lower for women in the most deprived areas of the borough compared to the least deprived areas⁵.

⁴ Public Health England - <https://fingertips.phe.org.uk/profile/health-profiles/data#page/1/gid/1938132696/ati/402/iid/90366/age/1/sex/1/cat/-1/ctp/-1/yrr/3/cid/4/tbm/1>

⁵ Public Health England - <https://fingertips.phe.org.uk/static-reports/health-profiles/2019/e08000028.html?area-name=sandwell> (2019)

2. Sandwell Local Plan

- 2.1 It is a statutory requirement for every Local Planning Authority to have a current Local Plan; and to review these plans periodically to keep them up to date. In Sandwell the Local Plan consists of:
- Tier 1 - **Black Country Core Strategy**, prepared jointly with Dudley, Walsall and Wolverhampton. It was adopted in 2011 and runs to 2026.
 - Tier 2 - **Sandwell Site Allocations & Delivery Plan** (the SAD), which was adopted in 2012 and ran till 2021.
 - **West Bromwich Area Action Plan**, which was adopted in 2012 and runs to 2026.
- 2.2 There are two earlier AAPs covering Smethwick and Tipton, which technically are still extant. These AAPs, however, were largely absorbed into the SAD on its adoption, and will be superseded fully by the new Sandwell Local Plan.
- 2.3 The council worked with the other three Black Country authorities on a replacement for the Black Country Core Strategy, called the Black Country Plan. The preparation of the Plan reached Regulation 19 stage but was halted in 2022 for political reasons. This meant that each of the local authorities needed to start preparing a local plan for their individual area.

Issues and Options stage

- 2.4 The Council undertook an initial exercise to try and identify those issues and potential options of importance to Sandwell and its population in 2022. It asked various questions relating to the environment and climate change, which are set out in **Appendix 1** to this document. Appendix 1 also contains the responses received to those questions, and an indication of any changes or amendments made to the draft SLP policies as a result.

Regulation 18 stage

- 2.5 Following consideration of the Issues and Options responses, a draft SLP was produced. Various policies relating to the environment and climate change were included from the abandoned Black Country Plan, which had previously been subject to wide public consultation. The receipt of further comments and objections saw the draft policies amended again to form the final version of the plan, to be submitted for examination in public.
- 2.6 The comments received at Regulation 18 stage on the proposed environmental and climate change policies, and the Council's responses, are set out in **Appendix 2**.

Spatial Strategy

- 2.7 As part of the development of the SLP, a spatial strategy setting out the Council's preferred approach to the delivery of sustainable development was produced. This underwent testing as part of the plan's sustainability assessment, including the consideration of several potential spatial options for delivery⁶. Paragraphs 4.4 and 4.5 set out the main consideration for the strategic approach and the eventual direction of travel of the SLP:
- 4.4 *Given Sandwell's highly urbanised nature and its location at the heart of the main West Midlands conurbation, it is neither feasible nor realistic to identify reasonable alternatives that require the use of large tracts of vacant open land, either brownfield sites or land that is classified as greenfield / undeveloped. Sites like this are either not available in Sandwell or they are subject to other designations or constraints, such as green belt, nature conservation or open space uses.*
- 4.5 *In view of the levels of both housing and employment land needs, it is becoming apparent that Sandwell will not be able to meet them either within the borough or across the plan*

⁶ <https://www.sandwell.gov.uk/downloads/file/3265/slp-reg-18-spatial-strategy>

period in full. To try to do so would result in significant and harmful levels of overdevelopment in the urban areas and the loss of open and green spaces across the district; even then, development needs would not be fully met. This degree of overdevelopment would inevitably have an adverse effect on the living environment, health and wellbeing of Sandwell's residents, alongside the exacerbation of climate change impacts and the degradation of the natural and built environment, habitats and green and blue infrastructure.

- 2.8 The work undertaken on the strategy and the various strategic options led to the Council adopting what is referred to as the Balanced Green Growth option for the delivery of development in Sandwell. It allows for the provision of a significant quantum of housing and employment opportunities in the borough while promoting a strategy that supports the delivery of climate change adaptation and mitigation, environmental protection and enhancement, the conservation and enhancement of the historic environment and the delivery of green and blue infrastructure. This in turn supports the Council's wider aims and objectives of improving the health (physical and mental), wellbeing and life chances of people in Sandwell.
- 2.9 This approach formed the basis for Policy SDS1, which sets out the development strategy for the plan and Sandwell.

3. National Policy

- 3.1 According to the State of Nature Report 2023 the UK, like many other countries, has experienced a significant loss of biodiversity. The UK is now one of the most nature-depleted countries on Earth. Sir Partha Dasgupta in the Dasgupta Review quotes the Worldwide Fund for Nature's findings; that in the UK, more than 1 in 7 native species are facing extinction and more than 40% are in decline.
- 3.2 Biological diversity has also been declining at pace. The populations of birds, fish, mammals, and reptiles have fallen by almost 70% since 1970. The way in which land has been managed, most notably for agriculture, has been a major contributory factor to this.
- 3.3 Despite efforts in ecosystem restoration, conserving species, and moving towards more nature-friendly land uses, the UK's nature and wider environment continues, overall, to decline and degrade. The Environmental Improvement Plan published at the beginning of 2023 set out government plans for significantly improving the natural environment. By 2030, the government has committed to:
- Halt the decline in species abundance.
 - Protect 30% of UK land.
- 3.4 By 2042, the government has committed to:
- Increase species abundance by at least 10% from 2030, surpassing 2022 levels.
 - Restore or create at least 500,000 ha of a range of wildlife rich habitats.
 - Reduce the risk of species extinction.
 - Restore 75% of one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term.

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

- 3.5 The directive incorporates the provisions of the EU Water Framework Directive into UK law, requiring all surface waterbodies to achieve 'good' ecological and chemical status (or 'good' ecological potential for heavily modified and artificial waterbodies), and for all groundwater bodies to achieve 'good' quantitative and chemical status by 2027 at the latest.

A Green Future: Our 25 Year Plan to Improve the Environment (2018)

- 3.6 This Government Strategy set out national goals for improving the environment within the next 25 years. It detailed how the Government would work with communities and businesses to leave the environment in a better state than at present.
- 3.7 The strategy aims to regain and retain good health for the environment through a range of actions, including environmental net gains through development. Goals include clean air and water, plentiful water, thriving plants and wildlife, and reducing hazards such as flooding and drought.
- 3.8 The NPPG (Natural Environment, paragraph 10 Reference ID: 8010-20190721) states that the commitments within the 25-year Plan should be considered when considering the opportunities to conserve and enhance biodiversity and geodiversity and contribute to habitat connectivity in new developments.
- 3.9 The strategy identified six key areas around which action is focused; examples of relevance to Sandwell are listed below:

Recovering nature and enhancing the beauty of landscapes:

- Develop a Nature Recovery Network to protect and restore wildlife, and provide opportunities to re-introduce species that have been lost from the countryside
- Respect nature by using water more sustainably.

Securing clean, productive and biologically diverse seas and oceans:
Protecting and improving the global environment:
Using and managing land sustainably: <ul style="list-style-type: none"> • Embed a 'net environmental gain' principle for development, including natural capital benefits to improved and water quality
Connecting people with the environment to improve health and wellbeing: <ul style="list-style-type: none"> • Help people improve their health and wellbeing by using green spaces, including through mental health services • Encourage children to be close to nature, in and out of school, with particular focus on disadvantaged areas. • 'Green' towns and cities by creating green infrastructure and planting one million urban trees
Increasing resource efficiency, and reducing pollution and waste: Reduce pollution by tackling air pollution in a Clean Air Strategy and reduce the impact of chemicals.

Natural Environment and Rural Communities Act 2016 (as amended by the Environment Act 2021)

3.10 Section 40 of the Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan. Other considerations may include the following:

<ul style="list-style-type: none"> • The need to identify and map local ecological networks, including Local Wildlife Sites (with criteria), and their links to the Nature Recovery Network, a government commitment to creating a connected network of wildlife rich habitat across England
<ul style="list-style-type: none"> • Consideration of the potential impacts of development on protected and priority species and ecosystems.
<ul style="list-style-type: none"> • Plans and strategic policies that can be used to set out a suitable approach to the biodiversity net gain requirement introduced by the Environment Act 2021, to deliver at least 10% net gain
<ul style="list-style-type: none"> • Consideration of the need for the retention of trees

3.11 All policies in a Local Plan must be positively prepared, justified, effective and consistent with national policy. The National Planning Policy Framework (NPPF) sets out the overarching planning policy framework, supported by the National Planning Practice Guidance (PPG).

3.12 The existing SAD was adopted in 2011, before the introduction of the NPPF in 2012. There have been subsequent updates to the NPPF, and the Regulation 19 Sandwell Local Plan has been considered against the requirements of the most recent version, published in December 2023. Changes to the NPPF affecting plan making have been reflected in the SLP.

The Environment Act (2021)

The Environment Act gained royal assent in November 2021. It makes provisions relating to:

- new targets, plans and policies for improving the natural environment;
- statements and reports about environmental protection;
- the Office for Environmental Protection;
- waste and resource efficiency;
- air quality;
- the recall of products that fail to meet environmental standards;
- water;
- nature and biodiversity;
- conservation covenants;
- the regulation of chemicals; and
- connected purposes.

3.13 The Environment Act strengthens the duty to achieve the environmental objective set out in the National Planning Policy Framework (NPPF). It also strengthens the provision on public bodies to conserve and enhance biodiversity.

3.14 Nature and biodiversity is a key provision within the Act (Part 6 and 7). The Act brought in new requirements for councils in relation to these topics, including the following:

- Local Nature Recovery Strategies (LNRS);
- Biodiversity Net Gain;
- Strengthened biodiversity duty on public authorities;
- Strategic protected site and species strategies;
- New tree felling consultation requirement.

3.15 Section 14 of the Act makes biodiversity gain a condition of planning permission. Schedule 7A, Biodiversity gain in England, makes provision for planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met.

National Design Guide (January 2021)

3.16 The National Design Guide focuses on the natural environment as follows:

Nature - Well-designed places:

- integrate existing, and incorporate new natural features into a multifunctional network that supports quality of place, biodiversity and water management, and addresses climate change mitigation and resilience
- prioritise nature so that diverse ecosystems can flourish to ensure a healthy natural environment that supports and enhances biodiversity
- provide attractive open spaces in locations that are easy to access, with activities for all to enjoy, such as play, food production, recreation and sport, so as to encourage physical activity and promote health, well-being and social inclusion.

National Planning Policy Framework (NPPF) (December 2023)

- 3.17 The NPPF sets out the key national planning priorities for England. First published in 2012, it was most recently updated in December 2023. It is non-statutory guidance but is a powerful material consideration in plan-making and development management decisions. The NPPF is accompanied by online **Planning Practice Guidance**. Planning Practice Guidance (PPG) provides an extensive online resource of detailed policy guidance provided by the Ministry of Housing, Communities and Local Government. Along with the NPPF, PPG sets out how the government envisages the day to day working of the planning system in England will operate to deal with planning applications and wider land use issues.
- 3.18 The NPPF requires the protection of the environment and valuable environmental features, but it makes it clear that merely protecting the environment is not adequate and that it must also be enhanced, improved and restored to deliver a net gain for biodiversity. The approach to net gains should not override protections for important biodiversity features and the avoidance/reduction of harm should be prioritised over improvement and restoration. This effectively makes the ecological mitigation hierarchy a planning principle.
- 3.19 Priority habitats and species and ecological networks should be targeted for conservation, restoration and enhancement. Improvements to air and water quality should be sought to contribute to compliance with limit values and national objectives for pollutants. Water stocks should also be preserved. Ecological resilience should be improved with adaptation to climate change a consideration and green infrastructure should make best use of land by delivering multifunctional benefits notably for wildlife, recreation, flooding and climate change adaptation.
- 3.20 The NPPF requires plans to ... *pursue opportunities for securing measurable net gains for biodiversity* (paragraph 185(b)). The NPPF was updated in December 2023⁷, so the intention is for plans to incorporate net gain policy rather than leaving it for national legislation or policy to implement the same.
- 3.21 Chapter 15 of the NPPF, **Conserving and enhancing the natural environment** covers topics associated with the environment, landscape and ecology, including habitats and biodiversity, and other related issues such as ground conditions and pollution.
- 3.22 The most relevant paragraph of the NPPF covering the natural environment as part of the plan-making process is paragraph 180. However, there are several other linked paragraphs that also relate to environmental and ecological matters. Local plans are expected to ensure that their policies address all relevant aspects of national guidance. **Appendix 3** provides further details of how the extant SLP policies relating to the environment tackle the obligations of the NPPF.
- 3.23 Application of the NPPF and relevant legislation is further explored in the PPG. Paragraphs 001 (Reference ID: 8-001-20190721) to 043 (Reference ID: 8-043-20190721) set out the key considerations in respect of the natural environment.

⁷ The Sandwell local Plan is being considered under the auspices of this version of the NPPF and not the more recent version.

4. Green Belt

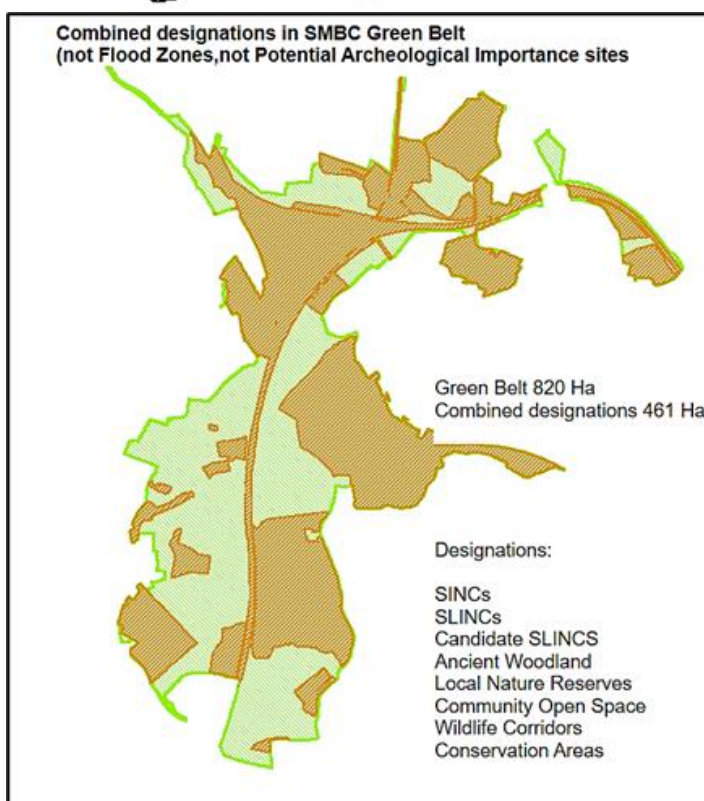
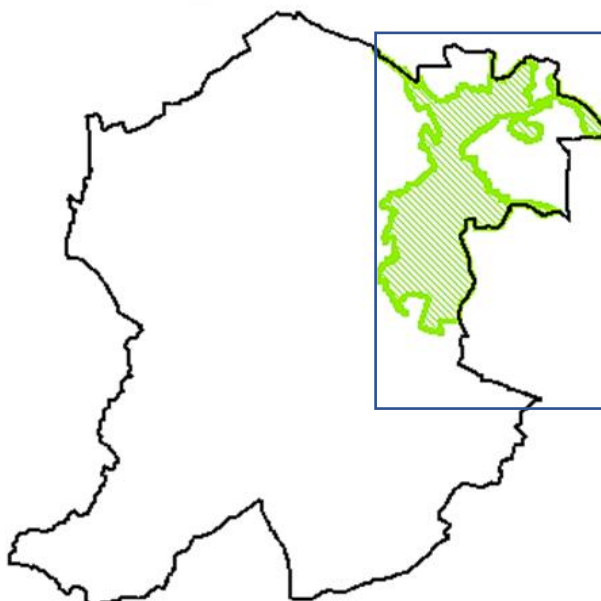
- 4.1 Sandwell contains approximately 823ha of Green Belt (around 9.61% of the area of the borough).
- 4.2 The NPPF attaches great importance to the concept of green belts. Green belt is a national planning designation; relevant national policy controls what types of development can take place within it.
- 4.3 Green belt serves five purposes, alongside its essential characteristics of **openness** (spatial and visual) and **permanence**:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.4 Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be incorporated into the plan-making process.
- 4.5 Where green belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as
- look for opportunities to provide access;
 - provide opportunities for outdoor sport and recreation;
 - retain and enhance landscapes, visual amenity and biodiversity; or
 - improve damaged and derelict land.
- 4.6 Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. The NPPF regards the construction of new buildings as inappropriate in the green belt and identifies the few exceptions to this.
- 4.7 **Planning Practice Guidance** includes detailed advice on Green Belt (July 2019). It has provided updated advice on factors that can be considered when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to:
- openness;
 - duration of the development; and
 - and the degree of activity likely to be generated.
- 4.8 It also sets out ways in which the impact of removing land from the Green Belt can be offset by compensatory improvements. Improvements may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could for instance include:
- new or enhanced Green Infrastructure;
 - woodland planting;
 - landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);
 - improvements to biodiversity, habitat connectivity and natural capital;
 - new or enhanced walking and cycle routes; and
 - improved access to new, enhanced or existing recreational and playing field provision.

Sandwell's Green Belt

- 4.9 The Black Country Green Belt forms part of the West Midlands Green Belt. This is a large, mostly continuous, belt of land around the urban area, which was originally designated in 1975 to prevent the expansion of the West Midlands conurbation into the surrounding countryside and to stop it merging with neighbouring towns. Around one quarter of the Black Country's green belt is occupied by existing development, such as schools and small housing estates.
- 4.10 Sandwell's designated green belt covers around 9.6% of the borough. This compares to Wolverhampton, with 11.5% green belt, Dudley, at 18% green belt and Walsall, where green belt makes up 38% of the borough⁸. As a further comparison, Birmingham contains c14% green belt while South Staffordshire District Council contains c79%.
- 4.11 Most of the green belt in Sandwell lies within Sandwell Valley, which is in the north / east of the borough. In total, Sandwell Valley consists of c.900ha of land, of which c.720ha are owned by Sandwell Council. It contains three local nature reserves, a country park (670ha), and an RSPB reserve, together with two working farms that act as visitor centres.
- 4.12 Given the various environmental and historic designations extant in the valley (in addition to its green belt status), and its importance as a space for active and passive recreation, the Council does not consider it a suitable location for additional development.

⁸ <https://www.landuse.co.uk/news/green-belt-map/>

Sandwell Borough boundary & Green Belt extent



- 4.13 In 2018, the consultants LUC were commissioned to undertake an assessment of the green belt⁹ for the City of Wolverhampton, Dudley, Sandwell and Walsall councils and South Staffordshire Council. The resulting study formed an important piece of evidence for the then ongoing partial review of the Black Country Core Strategy (the Black Country Plan) and the associated strategic site allocations and individual development plans of the Black Country Authorities and South Staffordshire.
- 4.14 The LUC study undertook the following steps when assessing the relative contributions of parcels of land within the green belt:

⁹ <https://www.sandwell.gov.uk/downloads/download/409/sandwell-local-plan-green-belt-evidence>

- Rated areas within the green belt on how they contributed to the five nationally defined, purposes of green belt
 - Excluded from further assessment those areas of green belt that had significant planning constraints on them - e.g. sites of importance for nature conservation (SINC) or land at a high risk of flooding
 - Rated the remaining areas of green belt against the harm that would be caused to the integrity of the remaining green belt by their removal from it.
 - Assessed how far the landscape character of each of the green belt parcels (e.g. their landform, historic value and use for recreation) would be sensitive to development.
- 4.15 Given the relatively recent date of the assessment and the fact that within Sandwell there has been no significant change to the overall housing or employment land supply or demand level since 2019, the Council is of the view that the LUC work is still relevant and therefore remains extant. As such, there is no current intention to undertake a further detailed green belt review.
- 4.16 Extracts from the LUC work pertaining to Sandwell's Green Belt are included as Appendix 5 to this topic paper.
- 4.17 The Sandwell Local Plan Spatial Strategy document considered the possibility of allocating sites in the green belt and similar undeveloped areas to provide for additional housing and employment growth. It stated the following:
- 5.1 *Sandwell Council is aiming to utilise land efficiently, using previously developed land, vacant properties and surplus industrial / employment land, and to maximise housing densities where appropriate. There is an identified shortage of deliverable sites to meet our housing and economic growth needs. There is however no justification for the redrawing of green belt boundaries within Sandwell, given the limited supply of such land and the important role it plays in preventing coalescence with adjoining towns and settlements within and beyond Sandwell's boundaries and the importance of maintaining open land within the borough.*
- 5.2 *There is similarly no intention to allocate greenfield land or open spaces to accommodate additional development as a rule, despite the recognised shortfalls. Given the importance of green infrastructure to the health and wellbeing of Sandwell's residents and its role in combatting climate change, as well as the significant part it plays in maintaining ecologically sensitive habitats and corridors, we do not intend to allocate such land for housing or employment uses in general.*
- 4.18 It went on to restate the importance of the green belt in Sandwell, which is critical in ensuring that additional development will not adversely impact on open areas such as Sandwell Valley. Green belt (and other open spaces) in Sandwell is also subject to high-level constraints such as nature conservation designations (see inset map above), areas of historic or archaeological interest, areas of high landscape value, flood zones and similar issues.
- 4.19 The Council is satisfied that while there remains a considerable housing and employment land shortfall, given the limited nature and extent of green belt in the borough the allocation of development sites within it would not significantly outweigh the harm such development would cause to the openness of the green belt or the prevention of coalescence between existing built-up areas.
- 4.20 This is also in accordance with the NPPF. In December 2023 a change to national planning policy was set out in paragraph 145 of the NPPF:
- Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and*

justified, in which case proposals for changes should be made only through the planmaking process.

- 4.21 This change means that local authorities like Sandwell, who are preparing a Local Plan and that do not have enough land to meet their housing or employment development needs, can now choose whether to review the green belt to release land for more housing or employment development.
- 4.22 While there is an amended version of the NPPF that was subject to public consultation between July and September 2024, given the timing of the submission of the SLP it will be considered under the current (December 2023) version of the NPPF.
- 4.23 There are no sites allocated for development within Sandwell's green belt, but its use for non-development activities, such as recreation (i.e. Sandwell Valley) is supported as and where appropriate.

SLP Policies

Policy	Summary
Policy SDS7 – Sandwell's Green Belt	This policy provides specific guidance to the public and developers on the protection the council will afford to sites and buildings in the green belt. Its role in delivering urban renaissance is obviously of great importance in Sandwell, which is actively pursuing regeneration across its area. It also encourages the use of Sandwell Valley for appropriate leisure uses, which will in turn help in providing opportunities for healthy recreation.

5. Green and Blue infrastructure

- 5.1 Green and blue infrastructure (GBI) is a network of multi-functional green and blue spaces and other natural features, urban and rural, which can deliver a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities, and prosperity.
- 5.2 In January 2023 Natural England launched the Green Infrastructure Framework to help increase the amount of green cover to 40% in urban residential areas. Parks and greenspaces in England deliver an estimated £6.6 billion of health, climate change and environmental benefits every year. But with 80% of people in the country now living in towns and cities, one third of people do not have access to good quality green and blue space within 15 minutes of their home. The government's Environmental Improvement Plan, published in February 2023, includes a commitment that the public should be able to access green space or water, such as woodlands, wetlands, parks and rivers, within a 15-minute walk from their home.
- 5.3 The GI Framework also provides a structure to analyse where greenspace in built up areas is needed most. It aims to support equitable access to greenspace, with an overarching target for everyone being able to reach good quality greenspace in their local area.
- Green infrastructure can provide multiple benefits for the economy, good design, healthy communities, climate change mitigation, conservation and enhancement
 - Evidence-based strategies and those delivered with partners can inform the approach
 - Green infrastructure should be considered at an early stage as an integral part of development.
- 5.4 **Planning Practice Guidance** explains that green infrastructure¹⁰ embraces a range of assets, land types, uses and habitats that provide environmental and wider benefits for both ecology and people. It includes formal and informal open spaces, habitats such as woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees and 'blue infrastructure' such as streams, ponds, canals and other water bodies.
- 5.5 The guidance explains that green infrastructure is a natural capital asset that provides multiple benefits at a range of scales. For communities, these benefits can include enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, urban cooling, and the management of flood risk. These benefits are also known as ecosystem services.
- 5.6 In terms of planning goals green infrastructure can help in:
- building a strong, competitive economy;
 - achieving well-designed places;
 - promoting healthy and safe communities;
 - mitigating climate change, flooding and coastal change; and
 - conserving and enhancing the natural environment.
- 5.7 It states that a strategic approach should be taken to green infrastructure through identifying the location of existing and proposed green networks and setting out appropriate policies for their protection and enhancement. Green infrastructure frameworks or strategies should be prepared at a district-wide scale in order to maximise their efficiency and identify wider than local opportunities.
- 5.8 In terms of planning decisions, it explains that opportunities to incorporate green infrastructure creation, improvements and requirements should be reflected at the earliest stages of development

¹⁰ PPG Natural Environment, paragraphs 004 - 008

proposals. Planning conditions or Community Infrastructure Levy (CIL) funding can be used as mechanisms for securing and funding it.

Sandwell's approach to green and blue infrastructure

5.9 Sandwell Green Spaces Implementation and Business Plan 22 / 23 – 25 / 26 -

<https://www.sandwell.gov.uk/downloads/download/109/green-spaces-strategy-implementation-and-business-plan-2223-%E2%80%93-2526>

5.10 The business plan sets out the Council's approach to the improvement and development of green spaces, including:

- Focusing on the improvement of green spaces with low quality and value scores, the priority being those local and neighbourhood level green spaces that require investment.
- Modernising the ways of working for the Green Spaces team, including new digital systems to plan and track work and venue / playing pitches bookings.
- Developing improvement plans for all green spaces in Sandwell over the next three years, with all parks and gardens, nature reserves, playing pitches and green corridors in 2022/23. Plans will list required and aspirational works and provide direction for teams and residents in the improvement of green spaces.
- Publishing an annual programme of planned works, approved by Cabinet, for all green space and play area works.
- Working in partnership with residents, Friends Groups, community groups, businesses, schools and colleges, in the improvement and maintenance of all our green spaces.

5.11 Sandwell Tree Strategy and Implementation Plan 2023 - 2028-

<https://www.sandwell.gov.uk/downloads/file/257/appendix-a-tree-strategy-and-implementation-plan-2023-2028-final-for-cabinet-decision-070323>

5.12 The strategy includes:

- Information about trees and the benefits that they provide to Sandwell.
- What the Council will and will not be able to do on trees on its land and private trees (listed above).
- A commitment to complete and inspection and survey of all trees in Sandwell red risk areas over the next two years (an estimated 80,000 trees).
- A commitment to complete any remedial works as a result of these inspections.
- A regular cycle of inspections based on risk categories of trees following the bulk inspection and remedial works taking place now.

SLP Policies

5.13 The Sandwell Local Plan contains policies designed to promote the role of green and blue infrastructure through design, layout and implementation stages of development, as well as recognising their wider environmental role and physiological benefits for local communities. In addition to the specific policies dealing with GBI, several of the other policies touch on the importance of green and open spaces as part of their wider remits.

Policy	summary
Policy SDS1 – Spatial Strategy for Sandwell	Section 1e reflects the benefit green and blue infrastructure can have for helping to mitigate climate change impacts:

Policy	summary
	<p><i>“... minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so”</i></p>
<p>Policy SDS5 - Achieving Well-designed Places</p>	<p>Section 10 of the policy requires the following:</p> <p><i>An integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments</i></p>
<p>Policy SDS 8 – Green and Blue Infrastructure in Sandwell</p>	<p>The main policy on GBI recognises the contribution it makes to the provision of 'ecosystem services', which are the direct and indirect contributions the natural environment offers to human wellbeing and quality of life. The policy covers those areas where GBI can have a positive impact on the quality of life of residents and the environment in general. It also commits the Council to developing a Green Infrastructure Strategy for the borough. It sets out several examples of the sort of GBI that occur in the area and looks to development to maintain and enhance the GBI network where possible.</p>
<p>Policies SNE1 – SNE6</p>	<p>These policies address various aspects of the natural and built environment that have an ecological or landscape purpose, including the local nature recovery strategy, canals, protected sites and trees. They all specifically or indirectly speak to the importance of maintaining a network of green spaces and links and promote the retention and improvement of green infrastructure.</p>
<p>Policy SCC3 – Climate-adapted Design and Construction</p>	<p>Sections 3bvi and 5aiii of the policy specifically refers to natural cooling measures such as green and blue infrastructure and the opportunities afforded by the canal network in Sandwell to create heat sinks.</p>
<p>Policy SCC6 – Sustainable Drainage</p>	<p>Section 1b refers to the ability of SuDS to contribute to the enhancement of biodiversity and green infrastructure of a site and the wider area and indicates support for schemes that contain these linkages.</p>
<p>Policy SHW3 – Air Quality</p>	<p>The policy supports a diverse approach to the issues around poor air quality in Sandwell, including the provision and protection of green open spaces and additional tree cover.</p>
<p>Policy SHW4 – Open Space and Recreation</p>	<p>The policy supports the provision of open space for informal recreational purposes and also refers to the role the open space network plays in the context of addressing ecological and environmental priorities set out in the Local Nature Recovery Strategy (SNE2). Section 8g specifically refers to,</p> <p><i>“... preserving and enhancing environmental and habitat diversity and preventing the fragmentation of ecological networks”.</i></p>

Policy	summary
Policy SID1 - Infrastructure Provision and Viability Assessments	This outlines the types of physical and social infrastructure that will attract the need for CIL funding and legal agreements prior to development and encompasses green infrastructure, including biodiversity net gain and open spaces.
Policy SDM1 – Design Quality	<p>This policy requires new development to contribute to the greening of Sandwell through incorporating various “green” measures, including the conservation of existing green spaces and the use of landscaping, tree planting and urban greening. These will all contribute to the functionality of GBI across the borough.</p> <p>Section 3 requires development proposals to contribute to the greening of the borough by:</p> <p style="padding-left: 40px;"><i>“... c. optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space and shading”.</i></p>

Sustainability appraisal

5.14 According to the SA of the Regulation 19 draft of the SLP:

The SLP promotes the conservation and enhancement of the multi-functional GI network through encouraging development proposals to increase connectivity of the wider green and blue infrastructure network. Although the proposed development within the SLP will result in the loss of greenfield land and associated GI to some extent, the SLP policies are expected to mitigate and re-compensate for this loss of GI, resulting in a positive effect on GI provision in the longer term.

Regulation 19 SA of the Sandwell Local Plan 2024-2041: Non-Technical Summary - Table N.18: Likely residual positive sustainability effects of the SLP

6. Landscape

- 6.1 The NPPF makes it clear that local plans should consider and address as appropriate the following aspects of the local landscape:
- Recognition of the intrinsic character and beauty of the countryside, and landscape conservation and enhancement
 - The need to identify special characteristics of the landscape through assessment, including any potential cumulative impacts, and consider its sensitivity and capacity to withstand development without losing or compromising its essential character.

Landscape sensitivity

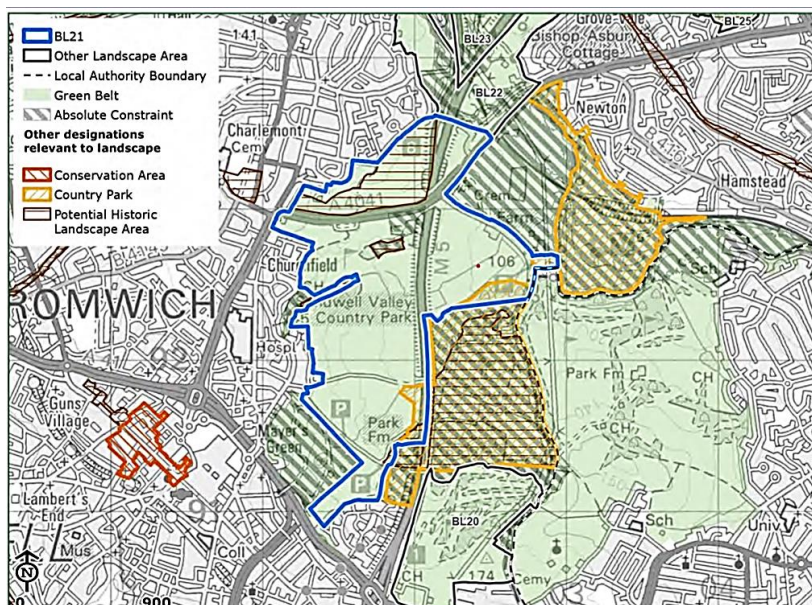
Landscape sensitivity is the relative extent to which the character and quality of an area (including its visual attributes) is likely to change as a result of introducing a particular type of development.

Guidelines for Landscape and Visual Impact Assessment (GLVIA 3, 2013)

- 6.2 As part of the green belt work undertaken for the Black Country Plan by LUC, a landscape sensitivity assessment¹¹ of the four Black Country boroughs was also undertaken. This looked in detail at identified parcels of land within the green belt and assessed their overall sensitivity to potential development (housing / employment).
- 6.3 Broadly speaking, Sandwell's green belt parcels were either identified as containing absolute constraints or were of a low-moderate to moderate-high sensitivity. This work did not consider the relative importance of the green belt itself in terms of its main purposes or objectives.
- 6.4 Parcels BL21 and BL25 lie within Sandwell Valley and are rated as set out below¹²:
- *BL21 – Size 216.5ha Landscape Sensitivity Judgement Rating - Moderate – High*
The area is considered to have an overall moderate-high sensitivity to residential or employment development, based on its combination of historic field patterns, valued natural features and significant recreational value (in parts). While the M5 cuts through the area running north-south, reducing tranquillity and forming an isolated urbanising feature, this is not particularly prominent in views, and the area retains a largely rural character, so that on balance is not considered to justify reducing the overall sensitivity rating.

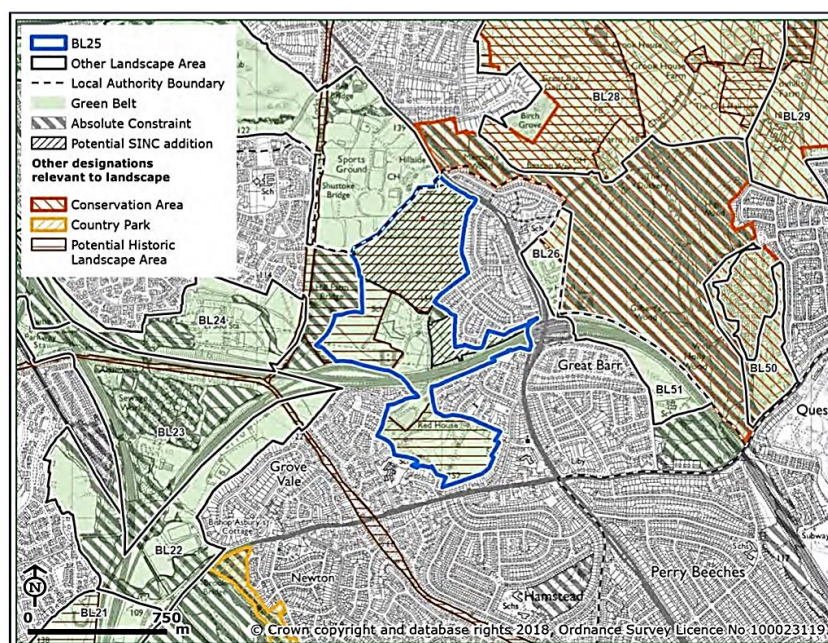
¹¹ <https://www.sandwell.gov.uk/downloads/file/1104/black-country-landscape-sensitivity-assessment-main-document-september-2019->

¹² <https://www.sandwell.gov.uk/downloads/file/1102/landscape-sensitivity-assessment-sandwell->



- **BL25 - Size 78.7ha Landscape Sensitivity Judgement Rating - Moderate**

The landscape area has a moderate landscape sensitivity rating to residential development as it retains many rural qualities, including historic field patterns, ecological value due to the extent of priority habitats and an intact network of mature hedgerows. ... Sensitivity to employment development would be moderate-high, as a larger scale development would be conflict with the small scale of the historic field pattern and potential loss of priority habitats.



The Rowley Hills

- 6.5 The Rowley Hills are within the SLP area (with a small part in Dudley) and comprise four hills; Turner's Hill (the highest point at 271m), Bury Hill, Portway Hill and Darby's Hill. The hills cover an area of approximately 135ha and form a prominent and distinctive landscape feature that can be seen from many parts of the Black Country. The hills form the central section of an irregular ridge that extends from Sedgley through Dudley and on to Frankley. The Rowley Hills also form an important part of the UNESCO Black Country Global Geopark designation and contain sites of geological importance and interest. Traditionally the hills have been the location for both stone quarrying and coal mining but are now mostly used for informal recreation.

- 6.6 The hills have been protected through their designation as strategic open space and by the adoption of an Article 4 Direction covering land located at the highest western extent of Portway Hill, including a SINC (Portway Hill Open Space SINC) and wildlife corridor. The Rowley Hills Strategic Open Space (RHSOS) forms an unbroken open space and wildlife corridor from Bumble Hole, Dudley across the top of the hills to Wolverhampton Road, Sandwell. The RHSOS was originally identified and designated through the 1987 Rowley Hills District Plan. It was a principal objective of this Local Plan to create and protect a continuous band of open space linking Bury Hill Park on the northeast boundary to Warrens Hall Park on the southwest. It also sought to provide recreational opportunities within areas of natural landscape.
- 6.7 In 2023, a study¹³ was commissioned by the Council to revisit the current designations covering the Rowley Hills. This was intended to ensure that sufficient and appropriate levels of protection were still being offered to the landscape. A Landscape Capacity Assessment and Landscape Character Assessment were undertaken as part of this work; both demonstrated that the landscape of the RHSOS remains highly valuable under most of the indicators of landscape value set out in the Landscape Institute TGN 2021 guidelines. The identified special qualities of the landscape should therefore continue to be protected and enhanced for their value to current and future local communities, the environment and nature conservation.
- 6.8 The conclusion of the study confirmed that the landscape could not accommodate areas of new development without a significant and adverse impact on landscape character and visual amenity. Occasional very small-scale / domestic development might be possible, providing it had regard to the setting and form of existing settlement and surrounding landscape character, but otherwise development will be resisted.
- 6.9 A number of special qualities were identified that should be protected and enhanced for their value to the local and wider area:
- Rich geological and industrial history
 - A range of habitats
 - Biodiversity designations
 - The setting to designated heritage assets
 - A prominent and distinctive upland landscape feature
 - The open and undeveloped skyline which rises above the surrounding urban area
 - Multi-functional green infrastructure assets
 - Expansive panoramic views across the Black Country and beyond
 - Highly valued open spaces
 - Relative tranquillity, particularly in the west

Sandwell's approach to landscape

- 6.10 Landscape as a concept covers not only the natural, but also the built and historic environment as well. Many of the policies in the SLP will have a direct or indirect impact on the provision, protection or retention of local landscapes, and on those aspects of visual amenity in an area that are derived from its landform, its built and historic development and any previous land use.
- 6.11 The following list does not incorporate every policy that refers to landscape but instead identifies those that are more focussed on the need to retain and improve various types of landform.

SLP Policies

¹³ <https://www.sandwell.gov.uk/downloads/file/1541/rowley-hills-strategic-open-space-study-october-2023->

Policy	summary
Policy SDS1 – Spatial Strategy for Sandwell	<p>Sections 1e and 1j reflects the benefit landscaping and similar elements can have for helping to mitigate climate change impacts:</p> <p><i>... e. ... recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so</i></p> <p><i>... j. conserve the significance of the historic environment, ..., and protect areas with geological and landscape value.</i></p>
Policy SDS2 – Increasing Efficiency and Resilience	<p>This policy expresses the importance of landscaping as a significant element in mitigating against and adapting to climate change, in its ability to act as a tool to deliver technical solutions, such as SuDS, shading, cooling and improving air quality.</p>
Policy SDS8 – Green and Blue Infrastructure in Sandwell	<p>The policy seeks the retention and enhancement where possible of a number of elements of the GBI network, which also reflect significant elements of local landscapes, such as parks, gardens, canals, open and green spaces etc.</p>
Policy SNE3 - Provision, Retention and Protection of Trees, Woodlands and Hedgerows	<p>The policy identifies a number of ways in which trees and hedgerows on development sites can contribute to new landscaping schemes, as well as to maintaining biodiversity and supporting green infrastructure.</p>
Policy SNE5 – The Rowley Hills	<p>The policy continues to protect the Rowley Hills as strategic open space, and for their important contribution to the landscape and visual amenity of Sandwell, Dudley and the wider Black Country. Their strategic importance in terms of maintaining an open and undeveloped skyline and the panoramic views into them and from them are significant elements in the wider landscape.</p>
Policy SNE6 - Canals	<p>The canal network through the borough plays a significant role in the urban landscape itself, by acting as green corridors through some of the most densely developed and urban sections of Sandwell. As a landscape element, they provide a clear visual contrast to surrounding buildings and hard landscaping and offer important visual amenity opportunities for new development adjacent to them.</p>
Policies SHE1 – SHE4 Historic Environment policies	<p>Work done for the Black Country Plan included a historic landscape characterisation study, which identified and categorised locally distinctive areas as Areas of High Historic Townscape Value, Areas of High Historic Landscape Value, Designed Landscapes of High Historic Value, and Archaeology Priority Areas. This work was used to inform the SLP policies relating to the historic environment, which reflect the importance of protecting the historic landscapes and townscapes of Sandwell and the rest of the Black Country.</p>
Policy SDM1 – Design Quality	<p>New proposals must reflect the topography, townscapes and landscapes of Sandwell, including by maintaining strategic gaps and views such as those of the Rowley Hills. The policy requires the</p>

Policy	summary
	provision of high-quality landscaping and tree planting, as part of development proposals and to promote and increase urban greening across the borough. In addition, it also encourages the installation of public art in suitable locations, to help improve the perception of Sandwell's public realm.
Policy SDM3 – Tall Buildings and Gateway Sites	Where such development is proposed, there will be a requirement for the developers to provide Landscape and Visual Impact Assessments, to enable the visual impact of tall buildings to be assessed from near and distant viewpoints.

7. The Historic Environment

- 7.1 Sandwell contains a significant number of designated and non-designated heritage assets and areas of historic landscape, derived in many cases from its role in the Industrial Revolution. The borough has a long history of mining, extraction and manufacturing activities, reflected in its urban form and the network of canals throughout the urban area.
- 7.2 Chapter 16 of the NPPF sets out guidance on protecting and enhancing the historic environment and requires plans to ... *set out a positive strategy for the conservation and enjoyment of the historic environment...* [paragraph 196]. The intention throughout the SLP has been to do that, by including the policies that formed part of the Black Country Plan reviewed and reworded as necessary to reflect the specific requirements of the borough.
- 7.3 The Council contacted Historic England (HE) following the Regulation 18 consultation, where comments on the draft policies were received from HE and other interested parties. Following discussions, the policies were amended to reflect the comments made by HE; further details are set out in **Appendix 2**.

Black Country Historic Landscape Characterisation Study (October 2019)¹⁴

- 7.4 During the preparation of the Black Country Plan, the four Black Country councils commissioned a report from Oxford Archaeology to assess and classify the areas of historic value in the sub-region.
- 7.5 A total of 457 Historic Environment Area Designations were identified within the Black Country, comprising 204 Archaeological Priority Areas, 138 Areas of High Historic Townscape Value, 72 Areas of High Historic Landscape Value and 43 Designed Landscapes of High Historic Value.
- 7.6 Of these designations, Sandwell contains 32 Archaeological Priority Areas, 21 Areas of High Historic Townscape Value, 16 Areas of High Historic Landscape Value, and 12 Designed Landscapes of High Historic Value.
- 7.7 The subsequent development of the Sandwell Local Plan also relied on the evidence set out in the Study, and the draft SLP lists the relevant character areas and their locations in **Appendix M**, in relation to Policy SHE2.

Sandwell's approach to the historic environment

- 7.8 As set out above, a productive engagement with HE resulted in stronger and more focussed historic environment policies.

Policy	summary
SHE1 - Listed Buildings and Conservation Areas	Recognises the irreplaceable nature of heritage assets and requires proposals affecting them to take into account their significance. The presumption will be in favour of retaining and protecting them. New development will need to reflect the character and visual amenity of heritage assets.
SHE2 - Development in the Historic Environment	Frames the requirements for planning applications that may impact on the significance of heritage assets, including in terms of layout, vernacular, materials etc. Sets out specific forms of special character extant in Sandwell, taken from the Historic Landscape Characterisation work.

¹⁴ <https://www.sandwell.gov.uk/downloads/file/1552/black-country-historic-landscape-characterisation-study-october-2019->

Policy	summary
SHE3 - Locally Listed Buildings	Offers protection to locally listed heritage assets and seeks to ensure any development affecting them will benefit the asset wherever possible.
SHE4 - Archaeology	Requires development to recognise the importance of archaeological assets and to take account of their likely presence in areas thought to contain such assets but where they have not been established. Seeks the protection of non-designated assets where possible.

8. Biodiversity Net Gain and Nature Recovery Networks

- 8.1 Habitats and species, including on designated sites, are likely to come under increasing pressure from the provision of new housing, employment, and infrastructure in Sandwell. This could be from increased disturbance (recreational, noise and light induced) and atmospheric pollution, as well as the loss of habitats and fragmentation of biodiversity networks. The loss and fragmentation of habitats will be exacerbated by the effects of climate change, which has the potential to lead to changes in the distribution and abundance of species and changes to the composition and character of habitats.
- 8.2 Biodiversity net gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. Net gain is an umbrella term for both biodiversity net gain and wider environmental net gain.
- 8.3 Under the Environment Act 2021, all developments that have obtained planning permission will have to achieve an increase in BNG of at least 10%. This mandatory requirement came into place on 12th February 2024 and 2nd April 2024 for all Town and Country Planning Act development (some exemptions apply). It is calculated using a specialised metric created by Natural England in conjunction with DEFRA.
- 8.4 Biodiversity net gain delivers these improvements by creating or enhancing habitats in association with development. It can be achieved on-site, off-site or through a combination of measures. If offsite delivery within Sandwell is not possible there will be nationally available statutory credits available, which will be used for strategic schemes elsewhere in England – these are very much a last resort, however.

Biodiversity, geodiversity and ecosystems

- 8.5 Development plans and planning decisions have the potential to affect biodiversity or geodiversity outside as well as inside relevant designated areas.
- 8.6 Planning authorities can work collaboratively with other partners, including Local Nature Partnerships, to develop and deliver a strategic approach to protecting and improving the natural environment based on local priorities and evidence. Equally, they need to consider the opportunities that individual development proposals may provide to conserve and enhance biodiversity and geodiversity.
- 8.7 Local ecological networks can make a significant contribution to developing the Nature Recovery Network. Local ecological networks can be identified and mapped as a part of the plan-making process, with policies identifying appropriate levels of protection and opportunities to create, restore or enhance habitats or improve connectivity.
- 8.8 Locally designated wildlife sites (including sites of geological importance in Sandwell and the wider Black Country) are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution.
- 8.9 National planning policy expects local plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.
- 8.10 Local councils can take a lead in establishing and maintaining partnerships and systems to identify, manage, enhance and safeguard local sites.
- 8.11 Plans can be used to set out a suitable approach to both biodiversity and wider environmental net gain, how it will be achieved, and which areas present the best opportunities to deliver gains. Such areas could include those identified in:
- natural capital plans;

- local biodiversity opportunity or ecological network maps;
 - local Green Infrastructure strategies;
 - strategic flood risk assessments;
 - water cycle studies;
 - air quality management plans;
 - river basin management plans; and
 - strategic protected species licensing areas.
- 8.12 Consideration may also be given to local sites including where communities could benefit from improved access to nature.
- 8.13 The guidance makes clear that biodiversity net gain complements and works with the biodiversity mitigation hierarchy set out in NPPF paragraph 186a. It does not override the protection for designated sites, protected or priority species and irreplaceable or priority habitats set out in the NPPF. LPAs need to ensure that habitat improvement will be a genuine additional benefit and go further than measures already required to implement a compensation strategy.

LNRS

- 8.14 Preparing local nature recovery strategies (LNRSs) is a statutory requirement under the Environment Act 2021. Local Nature Recovery Strategies set out at a strategic level where there are opportunities to deliver offsite net gains in biodiversity and wider environmental net gain, how it can be achieved and calculated, and be of lasting value. These are intended to be locally led with public, private and voluntary sectors working together to agree what should be done to recover nature in the area.
- 8.15 There are 48 strategy areas covering the whole of England. A Local Nature Partnership (LNP) covering the West Midlands has been established and is preparing a draft LNRS. Sandwell is working alongside the West Midlands Combined Authority, conservation bodies and adjacent authorities, with the WMCA acting as the responsible body leading on the preparation the document for the metropolitan West Midlands area. Every strategy must contain a local habitat map and a written statement of biodiversity priorities. It is expected that, by March 2025, local nature recovery strategies should be in place across the whole of England.
- 8.16 Local plans will need to reflect LNRSs to capitalise on opportunities to enhance biodiversity at a strategic level.

Sandwell's approach to nature conservation and nature recovery

Nature conservation and wildlife in Sandwell

- 8.17 Sandwell contains a wide range of habitat types, which may be surprising to some given its location and its highly developed nature. However, it also contains significant areas of open and natural landscapes, including a range of sites recognised as having specific ecological or geological value and allocated as sites of local or wider nature conservation value.
- 8.18 Relative to its size, the Black Country has the most diverse geology of anywhere in the world (Black Country Geological Society 2019). It is also unique among urban agglomerations in England, being situated on a plateau and on the watershed between the Rivers Severn and Trent (Palliser 1976).
- 8.19 The table below sets out the types of habitats present in Sandwell and the area they cover across the borough.

(data produced by EcoRecord, 2023)

Broad Habitat Type	Hectares	Percent of Sandwell's area
Built Environment	3678.28	43.0%
Private Gardens	2110.766	24.7%
Grassland - Improved or Amenity	1100.961	12.9%
Woodland and scattered trees	709.821	8.3%
Arable	565.325	6.6%
Grassland - Neutral, Acid, Calcareous, Marsh	229.654	2.7%
Open Water	128.456	1.5%
Tall Ruderal	88.825	1.0%
Scrub	59.838	0.7%
Other Habitats	37.411	0.4%
Artificial rock exposure and waste	21.067	0.2%
Heathland	0.66	0.0%
Mire	1.054	0.0%

8.20 The following table identified the number and type of sites covered by specific designations within Sandwell in 2023 (from EcoRecord):

Site Type	No. Sites	Area (ha)	% of Sandwell
Statutory Sites			
Local Nature Reserve (LNR)	12	303.1	3.6%
Non-statutory Sites			
Sites of Importance for Nature Conservation (SINC)	32	452.2	5.3%
Sites of Local Importance for Nature Conservation (SLINC)	72	318	3.7%
TOTAL (LNR + SINC + SLINC) EXCLUDING OVERLAPS	n/a	770.4	9.0%

8.21 There are thought to be around 16 habitats of principal importance present in Sandwell, including (but not limited to) meadows, fens, ancient woodland, lowland heathland and open mosaic habitats on previously developed land.

8.22 Of the rare and notable species that have been recorded in Sandwell, the following examples represent a very broad cross section:

- Flora – Bee Orchid, juniper

- Invertebrates - Common Darter dragonfly, Small Blue butterfly
- Crustaceans - White-clawed Crayfish, Fairy Shrimp
- Amphibians - Great Crested Newt, Palmate Newt
- Reptiles – Slow Worm
- Fish – European Eel
- Birds – Osprey, Redwing, Bittern
- Mammals (excl. bats) - Brown Hare, Eurasian Otter
- Bats - Daubenton's Bat, Serotine

SLP policies

Policy	summary
Policy SNE1 – Nature Conservation	Offers protection to national and locally designated sites that are of value to ecology and the environment.
Policy SNE2 – Protection and Enhancement of Wildlife Habitats	Requires 10% minimum BNG, identifies and briefly describes the areas identified as potential habitat banks and promotes the importance of the LNRS. Identifies opportunities for local wildlife and habitat improvement, including the need for swift bricks and bat boxes.
Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows	Encourages the protection and retention of trees and hedgerows on development sites; sets out requirements for replanting where trees are removed, increases in canopy cover and the need for tree protection on sites. Discusses the role of trees in managing climate change, habitat creation and helping shape site design and layout.
Policy SNE4 - Geodiversity and the Black Country UNESCO Global Geopark	Seeks to protect sites that contribute to the Black Country UNESCO Global Geopark from adverse impacts. Promotes the enhancement and protection of geodiversity in Sandwell,
Policy SNE5 - The Rowley Hills	Retains the strategic protection offered to the Rowley Hills, for their historic, ecological, geological and amenity contributions to Sandwell's environment.
Policy SNE6 – Canals	Recognises the importance of canals to Sandwell's character and environment, both in terms of biodiversity and ecology and for their contribution to active leisure, amenity, infrastructure and economic activities.

9. Climate Change

- 9.1 There has been longstanding international recognition that society needs to tackle climate change, and the United Kingdom has been a party to a range of international agreements. Whilst these agreements technically have no effect under domestic law, they do provide a key starting point in setting the context for the role that the planning system and local plans can play.
- 9.2 **The United Nations Framework Convention on Climate Change**, sometimes called the Earth Summit, was signed in 1992. It had the objective of stabilising human greenhouse gas (GHG) emissions at a level that prevents dangerous climate change. The treaty created a framework that allowed binding agreements to be set and a method of monitoring the emissions of individual states. This led to **The Kyoto Protocol** in 2005, which put a binding obligation on the countries that ratified the treaty) to limit or reduce emissions of greenhouse gases between 2008 and 2012.
- 9.3 The UK signed up to a second phase after that date. **The Bali Conference** in 2007 brought together over 180 countries to discuss how climate change should be addressed after the Kyoto Protocol ended. The result was the Bali Road Map, which called for “*deep cuts in global emissions*”.
- 9.4 **The Paris Agreement (2015)** is a legally binding international treaty on climate change. It was adopted by 196 Parties at COP 21 in Paris, on 12 December 2015 and entered into force on the 4th November 2016. Its goal is to limit global warming to well below 2 degrees Celsius, and preferably to 1.5 degrees Celsius, compared to pre-industrial levels. To achieve this long-term temperature goal, countries aim to reach global peaking of greenhouse gas emissions as soon as possible to achieve a climate neutral world by mid-century. More recently, this has been cemented by the Glasgow Climate Pact and the Paris Rulebook, agreed at COP26 (2021).

National Legislation and Policy

- 9.5 The key legislative provision in respect of climate change that bears directly on authorities in the preparation of local plans is 19 (1A) of the **Planning and Compulsory Purchase Act 2004** which states that

Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

This legal requirement will be tested at the examination of the Local Plan.

- 9.6 The **Climate Change Act (2008)** commits the UK government by law to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero). In 2019 the UK Parliament declared an environment and climate emergency, amending the Act to set a target for emissions in the UK to become net zero by 2050, to help mitigate impacts of future climate change. With energy use from the built environment accounting for a significant proportion of the UK's total carbon emissions, the Government has identified both the planning system and building regulations as having key roles to play.
- 9.7 The Climate Change Act requires the government to set legally-binding ‘carbon budgets’ to act as stepping stones towards the 2050 target. A carbon budget is a cap on the amount of greenhouse gases emitted in the UK over a five-year period. Budgets must be set at least 12 years in advance to allow policymakers, businesses and individuals enough time to prepare. Once a carbon budget has been set, the Climate Change Act places an obligation on the Government to prepare policies to ensure the budget is met.
- 9.8 Amongst its provisions, **the Planning Act (2008)** introduced a requirement on local development plans to include policies which ensure that they contribute to both climate mitigation and adaptation.
- 9.9 The **Planning and Energy Act 2008** sets out powers for local authorities to require a proportion of the energy need related to new development to be sourced in the locality of the development, through renewable or low-carbon generation. Local authorities also currently have the power to set

energy efficiency standards for residential development. However, this is set to be repealed to make Building Regulations the sole authority regarding standards.

- 9.10 **The Flood and Water Management Act (2010)** addresses the threats of flooding, coastal erosion, and water scarcity, exacerbated by climate change.

National Planning Policy Framework (NPPF)

- 9.11 The NPPF requires Local Plans to take a proactive approach to mitigating and adapting to climate change. It identifies four ways that the planning system should support the transition to a low carbon future:
- contribute to radical reductions in greenhouse gas emissions
 - minimise vulnerability and improve resilience
 - encourage the reuse of existing resources, including the conversion of existing buildings
 - support renewable and low carbon energy and associated infrastructure
- 9.12 **NPPF Chapter 14** is dedicated to 'Meeting the challenge of climate change, flooding and coastal change' and sets out ways in which local plans should take a proactive approach to mitigating and adapting to climate change.
- 9.13 National Planning Practice Guidance (PPG) also makes it clear that to be found sound, Local Plans will need to address climate change and enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.
- 9.14 The NPPF provides a framework within which local plans are prepared. Paragraph 8c makes clear that "*mitigating and adapting to climate change, including moving to a low carbon economy*" is a core planning objective. To be in conformity with the NPPF, local plans should reflect this principle, ensuring that planning policy clearly and comprehensively deals with climate change mitigation and adaptation. The NPPF also highlights climate change as a key part of strategic planning policy which local authorities are legally obliged to set out in their local plans.
- 9.15 The NPPF (December 2023) addresses several adaptation-related policy issues:
- Paragraph 102 outlines the wider role of high-quality open spaces in delivering environmental benefits including addressing climate change.
 - Paragraph 109 emphasises the need to encourage sustainable transport modes and locate development with a view to reducing the need to travel.
 - Paragraph 124 recognises the multi-functional role undeveloped land can perform including flood risk mitigation cooling /shading and carbon storage.
 - Paragraph 136 highlights the role of trees in urban environments and their role in helping to mitigate and adapt to climate change.
- 9.16 Chapter 14 sets out the national objectives regarding climate change. Paragraph 157 underlines that tackling climate change and supporting the transition to a low carbon future is key and that the planning system should help to shape places in ways which support this move.
- 9.17 Paragraph 158 expects local plans to take proactive approaches to mitigating and adapting to climate change in line with the Climate Change Act 2008 regarding the implications for flood risk, coastal change, water supply, biodiversity and landscapes and the risk of overheating from rising temperatures. Amongst its objectives, the NPPF requires:
- Policies that support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts
 - New development to avoid increased vulnerability to the range of impacts arising from climate change and to manage the risks through adaptation measures (such as green infrastructure)

- Through its location, orientation, layout and design, new development minimises energy consumption and reduces greenhouse gas emissions
- An increase in the use and supply of renewable and low carbon energy and heat plans
- Taking a positive approach by identifying suitable areas for renewable energy generation and its supporting infrastructure, and by maximising the opportunities for community-led and decentralised energy production
- Having a holistic understanding of climate adaptation, ranging from flood risk to managing coastal change.

9.18 The NPPF reaffirms various ways in which it is appropriate to pursue carbon reduction policies or other undefined sustainability improvements through the local plan:

- Paragraph 159b: “*New development should be planned for in ways that ... reduce [carbon] emissions, such as [via] location, orientation and design ... Local requirements for [buildings]’ sustainability should reflect the Government’s policy for national technical standards*”.
- Paragraph 160a-b: “*Plans should ... provide a positive strategy for energy from [renewable and low carbon] sources ... consider identifying suitable areas for [these] and supporting infrastructure ... [and] identify opportunities for development to draw its energy supply from [these sources]*”.
- New paragraph 164 establishes that decisions, “... *should give significant weight to the need [for] energy efficiency and low carbon heating improvements to existing buildings ... (including ... heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect ... heritage assets, [then] also apply the policies [of NPPF] chapter 16.*”
- Paragraph 196: “*Set out a positive strategy for the conservation and enjoyment of the historic environment, including ... putting [heritage assets] to viable uses consistent with their conservation*”. This may be relevant in that a building’s energy efficiency can affect whether use of that historic building will remain viable.

Planning Practice Guidance

- 9.19 The PPG identifies that addressing climate change is a core land use planning principle that should be reflected in Local Plans and states that spatial planning should support the delivery of appropriately sited green energy and influence the emission of greenhouse gases [paragraph 001].
- 9.20 Sections of the NPPG have not been updated since 2019 and parts are now outdated. This is evidenced in repeated references to a national target of reducing the UK’s greenhouse gas emissions by at least 80% by 2050 [paragraph 002, 008] – the target is now a 100% reduction, established in the 2019 update to the Climate Change Act.
- 9.21 The PPG gives specific examples of climate change mitigation and adaptation actions:
- Providing opportunities for renewable and low energy technologies and for decentralised energy and heating [paragraph 003]
 - Promoting low carbon design approaches to reduce energy consumption in buildings [paragraph 003]
 - Considering future climate risks when allocating development sites [paragraph 003]
 - Considering the impact of and promoting design responses to flood risk [paragraph 003]
 - Considering availability of water and water infrastructure for the lifetime of the development and design responses to promote water efficiency and protect water quality [paragraph 003]

- Promoting adaptation approaches in design policies for developments and the public realm [paragraph 003]; and
 - Integrating mitigation and adaptation actions through maximising summer cooling through natural ventilation in buildings and avoiding solar gain, district heating networks that include tri-generation or through the provision of multi-functional green infrastructure [paragraph 004].
- 9.22 The impact of climate change needs to be addressed in a practical way. In doing so, local planning authorities are expected to consider the following [all paragraph 005]:
- Identifying no or low-cost responses to climate risks that also deliver other benefits, such as green infrastructure that improves adaptation, biodiversity and amenity
 - Building in flexibility to allow future adaptation if it is needed; and
 - The potential vulnerability of a development to climate change risk over its whole lifetime.
- 9.23 The PPG also notes that every area will have different challenges and opportunities for reducing carbon emissions from new development and identifies information on carbon emissions at local authority level published by DECC as valuable in informing emission reduction options [paragraph 007].
- 9.24 Regarding energy improvements to existing buildings, the NPPG does not clarify how local policy should approach these but notes that the planning authority ... *should ensure any advice to developers is co-ordinated to ensure consistency between energy, design and heritage matters* [paragraph 008], and notes that many energy improvements may not need planning permission.
- 9.25 It also emphasises that where local plan standards for buildings' sustainability or carbon are set, they must be ... *based on robust and credible evidence and pay careful attention to viability* [paragraph 009].
- 9.26 In contrast to the outdated advice on housing energy standards, the PPG confirms that local plans ... *are not restricted or limited in setting energy performance standards above the building regulations for non-housing developments* [paragraph 012].

Written Ministerial Statement 23rd December 2023 (WMS2023)

- 9.27 On 13th December 2023, the Government released a Written Ministerial Statement (WMS) that undermined many recent precedents for effective local plan policy on carbon, including those set by Bath and Northeast Somerset and Cornwall.
- 9.28 The new WMS purports to place quite stringent new limitations on the exercise of existing powers held by local planning authorities to require improvements in the energy and carbon performance of proposed new buildings in their area. The WMS does not remove the ability to set improved local standards, but it purports to limit them in the following ways:
- Energy efficiency policy must be expressed as percentage reductions on the Building Regulations Part L TER (Target Emissions Rate), using a "... *specified version of SAP*".
 - Policies that exceed building regulations should be ... *applied flexibly ... where the applicant can demonstrate that meeting the higher standards is not technically feasible, in relation to ... local energy infrastructure ... and access to ... supply chains*.
 - The WMS also emphasises that any such policies must have a ... *well-reasoned and robustly costed rationale that ensures that development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework*.

Balance between legislation, NPPF and Ministerial Statements

- 9.29 Legislation, and the powers granted / duties imposed by it, cannot legally be undone by national policy. The NPPF forms the overarching set of principles by which the Inspector will conduct the

Examination in Public of the submitted local plan, to see if the plan can be considered ‘sound’, before it can be adopted.

- 9.30 The role of the WMS2023 in Local Plan formation is as a ‘material consideration’, i.e. one of the relevant considerations that the plan must take into account to be found sound and adopted, despite the fact that a WMS can be (and was in this case) made unilaterally without consultation. However, a WMS is not an inviolable requirement.
- 9.31 Subsequent legal action undertaken to challenge the WMS was dismissed in the High Court, on the basis that there had been no procedural error or misinterpretation of the law in question. However, the presiding judge did make the following comment,
- Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures that development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.*
- 9.32 This suggests that a well-reasoned and viable rationale for exceeding the current legislation around efficiency standards could allow for those additional requirements to be upheld.

Sandwell’s approach to Climate Change

- 9.33 Sandwell’s original approach followed that of the Black Country Plan, and the Regulation 18 draft incorporated the various climate change policies that had been included in the BCP in 2019. However, given the subsequent passage of time and the falling away of the joint BCP, it was decided to continue with the broad approach to climate change set out in the policies but to commission a focussed appraisal of that approach and the updating of the policies as required. Both legislation and information on climate change had changed since 2019 and it was felt prudent to ensure the SLP policies were based on current and robust evidence.
- 9.34 Consultants were therefore commissioned to undertake the work and as a result the policies in the submission version of the SLP represent the latest available thinking and data. The policies were redrafted in line with both the need to undertake a legislative and literature refresh and with local issues around viability in mind, given the tensions evident between the need to plan for a zero-carbon future and the likely impacts that would have on the costs of new development.
- 9.35 As a result, several conversations were held between the climate change consultants and those undertaking the viability appraisal of the SLP. This was intended to ensure that the redrafted policies represented a pragmatic and deliverable solution that reflected the constraints imposed by marginal viability on most of Sandwell’s identified housing and other sites.
- 9.36 The evidence base for the revised policies is available to view on the SLP evidence webpage, and its main considerations are summarised below.
- 9.37 The consultants considered the existing suite of SLP policies and concluded that the lack of any requirements for improved energy efficiency or performance gap left them open to high risks in terms of climate change, occupant energy bills, retrofit and potential grid capacity strain. Many of the requirements were not considered specific enough to be able to assess:
- feasibility (whether the industry can deliver them)
 - cost of compliance
 - impacts on electrical grid infrastructure.
- 9.38 This would make it very difficult to assemble evidence to defend their feasibility and viability or to pass the tests of soundness at examination.
- 9.39 Some of the requirements were also not specific enough to be able to clearly identify whether a particular application had in fact earnestly implemented the policy expectation.

- 9.40 As part of work on the revised policies, three broad policy directions were identified as reasonable alternatives by the consultants and considered by the Council. These effectively considered different levels of risk (low, medium, and high) in the light of the recent Written Ministerial Statement (see above), reflected by increasing levels of technical demands in each approach. The eventual decision made by the Council considered:
- the likely impacts of pursuing a higher / lower risk approach to policy formulation in planning terms (i.e., what would be appropriate to include as targets in the SLP and what might prove to be unsound if it went beyond the parameters of current legislation);
 - the cost of implementing each policy approach in terms of the viability challenges with the Borough.
- 9.41 The Council came to what it felt was a balanced decision on the most suitable strategy. The perceived constraints of the 2023 WMS led the Council to agree an approach that represented an increase on legislative targets, but which stayed within the parameters outlined in the WMS. This also reflected the need to manage viability / costs to development, seeking to ensure that occupiers were protected from high domestic running costs related to heating and energy provision.
- 9.42 The consultants' recommendations reflected extensive secondary evidence research. Indicative policies were amended to ensure their requirements were feasible and likely to be viable.
- 9.43 The resulting draft policies represented a combination of the energy efficiency approach and a target for renewable energy provision. In relation to the constrained viability situation within Sandwell, a costing exercise was also undertaken, the results of which turned out to significantly exceed the given cost uplift allowance set by Sandwell's 2023 viability assessment for climate change adaptation / mitigation. The draft policies' renewable energy requirement was therefore designed to fit within that given cost uplift allowance, after the cost of achieving the energy efficiency requirements was factored in. As a result, the approach is not 'net zero' but represents the maximum ambition that can be pursued within the given cost uplift allowance (without using metrics or standards that would raise planning risks unacceptably by diverging from the Written Ministerial Statement).

Climate Change policy review and update

- 9.44 A review of Sandwell's draft climate change policies was undertaken in summer 2024, when a report on them was commissioned from environmental / planning consultants, Bioregional and Edgars. The review looked at the continued relevance and accuracy of the extant draft policies and highlighted any changes required to make them sound and deliverable. This resulted in the effective substitution or rewriting of several of the Regulation 18 policies, through amalgamation or direct replacement with more up to date versions. A literature study and evidence on viability were also provided, as well as a linked but separate consideration of the role of carbon offsetting in the pursuit of a zero-carbon borough. The details of this work can be found on the SLP web pages¹⁵.
- 9.45 The report also looked at the impact of the SLP's revised approach to climate change on other non-climate change policies and the results are set out in **Appendix 4**.

SLP Policies

Policy	summary
SCC1 - Reducing regulated operational carbon in new build residential development	Sets out how energy infrastructure will be considered, including how opportunities for decentralised energy, onsite generation and district heating will be identified / required. It sets targets for building efficiency and includes routes for alternative compliance

¹⁵ <https://www.sandwell.gov.uk/downloads/download/990/sandwell-local-plan-climate-change-evidence>

Policy	summary
	where necessary. It looks at the case for offsetting as a measure of last resort.
SCC2 - Reducing regulated operational carbon in new build non-residential development	Identifies requirements for reducing carbon in new non-domestic development proposals. This will include calculating building efficiency, using energy metrics and onsite renewables, and identifying a source of clean energy to supply the development.
SCC3 - Climate-adapted design and construction, including overheating	All new build residential and non-residential buildings must mitigate against and adapt to climate change by employing sustainable design and construction principles. The policy addresses the need for water efficiency, the use of sustainable construction methods and the adoption of a cooling hierarchy that prioritises the need to minimise internal temperatures in summer and maximise them in winter, primarily through design and passive means.
SCC4 - Embodied carbon and waste	Requires embodied carbon assessments and for development to limit emissions arising from construction. This will also include the demolition of buildings.
SCC5 - Flood Risk	Looks to minimise the probability and consequences of flooding from all sources by adopting a strong risk-based approach to site allocations and the granting of planning permission, in line with the NPPF.
SCC6 - Sustainable Drainage	Requires new development to incorporate sustainable drainage and surface water management solutions (SuDS), to increase the amount of rainwater that is drained in sustainable ways.

10. Air Quality and Special Areas of Conservation

- 10.1 The best examples of habitats and species of birds that are either threatened or valuable within Europe are designated as Special Areas of Conservation (SAC) and Special Protection Areas (SPA). These sites make up a network of sites across Europe called Natura 2000, protected under the EU Habitats Directive.
- 10.2 The Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) has applied the EU Habitats Directive and Birds Directive to England. In England, these European sites are often also designated as SSSIs or otherwise represent several SSSIs linked together.
- 10.3 Any developments that are close to (or within) the boundary of a Special Area of Conservation may require a Habitat Regulations Assessment (HRA) if they are likely to have an adverse effect on the site. Where it is considered that an adverse effect on the integrity of the site is likely, and no alternatives are available, the project can only go ahead if there are imperative reasons of overriding public interest and if the appropriate compensatory measures can be secured.
- 10.4 The need to carry out assessments also applies to the production of local plans under certain circumstances. Where a local plan is likely to have an indirect or direct impact on a SAC, and that impact has not been considered and mitigation agreed or formally excluded (“*screened in*” or “*screened out*”), the draft local plan could subsequently be found unsound by an Inspector.
- 10.5 The interest features of several SACs in and around the Black Country and wider West Midlands are recognised as being sensitive to increased air pollution. Any new development could increase air pollution on European Sites directly or indirectly. The two main ways this can occur are:
- By emissions arising directly from the development during its operational life (i.e. industrial units, livestock housing units, energy generation etc).
 - By indirectly resulting in a significant increase in the scale of vehicular movements on roads within 200m of a European site (this increase in vehicular movement may occur both in the construction and operational phases of the development).

Cannock Chase SAC

- 10.6 Since being made aware of a potential issue in 2019, the Cannock Chase SAC Partnership¹⁶ has undertaken a number of actions to ascertain the impact of NO_x emissions and their contribution to nutrient nitrogen deposition on the SAC designation to 2050.
- 10.7 In May 2020, the SAC Partnership proposed a strategic solution to the nitrogen issue; ‘*A road map to mitigation scheme*’. Natural England (NE) was supportive of the measures the Partnership proposed. However, it could not provide an assurance that it would not object to any plans and projects for the three year ‘grace’ period needed to implement the ‘road map’ where increased nitrogen deposition resulted in an Adverse Effect on Site Integrity (AEOSI) of a European site.
- 10.8 The SAC Partnership agreed to commission evidence in the form of an air quality assessment to determine the likely scale of air pollution from vehicle movements on six European Sites over a 20-year period (2020 to 2040). Work was due to commence in early 2020 but this was delayed due to the Covid Pandemic. Data on NO_x concentrations at appropriate locations was collected using diffusion tubes from October 2020 and ammonia monitoring commenced in 2021. Monitoring of both pollutants continues to date.

¹⁶ A group of local authorities (Cannock Chase District Council; East Staffordshire Borough Council; Lichfield District Council; South Staffordshire District Council; Stafford Borough Council; Wolverhampton City Council; Walsall Borough Council) and additional partner bodies (Natural England; Cannock Chase Area of Outstanding Natural Beauty (AONB) Partnership; Staffordshire County Council; Forest England; National Trust; Staffordshire Wildlife Trust)

- 10.9 NE reviewed the data collected (alongside modelling predictions on the Air Pollution Information System) and were content that the NO_x concentrations shown at the air quality collection points were below the threshold for concern. However, monitored ammonia concentrations were higher than modelling predictions. In addition, modelling predictions indicated that the sites were receiving nitrogen deposition inputs above their critical loads.
- 10.10 It was necessary to establish if NO_x emissions would remain under threshold once the proposed allocations in competent authority plans are factored in, alongside proposals with consent or allocation in adopted local plans based on the precautionary principle, and whether the local plans would worsen the impacts of ammonia and nitrogen deposition.
- 10.11 In October 2022, Middlemarch Environmental was instructed by South Staffordshire District Council (SSDC), on behalf of NE and the SAC Partnership authorities plus Sandwell and Dudley Councils (referred to here as the “nine authorities”), to prepare a brief that would be suitable to procure a detailed step-by-step methodology setting out how the partners could establish a scientific and robust evidence base to determine the likely air pollution impacts (both alone and in-combination) via increased traffic generation on several European sites as a result of Local Plan proposals coming forward.
- 10.12 The brief identified ten European sites relevant to the nine authorities’ plans, as follows:
- Bees Nest and Green Clay Pits SAC
 - Cannock Chase SAC
 - Cannock Extension Canal SAC
 - Fens Pools SAC
 - Midlands Meres and Mosses Phase 1 Ramsar Site
 - Midlands Meres and Mosses Phase 2 Ramsar Site
 - Motte Meadows SAC
 - Pasturefields Salt Marsh SAC
 - Peak District Dales SAC
 - West Midlands Mosses SAC
- 10.13 The Middlemarch brief was able to scope out¹⁷ most of the sites, due to there being no ‘A’ or ‘B’ roads within 200m of their boundaries. This resulted in a recommendation for six sites to be taken forward for more detailed traffic and air quality modelling.
- 10.14 NE were consulted on the Middlemarch brief in a letter dated 14 April 2023 and confirmed that, *“... it has been prepared in full accordance with Natural England’s approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations. We are therefore able to support the report’s methodology and its conclusions”*.
- 10.15 In August 2023 Sweco Ltd were appointed by SSDC (on behalf of the nine authorities) to undertake traffic and air quality modelling in line with the Middlemarch brief. Following completion of the modelling, Sweco’s draft assessment concluded that there were air pollution exceedance areas at the following four sites:
- Cannock Chase SAC
 - Cannock Extension Canal SAC

¹⁷ Exclude from further formal assessment

- Fens Pool SAC
- Oakhanger Moss SSSI (Midlands Meres and Mosses Phase 2 Ramsar Site)

- 10.16 A steering group meeting took place between the nine authorities, Sweco and NE in September 2024 to discuss the assessment findings. At this meeting, the findings of the baseline report were agreed unanimously by the authorities and NE; all four sites were discussed, to understand likely impact(s) on the qualifying feature(s) of the sites and identify any potential mitigation.
- 10.17 At a subsequent meeting later that month it was agreed by NE that **Fens Pool SAC** could be screened out and that AEOSI could be ruled out. The site is designated for its Great Crested Newt (GCN) population, and it was confirmed by Dudley MBCs Countryside Services Team that:
- the ponds are located away from the exceedance areas;
 - the GCN are less sensitive to changes in foraging locations on the periphery of the site than the breeding sites and pools; and
 - the GCN population is maintaining favourable conservation status.
- 10.18 It was also agreed at the meeting that **Oakhanger Moss** could be screened out too. This was decided after further analysis by Sweco demonstrated that:
- the air pollution exceedance at the site was predominantly caused by national traffic growth outside of the air quality project area due to its proximity to the M6 motorway, such that air pollution directly resulting from the partner authorities was de minimis compared to national growth.
- 10.19 Work was also undertaken to understand if the **Cannock Extension Canal SAC** was phosphorus or nitrogen limited and whether it was mesotrophic or oligotrophic, to enable an assessment of whether AEOSI was likely to occur and whether mitigation measures were necessary. The canal supports a significant population of Floating Water Plantain, the reason for its designation.
- 10.20 The results of the additional work demonstrated that, given the broad tolerance of Floating Water-plantain to a range of nutrient environments, the submerged phenotype present at the SAC that was less sensitive to atmospheric nutrient inputs and likely existing and historical human inputs to the canal, there would be no in-combination AIOSI at the SAC in relation to reduced air quality caused by the SLP in combination. As a result, the Cannock Extension Canal was screened out.
- 10.21 In relation to **Cannock Chase SAC**, Natural England (NE) confirmed that they had reviewed maps that show the extent of the habitats on Cannock Chase SAC that are reasons for designation of the SAC within the areas of exceedance indicated by modelling; these areas were referenced as RAP01, RAP02 and RAP03.
- For RAP01 most of the area was mapped as site fabric; as such, adverse effects were ruled out in this area. Some of the area was mapped as heathland; however, the area that the exceedance fell within was immediately adjacent to the road and was predominantly woodland / trees. As heathland has a mosaic nature (that includes trees), and because the presence of trees near the road was likely to be buffering the SAC area behind from air emissions from it, NE concluded that they would not wish to restore this area to heathland via tree removal. As such a conclusion of no adverse effects on site integrity was made for RAP01.
 - For RAP02 the area of exceedance falls entirely within site fabric of the SAC; adverse effects on site integrity were ruled out on that basis.
 - For RAP03 there was a small area of qualifying habitat in the exceedance area. NE advised that adverse effects to site integrity could be ruled out because the associated area of qualifying habitat within the area of exceedance was negligible.

10.22 Based on the available information, adverse effects on site integrity were ruled out in relation to Cannock Chase SAC.

SLP policies

Policy	summary
Policy SNE1 – Nature Conservation	<p>Offers protection to national and locally designated sites that are of value to ecology and the environment.</p> <p>The policy states that development will not be permitted where it would, alone or in combination with other plans or projects, have an adverse impact on the integrity of an internationally designated site, such as Cannock Chase Special Area of Conservation or Fens Pools Special Area of Conservation.</p>
Policy SHW3 – Air Quality	<p>This policy is geared more towards the impacts of pollution on human health but does refer to the importance of protecting and providing green open spaces and trees as elements of mitigation. This will indirectly have benefits for wildlife and nature conservation as part of a network of policies supporting the environment.</p>