

**Respondent ID 21 Mr Ian Carroll Chair, The Friends of Sheepwash Local nature Reserve.**

**REP ID 1396, 1397, 1398, 1399, 1400, 1401, 1402 , 1403, 1404, 1405 , 1406, 1407, 1408, 1409, 1410 , 1411 , 1412, 1413, 1414 1415**

**n.b There are highlighted links within this PDF. Please refer to these as part of this submission statement.**

**Further statement on questions 4.1 and 4.2**

<b>MATTER 4: Natural and Historic Environment (Policies SNE1-SNE6 and SHE1- SHE4)</b>
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**Issue 4 – Whether the plan is positively prepared, justified, effective, and consistent with national policy in relation to its policies for the natural and historic environment (policies SNE1 – SNE6 and SHE1 – SHE4).**

**Q4.1** Are the requirements of policy SNE1 clear and consistent with national policy?  
Including:

- a) Would they be effective?
- b) Is criterion 1 necessary for soundness?
- c) For soundness, should criterion 5 include a more specific requirement for enhancements to wildlife corridors?
- d) Is criterion 7 sufficiently flexible to address changes over the plan period?

**Q4.2** Is policy SNE2 clear and is it consistent with national policy and mandatory requirements in relation to biodiversity net gain? Including:

- a) How have the sites identified in SNE2(6) as suitable for the provision of 'biodiversity units' been selected and is this justified? Are they deliverable?
- b) For soundness, is it necessary for any additional or alternative 'biodiversity units' sites to be included?

**Q4.1 No.**

Relevant paragraphs for both SNE1 AND SNE2 NPPF Dec 2023

*“ 180. Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*

*and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate”*

#### *“Habitats and biodiversity*

*185. To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity<sup>65</sup>; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation<sup>66</sup>;*

*and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”*

It is very unclear as to how the council can explain the above in context with its consistent failure to protect Sheepwash Local Nature Reserve from harmful impacts on the border of the local nature recovery network in context with sites **SH35** and **SH36**. Policies SNE1 and SNE2 appear to be disconnected in terms of aim and objective within the plan period. Council has stated that sites would be assessed on 2022 levels of BNG, but not surveying private sites makes this difficult to see how they can obtain this information.

The council ecologist as well as Lepus have failed to identify sites of local value not managed by the council, and have seriously underestimated the potential of sites SH35 and SH36 which have recovered for nature over the last 30 years without interventions. It risks harming locally rare species by failing to designate sites they have missed or not surveyed, or failing to look at sites which have been surveyed by local experts with credible experience. It is also hard to see how they are working with the BBCWT on matters including the recovery map and its timescales whilst pursuing a different agenda with developers. We do not believe the council is serious about wildlife protections, and again note its failure in planning policy to explain why their officers failed to identify a LNR in their own ownership and existing plan policies!

#### DELEGATED OFFICER REPORT-830730

*“With regards to the second point of objection it should be considered that Planning Policy has stated that Sheepwash Park is not designated as a Site of Importance for Nature Conservation (SINC). They have commented on the proposal and have not asked for additional information to be submitted with reference to nature conservation. Furthermore, The Wildlife Trust had been previously consulted*

*but had not commented on the proposal. Therefore there is no obligation on the applicant to comply with policy ENV1 (Nature Conservation)."*

According to The Woodland Trust Sandwell council have also failed to declare a "nature emergency" though have a "climate emergency"

[Sandwell Metropolitan Borough Council | Nature Emergency](https://www.natureemergency.com/councils/sandwell-metropolitan-borough-council/)



https://www.natureemergency.com/councils/sandwell-metropolitan-borough-council/



## SANDWELL METROPOLITAN BOROUGH COUNCIL



Council type Metropolitan District Council (Single Tier)	Nation and region England, West Midlands	Rural/Urban profile Urban	Deprivation quintile 1st IMD quintile (most deprived)
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### Nature commitments

**Nature emergency**  
 Sandwell Metropolitan Borough Council has not declared a nature emergency.

**Evidence-based action plan**  
 Sandwell Metropolitan Borough Council has not committed to develop an evidence-based action plan for pushing nature into recovery.

**Embedded in strategy**  
 Sandwell Metropolitan Borough Council has not committed to embed nature's recovery into all strategic plans and policy areas.

**30 by 30**  
 Sandwell Metropolitan Borough Council has not committed to protect and manage 30% of council landholdings for nature recovery by 2030.

### Next steps

Delve into more detail and recommendations for local government in these reports:

[Trees and woods: at the heart of nature recovery \(Woodland Trust\)](#)

[Design your LNRS to Deliver for Plants and Fungi \(Plantlife\)](#)

[Managing Road Verges and Green Spaces \(Plantlife\)](#)

Share the suggested wording in our [example motion](#) to make the declaration

See other local authorities' experiences on this crucial journey in our [case studies](#)

We're happy to share policy ideas and insights with local authorities.

If your local authority is looking for guidance on tree and nature policies, email [governmentaffairs@woodlandtrust.org.uk](mailto:governmentaffairs@woodlandtrust.org.uk)

Other criteria are clear to see here. I wrote to the leader of the council on this matter urging her to declare a nature emergency, **without response**. Without this, it is difficult to see what the council really hope to achieve within the plan period, and so we believe this policy is ineffective.

**(b) We do not believe that criterion 1 is necessary for soundness, as there is little evidence that the two sites in question have any impact on the local plan based on their distance from Sandwell.**

**(c) This would help if wildlife corridors between sites- eg from canals to nature reserves were assessed. This aspect of the plan is not positively prepared. There is no assessment of private owned sites adjoining council owned land, and this could cause prevalent harm to corridors being extinguished in the local nature recovery network map. The Dudley Port area is of significant importance connecting two boroughs and different towns within Sandwell and heritage sites, including The Rowley Hills, Birmingham and Dudley canals, and yet development concentration in this area *would* "impede" wildlife.**

**(d) We comment on the officer comments re criterion 7 which we believe should be reworded.**

#### Officer Response

Note comments.

Over time habitats will change, increase or degrade through natural processes as well as in relation to human activity, including due to the impacts of climate change. The need to update or amend designations will enable the Council to understand the status of such sites and ensure they have the most relevant information when considering any development that may have an impact. The reference to the Black Country is intended to set Sandwell's contribution to protecting the wider environment in its sub-regional context.

Disagree that habitats will change with “natural processes” but change directly through manmade interventions. Built development has no positive impact on nature conservation and increased footfall will only lead to removing designation of sites to create yet more built development. It is clear that the council do not understand or have explained why the areas around SH35 and SH36 have not been designated, and that in light of the surveys carried out from before 2022 with records, why they have not designated these areas. The plan on this basis should be challenged for not being justified. It is noted that relevant experts have expressed concern that rare species of flora and fauna have been found on an undesignated site, but the council’s lack of interest undermines what it claims in the officer comments about wider context.

Add to this the misguided failure of Natural England whose comments on the plan we read but dismiss as utter tosh. There is no local knowledge here, and this organisation does more to block new designations than it does to support them, with snobbery and undervaluing urban wildlife in areas such as the Black Country.

Considerable and I would state unprecedented condemnation of the Government’s Planning and Infrastructure Bill by conservation organisations make the situation worse to predict in terms of “flexibility” and “changes”. This may not be relevant for the plan to be judged as sound, but it is nonetheless a cogent factor when the CEO of the CIEEM made the following statement in a briefing note to peers in the sector.

“The uncertainty created by the Government's conflicting and misguided environmental policies is already weakening the confidence of private investors, whose funding is critical to successful nature recovery. There are numerous examples of projects that have been paused by private investors as a result.”

Sally Hayns CEcol FCIEEM  
Chief Executive Officer.

[CIEEM publishes Briefing Paper on what Part 3 of the Planning and Infrastructure Bill means for Developers and Constructors | CIEEM](#)

#### Q4.2

- (A) We believe they have been poorly selected on a rushed basis to just come up with something. The failure to identify any none owned council sites is not explained. Why do the council believe that only their sites meet criteria? It appears to suggest that all developments will be allowed a free pass to develop a whole site, so long as the council

get back monies for their own pet projects in their own land. This is not the way that nature works, and habitats outside of their ownership have been ignored. We believe the Lepus report obtained under FOI is seriously questionable in its integrity of method.

## Sandwell Biodiversity Net Gain BNG Strategy September 2023 (2)

*“In the State of the Nature Report in 2019 headline data indicated that the abundance and distribution of the UK’s biodiversity has, on average, declined since 1970, with a 13% decline in average species abundance<sup>3</sup>. This is attributable to a number of pressures including intensive farming, climate change and urbanisation which have led to pollution, habitat loss and degradation.”*

### 3 State-of-Nature-2019-UK-full-report.pdf

I do not argue with their opening statements, but the threat of “urbanisation” is exactly what the SLP is proposing in real terms. The BNG sites are not justified.

- They only visited sites once due to “time constraints” Why is time a factor in this report, as it seems that this was done by the council on the hoof to attempt a hurried justification of coming up with random sites they could use.
- They visited in the summer months when nature is probably at its most secretive with increased footfall of people. Different species are obviously present at different times of year, and passage migrant species do not appear to have even come into the equation of “biodiversity”.
- They do not appear to have used any Eco record reports, or local information of groups like sandnats (Sandwell Valley naturalists, or certainly Friends of Sheepwash to inform their observations or knowledge of sites. They undertook no “bio-blitz” of any site.
- They could not even map some areas.

#### 6.2 Time of year

6.2.1 Due to time constraints, each site was only visited once. These visits were carried out throughout June and September. June and July are the peak months for grassland surveys however, August and early September are still viable for these surveys to take place.

6.2.2 If any of the habitat banks are chosen for BNG, further survey work is recommended to ensure habitat classification remains constant across a greater period of time.

#### 6.3 Accessibility

6.3.1 Some of the sites contain small areas of land that were found to be inaccessible during the site visits. For example, habitat parcel 18 at Hill House Farm was completely surrounded by dense woodland. A number of viewing points from within the site were used to help gain a broad understanding of the habitat; google satellite images were also used. However, to ensure habitat parcel 18 has been correctly identified, and to fully complete a condition assessment for this parcel, it is recommended another site visit with requested access to the northern side of the site via the adjacent property (Dartmouth Golf Course).

- They do not even attempt to investigate water/River habitats at all, again due to “time constraints”.
- “Further assessments” needed- because theirs was not good enough.

## 6.4 Water

6.4.1 A number of sites contained running water features classified as ponds, rivers or streams under The UK Habitat Classification Version 2. Condition assessments were carried out for these habitats. Due to time constraints, the condition of these habitats were based solely on visual evidence. It is recommended that the condition of these habitats be assessed further by an accredited water condition assessor to understand water composition, aquatic species present, and potential habitat enhancements that have not been accounted for at this stage in the project.

6.7.2 Similarly, watercourses were mapped to the best of our ability with the time available to us. There was one site in particular (Swan Pool/Priory Wood) where small streams were present throughout areas of dense woodland. It was deemed impractical to precisely map these small habitats as their impact on biodiversity uplift would have been minimal and we would have had to suggest further assessment of these habitats anyway.

- The Menzies open space contains the contaminated Millpool or Milky- contaminated by Bitumenous waste that was not prevented from being further polluted ironically when the site was turned into housing! The remediation fraud of the developers were not protected by anybody including the EA officers at Sandwell council, harming wildlife and causing significant pollution to an already contaminated water body. **The cover up by all concerned was massive and a disgrace.**
- I set the Millpool story out in four parts which offer definitive proof of why post reclamation of industrial sites and brownfield land destroys nature and habitat.
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[Millpool West Bromwich#1 The Major Bitumen dumping ground of W H Keys | What Lies Beneath Rattlechain Lagoon?](#)

[Millpool West Bromwich#2 The Meltdown of W H Keys | What Lies Beneath Rattlechain Lagoon?](#)

[Millpool West Bromwich#3 MARred by historic pollution and fake “clean up” – Part 1 | What Lies Beneath Rattlechain Lagoon?](#)

[Millpool West Bromwich#4 MARred by historic pollution and fake “clean up” – Part 2 | What Lies Beneath Rattlechain Lagoon?](#)

Tivdale Park, the closest site to Rattlechain, an area not surveyed does not have any of the potential of an existing site. It is a dog walking/ activity park and not a wildlife friendly site.

There is no explanation as to why Sheepwash Local Nature Reserve was not chosen, when it has attracted numerous extremely rare birds over the last three decades, due to the council's original interest in creating the site. This evidence alone should have been utilised by Lepus and others, but we question why Sheepwash was not considered in evidence terms?

[Birds and fauna of Sheepwash | Protect Sheepwash Local Nature Reserve](#)

We have come to expect lack of interest from Sandwell council as a friends group over many years as the management of this site has been atrocious. Dead trees litter the site and virtually no money has been spent on conservation issues for around two decades. It is clear to see that increased footfall from developments would undermine the site yet further. There is much that could be done if Sheepwash had been included, and yet there is no reason given as to why it was not.



With Sandwell in apparent competition with politically different Walsall and Dudley councils regards green flag park status, there is concern that no development sites will see 10% net gain on those sites, but the council will just apply this to its own BNG sites to improve the green flag scores. This is not consistent with improving habitat for nature.

Even Rattlechain Lagoon with its contamination history attracts rare passage species such as a whimbrel I spotted earlier this year. Such a large waterbody would not be replaced and infilling would create serious issues for Sheepwash. The SH35 site also used to produce breeding skylark.



Bumble bee on kidney vetch SH35 site. I Carroll



Small Blue butterfly SH35 site. I Carroll

Whimbrel at Rattlechain Lagoon. I Carroll



Tower Mustard in centre of picture as found by Mike Poulton. I Carroll

Another better site would have been Hydes Road/Woden Road South in Wednesbury, adjacent to The River Tame where I recorded water vole several years ago, and also saw a spoonbill just a few years ago. . The council's chosen sites may be "deliverable" because they are so poor to start with



for nature that 10% is a fraudulent measure of “gain” - whereas the loss of existing locally rare species at sites like SH35 and SH36 in the recovery map area are 100% destroyed.

**(B) We ARGUE MOST definitely YES, and for the reason stated already. The sites within the Nature recovery network to which the council are a supposed partner have not been adequately assessed- especially Rattlechain/Duport’s tip and the failure to look at private sites. As stated, Sheepwash should have been included and given that Warrens Hall which is on the border of Dudley has, this needs to be explained as there appears to be clear bias at work here. Some nature reserves in Sandwell appear more equal than others. Why does it not make more sense to expand existing areas for recovery rather than attempt to create token sites that will have the likelihood of failure?**