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## **Meeting of the Cabinet – 17<sup>th</sup> December 2020**

### **Report of the Director of Regeneration and Enterprise**

#### **Alterations to Designations of Nature Conservation Sites**

##### **Purpose**

1. This report informs Cabinet of the results and recommendations of ecological surveys (nature conservation habitat surveys) carried out on a number of separate sites that have either previously been identified as having potential to be designated as nature conservation sites or required up-to-date ecological surveys to ascertain if their previously identified existing ecological habitat status still remain valid and appropriate based on the latest ecological evidence.

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

The sites in question have been subject to a comprehensive site walkover ecological survey undertaken by independent, suitably qualified and experienced ecologists from Dudley Council's Countryside Services Team. This report presents the results of the surveys to Cabinet for those sites which are either having their designations:

- Upgraded and increased from a Site of Local Importance for Nature Conservation (SLINC) to a Site of Importance for Nature Conservation (SINC);
- or where a sites habitat quality has significantly declined and deteriorated that the site's no longer meet Site of Local Importance for Nature Conservation (SLINC) designation status and are therefore being de-designated; or;
- in circumstances where the boundary of the boundary of the existing SLINC or SINC is being adjusted to take out areas of land that no longer have any nature conservation habitat value and biodiversity interest.



## 2. Recommendations

That Cabinet:-

- a) Agree **no change** of existing Sites of Local Importance for Nature Conservation (SLINC) designations and Sites of Importance for Nature Conservation at:
  - Watery Lane SLINC and SINC (Wordsley); and;
  - Coopers Wood and Lyeclose meadow SINC (Land South of Manor Way).
- b) Approve **designations of new SLINCs at :**
  - Roundhill, Holbeache Land SLINC (Kingswinford);
  - Ashwood Haye Fields SLINC (Kingswinford);
  - Racecourse Lane SLINC (Norton);
  - Manor Abbey Farm SLINC; formed from the Brickyard and Manor Abbey Hedgerows (Land south of Manor Way (Halesowen));
  - Raddens Pastures SLINC; covering Raddens Pastures (Land South of Manor Way (Halesowen));
  - Lyeclose Farm SLINC; covering Lyeclose Farm (Land South of Manor Way (Halesowen)); and;
  - Illey Hall Farm SLINC; covering Illey Hall Farm (Land South of Manor Way (Halesowen)).
- c) Approve the **designations of a new SINC at:**
  - St Mary's Abbey Remains SINC; covering St Mary's Abbey Remains and Manor Way Tip.
- d) Approve to **Amalgamate** the *Tributary of Illey Brook SINC, Lyeclose Lane Wood SINC, Illey Hall Farm SLINC and Illey Brook SLINC* into a **single designated site; Kitwell Brook Valley SINC** (Land South of Manor Way (Halesowen). Also approving an **extension** to the SINC Boundary around the existing Tributary of Illey Brook SINC.
- e) Approve proposals for **revised** Sites of Local Importance for Nature Conservation (SLINC) and Sites of Importance for Nature Conservation (SINC) boundary designations at:
  - Brick Kiln Lane SINC (Gornal); and;
  - Conference Wood and Gornal Sewage Works SLINC (Gornal)
- f) Approve a **boundary adjustment** to an existing SLINC and the **inclusion** of several hedgerows within the SLINC Designations
  - Caslon Wood SLINC (Cradley and Wollescote)
- g) Subject to approval of the above, authorise changes to the site designations to be included in the Black Country Draft Plan which is due to be submitted to Cabinet in July 2021.



Further details regarding the boundary changes can be found in section 3 of this report.

## **Background**

3. SLINCs and SINC are designations identified in Dudley Council's adopted Dudley Borough Development Strategy 2017 (DBDS, 2017) and form part of the Borough's environmental infrastructure. Environment infrastructure also includes green space, community parks, canal corridors, and Local Nature Reserves (LNRs). Incorporating environmental infrastructure principles into Local Plan documents will help meet the existing adopted Black Country Core Strategy 2011 vision for environmental transformation.
4. The most important sites outside the statutory system are designated as SINC for their regionally important nature conservation interest across the West Midlands. SINC can be designated for both their ecology and geological interest.
5. SLINCs and SINC do not receive statutory protection but are protected from harm by local policy set out in the Dudley Borough Development Strategy, (DBDS, 2017), the existing adopted Black Country Core Strategy (BCCS, 2011) and the National Planning Policy Framework (NPPF, 2019), therefore they are crucial in maintaining and enhancing the Borough's environmental infrastructure and ecological habitats.
6. Other sites that support important wildlife habitat and geological features, form links between protected sites, and are part of the overall network supporting biodiversity are identified as SLINCs. SLINCs are of significance at the Ward to Borough level and frequently form important links between other designated nature conservation sites. Examples of SLINCs that are important linear features are canals and watercourses.
7. It is important that there is a robust, accurate, up-to-date and defensible evidence base in place in relation to the nature conservation habitat quality, and ecological condition of both existing designated nature conservation sites and those areas of green space which currently have no designated nature conservation value in Dudley Council's adopted Local Plan – DBDS 2017 but may have potential to provide important habitats for wildlife and could therefore be upgraded to SLINCs or SINC.
8. For these reasons a number of sites have been subject to a walkover ecological survey by independent suitably qualified ecologists so the Council can ensure that its records and information on the condition and habitat quality of sites is kept up-to-date, and accurate. This is in line with the National Planning Policy Framework (NPPF) 2019 and Dudley Council's Nature Conservation Supplementary Planning Document (SPD) 2016.



9. The provision of a network of natural green space areas within the Dudley Borough aligns with a number of key Dudley Council Corporate themes, including: -
- Helping to promote increased physical activity through walking exercise and the improved mental health well-being benefits to Borough residents. The increased physical exercise benefits of natural green space will help to tackle increasingly common health conditions such as childhood and adult obesity, coronary heart disease and Type 2 Diabetes.
  - Helping improve the green landscape setting, visual amenity and character of the Borough which will help to make the Borough an attractive place in which to live, visit, work and invest. The benefits of natural green space for supporting biodiversity and making the urban environment more resilient to future climate change pressures. For example, tackling air pollution (trees help remove air borne particulates), flood risk reduction by providing natural sustainable drainage, and contribution to helping reduce the urban heat island effect.
10. An overview of each site outlined in the recommendations is provided below providing more details on the proposed boundary changes.

### **Watery Lane (Wordsley)**

11. The site is designated as a SLINC and SINC and forms a naturalised buffer between the residential areas and Buckpool and Fenspool Local Nature Reserves. It is recommended that the site remains designated as a SINC and SLINC and that there is no change to the boundaries of these designations. (See the Site Designations Map 1 for detail).

### **Round Hill, Holbeache Lane (Kingswinford)**

12. It is proposed to designate the important ecological features of the site to a SLINC. These are the hedgerow network, the semi neutral grassland meadow and the broadleaved woodland. This new designation will provide links to the existing adjacent SLINC (Holbeache Lane SLINC) to the east of the site and protect an important wildlife corridor. The proposed SLINC would be known as **Round Hill Holbeache Lane SLINC**. (See the Site Designations Map 2 for detail)

### **Ashwood Haye Fields (Kingswinford Triangle) (Kingswinford)**

13. It is proposed to designate the important ecological features of the site to a SLINC. These are the hedgerow network and the broad leavened woodland. Although the site is low in habitat diversity it is an important wildlife corridor between the urbanised area to the north, east and south and the greenbelt to the west and wider countryside within South Staffordshire. This site assists in the movement and migration of a number of species, as well as providing important feeding areas for local and



migratory wildlife populations. The proposed SLINC would be known as **Ashwood Hayfields SLINC**. (See the Site Designations Map 3 for detail).

### **Racecourse Lane (Norton)**

14. There is a current SINC (Pedmore Common) and SLINC (Stourbridge Golf Course) located to the northeast of the site. A new SLINC is proposed on the site, including the hedgerow network and central and southern semi improved grassland areas of the farmland the south of Racecourse Lane as a SLINC. The hedgerow network is old, species rich and forms valuable wildlife corridors through the site and into the wider area. Central semi improved grassland has areas of scrub within the fields which gives a reasonable species list and the southern semi improved grassland has a good species list. The new SLINC would be known as **Racecourse Lane SLINC**. (See the Site Designations Map 4 for detail).

### **Brick Kiln Lane (Gornal)**

15. Minor boundary changes to the current SINC are recommended this includes both the removal of small areas as well as the expansion of the boundary. These boundary changes include:

- Five minor deductions to the boundary where there are minor conflicts with neighbouring boundaries. Four of these deductions would be located along the northern boundary and one deduction located along the east boundary.
- It is also recommended that an addition is made to include the adjacent area of grassland and adjacent wooded water course to the east of the existing SINC. (See the Site Designations Map 5 for detail).

### **Conference Wood and Gornal Sewage Works (Gornal)**

16. Four minor adjustments are recommended to the existing boundary, including three deletions, and one extension to the boundary. These boundary changes include:

- The deletion of thin strips that overlaps with neighbouring gardens on the northern edge.
- The deletion of a protruding section to the western edge which has been degraded by encroaching landfill operations.
- The deletion of a building and surrounding hard standing in the South East corner of the site.
- The addition of adjacent woodland along the drive of the sewage works.

(See Site Designations Map 6 for detail).



## Land South of Manor Way (Halesowen)

17. The area that was surveyed is 127.5ha, and the site as a whole assessed against the local sites selection criteria meets the criteria for a SINC designation. However, changes in a land use, overgrazing or continued application of slurry in Lapal Farm Pastures could diminish this. Consequently, a combination of SINC and SLINC designations will better reflect the variation in habitat quality across the site given the large area surveyed. The SINCS and SLINCS have a high degree of interconnectivity and function ecologically as a combined unit, with each designated area enhancing the neighbouring one. Various amendments have been proposed to the site, including boundary changes, amalgamations of existing SINCS and SLINCS and proposed new SINCS and SLINCS, these are:

- a. **Coopers Wood and Lyeclouse Meadow SINC** is an area of ancient semi-natural broadleaved woodland with a diverse ground flora on shallow valley slopes either side of Coopers Brook. The woodland adjoins two semi-improved species rich meadows and mature hedgerows. It is recommended that there is no change to the current SINC.
- b. A new SINC is proposed to be known as **Kitwell Brook Valley SINC**. This would be an amalgamation of the Tributary of Illey Brook SINC, Lyeclouse Lane Wood SLINC, Illey Hall Farm SLINC and part of Illey Brook SLINC. This includes an extension to the boundary of the Tributary of Illey Brook SINC to incorporate the surrounding grassland as there are many species rich banks which contain locally rare waxcap species indicative of high grassland fungal diversity and provide complementary habitat to the SINC. The Illey Brook contains the only exposure of a coal seam of the Halesowen formation known, this is a particularly rare and important feature. These rock layers were formed in a low-lying swampy delta front setting about 300 million years ago during the carboniferous period.
- c. It is recommended that St Mary's Abbey Remains and Manor Way Tip is designated as SINC to be known as **St Mary's Abbey Remains SINC**. This area has a noticeably higher floral diversity than the surrounding semi-improved grassland with small patches resembling unimproved grassland on some of the historical features. Almost all the grassland records including the twelve Axiophytes are present. Axiophytes are indicators of habitats which are considered important for conservation.
- d. Four new SLINCS are proposed within the site.
  - i) The first proposed SLINC would be known as **Manor Abbey Farm SLINC**. The new SLINC would be formed from The Brick Yard & Manor Abbey hedgerows, to be designated due to the large areas of neutral semi-improved grassland, species rich hedgerows, presence of Skylarks and other farmland birds.



- ii) A second new SLINC, to be known as Raddens Pastures SLINC, covering Raddens Pastures. To be designated due to areas of neutral semi-improved grassland, mature hedgerows, presence of Linnet and other farmland birds and presence/suitability for Waxcaps.
  - iii) A new SLINC, to be known as Lyeclouse Farm SLINC, covering Lyeclouse Farm. To be designated due to the large areas of neutral semi-improved grassland, species rich hedgerows, and feeding grounds for red and amber migratory farmland birds on the list for Birds of Conservation Concern UK.
  - iv) A new SLINC, to be known as **Illey Hall Farm SLINC**, covering Illey Hall Farm. To be designated due to the large areas of neutral semi-improved grassland, species rich hedgerows, presence of Skylark, Yellow Hammer and other farmland birds.
- e. It is recommended that Lapal Lodge SLINC should be extended to encompass Lapal Farm Pastures forming a new larger SLINC to be known as **Lapal Farm Pastures SLINC**. Lapal Lodge has lost the species rich grassland to scrub encroachment, however, as part of a new larger SLINC, this large area of dense scrub represents a complimentary/transitional habitat which is absent in the wider farming landscape. Lapal Farm Pastures should form part of the SLINC due to the large areas of neutral semi-improved grassland, species rich hedgerows, presence of red and amber migratory farmland birds on the list for Birds of Conservation Concern UK on the list for Birds of Conservation Concern UK and presence/suitability for waxcaps.

(See Site Designations Map 7 for details)

### **Foxcote Lane (Cradley and Wollescote)**

18. The site is an important part of the green belt area to the south of the Dudley Borough providing good connectivity with the surrounding contiguous habitats and with the wider urban area to the north. It is proposed to adjust the boundary of **Carlson Wood SLINC** to include areas of scrub thereby rationalising the boundary of the contiguous habitat. Additionally, it is proposed to include a number of hedgerows in the SLINC designations. The proposed hedgerows to include are Foxcote Lane hedgerow, Wynall Lane hedgerow, Oldnall Road hedgerow and the hedgerows leading along the farm track to Foxcote Farm. The hedgerows are old, species rich and form valuable wildlife corridors between the existing SLINCS and the wider area, while also providing shelter and foraging opportunities for a range of fauna species including many avian farmland species of conservation concern. (See Site Designations Map 8 for Details)



## **Finance**

19. The costs of undertaking the surveys is funded from existing budgets and resources dedicated to the production of Local Plan Documents and other such statutory planning documents.

## **Law**

20. This piece of work is a key element for the evidence base of the Black Country Plan. The surveying of existing SINC's and SLINC's is also essential in order to ensure that such designations are based on robust and up-to-date evidence.
21. The potential for planning decisions to be challenged increases where it can be shown that Local Plan allocations are based on out-of-date or incomplete information. Ensuring that there is current information relating to the Borough's inventory of nature conservation sites, including SINC's and SLINC's, reduces this risk.
22. In addition, the Natural Environment and Rural Communities Act 2006 (NERC Act) and the Wildlife and Countryside Act 1981 (as amended) both place a legal duty on local authorities to conserve and protect biodiversity in the exercise of their functions

## **Equality Impact**

23. The content of this report complies with the Council's policy on Equality and Diversity given that the Ecological Surveys in question play an important role in helping to conserve and protect important wildlife sites from inappropriate development pressures within the Dudley Metropolitan Borough.
24. This ensures that there is a supply of natural green space areas within the Borough to help encourage more physically active lifestyles for the wider local community including children and young people and other age groups, the disabled and different ethnic groups. Under the habitat management suggestions, the Ecological Surveys in question also encourage the local community to get involved with hands on management of nature conservation sites including thinning of dense scrub vegetation within woodlands to help improve their nature conservation habitat potential and improve the accessibility of public footpaths.
25. This accords well with the Equality Impact Act 2010 as it will help to ensure that there is an opportunity available for all sections of the local community from different cultures, different age groups, gender, race, disabled groups, residents from different religious faiths to experience and visit the Borough's natural green spaces and get involved with hands on management of their local natural green



space areas. This will be important for helping promote the physical and mental health well-being of all sections of the local community and promote social interaction between different groups within the local community.

### **Human Resources/Organisational Development**

26. There are no HR/OD impacts resulting from the report as any requirements will be managed from within existing resource in line with the timescales outlined.

### **Commercial/Procurement**

27. There are not considered to be any commercial/procurement implications as a result of this report. The ecological surveys were procured through a single quotation in accordance with the Councils Procurement guidance. The total cost was £4,999.99

### **Health, Wellbeing and Safety**

28. The Ecological Survey Reports within the Cabinet Report will have health and wellbeing benefit for the Borough's residents by helping to ensure that there is a robust and up-to-date evidence base in place to help protect the Borough's natural green space sites from inappropriate development pressures. By improving physical fitness through increased exercise (walking), the presence of natural green space areas can help to enhance the physical and mental health and wellbeing of local residents and people visiting and working within the Borough. Natural green spaces also indirectly impact our health by improving urban air quality and limiting the impact of heatwaves during hot summers by helping reduce urban temperatures.
29. The Ecological Survey Reports in question will have beneficial community safety implications as having good nature conservation sites within the Dudley Borough will help to encourage more local residents across all age group to visit their local natural green space areas. As stated further above, proposals within the management suggestions section of the Ecological Survey Reports actively seeks to encourage local residents to become involved in helping to maintain their local natural conservation sites. Increasing the amount of people using their local natural green spaces will help to increase natural surveillance levels and will therefore help to improve community safety.

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## **Appendices**

### Appendix 1 - Site Designations Maps

#### **List of Background Documents**

Watery Lane (Wordsley) Birmingham & Black Country Local Site Assessment Report

Round Hill, Holbeache Lane (Kingswinford) Birmingham & Black Country Local Wildlife Sites Assessment Report.

Ashwood Haye Fields (Kingswinford Triangle) (Kingswinford) Birmingham & Black Country Local Wildlife Sites Assessment Report

Racecourse Lane (Norton) Birmingham & Black Country Local Wildlife Sites Assessment Report

Brick Kiln Lane (Gornal) Birmingham & Black Country Local Wildlife Sites Assessment Report

Land South of Manor Way (Halesowen) Birmingham & Black Country Local Wildlife Sites Assessment Report.

Foxcote Lane (Cradley & Wollescote) Birmingham & Black Country Local Wildlife Sites Assessment Report.

