

Supplementary Planning Document
Nature Conservation Consultation Draft

February 2006

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Nature Conservation *Consultation Draft*

1.0 Introduction - The Purpose and Status of this Supplementary Planning Document

1.1 This document provides guidance on means of complying with nature conservation policies set out in the Development Plan and to provide guidance on how the authority expects nature conservation to be taken into account in the development control process.

1.2 Whilst this guidance does not have equivalent status to Development Plan Documents, compliance with Supplementary Planning Document guidance is a material consideration in planning decisions. Applicants should therefore bear in mind that disregard of this guidance may result in planning permission being withheld.

1.3 The Development Plan policies relevant to this guidance are:

- **NC1 Biodiversity**
- **NC2 Special Areas of Conservation and Sites of Special Scientific Interest**
- **NC4 Local Nature Reserves and Sites of Importance for Nature Conservation**
- **NC5 Sites of Local Importance for Nature Conservation**
- **NC6 Wildlife Species**
- **NC7 Geological Resource**
- **NC9 Mature Trees**
- **NC10 The Urban Forest**
- **DD10 Nature Conservation and Development**
- **DD11 Watercourses**

This guidance should be read in conjunction with these policies and with consideration of all relevant Development Plan policies.

1.4 This SPD is in conformity with national planning guidance, the Regional Spatial Strategy, the Development Plan and the Community Strategy. It has been subject to a Sustainability Appraisal and screening for Strategic Environmental Assessment (SEA). Public consultation has taken place in line with the Statement of Community Involvement. A statement of the consultation undertaken, the representations received and the authority's responses to these representations can be found in the Consultation Summary Report. (NB. This section will apply once public consultation has been carried out)

1.5 In order to secure development that meets policy requirements, officers of the Authority are available to discuss the advice set out in this guidance with applicants before they submit a planning application.

The early submission of supporting information is recommended and, in some cases, required. A list of useful contacts and references, including the relevant contacts in the Borough, can be found at the end of this guidance.

- 1.6 In implementing the policies covered by this guidance the authority will actively consider the use of a number of strategies, including the use of article 4 directives, conditions and planning obligations/agreements.
- 1.7 This guidance consists of six sections:
 - 1.0 Introduction
 - 2.0 Background
 - 3.0 Guidance for planning proposals that might affect designated nature conservation sites
 - 4.0 Wildlife Species Guidance
 - 5.0 Geology
 - 6.0 Nature Conservation and Development

2.0 Background to the Supplementary Planning Document

2.1 Sustainable Development and Care of our Natural Heritage

2.1.1 The Council is committed to moving towards sustainable development and to the care of its natural heritage in line with the following:

- A Better Quality of Life - A Strategy for Sustainable Development for the UK
- Working with the Grain of Nature – A Biodiversity Strategy for England
- Planning Policy Statement 9 (PPS9) Biodiversity and Geological Conservation
- The Regional Spatial Strategy for the West Midlands
- The West Midlands Regional Biodiversity Strategy
- The National and Local Biodiversity Action Plan Process
- The Dudley Local Agenda 21 Strategy
- The Dudley Community Strategy
- The Black Country Geodiversity Action Plan

2.1.2 The Government's objectives for conservation of biodiversity and geological heritage through planning are laid out in PPS9:

- ***“To promote sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development, so that policies and decisions about the development and use of land integrate biodiversity and geological diversity with other considerations***
- ***To conserve, enhance and restore the diversity of England's wildlife and geology by sustaining, and where possible improving,***

the quality and extent of natural habitat and geological and geomorphological sites; the natural physical processes on which they depend; and the populations of naturally occurring species which they support.

- ***To contribute to rural renewal and urban renaissance by:***
enhancing biodiversity in green spaces and among developments so that they are used by wildlife and valued by people, recognising that healthy functional ecosystems can contribute to a better quality of life and to people's sense of well-being; and ensuring that developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment."

2.1.3 The Council concurs with the Government stance that the provision and maintenance of a healthy, sustainable and attractive natural environment is an essential element in ensuring continuing economic prosperity as it contributes to quality of life. The green environment is a public health asset and helps foster favourable perceptions of the Borough as a place in which to live and invest.

2.1.4 The Council is also aware of the need to encourage development, which it views as being crucial to the regeneration and the general well-being of the Borough both now and in the future. It should be possible for all development to make some contribution to the maintenance and enhancement of the natural heritage of the area. To achieve this the Council will seek to work in partnership with the development and regeneration sectors to find means of delivering quality development and contributing to environmental protection and enhancement.

2.2 Nature Conservation in the Black Country

2.2.1 The Black Country contains within its boundaries a diverse natural heritage. An intimate pattern of mining and industrial development side by side with traditional farming and undisturbed pockets of woodland, meadow and wetland has resulted in a mosaic of ancient and more recent habitats interspersed among built development. The area is underlain by a rich and complex geology which, where it is exposed, presents a valuable window into the ancient past and is an important part of economic and community history.

2.2.2 Although ancient woodlands, traditional grasslands and other habitats survive, many of the Black Country's most valuable wildlife has become established after mineral extraction or industrial use, as the physical and chemical conditions which result from past extractive or industrial uses can support diverse habitats and rare species. Well known examples in Dudley include rare limestone grassland at Wrens Nest National Nature Reserve and wetland and spoil-heap grassland rich in dragonflies and butterflies at Saltwells Local Nature Reserve.

- 2.2.3 In Dudley, ancient woodlands such as the streamside dingles; traditional meadows and pastures, now largely horse-grazed; and remnants of once widespread heath are among the significant habitats which preserve longstanding ecological diversity while more recently developed woodlands, grasslands and wetlands can also be important parts of the wildlife network.
- 2.2.4 Additional important habitat originates from the development and use of the canal system, such as that found at the Fens Pools and Bumble Hole Local Nature Reserves, and from restoration or natural colonisation of industrial and quarrying sites. Some of these habitats, and man-made structures such as mines, tunnels and even buildings, can be important for a range of rare or protected species, such as great crested newts, water voles and bats.
- 2.2.5 Many of the habitats and species covered by this guidance are priorities within the UK and Birmingham and Black Country Biodiversity Action Plans, the West Midlands Regional Biodiversity Strategy and the Action Plan for Nature Conservation in Dudley.
- 2.2.6 The Birmingham and Black Country Biodiversity Action Plan was adopted in 2000. The plan describes, evaluates and prescribes actions to protect and enhance habitats and species of national and regional importance. It is one of many local Biodiversity Action Plans which have been produced across the country to ensure that the UK Biodiversity Action Plan is implemented at, not only a national, but also a local level. As a partner in the Birmingham & Black Country Biodiversity Action Plan, the Council is committed to furthering its objectives for habitat and species protection and recovery. This guidance is designed to aid in fulfilling this commitment.
- 2.2.7 The Regional Biodiversity Strategy for the West Midlands was adopted by the Regional Assembly and launched in 2005. The Strategy identifies the main issues and opportunities facing the region's wildlife. *Towns, Cities and Development* is a key sector identified by the Strategy which links a green and attractive environment that sustains biodiversity to the RSS objective of encouraging urban living rather than out-migration to rural areas. Means of contributing to this through the planning system include ensuring that new development supports biodiversity.
- 2.2.8 The importance of the green network and habitat mosaic for wildlife, and the potential for the Borough to contribute to regional and national biodiversity is recognised by the identification in the Regional Spatial Strategy, of a Biodiversity Enhancement Area (BEA), extending from mid Worcestershire northwards and covering the majority of Dudley. BEAs are identified by the RSS as *"some of the best prospects for retaining environments with a rich and resilient biodiversity resource"*. Means of meeting RSS policy for these areas include support of existing biodiversity, protecting important habitats from adverse

impacts, restoring and re-creating locally characteristic habitats and linking them together.

- 2.2.9 The Black Country, and Dudley in particular, is situated in one of the most geologically diverse areas of the world. Dudley has international recognition for the unique palaeontology of Wrens Nest National Nature Reserve and Castle Hill and its role in the development of the science of geology. The Borough is underlain by a rich and varied geology, which has had strong influences on its historic and industrial development and remains apparent in the landscape and patterns of development. Geological exposures left behind by centuries of limestone, coal, clay, sandstone and other mineral extraction thus have cultural as well as scientific value. Geological sites and features are covered by a range of designations reflecting their national and local importance. This varied geology was the basis of the industrialisation of the Black Country and plays a fundamental part in local community history.

2.3 National and Regional Policy Context

- 2.3.1 Planning Policy Statement 9 (PPS9) lays out a set of key principles that planning authorities should follow to ensure that biodiversity and geological heritage are fully considered in the decision making process. The accompanying ODPM Circular 06/2005 *Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System* gives guidance on how the legal provisions for site and species protection, and local authority duties for nature conservation, need to be taken into account. This SPD is designed to help the Council adhere to the PPS9 principles and meet legal obligations.
- 2.3.2 The PPS9 Key Principles state that planning decisions should be based on up-to-date information on biodiversity and geological resources. They should aim to maintain, restore, enhance or add to existing biodiversity and geological interest, including that on previously developed land. The aim of all planning decisions should be to prevent harm to nature conservation interests. This means ensuring that where significant nature conservation interest is involved, alternatives have been fully considered and adequate mitigation is provided.
- 2.3.3 In order to meet these requirements it is clear that adequate information must be obtained to inform planning decisions and to allow appropriate mitigation to be incorporated into development proposals. Circular 06/2005 (Paragraph 99) states: *"It is essential that the presence of protected species or otherwise is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision"* and that ecological surveys should be made subject to planning conditions only in exceptional circumstances. Paragraph 99 also

makes it clear that survey and assessment should be required where there is a reasonable likelihood of a protected species being affected by a proposal.

2.3.4 Paragraph 84 of the Circular makes it clear that, in addition to legal provisions, UK and local Biodiversity Action Plan habitats and species are a material consideration in planning decisions and therefore require the same scrutiny. Paragraph 14 advises that, when considering development proposals, local authorities should maximise opportunities for building in benefits for biodiversity and geological interest.

2.3.5 Policy QE7 in the West Midlands Spatial Strategy (RSS) Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation Resources also makes clear the priority nature conservation assets that are important at the strategic level:

- *species and habitats of international, national and subregional importance as identified in the West Midlands Regional Biodiversity Audit, Local Biodiversity Action Plans (LBAPs) and other BAPs;*
- *those that receive statutory protection;*
- *and the biodiversity enhancement areas*

2.3.6 This SPD is designed to ensure that the Council is able to comply with Government guidance, the Regional policy framework and statutory obligations for nature conservation in exercising its development control function.

2.4 Development Plan Nature Conservation Policies and the Role of this Guidance

2.4.1 NC1 Biodiversity

The UK Government is committed to biodiversity and the delivery of Biodiversity Action Plan targets and has issued guidance that all Local Authorities have a key role to play in this respect. Though predominately an urban borough, with large areas of residential development and both traditional and recent industrial facilities, a key feature of the Borough is the extensive network of open space, which brings natural habitats and rural landscapes into the heart of the built up area and gives people opportunities for contact with nature. Wildlife does not thrive in isolation and many species need to be able to move to feed and breed. This means that, in addition to key nature conservation sites, the overall network of linked sites, linear habitats and "stepping stones" are important for the Borough's biodiversity.

2.4.2 NC2 Special Areas of Conservation and Sites of Special Scientific Interest

The Council's commitment to protection and enhancement of Dudley's natural heritage has resulted in a series of designations, which reflect the value of the most important nature conservation sites and aim to

give appropriate protection. Some of these sites have statutory, as well as Development Plan, protection. Fens Pools candidate Special Area of Conservation (cSAC), designated for its great crested newt population, is one of only two sites of European importance within the West Midlands county. Wren's Nest National Nature Reserve (NNR) is internationally known for its exceptional palaeontology and surface mine and quarry features. There are six other Sites of Special Scientific Interest (SSSI); of which five are designated by English Nature for their geological interest. The cSAC is strictly protected under the Conservation (Natural Habitats &c.) Regulations 1994. The Wildlife and Countryside Act 1989 (as amended) and Countryside and Rights of way Act 2000 give protection to the NNR and SSSIs.

2.4.3 NC4 Local Nature Reserves and Sites of Importance for Nature Conservation

Some of the Black Country's most significant habitats, species and geological features are found within the cSAC, NNR and SSSIs. These represent, however, only a tiny fraction of the Borough's natural heritage that is selected for protection at the national level. These sites alone cannot maintain the area's overall biodiversity or earth heritage value. The most important sites outside the statutory system are designated as Sites of Importance for Nature Conservation (SINCs) for their West Midlands county-wide value. SINCs are identified by means of application of approved selection criteria and endorsed by a panel representative of local nature conservation expertise. Local Nature Reserves are declared, by the Council, with the support of English Nature, under the terms of the National Parks and Access to the Countryside Act 1949, for their nature conservation interest and their value for public education and enjoyment.

2.4.4 NC5 Sites of Local Importance for Nature Conservation

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 Sites of Local Importance for Nature Conservation (SLINCs). SLINCs are of significance at the Ward to Borough level and frequently form important links between other designated sites. This designation does not preclude development that respects and preserves their value and function for nature conservation and does not compromise important wildlife or geological features. Examples of SLINCs that are important linear features are canals and watercourses. **Section 3.0** gives guidance on how designated sites and their nature conservation interest should be taken account of in the development control process.

2.4.5 NC6 Wildlife Species

Many rare and protected species and the habitat upon which they depend are found outside of the network of protected sites and may only be discovered when development is proposed. **Section 4.0 Wildlife Species** is designed to inform developers on the means of taking protected species' needs into account in development proposals.

2.4.6 **NC7 The Geological Resource**

PPG9 highlights the nature conservation importance of geological sites. The most important geological sites are designated as SSSIs and SINCs. There are other features, however, that fall outside of these sites but are of value for scientific research, education and amenity. These features are rarely a constraint to development but can easily be lost or damaged if not taken into account. Even where no exposures are present, geological strata are often near to the surface and there will be circumstances where development provides opportunities to create temporary or permanent exposures of interest for scientific study. **Section 5.0 Geology and Development** gives guidance on the incorporation of geological considerations into development.

2.4.7 **NC9 Mature Trees and NC10 The Urban Forest**

The Black Country Urban Forest is a network of established and recently planted woodlands and street trees that contributes to environmental quality and supports biodiversity. Particularly significant are the remnant ancient woodlands, some of the most diverse habitats in the country. As well as benefits for nature conservation, landscape and amenity, recent research *Trees and Sustainable Urban Air Quality* published by the Centre for Ecology and Hydrology has shown that urban trees contribute to environmental quality by removing pollutants from the air as well as absorbing carbon dioxide.

2.4.8 **DD10 Nature Conservation and Development**

As well as taking into consideration existing habitat and species, new development has the potential to enhance the Borough's biodiversity, or to compensate for any loss, by incorporating features of value to wildlife into landscape and built design.

2.4.9 **DD11 Watercourses**

Watercourses are important linear features for wildlife and can provide essential habitat for several rare and protected species. Despite the urban and industrialised nature of the Black Country and a history of pollution, water quality is improving and many river and stream stretches are of value for wildlife while others are recovering. Past development often marginalized watercourses and modified or culverted them, reducing their wildlife value and breaking ecological connectivity. New development often offers opportunities to restore watercourses for both wildlife and amenity.

2.3.11 **Section 6.0 Nature Conservation and Development** of this guidance sets out requirements for nature conservation for all new development, aims to aid developers in identifying protection and enhancement measures and suggests ways of implementing them. The aim is to assist in the delivery of high quality development that contributes to environmental regeneration.

3.0 Guidance for planning proposals that might affect designated nature conservation sites

3.1 Policy background

- 3.1.1 Policy protection for nature conservation sites is commensurate with their position within the national and international hierarchy as shown in Table 1. Policy will be applied in line with the requirements of relevant legislation. Where protected species are found on designated sites, additional legal protection and policy requirements will apply.

Table 1 Hierarchy of nature conservation sites

Site	Designation basis and type	Status
cSAC	candidate Special Area of Conservation, designated under the EU Directive on the Conservation of Natural Habitats and Wild Fauna and Flora (Directive 92/43/EEC) and the Conservation (Natural Habitats etc.) Regulations 1994, also SSSI. Candidate SACs have the same legal protection as fully confirmed SACs. Representative (best examples for European priority habitats and species)	European Proposals damaging to the special interest are not permitted. Appropriate Assessment required. GDO proposals are also subject to assessment
NNR	National Nature Reserve, declared by English Nature under section 19 of the National Parks and Access to the Countryside Act 1949 or section 35 of the Wildlife & Countryside Act 1981 (as amended), also SSSI.	UK Proposals damaging to the special interest are not permitted unless full mitigation is secured.
SSSI	Site of Special Scientific Interest notified by English Nature under section 28 of the Wildlife and Countryside Act 1981 (as amended). Representative (best examples of UK habitat types and species populations)	UK Proposals damaging to the special interest are not permitted unless full mitigation is secured.
LNR	Local Nature Reserve declared by the local authority with the support of English Nature under section 21 of the National Parks and Access to the Countryside Act 1949. Selected for both nature conservation interest and value for public education and enjoyment	Borough-Sub- Region
SINC	Site of Importance for Nature Conservation selected by a panel representing English Nature, the Birmingham & Black Country Wildlife Trust, the Black Country Geological Society and the Local Authority. Applied to all sites that meet the selection criteria	West Midlands County
SLINC	Site of Local Importance for Nature Conservation identified by the local authority. Applied to all sites that meet the selection rationale	Ward-Borough

3.1.2 Designated nature conservation sites are a key element of nature conservation strategy from local right up to international levels. Areas of land are designated for the habitats, species and/or geological features that they support. They are often also important for the opportunities that they give for local people to come into contact with wildlife and earth heritage and for their educational potential.

3.1.3 It is Council policy to maintain and enhance the designated site network so that it can continue to provide vital support to local biodiversity. The following habitats and features are of particular significance in the national and/or Black Country contexts:

- Woodland: ancient woodland, native broad-leaved woodland and scrub and wet woodland such as alder or willow carr;
- Grassland: unimproved or semi-improved neutral, calcareous, acid or marshy grassland (as defined by JNCC 1993 *Handbook for Phase 1 Habitat Survey*), whether managed or not;
- Heathland: heather, bilberry or gorse heath, wet heathland and bog, acid grassland/heath mosaic where heather is present in any proportion;
- Open water and wetland: watercourses, canals, reservoirs, ponds and their banks, reed beds and swamps;
- Linear and stepping stone features* providing potential for use by wildlife such as: hedgerows (especially where species-rich), disused railways, canals, river and stream corridors, green lanes, groups of small woods, ponds.
- Geological exposures and features.

**These features are covered by Regulation 37 of the Habitats Regulations 1994 which requires the encouragement of management of features of the landscape which are of major importance for wild flora and fauna. These features are those which, because of their linear and continuous structure or their function as stepping stones, are essential for migration, dispersal and genetic exchange.*

3.1.4 Some of these habitats, such as ancient woodland and traditional grasslands are long-standing but many have developed on disused industrial or extractive sites. Status as previously used land does not compromise nature conservation interest and Development Plan nature conservation policies apply equally to land irrespective of its past or current uses.

3.2 Requirements for planning proposal affecting designated sites

3.2.1 In judging whether planning proposals might affect designated nature conservation sites, consideration should be given not only to sites directly affected, but also to those adjacent to a development site or subject to environmental changes such as water table or other hydrological change, pollution, shading, isolation or severance of connecting features. This is particularly the case for cSACs where Appropriate Assessment must be made of all planning applications that

are likely to have a significant effect on the internationally important interest features of the site, alone, or in combination with other plans or projects.

3.2.2 Proposals for development may come within the scope of schedules 1 or 2 of the Environment Impact Assessment (EIA) Regulations. If this is the case then the assessment must encompass the impacts of the development on flora, fauna and geological features and consider alternative siting, design and layout and the Environmental Statement should spell out mitigation measures.

3.2.3 Where an EIA is not required then the applicant should undertake an ecological appraisal consisting of:

- *A records search.* Nature conservation records for the site and its surroundings should be consulted. This means contacting relevant organisations likely to hold records (see contacts list appended to this guidance).

Consultations should include

- EcoRecord (the ecological database for Birmingham & the Black Country) for all searches;
- Dudley MBC Nature Conservation Officer for all searches;
- The Wildlife Trust for Birmingham & the Black Country for all searches;
- English Nature (Natural England from October 2006) where SSSIs and SACs might be affected;
- the Environment Agency where rivers or streams are affected; British Waterways where canals are affected;
- Local conservation groups where appropriate.

- *Ecological survey.* Later sections of this guidance and appendices provide further detail regarding survey requirements. Should site-based advice be required, consultation with Dudley MBC Nature Conservation Officer is recommended. Minimum requirements are likely to be: habitat mapping using Phase 1 habitat survey methodology (JNCC 1993); protected species survey (see section 4), site description, botanical species list, identification of rare/uncommon species. Further detail may be required, especially where designated sites are involved. Survey should be carried out at the appropriate time of year (Table 2). Allowance for survey at the appropriate time of year for the habitats and/or species present or suspected to be using the site should be programmed in to planning application preparatory work to avoid later unplanned delays. Applicants are advised to consider nature conservation policy requirements at an early stage in preparation of an application.

- *Ecological evaluation* covering: key habitats/features (s.3.1.3); analysis of habitat quality; rare/uncommon habitat/species; role of the site in the wider habitat network.
- *Evaluation of the effect of the development* on key features and habitats present and on other areas of nature conservation value.
- *Mitigation* and/or compensation measures proposed
- *Beneficial biodiversity enhancement proposals.*

3.2.4 If in the course of carrying out the ecological appraisal it is found that there are protected species present the relevant policy and guidance will apply. Applicants should be aware that some species not covered by legal protection may nevertheless be of local importance and are covered by policy. The Birmingham and Black Country Biodiversity Action Plan lists local priority species. EcoRecord can provide details of species' rarity in the Black Country.

3.2.5 The appraisal of effects of development and design proposals should address the following:

- In order of preference: avoiding, minimising, mitigating and compensating for, any impacts on the site's biodiversity and that of its surroundings; focusing on key habitats, species and features;
- Protection of important habitats, species and features during development;
- Opportunities for enhancement that the development may provide, such as by the creation of new habitat, improvement of existing habitat, creation or enhancement of habitat links, better public access.
- Opportunities for sustainable drainage measures such as the instatement of wetlands for waste/surface water disposal.
- Habitat creation or mitigation works appropriate for the site and its surroundings.
- Consideration of the aims and objectives of relevant national and/or local Biodiversity Action Plans and how to contribute to relevant targets.
- The management necessary to ensure the ongoing viability of important habitat and/or features during the lifetime of the development.

- Monitoring of the impacts of development on key features and habitat.
 - Monitoring of habitat restoration, creation or translocation schemes carried out as part of mitigation works.
- 3.2.6 The protection and enhancement of biodiversity should be incorporated into development proposals at an early stage. Landscape design should be integrated into overall site layout and design from the beginning with ecological needs taken into full consideration. Habitat works should be planned well in advance to allow the use of the most suitable techniques at the appropriate times of year.
- 3.2.7 The science of habitat and species translocation is young and developing, many techniques being as yet unproven. Some habitat types and species are difficult or impossible to translocate. Translocation breaks ecological linkages and frequently results in changes to the ecological communities involved. Therefore translocation schemes should not be viewed as a substitute for *in-situ* retention of habitats and species but used only where this is not possible.
- 3.2.8 Habitat creation is now an established means of enhancing wildlife value or compensating for loss. Newly created habitats cannot, however, fully replace established ecological communities with their complex webs of interdependencies and particular adaptations to local environmental conditions. Some habitats, such as ancient woodland and grassland should be regarded as irreplaceable. The ecological suitability and sustainability of newly created habitats can be maximised by the use of appropriate techniques. Considerations in the design of new habitats include: replacement role, local ecology, habitats and species, the local Biodiversity Action Plan, long-term management resources and techniques.
- 3.2.9 When designing and carrying out habitat restoration or creation, native trees, shrubs and wildflower species in keeping with the local area and its ecology should be used. These should be sourced, if at all possible, from local nurseries and have been grown from local stock in order to maintain local genetic distinctiveness and diversity. Seed collection from local wildlife sites may be an option for some habitat types.
- 3.2.10 The Council accepts that applicants may wish to incorporate an amount of ornamental planting within development. Where this is the case species beneficial for wildlife; such as berry bearing shrubs and plants attractive for bees and butterflies are recommended.
- 3.2.11 If in carrying out any landscape works extra soil material is required this should be matched to local geology and ecology. Care needs to be taken to ensure that invasive species such as Japanese knotweed are not unintentionally introduced with imported soil. Where natural habitat

restoration or creation is proposed, for example wildflower meadow or heathland, the use of topsoil is not appropriate due to nutrient levels. In these cases, clean, graded subsoil should be used.

- 3.2.12 Applicants will need to demonstrate that long-term management will be carried out and that responsibilities for this are clearly identified. Monitoring of the outcomes of habitat and species works and their management will be required. In many cases submission of a Management Plan will be a condition or planning obligation.

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Table 2 Optimum survey times for habitats

Habitat	J	F	M	A	M	J	J	A	S	O	N	D
Rivers, canals, ponds												
Grassland and marsh												
Reedbed and swamp												
Heathland												
Woodland and scrub												
Hedgerows												

Table 3 Optimum times for species survey

Species		J	F	M	A	M	J	J	A	S	O	N	D
Birds	Breeding												
	Wintering												
Reptiles	Breeding												
	Basking												
Great crested newt	Breeding												
	Habitat												
Badger	Setts												
	Habitat												
Water vole	Presence												
	Habitat												
Bats	Breeding												
	Hibernating												
Otter	Presence												
	Habitat												
Crayfish													
<i>Lurionium natans</i>													

4.0 Wildlife Species Guidance

4.1 Introduction

- 4.1.1 The Conservation (Natural Habitats etc.) Regulations 1994 (more commonly termed “the Habitats Regulations”), the Wildlife & Countryside Act 1981 (as amended) and the Countryside & Rights of Way Act 2000 are the principal mechanisms for the legislative protection of wildlife in Britain. Part 1 of the 1981 Act is concerned with the protection of wildlife and contains the Schedules (1, 5 and 8) which collectively define which species are protected and the extent of protection. Schedules 2, 3 and 4 of the Habitats Regulations list European protected species. Badgers and their setts are protected by the Protection of Badgers Act 1992. Some of the protected species covered in this guidance are the subject of Local Biodiversity Action Plans and this is indicated where appropriate.
- 4.1.2 Planning Policy Statement 9 Biodiversity and Geological Conservation advises that local authorities should ensure that species of conservation priority and their habitat are protected from the adverse effects of development. For legally protected species, policy NC6 extends protection beyond legal provisions to cover the habitat that protected species need to survive and maintain their populations. Species’ life cycles may depend upon the existence of different habitats at different life stages and a species may require a range of habitats, which may, or may not, be found exclusively within a proposed development site. It is for this reason that the guidance requires an ecological survey and impact assessment where protected wildlife species breed on a development site or otherwise depend on it.
- 4.1.3 Policy NC6 Wildlife Species applies to species protected by law and their to their habitat; to those rare and vulnerable in the Black Country (as defined by the Standard Species Rarity Index developed by EcoRecord, the local biological records centre*); and to those covered by a Species Action Plan in the UK or Birmingham & Black Country Biodiversity Action Plan.
- 4.1.4 In addition to species protected by law and covered by Biodiversity Action Plans, the Government has identified a list of species requiring conservation action as species of principal conservation importance in England. This list of species was drawn up in response to section 74 of the Countryside and Rights of Way Act 2000 and can be found on the Defra website[‡]. PPS9 paragraph 16 requires local authorities to ensure these species are protected from the adverse effects of development, where appropriate and to take measures to protect their habitats through Development Plan policies. Appendix 3 lists the section 74 priority habitats and species recorded in the Black Country.

* Available from EcoRecord, 28 Harborne Road, Edgbaston, Birmingham, B15 3AA
enquiries@ecorecord.org.uk

‡ www.defra.gov.uk/wildlife-countryside/cl/habitats/habitats-list.pdf

4.2 Requirements for Proposals Affecting Wildlife Species

4.2.1 Information required for submission with the planning application

Where species covered by Development Plan policy are recorded or reported to be present on or proximate to a site, the Council will require developers to carry out appropriate appraisal of the effects of the development on the species breeding, feeding, resting and/or hibernating requirements, consisting of:

- **Records search.**
To include EcoRecord, the local biological records centre, Dudley MBC, local and specialist conservation groups where appropriate.
- **Ecological survey.** Consultation should take place with the LPA regarding the level of detail and coverage required. Minimum requirements are likely to be: breeding status, location and requirements, hibernation/roosting/resting sites, feeding habitat and requirements, habitual routes of movement. Survey should be carried out at the appropriate time of year (see table 2). Appropriately experienced/qualified surveyors/consultants should be utilised. As a minimum, bat and great crested newt surveys should be carried out in accordance with published English Nature guidelines[§].
- **Ecological evaluation** covering the effect of development on breeding, feeding, resting and hibernation habitat and on the population using the site. Off-site effects on species should also be considered.
- **Mitigation and/or compensation** measures proposed and how they will be incorporated into development and maintained through the lifetime of the development.

4.2.2 The appraisal of effects of development, and design proposals, should address the following:

- Accommodation of the species within design and layout of development, including by considering alternatives in terms of design, layout, and location;
- Timing of work to avoid disturbance during the breeding or hibernating season;
- Protection of the species and its habitat during development;
- Avoiding, mitigating (reducing/minimising) impact and compensating for loss of habitat;
- Opportunities for enhancement, such as by the creation of new breeding or resting sites or feeding habitat;
- Consideration of the aims and objectives of relevant national and/or local Biodiversity Action Plans;
- The management necessary to ensure the ongoing viability of habitat and/or features important to the species after development. Where possible these arrangements should be designed so that long term management can be secured;
- Monitoring of the impacts of development on the species;

[§] English Nature *Great crested newt mitigation guidelines* (2001) *Bat Mitigation Guidelines* (2004)

- Monitoring of habitat restoration, creation or translocation* schemes carried out as part of mitigation works.

**It should be noted that species translocation schemes are regarded as a poor substitute for the retention of the species in its existing situation and should only be considered where there is no alternative to in-situ conservation.*

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4.3 Protected Species Planning Application Checklist for Applicants and Development Control Officers

4.3.1 Prior to submission of application:

- Is there a reasonable likelihood of a protected species being present on site or being affected by the development? (If uncertain request a survey or seek further advice)
- Has adequate information about the presence of a species or otherwise, the potential impact on the species and potential mitigation/compensation been obtained to inform the planning application? Developments affecting European Protected Species should, as a minimum, include a Method Statement and Mitigation Strategy.
- Have the local authority, English Nature (when full survey information is available) and the Birmingham and Black Country Wildlife Trust been consulted and have they commented?
- Has appropriate mitigation and/or compensation, incorporating the results of consultation, been incorporated into the development proposal?

4.3.2 Submission and determination of application

- Following submission of the application it may be that further information is required. The need for this can be minimised by pre-application discussions.
- Once all information is received and mitigation and/or compensation proposals agreed, the planning application can be determined. This may result in conditions and/or planning obligations being attached to provide for implementation of protection, mitigation and compensation measures.

4.3.3 After determination of application

- Has English Nature been informed about the permission and the details of conditions?
- The Rural Development Service or English Nature may now have to issue a licence for work or operations connected with the species in order for work connected with the development to proceed.
- Occasionally, a protected species may be found, where not previously anticipated, when work to implement a planning application has begun. Works on-site should stop immediately and the steps above should be taken.

- 4.3.4 Further guidance on habitat requirements, information and survey requirements and design considerations relevant to the species covered by this guidance is found in the Appendices to this guidance. These appendices will be periodically updated as legal protection, Biodiversity Action Plan status and local rarity status are amended. A list of sources of advice and information is also found in the Appendices.

4.4 European Protected Species

Additional information required to allow the Council to carry out its role in relation to European Protected Species under Regulation 44 of the Conservation (Natural Habitats &c.) Regulations 1994

- 4.4.1 Under the Habitats Regulations there are three tests that must be met before a licence can be issued for work affecting European Protected Species (EPS) and their resting, and breeding habitat. These need to be considered in the planning application process and information needs to be submitted with the planning application to allow assessment of these three factors. Case law has established that EPS survey and assessment cannot be covered by conditions but must be carried out prior to approval so that adequate mitigation can be designed into the application. This requirement is included in Circular 06/2005.
- 4.4.2 The Rural Development Service (RDS) will not issue a licence unless English Nature advise that the proposal will not be detrimental to the species favourable conservation status and the LPA can provide evidence that EPS have been adequately considered in the planning process having had regard for the first two tests above. The following guidance gives detail of the information that the Council will require to demonstrate that this has been done.
- 4.4.3 Policy NC6 Wildlife Species in the Revised Deposit UDP reflects the three criteria found under Regulation 44 of the Conservation (Natural Habitats &c.) Regulations.
- 4.4.4 Regulation 44(2)(e) states that licences may be granted or the purposes of *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature **and** of beneficial consequences of primary importance for the environment.”*
Regulation 44(3)(a) states that a licence may not be granted unless the RDS is satisfied *“that there is no satisfactory alternative”*.
and
Under Regulation 44(3)(b) a licence cannot be issued unless the RDS is satisfied that the action proposed *“will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*.

English Nature have advised that they assess this requirement at the local population level – i.e. the mitigation proposed will need to be sufficient to avoid impacts on the population of European Protected Species using the development site and immediate area.

4.4.5 The applicant will need to supply information to show that the development meets these criteria:

1. *That the development for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature **and** of beneficial consequences of primary importance for the environment*

This means showing how the development meets national, regional and local planning policy; showing the economic, social and environmental benefits of the proposal such as improvements to the environment of redevelopment of previously used land, better incorporation of biodiversity into design; how the new proposal will benefit the environment, local economy and local community.

2. *That there is no satisfactory alternative*

The applicant should show that alternative sites have been considered and/or that alternatives, in terms of design and layout, to development that would result in damage to European Protected Species' habitat have been considered, justifying the option selected.

3. *That the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*

The applicant will need to show that adequate mitigation will be provided in terms of protection of the species population, habitat protection or replacement, feeding and commuting habitat protection, creation and enhancement, timing of works, precautions taken during demolition, site preparation, construction or other works and that appropriate monitoring will be carried out to allow assessment of the effectiveness of mitigation measures.

The information submitted will help the Council to prepare suitable conditions and planning obligations as appropriate. It will also allow assessment of whether the planning application will meet licence requirements and to fulfil the local authority's consultative role in this process.

5.0 Geology & Development

5.1 The Need for and Scope of the Guidance

5.1.1 Dudley's geological heritage comprises several hundred recorded sites (including sites of national and international importance) and an exceptional unexposed sequence of rocks. Together these constitute a unique and irreplaceable resource. Through partnership with geologists, developers have a key, and positive, role to play in the preservation and enhancement of this resource for the benefit of this and future generations. In Dudley and the wider Black Country the geology is fundamentally linked to cultural and economic development and has been recognised in the Black Country Study review of the Regional Spatial Strategy as a key heritage feature.

5.1.2 Development undertaken without consideration for existing geological features can rapidly and needlessly damage or destroy them. However, development can also create new exposures, both temporary and permanent, and the opportunity to utilise these for research, education or recreation. This is certainly the case in Dudley, where the majority of sites designated for their geological interest are a direct result of past human activity; notably road, rail and canal cuttings, and active or disused mines and quarries.

5.1.3 This guidance therefore sets out the procedures developers should follow wherever their proposals affect existing geological features or are likely to expose fresh sections through the bedrock. It is relevant to **all** those involved in promoting new development, council officers, statutory undertakers and government agencies, as well as private developers.

5.1.4 Who This Guidance is for

All those who promote, facilitate or undertake new development or infrastructure projects or modifications to existing built development or infrastructure should consider themselves as developers in the context of this guidance. Developers therefore include:

- Local Government departments and officers
- Statutory undertakers (Water, Gas, Electricity etc)
- Government departments and agencies
- Private sector developers and planning consultants

In every case geological matters can be considered most rapidly and cost effectively if discussions are held at the outset of planning for new development. The key to the successful coexistence of new development and geology is early consultation. Records of the Borough's geological sites are held by the Council's Keeper of Geology and Nature Conservation Officer.

5.2 The Geological Resource

5.2.1 Dudley is endowed with a rich and unique geological heritage. Not only were the rocks under the Borough key to its industrial development and growth, but they have also played a key role in the history of geology as a science, and have yielded some of the finest fossil remains in the world.

5.2.2 The Borough lies at the southern extremity of the South Staffordshire Coalfield. Rich deposits of coal, fireclay and ironstone of the Middle (or Productive) Coal Measures, together with older seams of Silurian (Wenlock) limestone were all exploited locally. Other raw materials, notably Carboniferous dolerite, and Silurian and Triassic sandstones have also been worked.

All these natural resources are now depleted, but the legacy of man-made surface exposures and spectacular limestone caverns left after centuries of mining and quarrying make Dudley by far the most important Borough for geological sites in the Midlands.

5.2.3 There are over 200 recorded sites of importance for geology, including 6 SSSIs (Sites of Special Scientific Interest), 28 SINCs (Sites of Importance for Nature Conservation) and Wren's Nest which was designated Britain's first National Nature Reserve for geology in 1956.

5.2.4 The Wenlock Limestone at Wren's Nest and nearby Castle Hill is internationally renowned as the source of a rich supply of superbly preserved marine invertebrate fossils, notably of trilobites, crinoids and corals. Many of these are displayed in museums through the world and illustrated in hundreds of publications, particularly important reference texts. Over 600 fossil species occur in the limestone, more than half of these were first identified and classified in Dudley making it one of the most cited locations for fossils in British and global geology.

5.2.5 Dudley boasts other important fossil-bearing rocks such as unique plant and vertebrate horizons in the Coal Measures, and late Silurian bone beds containing the remains of some of the earliest known terrestrial flora and fauna. Most of these horizons are poorly exposed if at all, so any exposure brought about through development can yield potentially crucial evidence in our understanding of the history of the planet.

5.3 Policy Requirements for Geology

5.3.1 Dudley Council is committed to the preservation and use of its unique geological heritage wherever possible. Development Plan policies for geology are in accordance with national planning policy guidance as expressed in Planning Policy Statement 9 Biodiversity and Geological Conservation, with the West Midlands Regional Spatial Strategy and the Dudley Community Strategy.

Figure 1 lays out the sequence of events related to planning applications and geological heritage. In brief, although every site is different, policies may be used to require:

5.3.2 Conservation of existing designated geological sites

This will always be sought as a first option and can often be achieved by the sensitive design of new development. Planning permission may be refused where development proposals would result in unacceptable damage to or loss of important geological sites or features.

5.3.3 Conservation by the recording of temporary exposures

This will be required through planning condition or legal agreement where physical preservation of a site or exposure cannot reasonably be achieved.

5.3.4 Conservation by preservation of site investigation samples and boring/geological records

Development or redevelopment of land often offers the only opportunity to gather information on earth heritage and geological science. Where indicated by the Keeper of Geology, non-confidential, non-sensitive records generated during site investigation that are relevant to the geological heritage of the area should be offered to Dudley Museum at the conclusion of site investigation. Borehole and other samples that are to be discarded following site investigation should be offered to the Museum for preservation and future scientific study.

5.3.5 Geological assessment

This is based on a desk study of all known information relating to the geology of a development site.

5.3.6 In order to avoid delay and allow for arrangements for recording, early discussion of these issues, with the Keeper of Geology, is required. The Council considers it reasonable for developers to fund geological recording work arising from their proposals.

5.4 Activities that can affect geological sites or features or create new sites or features

- Road schemes, rail links, canals and related infrastructure
- Water, gas, electricity infrastructure
- New building developments and redevelopment
- Ground investigation and site investigation for new development
- Derelict land reclamation schemes and landscaping
- Tourism and related development, particularly of geological sites
- Landfill operations, tipping, disposal and deposit of materials
- Agricultural and forestry activity, including planting and afforestation and grading, or seeding of rock faces
- Council or other environmental improvement schemes of all types

- Council plans and policy formulation affecting geological sites and surface or sub-surfaces geological features
- Council highways, building schemes, structural engineering services, including those affecting mines and caverns
- Council land and building acquisition, management and sale
- Council economic development activities
- Mineral extraction and quarrying
- Unsolicited removal of geological material from sites, including illicit commercial collecting or over-collecting
- Unsolicited use of foreign hardcore or other aggregate-type materials on or adjacent to geological sites.

5.5 All developers should...

- Recognise their obligation enter dialogue and to assess the geological implications of development proposals at the earliest possible stage and to provide full information as to the likely impact of the proposals
- Recognise that consultation of the information held by the Geological Recording Centre of Dudley Museum is the most effective method of accessing geological information
- Recognise that the Council requires that effective early consultations must have taken place **before** schemes affecting geological features are offered for planning approval or brought towards implementation
- Recognise that it may be necessary for a full geological assessment of a development site to be undertaken prior to consideration of a planning application
- Recognise that the Council's first priority is the preservation and interpretation of existing geological sites and features and be prepared to discuss mitigation of any impact the development may have on significant geological features
- Recognise that if the most appropriate course of action is deemed to be conservation by record only, i.e., sampling and recording, access and time will need to be made available by the developer. A contribution towards associated costs may also be requested.
- Recognise that if it is deemed necessary to remove an existing geological feature in the course of development then where appropriate a new or alternative feature should be created in its place, and the cost covered by the developer.
- Recognise that the Council can provide expert advice on geological matters and in addition will:
 - Arrange expertise for site investigation and recording on behalf of developers if requested
 - Provide developers with details of geological contractors capable of carrying out necessary recording work
 - Monitor geological work carried out for developers, to ensure compliance with the specification and completion

of the work to the satisfaction of the local planning authority

5.6 What the Council will Typically Require

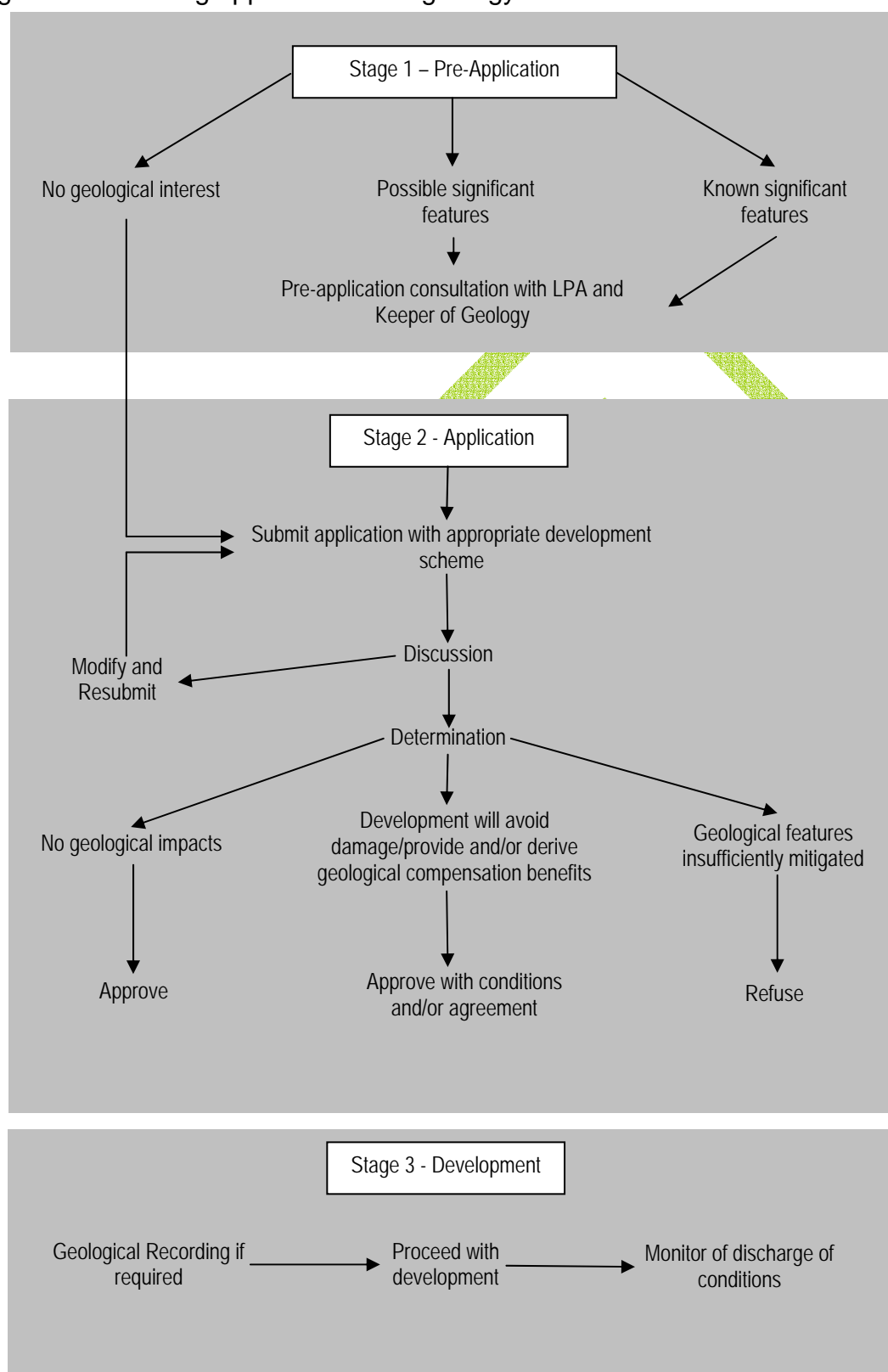
- Early consultation regarding ground investigation and design and layout proposals
- Access to the site before and during works for recording and sampling for geological heritage purposes
- Design and layout to avoid damage to or obstruction of geological features and allow future access for scientific and educational purposes
- Creation of equivalent replacement exposures where damage is unavoidable
- Consideration of opportunities to improve geological features
- Provision for long term maintenance and management of geological features
- Consideration of provision of interpretation of geological heritage appropriate to the scale of the development

Conditions and/or planning obligations will be used to secure these requirements.

Is Your Potential Development Site Geologically Significant?

If you are unsure in any way, please contact the Borough Geologist to discuss. The sequence of options below will then be initiated

Figure 1 – Planning applications and geology



6.0 Nature Conservation and Development

6.1 Introduction

- 6.1.1 Government guidance, expressed in PPS9 Biodiversity and Geological Conservation, requires all development to take account of nature conservation interest. Sites of national, regional and local importance are covered by Development Plan nature conservation policies. Protection of these sites alone cannot, however, sustain the overall biodiversity and geological heritage of the Borough. New development has the potential to contribute to the protection and enhancement of the Borough's biodiversity by incorporating features of value to wildlife into landscape and built design. This guidance accompanies the Development Plan policy on Nature Conservation and Development.
- 6.1.2 In addition to protecting what is already there, the development of land often carries with it opportunities to bring benefits to wildlife, by improving neglected habitats, creating new ones, imaginative landscaping schemes, or the incorporation of habitat features into the built environment. As PPS9 states, a healthy green environment that allows people contact with wildlife contributes to quality of life and people's sense of well-being.
- 6.1.3 The Council intends to make the most of these opportunities by working in partnership with developers and by offering this guidance about means of protecting wildlife and building nature conservation into all new development.
- 6.1.4 As part of its contribution to this partnership and to help developers to bring nature conservation into their development, planning and nature conservation officers are happy to give advice to developers at a pre-application stage.
- 6.1.5 Proposals which further the aims and objectives of the Birmingham and Black Country Biodiversity Action Plan will be encouraged. Developed as part of the UK commitment to the 1992 Biodiversity Convention, the Biodiversity Action Plan focuses on nationally and locally important habitats and species that are important elements of overall biodiversity. Many of these are threatened or declining. The plan is a partnership initiative involving local authorities, government agencies, conservation organisations and local community and interest groups.
- 6.1.6 The plan identifies objectives for protection and enhancement of these habitats and species. The species and habitats covered are listed in the Appendix to this guidance. The Biodiversity Action Plan is available on the web, see Appendix for details. Copies of the plan or advice on its aims and objectives can be obtained by contacting the Borough's Nature Conservation Officer.

6.2 Incorporating Nature Conservation into Development

- 6.2.1 This guidance relates to the survey and evaluation work needed to take nature conservation into account in the preparation of planning applications; the design of development to incorporate features of wildlife value; opportunities for enhancement; provisions for management; and the information the Borough would like to see submitted with applications. Guidance on the protection and enhancement of geological features is found in section 5.0 Geology and Development.
- 6.2.2 The Council may use planning conditions or agreements/obligations to implement nature conservation proposals.

6.3 Site Survey and Evaluation

- 6.3.1 Before preparing development proposals it is important to determine the nature conservation interest of the site and its links to its surroundings. This is best done by carrying out a records search and commissioning a survey in order to enable an assessment of the value of the site for nature conservation to be made.
- 6.3.2 The records search should identify if the proposal affects any designated site covered by nature conservation policies in the Development Plan such as a Site of Special Scientific Interest, a Local Nature Reserve, a Site of Importance for Nature Conservation or a Site of Local Importance for Nature Conservation. If this is the case the relevant policies and/or guidance will apply.
- 6.3.3 The complexity of the survey will depend on a number of factors which will include the size, nature and location of the site, the type of development proposed, and the extent of relevant information already available (determined through records search). Advice on the level of detail and coverage required can be obtained from Dudley Council, but will usually be to a minimum of Phase 1 Habitat Survey (JNCC 1993) standard.
- 6.3.4 Features that should be covered in detail as part of any survey include: woodland and scattered trees (especially old trees), hedgerows and scrub, grassland and marsh, rivers, streams, canals and ponds, reedbeds and swamps, and rare plants, animals and insects.
- 6.3.5 As most survey can only be carried out at certain times of year, it is important to consider the need to gather ecological information at as early a stage as possible. Guidance on survey timing for different habitats and species is found in table 2 and 3.

6.4 Keeping Existing Features and Protecting them During Development

6.4.1 Based on the findings of the survey the developer should put forward proposals for the retention, enhancement and/or restoration of nature conservation interest. This may include:

- Locating the development away from the nature conservation interest;
- Designing landscaping around the nature conservation interest;
- Retaining trees, including trees bearing dead wood where safety considerations allow, as these are important for wildlife;
- Integrating watercourses or ponds into the development as a feature of landscaping;
- Restoration of habitat damaged by development;
- Enhancing the nature conservation interest by improving neglected habitats;
- Preserving or creating linkages from the site into surrounding areas to allow species movement;
- Consideration of Biodiversity Action Plan aims and objectives and how to contribute to relevant targets.

6.4.2 Measures for the protection of the nature conservation interest during construction should also be considered. Examples are:

- timing of site clearance or construction work to avoid disturbance to nesting birds or other species;
- the erection of exclusion fencing around important nature conservation features and habitat;
- the construction of bunds to protect water bodies or wetland features.

6.4.3 Situations may occur where it may not be possible to keep all the nature conservation interest on a site and still develop it. Where the Council accepts this they will expect compensatory nature conservation interest to be provided either on or off site by the creation of new habitat to replace that which has been lost, by the enhancement of habitat or by the provision of management.

6.4.4 Developers should be aware that it is not always possible to adequately compensate for the loss of certain types of nature conservation interest, which have developed over many years and in consequence have developed ecological diversity and complexity. Examples are: pockets of ancient woodland, old hedgerows and trees and species-rich grassland.

6.5 Improving the Site for Nature Conservation

6.5.1 Most development provides opportunities for improving nature conservation interest, principally through habitat creation or the use of

appropriate design of landscaping schemes utilising open spaces, site boundaries or other planting areas. When planning habitat creation, careful consideration should be given to what is appropriate to the locality and to how the site will be managed both during establishment and in the long-term.

- 6.5.2 By careful design and use of native species in keeping with local character it is possible for landscaping schemes to achieve both amenity and nature conservation objectives. Wherever possible locally grown plant stock should be used as it is better suited to local conditions and is attractive to local wildlife.
- 6.5.3 The soil, and the complex community of micro-organisms associated with it, is an important feature of the overall ecology of a site. If in carrying out any landscape works extra subsoil or topsoil is required, every attempt should be made to ensure that the material used matches what is there already. Where use of topsoil is proposed the Borough's Nature Conservation Officer should be consulted. Some wildlife habitat, such as wildflower meadows and heathland, thrive on low fertility so the use of topsoil or fertilisers can be unnecessary and undesirable.
- 6.5.4 The Borough appreciates that developers may wish to incorporate an element of ornamental planting into landscaping schemes. Where this is the case then consideration should be given to the use of species that are beneficial to wildlife, such as berry bearing shrubs and plants attractive for bees and butterflies. It is strongly recommended that advice on appropriate species be obtained.
- 6.5.5 The creation of nature conservation interest does not have to be restricted to large sites, even small areas can make a contribution by for example, planting climbing plants such as ivy against a wall, or planting small corners with nectar and/or berry bearing shrubs. As well as being beneficial for wildlife, nature conservation habitat can be less costly to provide and manage than the more ornamental types of landscaping schemes.
- 6.5.6 Some suggestions on how to enhance nature conservation interest are set out below:
- **Hedgerows:**
Hedgerows are particularly good for wildlife if they are linked to other habitat such as woodland or wildflower grassland. Old hedgerows can be laid or coppiced and gaps planted up. New hedges can be planted using native shrubs and trees.
 - **Woodland and scrub:**
Existing woodland or scrub can be managed for nature conservation, for example by coppicing or thinning dense growth or creating glades for woodland flowers. New areas of woodland or scrub can be planted.

For most wildlife benefit, locally native trees and shrubs should be used with ground flora plants added as the woodland develops.

- **Heathland:**

Much of our region was once covered in heathland; now only pockets remain. Areas of heather, bilberry and gorse can be planted where soil conditions are right, giving an attractive flowering display as well as being good for wildlife. No topsoil, fertiliser or lime should be added.

- **Wildflower Meadows and Grassy Banks:**

Wildflower meadows can be created in a range of situations and should be considered as an alternative to closely managed grassland. They can form an attractive and colourful element of landscaping and attract a range of butterflies and other insects. They may be particularly suitable for steep slopes where regular management is difficult or to cover spoil where other plants find it difficult to survive. It is important to use those native species that are found naturally in the area and advice should be taken on the best seed mixture to use. No topsoil or fertiliser should be applied as native grasslands thrive on low fertility.

- **Ponds, Wetlands and Watercourses**

Ponds can be an important feature for wildlife, attracting a range of birds, amphibians and insects and acting as a focus for landscaping. In parts of the Borough the creation of ponds as potential great crested newt habitat will be encouraged. Ponds should be sited in a sunny position, have shelving edges and be stocked with native plants. Fish should not be introduced. Invertebrates such as dragonflies will colonise naturally.

Reedbeds and marshes can be a sustainable means of surface water treatment as well as being good for wildlife.

For rivers and streams, measures to improve channel and bank habitat will be encouraged especially for the benefit of Biodiversity Action Plan priority species such as otter, kingfisher and water vole. Sometimes watercourses have been culverted in the past. Where this has happened and where it is feasible, the Borough would wish to encourage developers to uncover these watercourses and to bring them into the overall nature conservation provision of the site. This kind of feature will be easier to incorporate into development if it is considered at an early stage of site layout and design.

The Environment Agency should always be consulted about the construction or modification of any wetland or water feature and development close to a watercourse and can give useful advice on design and planting.

- **The Built Environment**

Small scale, low-cost features that can be incorporated into design include:

- The erection of bird and bat boxes on buildings or existing trees;
 - Bat bricks or tiles to provide roost sites in roof-spaces, especially valuable where a development is near to a canal, woodland or informal open space where bats can feed;
 - Nest-sites on buildings for swifts, martins or swallows, such as suitable eave design, tiles or customised units.
- **Small-Scale Landscape Features**
Groups or borders of native trees and shrubs;
Use of berry-bearing trees and shrubs in formal landscaping;
Retention of tree stumps as wildlife habitat, perhaps planted with ivy or other climbing plants;
Climbing plants against walls;
Butterfly borders using nectar-bearing shrubs and herbaceous plants.

6.6 Future Management

- 6.6.1 Applicants should consider how habitat and features will be managed post development so that their contribution to local biodiversity is maintained in the long-term. Management of natural habitat often proves less costly than that of equivalent areas of more formal landscaping.
- 6.6.2 For large sites, the Council would recommend the preparation of a management plan. Examples of the types of nature conservation interest that may benefit from management plans are: woodlands, hedgerows, wildflower grasslands, watercourses, ponds and wetlands.
- 6.6.3 Management plans can be simple brief documents and should focus on the important features of a site and the actions required to maintain or enhance their wildlife value, such as how often grassland should be cut, ponds maintained or woodland thinned. Timescales and resources for implementation should be identified.
- 6.6.4 It is recommended that expert advice be taken on management plan formulation. Some of the organisations that can provide this advice are found in the contacts list.
- 6.6.5 For small sites, the maintenance programme for landscaped areas and features such as bird boxes should be considered.

6.7 Information to Submit with the Planning Application

An application to the Council for development should contain sufficient information for the Council to be able to assess the following:

- That UDP nature conservation policies relevant to the application have been considered;

- The potential impact of the development on nature conservation interest;
- That the application contains sufficient measures to protect the existing nature conservation interest on and/or where appropriate close to, the proposed site during and after development;
- Where loss of nature conservation interest is unavoidable, compensatory provision either on or off site;
- That opportunities for enhancement of nature conservation interest have been included;
- Where relevant, that consideration has been given to nature conservation linkages from the site into the surrounding area;
- That details are given of how nature conservation interest will be managed in the future;
- That the application, where appropriate, furthers the aims, objectives and targets of the Birmingham and Black Country Biodiversity Action Plan.

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