

# Draft Dudley Local Plan 2041 Regulation 18

## Habitats Regulations Assessment

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**LEPUS** CONSULTING  
LANDSCAPE, ECOLOGY, PLANNING & URBAN SUSTAINABILITY

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## Habitats Regulations Assessment

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# Acronyms & Abbreviations

AA	Appropriate Assessment
AADT	Annual Average Daily Traffic
ALS	Abstraction License Strategy
APIS	Air Pollution Information System
BCCS	Black County Core Strategy
BCP	Black Country Plan
CIEEM	Chartered Institute of Ecology and Environmental Management
CJEU	Court of Justice of the European Union
DfT	Department for Transport
DLP	Dudley Local Plan
DMRB	Design Manual for Roads and Bridges
DTA	David Tyldesley and Associates
GIS	Geographic Information System
HDV	Heavy Duty Vehicle
HRA	Habitats Regulations Assessment
IAQM	Institute of Air Quality Management
IRZ	Impact Risk Zone
IUCN	International Union for Conservation of Nature
JNCC	Joint Nature Conservation Committee
LNR	Local Nature Reserve
LPA	Local Planning Authority
LSE	Likely Significant Effect
NPPF	National Planning Policy Framework
PRoW	Public Right of Way
RBMP	River Basin Management Plan
RoW	Right of Way
SAC	Special Area of Conservation
SINC	Sites of Importance for Nature Conservation
SIP	Site Improvement Plan
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
SSW	South Staffs Water
STW	Severn Trent Water
SuDS	Sustainable Urban Drainage
WFD	Water Framework Directive

WRMP	Water Resource Management Plan
WRZ	Water Resource Zone
WwTW	Wastewater Treatment Works

# 1 Introduction

## 1.1 Background

1.1.1 Dudley Metropolitan Borough Council (DMBC, the Council) is preparing the Dudley Local Plan (DLP). The DLP will include a full review of all existing Local Plans within the borough to ensure they are appropriate and have up-to-date planning policies and will allocate new or existing sites required to meet identified development need.

1.1.2 Once adopted, the DLP will form part of the statutory development plan for the borough covering the period to 2041, replacing and updating the following:

- The Black Country Core Strategy (BCCS)<sup>1</sup>
- The Dudley Borough Development Strategy (adopted 2017)<sup>2</sup>
- Area Action Plans for Brierley Hill (2011), Halesowen (2013), Stourbridge (2013) and Dudley (2017)<sup>3</sup>

1.1.3 The DLP has been prepared in the context of national and local guidance and strategies and has drawn on an evidence base to justify the spatial strategy and draft policies proposed within the Plan. The current version of the Plan is the draft DLP and comprises the spatial strategy and draft policies. Lepus Consulting has prepared this report to inform the Habitats Regulations Assessment (HRA) of the draft DLP at Regulation 18 on behalf of the Council.

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<sup>1</sup> Black Country Core Strategy 2011-2026. Available at: <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/> [Date Accessed: 09/10/23].

<sup>2</sup> Dudley Metropolitan Borough Council. 2017. Dudley Borough Development Strategy. Available at: <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/dudley-borough-development-strategy/#:-:text=The%20Dudley%20Borough%20Development%20Strategy,the%20four%20main%20town%20centres.> [Date Accessed: 09/10/23].

<sup>3</sup> Dudley Metropolitan Borough Council. Area Actions Plans Available at: <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/> [Date Accessed: 09/10/23].



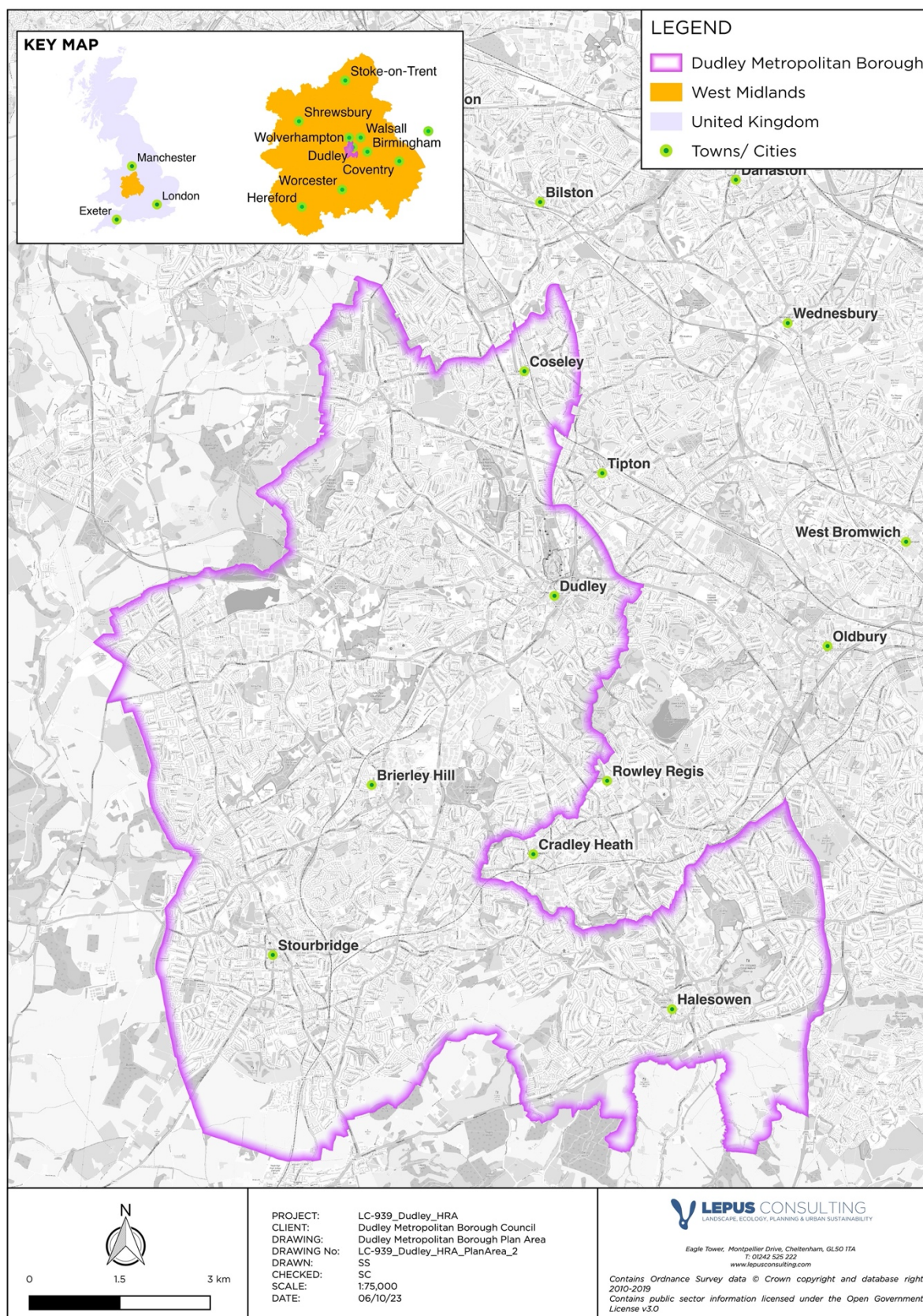


Figure 1.1: Local Plan area



## 1.2 Habitats Regulations Assessment

1.2.1 The application of HRA to land-use plans is a requirement of the Conservation of Habitats and Species Regulations 2017 (as amended)<sup>4</sup>. HRA applies to plans and projects, including all Local Development Documents in England and Wales.

1.2.2 Where a Plan is likely to have a significant effect on a Habitats Site (either alone or in combination) and is not directly connected with or necessary to the management of the Habitats site, Regulation 105 of the Habitats Regulations notes that the plan-making authority for that Plan must, before the Plan is given effect, make an Appropriate Assessment (AA) of the implications for the site in view of that site's conservation objectives. These tests are referred to collectively as a HRA.

1.2.3 The Habitats Regulations<sup>5</sup> provide a definition of a European site at Regulation 8. These sites include Special Areas of Conservation (SAC), Sites of Community Importance, Special Protection Areas (SPA) and sites proposed to the European Commission in accordance with Article 4(1) of the Habitats Directive. In addition, policy in England and Wales notes that the following sites should also be given the same level of protection as a European site<sup>6</sup>. European sites together with sites set out in national policy (listed below) are referred to in England and Wales as a Habitats site<sup>7</sup>.

- A potential SPA (pSPA)
- A possible / proposed SAC (pSAC)
- Listed and proposed Ramsar Sites (wetland of international importance)
- In England, sites identified or required as compensation measures for adverse effects on statutory Habitats sites, pSPA, pSAC and listed or proposed Ramsar sites.

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<sup>4</sup> The Conservation of Habitats and Species Regulations 2017 SI No. 2017/1012, TSO (The Stationery Office), London. Available at: <https://www.legislation.gov.uk/uksi/2017/1012/contents> [Date Accessed: 08/09/23] as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111176573> [Date Accessed: 08/09/23].

<sup>5</sup> Conservation of Habitats and Species Regulations 2017 SI No. 2017/1012, TSO (The Stationery Office), London. Available at: <https://www.legislation.gov.uk/uksi/2017/1012/contents> [Date Accessed 07/09/23] as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111176573> [Date Accessed: 07/09/23].

<sup>6</sup> Ministry of Housing, Communities & Local Government (2023). National Planning Policy Framework. Para 181. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1182995/NPPF\\_Sept\\_23.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf) [Date Accessed: 07/09/23].

<sup>7</sup> Habitats site: Any site which would be included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites. Ministry of Housing, Communities & Local Government (2021). National Planning Policy Framework. Para 181. Available in Annex 2 (Glossary) at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1182995/NPPF\\_Sept\\_23.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf) [Date Accessed: 07/09/23].

1.2.4 No HRA work has been undertaken to date in support of the DLP review. Dudley Council, alongside other Black Country Authorities<sup>8</sup>, were however involved in the preparation of a replacement Plan (the Black Country Plan (BCP)) to the Black Country Core Strategy. Work on the BCP commenced in 2017 with an Issues and Options consultation and progressed to a Draft Plan (Regulation 18) consultation in Summer 2021. Work on the production of the joint BCP officially ceased in October 2022. The Draft BCP consultation was however accompanied by an HRA which included a preliminary screening and made recommendations to inform policy wording<sup>9</sup>. It concluded potential Likely Significant Effects (LSEs) at a number of Habitats sites from air quality, hydrology, public access and disturbance and habitat loss / fragmentation impact pathways. This provides useful baseline information for this HRA.

### 1.3 Purpose of this report

1.3.1 HRA is an iterative process, designed to run alongside and inform the Plan making process to ensure adverse impacts on Habitats sites are avoided in the first instance through strategic planning of options or, where this is not possible, effective mitigation which is designed to ensure no adverse impact on site integrity.

1.3.2 The purpose of this HRA is to inform the development of the DLP at the Regulation 18 stage of the plan-making process. It provides a screening of allocations and policies which comprise the Draft DLP consultation exercise. It also sets out further stages of HRA work that will be required at future stages of the Plan's development.

1.3.3 This HRA report has been prepared in accordance with the Habitats Regulations and has been informed by the following guidance:

- Planning Practice Guidance: Appropriate Assessment<sup>10</sup>
- The Habitat Regulations Assessment Handbook - David Tyldesley and Associates (referred to hereafter as the DTA Handbook), 2013 (in particular Part F: 'Practical Guidance for the Assessment of Plans under the Regulations').

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<sup>8</sup> Black Country Authorities: Dudley, Sandwell, Walsall and Wolverhampton Councils.

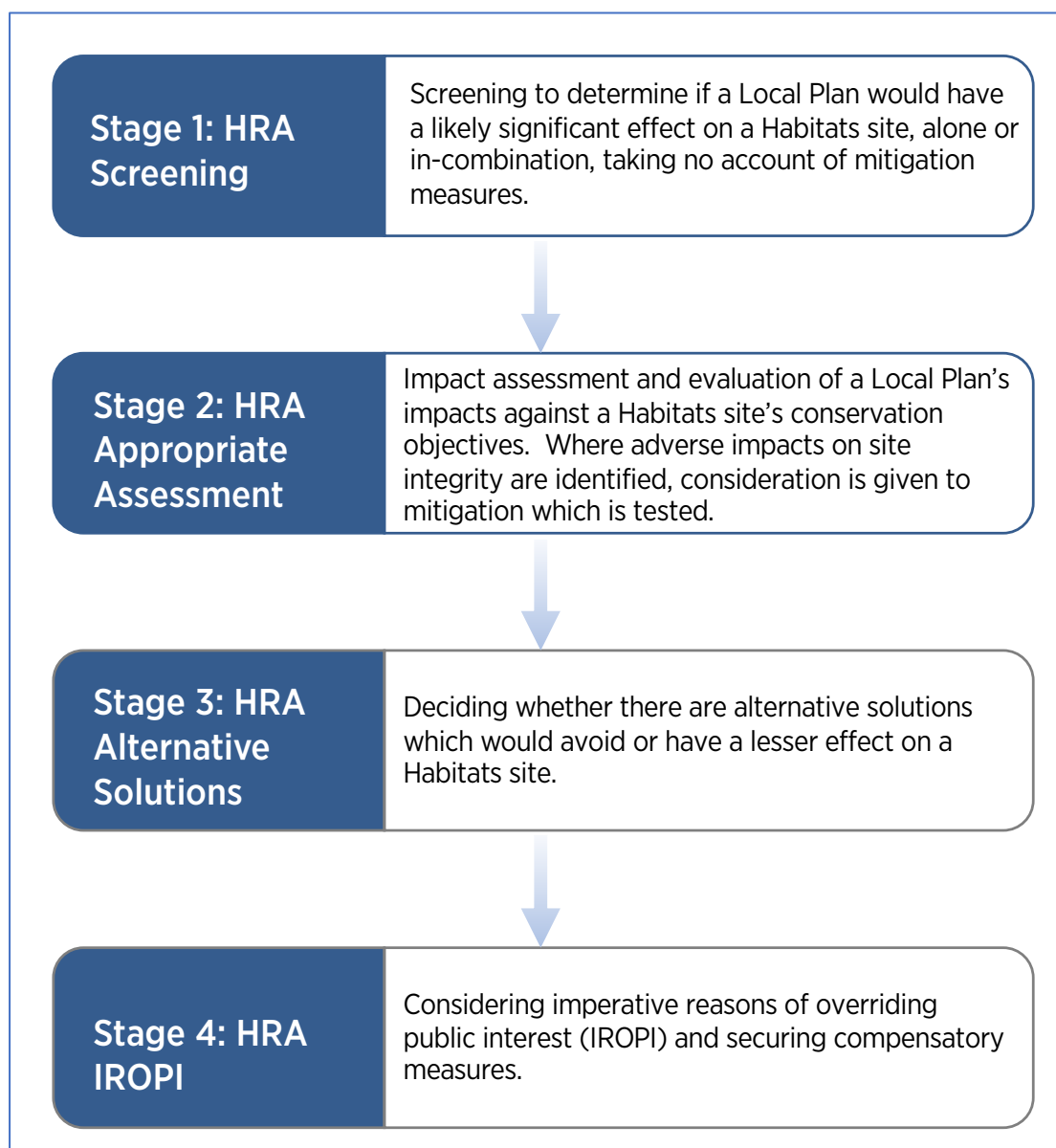
<sup>9</sup> Lepus Consulting. July 2021. Habitats Regulations Assessment of the Black Country Plan. Interim HRA to support the plan making process. Available at: <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4h/> [Date Accessed: 09/10/23].

<sup>10</sup> Ministry of Housing, Communities and Local Government (July 2019) Planning Practice Guidance Note, Appropriate Assessment, Guidance on the use of Habitats Regulations Assessment.

## 2 Methodology

### 2.1 Overview

2.1.1 HRA is a rigorous precautionary process centred around the conservation objectives of a Habitat site's qualifying interests. It is intended to ensure that Habitats sites are protected from impacts that could adversely affect their integrity. A step-by-step guide to the methodology followed for the HRA, as outlined in the DTA Handbook, is illustrated in **Figure 2.1**. This HRA report provides outputs from Stage 1 of the HRA process.



**Figure 2.1:** Stages in the Habitats Regulations Assessment process<sup>11</sup>

<sup>11</sup> Tyldesley, D., and Chapman, C. (2013) The Habitats Regulations Assessment Handbook (October) (2018) edition UK: DTA Publications Limited. Available at: [www.dtapublications.co.uk](http://www.dtapublications.co.uk) [Date accessed: 10/10/23].

## 2.2 Stage 1: Screening for Likely Significant Effects

- 2.2.1 The first stage in the HRA process comprises the screening stage. The purpose of the screening process is to firstly determine whether a Plan is either (1) exempt (because it is directly connected with or necessary to the management of a Habitats site), (2) whether it can be excluded (because it is not a Plan), or (3) eliminated (because there would be no conceivable effects), from the HRA process. If none of these conditions apply, it is next necessary to identify whether there are any aspects of the Plan which may lead to LSE's at a Habitats site, either alone or in-combination with other plans or projects.
- 2.2.2 Where elements of the DLP will not result in a LSE on a Habitats site (alone or in-combination) these are screened out and are not considered in further detail in the process. Where LSEs are identified, the HRA process moves to an Appropriate Assessment of LSEs (Stage 2).
- 2.2.3 Evaluation codes have been used to summarise whether or not each component of the DLP is likely to have LSEs alone or in-combination. These codes are subsequently used to inform the formal screening decision (**Column 2, Table 2.1**). The results are presented in **Chapter 4** of this report.

**Table 2.1:** Screening evaluation and reasoning categories from Part F of the DTA Handbook

Screening evaluation and reasoning categories from Chapter F of The Habitats Regulations Assessment Handbook (DTA Publications, 2013):	Screen in / Screen out
A. General statements of policy / general aspirations	Screen Out
B. Policies listing general criteria for testing the acceptability / sustainability of proposals.	Screen Out
C. Proposal referred to but not proposed by the Plan.	Screen Out
D. General plan-wide environmental protection / designated site safeguarding / threshold policies.	Screen Out
E. Policies or proposals that steer change in such a way as to protect European sites from adverse effects.	Screen Out
F. Policies or proposals that cannot lead to development or other change.	Screen Out
G. Policies or proposals that could not have any conceivable or adverse effect on a site.	Screen Out
H. Policies or proposals the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in-combination with other aspects of this or other plans or projects).	Screen Out
I. Policies or proposals with a Likely Significant Effect on a site alone.	Screen In
J. Policies or proposals unlikely to have a significant effect alone.	Screen Out
K. Policies or proposals unlikely to have a significant effect either alone or in-combination.	Screen Out
L. Policies or proposals which might be likely to have a significant effect in-combination.	Screen In
M. Bespoke area, site or case-specific policies or proposals intended to avoid or reduce harmful effects on a European site.	Screen In

- 2.2.4 Where components of the DLP have no LSE alone, the screening assessment considers potential in-combination LSEs. Plans and projects which are considered to be of most relevance to the in-combination assessment of the DLP include those that have similar impact pathways (see **Appendix A**). These include those plans and projects that have the potential to increase development in the HRA study area. In addition, other plans and projects with the potential to increase traffic across the study area which may act in-combination with the DLP, such as transport, waste and mineral plans and projects, have also been taken into consideration. Plans which allocate water resources or are likely to influence water quality in the study area have been considered. Finally, neighbouring authority Local Plans which may increase development related public access and disturbance pressures at Habitats sites have also been considered. The in-combination assessment is compliant with the Wealden Judgement<sup>12</sup>.
- 2.2.5 The European Court Judgement on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (Case C-323/17<sup>13</sup>) determined that mitigation measures are only permitted to be considered as part of an Appropriate Assessment. The HRA screening process has therefore taken no account of incorporated mitigation or avoidance measures that are intended to avoid or reduce harmful effects on a Habitats site when assessing the LSE of the DLP on Habitats sites. These are measures, which if removed (i.e. should they no longer be required for the benefit of a Habitats site), would still allow the lawful and practical implementation of a Plan.
- 2.3 Stage 2: Appropriate Assessment and Integrity Test**
- 2.3.1 Stage 2 of the HRA process comprises the Appropriate Assessment and Integrity Test. The purpose of the AA (as defined by the DTA Handbook) is to “undertake an objective, scientific assessment of the implications for the European site qualifying features potentially affected by the Plan in light of their consideration objectives and other information for assessment”<sup>14</sup>.
- 2.3.2 The Appropriate Assessment is undertaken in view of individual Habitats site’s conservation objectives. As part of this process decision makers should take account of the potential consequences of no action, the uncertainties inherent in scientific evaluation and they should consult interested parties on the possible ways of managing the risk, for instance, through the adoption of mitigation measures. Mitigation measures should aim to avoid, minimise or reduce significant effects on Habitats sites. Mitigation measures may take the form of policies within the DLP or mitigation proposed through other plans or regulatory mechanisms. All mitigation measures must be deliverable and able to mitigate adverse effects for which they are targeted.
- 2.3.3 The Appropriate Assessment aims to present information in respect of all aspects of the DLP and ways in which it could, either alone or in-combination with other plans and projects, impact a Habitats site.

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<sup>12</sup> Wealden District Council & Lewes District Council before Mr Justice Jay. Available at: <http://www.bailii.org/ew/cases/EWHC/Admin/2017/351.html> [Date Accessed: 08/09/23].

<sup>13</sup> InfoCuria (2018) Case C-323/17. Available at: <http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN> [Date Accessed: 08/09/23].

<sup>14</sup> Tyldesley, D. (2013) The Habitats Regulations Assessment Handbook. DTA Publications.

2.3.4 The plan-making body (as the Competent Authority) must then ascertain, based on the findings of the Appropriate Assessment, whether the DLP will adversely affect the integrity of a Habitats site either alone or in-combination with other plans and projects. This is referred to as the Integrity Test.

2.3.5 Whilst this report does not provide a full Appropriate Assessment, it sets out work that is required to inform the Appropriate Assessment as the DLP develops in order to allow the Integrity Test to be made.

## 2.4 Dealing with uncertainty

2.4.1 Uncertainty is an inherent characteristic of HRA and decisions can be made only on currently available and relevant information. This concept is reinforced in the 7<sup>th</sup> September 2004 ‘Waddenzee’ ruling<sup>15</sup>:

2.4.2 “However, the necessary certainty cannot be construed as meaning absolute certainty since that is almost impossible to attain. Instead, it is clear from the second sentence of Article 6(3) of the Habitats Directive that the competent authorities must take a decision having assessed all the relevant information which is set out in particular in the Appropriate Assessment. The conclusion of this assessment is, of necessity, subjective in nature. Therefore, the competent authorities can, from their point of view, be certain that there will be no adverse effects even though, from an objective point of view, there is no absolute certainty.”

## 2.5 The Precautionary Principle

2.5.1 The HRA process is characterised by the Precautionary Principle. This is described by the European Commission as being as follows and is embedded in the Integrity Test.

2.5.2 “If a preliminary scientific evaluation shows that there are reasonable grounds for concern that a particular activity might lead to damaging effects on the environment, or on human, animal or plant health, which would be inconsistent with protection normally afforded to these within the European Community, the Precautionary Principle is triggered.”

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<sup>15</sup>EC Case C-127/02 Reference for a Preliminary Ruling ‘Waddenzee’ 7<sup>th</sup> September 2004 Advocate General’s Opinion (para 107).



## 3 Scoping of Threats and Pressures at Habitats Sites

### 3.1 Introduction

- 3.1.1 An important initial stage in the screening process is gathering information on Habitats sites which may be affected by the DLP. This is informally known as scoping and provides an understanding of potential impact pathways from the DLP and connections to Habitats sites and their vulnerabilities. This information is then used to inform the screening assessment (**Chapter 4**). This chapter therefore scopes Habitats sites and their associated threats and pressures in the context of the DLP.

### 3.2 Identification of an HRA study area

- 3.2.1 Each Habitats site has its own intrinsic qualities, besides the habitats or species for which it has been designated, that enables the site to support the ecosystems that it does. An important aspect of this is that the ecological integrity of each site can be vulnerable to change from natural and human induced activities in the surrounding environment (known as pressures and threats). For example, sites can be affected by land use plans in a number of different ways, including the direct land take of new development, the type of use the land will be put to (for example, an extractive or noise-emitting use), the pollution / threat a development generates (air pollution or increased recreational pressure), and the resources used (during construction and operation for instance).
- 3.2.2 An intrinsic quality of any Habitats site is its functionality at the landscape ecology scale. This refers to how the site interacts with the Zone of Influence (ZOI) of its immediate surroundings, as well as the wider area. This is particularly the case where there is potential for developments resulting from the Plan to generate water or air-borne pollutants, use water resources or otherwise affect water levels. Adverse effects may also occur via impacts to mobile species occurring outside a designated site, but which are qualifying features of the site. For example, there may be effects on protected birds that use land outside the designated site for foraging, feeding, roosting or other activities.
- 3.2.3 There is no guidance that defines the study area for inclusion in HRA. Planning Practice Guidance for Appropriate Assessment (listed above) indicates that:
- 3.2.4 “The scope and content of an appropriate assessment will depend on the nature, location, duration and scale of the proposed plan or project and the interest features of the relevant site. ‘Appropriate’ is not a technical term. It indicates that an assessment needs to be proportionate and sufficient to support the task of the competent authority in determining whether the plan or project will adversely affect the integrity of the site”.

### 3.3 Scoping impact pathways

- 3.3.1 Threats and pressures to which Habitats sites are vulnerable have been identified through reference to data held by the JNCC and Natural England on Natura 2000 Data Forms, Ramsar Information Sheets and Site Improvement Plans (SIPs). This information provides current and predicted issues at each Habitats site and is summarised in **Appendix B**.

3.3.2 Supplementary advice notices prepared by Natural England provide more recent information on threats and pressures upon Habitats sites than SIPs and have therefore also been reviewed. A number of threats and pressures are unlikely to be exacerbated by the DLP.

3.3.3 Based on a review of the BCP HRA work, neighbouring LPA HRAs and local knowledge, the following potential impact pathways are considered to be within the scope of influence of the DLP. This includes consideration of potential impacts upon both designated sites and areas of functionally linked habitat outside their designation boundary.

- **Air pollution:** Land use planning has the potential to increase atmospheric emissions of pollutants to the air. These can result in adverse effects at Habitats sites such as eutrophication (nitrogen), acidification (nitrogen and sulphur) and direct toxicity (ozone, ammonia and nitrogen oxides)<sup>16</sup>.
- **Water resources and water levels:** Urban development can change run off rates from urbanised areas to Habitats sites or watercourses which run through them. An increase in housing provision can also influence supply and demand for water within the region which may impact water levels.
- **Water quality:** Surface water run-off from urban areas has the potential to reduce the quality of water entering a catchment. Water quality may also be reduced through point source effluent discharges from new development at Wastewater Treatment Works (WwTWs) and other controlled discharge sources. Changes in water quality also has the potential to affect functionally linked land (land outside a designated site boundary)
- **Public access and disturbance / recreational pressure:** Increased development has the potential to increase recreational pressure upon Habitats sites which are accessible to the public. **Urbanisation:** Urban development has the potential to result in disturbing activities (such as noise, lighting and visual disturbance). Disturbance effects may impact upon Habitats sites themselves and also their qualifying features when outside a designated site boundary.

## 3.4 Air Quality

3.4.1 Natural England has developed a standard methodology for the assessment of traffic related air quality impacts under the Habitats Regulations which is relevant to the HRA of land use plans<sup>17</sup>. This guidance sets a methodology and thresholds for screening of Likely Significant (air quality) Effects at the HRA screening stage (Stage 1 of the HRA process).

3.4.2 At this stage in the plan-making process, traffic modelling data was not available to allow the application of screening thresholds. However, Natural England's guidance (in the form of a series of questions / thresholds below) has been applied to determine potential air quality impact pathways to Habitats sites:

<sup>16</sup> APIS (2016) Ecosystem Services and air pollution impacts. Available at: <http://www.apis.ac.uk/ecosystem-services-and-air-pollution-impacts> [Date Accessed: 21/06/23].

<sup>17</sup> Natural England (2018) Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001). Available at: <http://publications.naturalengland.org.uk/publication/4720542048845824> [Date Accessed: 07/09/23].

- Does the Local Plan give rise to emissions which are likely to reach a Habitats site?
- Are the qualifying features of sites within 200m of a road sensitive to air pollution?
- Could the sensitive qualifying features of the site be exposed to emissions?
- Application of screening thresholds (alone and then, if necessary, in-combination).

**Does the Local Plan give rise to emissions which are likely to reach a Habitats site - application of a 10km radius?**

3.4.3 The DLP will trigger housing and employment development and as such increase traffic related emissions. Air quality impacts have been shown to typically affect Habitats sites within 10km of a plan boundary<sup>18</sup>. Campman and Kite (2021) note that *'this zone is based on professional judgment recognising that the effects of growth from development beyond 10km will have been accounted for in the Nitrogen Futures modelling work business as usual scenario'*<sup>19</sup>. Only Fens Pools SAC is located within 10km of the DLP boundary.

3.4.4 Dudley, Walsall, Sandwell, Staffordshire and Wolverhampton Councils are working together to prepare a joint strategic air pollution evidence base to support local plan production in their respective local authority areas. The research includes the following Habitats sites:

- Cannock Chase SAC
- Pasturefields Salt Marsh SAC
- West Midlands Mosses SAC
- Midlands Meres and Mosses Phase 1 Ramsar Site
- Midlands Meres and Mosses Phase 2 Ramsar Site
- Motte Meadows SAC
- Cannock Extension Canal SAC
- Fens Pools SAC
- Peak District Dales SAC

3.4.5 Whilst only Fens Pools SAC is located within 10km of the DLP boundary, the outcomes / evidence generated by the joint strategic air quality research project will be considered as necessary in the HRA process.

<sup>18</sup> Chapman, C and Kite, B. 2021. Main Report. Guidance on Decision-making Thresholds for Air Pollution. JNCC Report No. 696. Available at: <https://hub.jncc.gov.uk/assets/6cce4f2e-e481-4ec2-b369-2b4026c88447> [Date Accessed: 21/09/23].

<sup>19</sup> JNCC. Nitrogen Future. <https://jncc.gov.uk/our-work/nitrogen-futures/> [Date Accessed: 21/09/23].

### **Are the qualifying features of sites within 200m of a road sensitive to air pollution?**

- 3.4.6 It is widely accepted that air quality impacts are greatest within 200m of a road source, decreasing with distance<sup>20,21,22</sup>. Baseline mapping data has been used to determine the proximity of Habitats sites, and their qualifying features, to roads (within 200m) which may result in an exceedance of Natural England's screening thresholds (A and B roads) within a 10km buffer from the DLP administrative area<sup>23</sup>. The UK Air Pollution Information System (APIS) provides information on all Habitats sites and the sensitivity of their qualifying features (habitats and / or species) to air pollution. This data has been interrogated, alongside a desk-based review of site-based data (**Appendix B**), to determine whether there may be impact pathways from the DLP to any Habitats site through a change in atmospheric emissions (**Table 3.1**). Based on a review of aerial mapping data and priority habitat information it is concluded that qualifying features of Fens Pools SAC may be located within 200m of an A or B road – the A4101 and B4180. This information suggests that this SAC is sensitive to changes in air quality in particular from atmospheric nitrogen deposition (all qualifying features).

### **Could the sensitive qualifying features of the site be exposed to emissions?**

- 3.4.7 As noted above, the DLP will trigger housing and employment development and as such has the potential to increase traffic related emissions within 10km of the Plan area and therefore along road links within 200m of Fens Pools SAC.

### **Application of screening thresholds (alone and then if necessary in-combination)**

- 3.4.8 Natural England's advice on the assessment of air quality impacts under the Habitats Regulations states that consideration should be given to the risk of road traffic emissions associated with a Local Plan<sup>24</sup>. This advice states that an assessment of the risks from road traffic emissions can be expressed in terms of the average annual daily traffic flow (AADT as a proxy for emissions). The use of the AADT screening threshold is advocated by Highways England in their Design Manual for Roads and Bridges (DMRB). This screening threshold is intended to be used as a guide to determine whether a more detailed assessment of the impact of emissions from road traffic is required. This non-statutory or guideline threshold is based on a predicted change of daily traffic flows of 1,000 AADT or more (or heavy-duty vehicle flows on motorways (HDV) change by 200 AADT or more).

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<sup>20</sup> The Highways Agency, Transport Scotland, Welsh Assembly Government, The Department for Regional Development Northern Ireland (2007) Design Manual for Roads and Bridges, Volume 11, Section 3, Part 1: Air Quality.

<sup>21</sup> Natural England (2016) The ecological effects of air pollution from road transport: an updated review. Natural England Commissioned Report NECR 199.

<sup>22</sup> Signal, K., Ashmore, M. & Power, S. (2004) The ecological effects of diffuse air pollution from road transport. English Nature Research Report No. 580, Peterborough.

<sup>23</sup> As per Nitrogen Futures Modelling Work – see Paragraph 5.4.8.

<sup>24</sup> Natural England (2018) Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001). Available at: <http://publications.naturalengland.org.uk/publication/4720542048845824> [Date Accessed: 12/09/23].

- 3.4.9 The AADT thresholds do not themselves imply any intrinsic environmental effects and are used solely as a trigger for further investigation. Widely accepted environmental benchmarks for imperceptible impacts are set at 1% of the critical load or level, which is considered to be roughly equivalent to DMRB thresholds for changes in traffic flow of 1,000 AADT and for HDV of 200 AADT. This has been confirmed by modelling using the DMRB Screening Tool that used average traffic flow and speed figures from the Department for Transport (DfT) data to calculate whether the NO<sub>x</sub> outputs could result in a change of >1% of critical load / level on different road types. A change of >1,000 AADT on a road was found to equate to a change in traffic flow which might increase emissions by 1% of the Critical Load or Level and might consequentially result in an environmental effect nearby (e.g. within 10 metres of roadside).
- 3.4.10 The AADT thresholds and 1% of critical load/level are considered by Natural England to be suitably precautionary as any emissions below this level are widely considered to be imperceptible and, in the case of AADT, undetectable through the DMRB model. There can, therefore, be a high degree of confidence in its application to screen for risks of an effect.
- 3.4.11 Traffic modelling data was not available at the time of writing and as such Natural England's screening thresholds have not been applied as part of this screening exercise.
- 3.4.12 To ensure a precautionary approach at this stage of the HRA process, air quality LSEs at Fens Pools SAC are scoped in for further consideration in the HRA process. Outputs from the joint strategic air pollution evidence base (**paragraph 3.4.4**) will be drawn upon when available to inform air quality work at the Appropriate Assessment stage of the HRA.

**Table 3.1:** Atmospheric pollution impact pathways to Habitats sites within 10km of the DLP boundary

Habitats site within 10km radius of Plan area	Is the Habitats site sensitive to air quality impacts (as indicated in SIP / NE Supplementary Conservation Advice – Appendix B)?	Is there a strategic road link (A and B roads) located within 200m of the Habitats site?	Will the Habitats site be scoped in for further assessment in the HRA process?
Fens Pool SAC	Yes	Yes (A4101, and A461)	Yes

### 3.5 Water Quality and Water Quantity

- 3.5.1 The DLP area is predominantly located within the Severn River Basin District, with the northeast and the east of the Plan area being located with the Humber River Basin District. In the Severn River Basin District, the DLP area coincides with the Severn Middle Worcestershire management catchment. The River Stour flows along the south-eastern boundary of Sandwell Metropolitan Borough and through the centre of Dudley in a westward direction. It leaves Dudley to the north west of Stourbridge before joining the River Severn at Stourport-on-Severn. The River Severn ultimately flows into the Severn Estuary which is designated as a SAC, SPA and Ramsar for a number of qualifying features (**Appendix B**).

- 3.5.2 The north eastern and eastern section of the DLP area is located within the Tame, Anker and Mease management catchment of the Humber River Basin District. A number of small tributaries drain this section of the Plan area and ultimately feed into the River Tame and then the River Humber. The River Humber discharges at the Humber Estuary which is designated as a SAC, SPA and Ramsar for a number of qualifying features (**Appendix B**).
- 3.5.3 Urban development coming forward through the DLP has the ability to affect water dependant Habitats sites through a number of impacts as listed below. These impacts have the potential to change the water balance (levels) and quality of water entering Habitats sites:
- Change in surface permeability and run off rates
  - Increased water demand to supply new homes and businesses
  - Reduce quality of surface run off water
  - Increased effluent discharge for treatment.
- 3.5.4 Decisions relating to water abstraction for supply and disposal of water are controlled through a number of licencing mechanisms and a high-level water planning framework which is subject to HRA. This ensures the protection of the water environment and compliance with the Water Framework Directive (WFD).
- 3.5.5 Fens Pools SAC is located within the Plan area. The qualifying feature of the SAC is the Great crested newt (*Triturus cristatus*). Natural England's Supplementary Advice for the SAC indicates that this species is sensitive to changes in water quality. It also notes that the main water source for the SAC is rainfall and surface runoff draining into the site from the neighbouring impervious residential area. Any development in the surrounding area proposed in the DLP therefore has the potential to change the quality of surface water run off to this SAC with potential LSEs.
- 3.5.6 Habitats sites outside the Plan area can also be affected by changes in water supply and quality where they are hydrologically linked to development in the DLP. A review of desk-based information indicates that there are hydrological links between the Plan area and Fens Pools SAC, River Mease SAC and Ensor's Pool SAC due their location within the Worcestershire Middle Severn Abstraction Licence Strategy (ALS) area and the Tames, Anker and Mease ALS (see **Table 3.2**). As such the DLP is considered likely to have a potentially significant water quantity effect upon these designations and as such, they are scoped into this assessment for further consideration in the HRA process.



**Table 3.2:** Hydrologically sensitive Habitats sites within ALS catchment areas

ALS Catchment	Hydrologically sensitive Habitats sites within ALS catchment
Worcestershire Middle-Severn ALS <sup>25</sup>	Fens Pools SAC
Tame, Anker and Mease ALS <sup>26</sup>	River Mease SAC Ensor's Pool SAC

- 3.5.7 Land use planning has the potential to result in impacts upon qualifying features (for instance mobile species of fish or birds) when located outside a designation boundary, known as functionally linked habitat.
- 3.5.8 The term 'functional linkage' is defined by Natural England as "the role or 'function' that land or sea beyond the boundary of a Habitats site might fulfil in terms of ecologically supporting the populations for which the site was designated or classified. Such land is therefore 'linked' to the Habitats site in question because it provides an important role in maintaining or restoring the population of qualifying species at favourable conservation status"<sup>27</sup>.
- 3.5.9 In addition to direct loss or degradation of habitat (designated or functionally linked), development has the potential to result in the fragmentation of habitats through the loss of connecting corridors which would hinder the movement of mobile qualifying species which are associated with some designations.
- 3.5.10 The tests set out under Article 105 of the Habitats Regulations need to be applied in respect of plans which may significantly affect functionally linked habitat that plays an important role in contributing to the favourable conservation status of the relevant species for which a Habitats site is designated.
- 3.5.11 The CJEU ruling in the Holohan case confirmed that habitat and / or species which are located outside of a designated site, if they are necessary to the conservation of the habitat types and species listed for the protected area, must be considered in an Appropriate Assessment.
- 3.5.12 A detailed desk study has been undertaken as part of the HRA screening process to identify pathways and connections to areas of functionally linked land and watercourses which may be affected by the DLP. This has drawn on Natural England designated site and SSSI IRZ data, International Union for Conservation of Nature (IUCN) data, magic, priority habitat inventory data and aerial photography.
- 3.5.13 As noted, the DLP area predominantly falls within hydrological catchments associated with the Severn Estuary and, to a lesser extent, the Humber Estuary.

<sup>25</sup> Environment Agency. June 2022. Worcestershire Middle Severn Abstraction Licensing Strategy. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1088874/Worcestershire-Middle-Severn-abstraction-licensing-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088874/Worcestershire-Middle-Severn-abstraction-licensing-strategy.pdf) [Date accessed: 26/09/23].

<sup>26</sup> Environment Agency. June 2022. Tame, Anker and Mease Abstraction Licensing Strategy. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1085020/Tame-Anker-and-Mease-abstraction-licensing-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1085020/Tame-Anker-and-Mease-abstraction-licensing-strategy.pdf) [Date accessed: 26/09/23].

<sup>27</sup> Natural England. 2016. Commissioned Report. NECR207. Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects - a review of authoritative decisions.

- 3.5.14 The qualifying features of the Severn Estuary SAC include, among other features, a number of species of migratory fish including Twaite shad (*Alosa fallax*), River lamprey (*Lampetra fluviatilis*) and Sea lamprey (*Petromyzon marinus*). Criterion 4 of the Severn Estuary Ramsar designation notes that the site is important for the run of migratory fish between sea and river via estuary, including the SAC species (listed earlier) and additionally species of salmon (*Salmo salar*), Sea trout (*S. trutta*) and Allis shad (*Alosa alosa*).
- 3.5.15 Consultation with the Environment Agency (EA) indicates that recent surveys have identified fish spawning sites along the whole length of the River Severn (where access is possible) and within the River Teme, with fish recorded from Maisemore Weir in Gloucester all the way up to Lincombe Wier near Stourport and in the River Teme from its mouth with the Severn to upstream of Knightwick and as far as Tenbury<sup>28</sup>.
- 3.5.16 The 'Unlocking the Severn' project<sup>29</sup>, which is run in partnership between the Canal and Rivers Trust, the Severn Rivers Trust, the Environment Agency (EA) and Natural England, aims to create fish passes at six barriers on the Severn and its River Teme tributary to allow Twaite Shad to migrate upstream. With the opening of the Diglis fish pass in March 2021 fish are now able to move upstream through Worcester to Stourport on Severn. A consultation response from Natural England indicates that currently, the tidal weir at Tewkesbury is believed to present an obstacle to most of the migratory fish species apart from the European eel, which has been recorded in the Warwickshire Avon. Natural England note that in the last few decades eel numbers have declined internationally by as much as 95% and have been listed by the International Union for Conservation of Nature (IUCN) on their Red List as critically endangered species<sup>30</sup>. Barriers to their journey upstream and degradation of habitat and pollution are some of the contributing factors for the decline. Whilst there are still barriers to upstream movement, any development within the upper catchment (and DLP area) must ensure potential future use of these sites are not compromised.
- 3.5.17 Migratory fish species associated with the Humber Estuary SAC and the Humber Estuary Ramsar are Sea Lamprey and River Lamprey. River Lamprey have been recorded as far upstream as the River Dove (on the Staffordshire/Derbyshire border).

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<sup>28</sup> Unlocking the Severn. <https://www.unlockingthesevern.co.uk/endangered-fish-return-to-habitat-unlocked-after-180-years/> [Date Accessed: 23/09/23].

<sup>29</sup> Rivers and Canals Trust. Unlocking the Seven Project Available at: [https://canalrivertrust.org.uk/enjoy-the-waterways/canal-and-river-network/river-severn-navigation/unlocking-the-severn?gclid=FAIaIQobChMIsevp7MLd8QIVysLtCh3-VwefEAAAYASAAEgLC4vD\\_BwE](https://canalrivertrust.org.uk/enjoy-the-waterways/canal-and-river-network/river-severn-navigation/unlocking-the-severn?gclid=FAIaIQobChMIsevp7MLd8QIVysLtCh3-VwefEAAAYASAAEgLC4vD_BwE) [Date Accessed: 26/09/23].

<sup>30</sup> IUCN Red List of Threatened Species. Available at: <https://www.iucnredlist.org/species/60344/152845178> [Date Accessed: 26/09/23].

- 3.5.18** Any potential deterioration in water quality or habitat outside the Severn Estuary and Humber Estuary SAC and Ramsar designations as a result of the DLP may have implications for the migration of fish to upstream spawning habitat if it results in a barrier to movement. The impact of the DLP upon functionally linked watercourses and habitat through a deterioration in water quality, flows and loss and / or deterioration of riparian and in-stream habitat may therefore have adverse effects on the achievement of the conservation objectives which aim to maintain and restore the condition of these features for relevant qualifying species. Natural England consider that Good Ecological Status under the WFD is an appropriate standard for functionally linked watercourses<sup>31</sup>.
- 3.5.19** Taking into consideration potential changes in water levels (through abstraction for water supply), water quality (through surface water run-off and discharges from WwTWs) and impacts upon functionally linked watercourses, Habitats sites were screened for potential hydrological impact pathways. **Table 3.3** indicates which Habitats sites will be scoped into the screening assessment for further consideration in the HRA process in terms of hydrological impact pathways.

**Table 3.3:** Review of hydrological impact pathways to Habitats sites within the influence of the DLP

Habitats site with hydrological links to the DLP area	Sensitive to hydrological impacts (water quality and water quantity)	Potential water quality LSEs	Potential water quantity LSEs	Will the Habitats site be scoped in for further assessment in the HRA process
Fens Pools SAC	Yes	As set out in Natural England's Supplementary Advice, water is supplied to Fens Pools SAC from rainfall and run-off from neighbouring residential areas. Given the location of Fens Pools SAC within the DLP area it has the potential to be impacted by a change in water quality depending on the location / proximity of development in the DLP.	Fens Pools SAC is located within the Worcestershire Middle Severn CAMS and therefore there is the potential for water quantity (abstraction) impacts from the DLP.	Yes

<sup>31</sup> Defra. 2014. Water Framework Directive implementation in England and Wales: new and updated standards to protect the water environment (publishing.service.gov.uk). Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/307788/river-basin-planning-standards.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/307788/river-basin-planning-standards.pdf) [Date Accessed: 26/06/23]

Habitats site with hydrological links to the DLP area	Sensitive to hydrological impacts (water quality and water quantity)	Potential water quality LSEs	Potential water quantity LSEs	Will the Habitats site be scoped in for further assessment in the HRA process
River Mease SAC	Yes	The River Mease SAC is located downstream of the DLP area. The DLP area feeds into the River Tame which joins the River Trent downstream of the River Mease and therefore there are no direct hydrological links to the Plan area and water quality effects from the DLP are considered unlikely.	The River Mease SAC is located within the Tame, Anker and Mease CAMS and therefore there is the potential for water quantity (abstraction) impacts from the DLP.	Yes
Cannock Extension Canal	Yes	Cannock Extension Canal SAC is located within the Trent Valley Staffordshire management catchment. The DLP area feeds into River Tame which joins the River Trent downstream of the SAC, and therefore there are no hydrological links to the Plan area and water quality effects are considered to be unlikely.	The SAC is fed by the Chasewater reservoir which is part of the Chasewater Southern Staffordshire Coalfield Heaths SSSI which is located upstream of the DLP area. Whilst the SAC itself is not situated within the Tame, Anker and Mease CAMS area, the Chasewater Southern Staffordshire Coalfield Heaths SSSI is located within this CAMS area. As such the SAC will be considered further in the HRA process in terms of water supply / abstraction impacts from the DLP.	Yes
Severn Estuary SAC, SPA and Ramsar	Yes	The Plan area is located within the Severn River Basin District. Watercourses draining the Plan area will ultimately drain to the Severn Estuary and it is therefore hydrologically connected to these downstream designations. In addition, these downstream designations support species of migratory fish which have the potential to move into the upper catchment for spawning and are sensitive to changes in water quality which may be caused by the DLP.	Development set out in the DLP is unlikely to affect water levels at the downstream Severn Estuary designations.	Yes

Habitats site with hydrological links to the DLP area	Sensitive to hydrological impacts (water quality and water quantity)	Potential water quality LSEs	Potential water quantity LSEs	Will the Habitats site be scoped in for further assessment in the HRA process
Humber Estuary SAC, SPA and Ramsar	Yes	The Plan area is located within the Humber River Basin District. Watercourses draining the Plan area will ultimately drain to the Humber Estuary and it is therefore hydrologically connected to these downstream designations. In addition, these downstream designations support species of migratory fish which have the potential to move into the upper catchment for spawning and are sensitive to changes in water quality. The Humber Estuary designations are located within an ALS catchment and there is also potential for water quantity impacts as a result of the DLP.	Development set out in the DLP is unlikely to affect water levels at the downstream Humber Estuary designations.	Yes
Ensor's Pool SAC	Yes	Ensor's Pool SAC is not connected to the Plan area via water quality impact pathways.	Ensor's Pool SAC is located within the Tame, Anker and Mease CAMS and therefore water quantity (abstraction) impacts from the DLP are likely.	Yes

## 3.6 Public access and disturbance

### Recreational Pressure

- 3.6.1** Increased recreational pressure at Habitats sites can result in damage to habitats through erosion and compaction, troubling of grazing stock, causing changes in behaviour to animals such as birds at nesting and feeding sites, spreading invasive species, dog fouling, tree climbing etc.
- 3.6.2** A common approach taken across the UK to address recreational impacts at Habitats sites is to establish a ZOI based on detailed visitor survey data. The ZOI is the area within which there are likely to be significant effects arising from recreational activities undertaken by additional residents due to growth. This is often calculated by taking the distance at which 75% of interviewees surveyed have travelled to reach a particular site (based on a review of visitor survey data).
- 3.6.3** The broad principle of buffer zones is one component of the HRA screening process for recreational pressures. This process also takes into consideration other factors such as recreational management at sites, proximity to settlements and existing recreational resources.

- 3.6.4** Where available, recreational ZOI distances have been applied to determine potential pathways of recreational effects from the DLP. The recreational draw of a Habitats site depends on a number of factors. These include the extent and range of facilities provided (in particular parking), accessibility both within the Habitats site and links to the wider area, incorporation of a Habitats site as part of a wider designation such as a National Park and the site's promotion. A review of recreational impact assessments undertaken for other Habitats sites across the UK indicates visitors typically live within 4.2km (overall median value) of nature conservation sites and that the majority (75%) live within 12.6km<sup>32</sup>. However, this review recognises that some visitors are prepared to travel longer distances to visit particular sites for instance coastal and wetland sites. As such a precautionary distance of 15km has been applied to scoping of Habitats sites at which there may be potential recreational impact pathways.
- 3.6.5** Fens Pools SAC is located within the DLP boundary and is surrounded by urban development with two Public Rights of Way (PRoW) and an off-road cycle route through its centre. It is also designated as a Local Nature Reserve (LNR) – Buckpool and Fens Pool LNR. No visitor surveys have been undertaken for the SAC and no recreational ZOI has been established. Natural England's Supplementary Advice for the SAC indicates that it is "owned and managed by Dudley Metropolitan Borough Council, and has wardens present on site throughout the week. Management aims are to maintain and increase the size and health of the amphibian assemblage on the site by maintaining and enhancing habitat through a combination of new pond creation, connecting up of existing pond networks, eradication of non-native invasive species, and the monitoring of grazing and illegal activities across the site". Given the SAC's location within the Plan area it will be scoped in for further consideration of recreational LSEs in the HRA process.
- 3.6.6** The Cannock Extension Canal SAC is located within 15km of the DLP boundary, approximately 11.5km to the north. Natural England's Supplementary Advice for the SAC indicates that it is sensitive to human disturbance including recreational boat traffic movement. However, given the presence of other sections of the canal network in close proximity to Dudley it is considered that the DLP will have no LSE upon this SAC in terms of recreational impacts.

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<sup>32</sup> Weitowitz, D, C. Panter, C. Hoskin, R. and Liley, D. October 2019. The effect of urban development on visitor numbers to nearby protected nature conservation sites. Journal of Urban Ecology, Volume 5, Issue 1. Available at: <https://academic.oup.com/jue/article/5/1/juz019/5602629> [Date Accessed: 18/04/23]



**3.6.7** At Cannock Chase SAC recreational impacts are known to be an issue for features for which the SAC is designated<sup>33,34</sup>. To manage identified recreational pressures, the Cannock Chase SAC Partnership (composed of 6 Local Planning Authorities, Staffordshire County Council, Natural England, and a number of key stakeholders) was formalised under a Memorandum of Understanding (MOU) in 2016. The MOU sets out a suite of Strategic Access Management and Monitoring Measures (SAMMM) which are funded through financial contributions from new housing developments within 8km of the SAC (the zone within which visitors originated most frequently). In 2017 the Cannock Chase SAC stage 1 Planning Evidence Base Review (PEBR) was undertaken to act as a 'health check' upon the SAMMM, to review the current situation, check if the SAMMM was still fit for purpose, and act as a platform for further work going forward<sup>35</sup>. Since the 2017 review, a further evidence base has been undertaken including updated visitor surveys<sup>36</sup>. It identifies a 15km recreational zone of influence. The DLP sits outside this area (being approximately 19.1km to the south of the SAC) and therefore it is considered that there will be no LSEs from the DLP at the SAC from recreation impacts.

#### **Urbanisation effects**

**3.6.8** Urbanisation effects typically occur when development is located close to a Habitats site boundary. These may include impacts such as noise disturbance, lighting effects, cat predation, fly-tipping, wildfire, littering and vandalism. Strategic mitigation schemes elsewhere in the UK have set a presumption against development (i.e. no net increase in residential dwellings) on the basis of site-specific evidence to safeguard against these impacts of between 400m<sup>37</sup> and 500m<sup>38</sup>. These distances recognise the distance cat predation is likely to take place and also the increased frequency of visits made by people living in close proximity to a designated site. Only Fens Pools SAC is located within 500m of the DLP area.

**3.6.9** As noted in **Section 3.6**, Natural England has identified Fens Pools SAC as being vulnerable to urbanisation effects such as pollution from illegal activities. These impacts may be exacerbated with additional development within the immediate vicinity of the SAC. The desk-based review indicates that Fens Pools SAC should be scoped in for further consideration in the HRA screening process in terms of urbanisation effects given its location within the DLP area.

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<sup>33</sup> J. White, R. McGibbon & J. Underhill-Day (2012). Impacts of Recreation to Cannock Chase SAC. Unpublished report. Footprint Ecology.

<sup>34</sup> Liley, D., Underhill-Day, J., White, J. & Sharp, J. (2009) Evidence Base relating to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies. Footprint Ecology.

<sup>35</sup> Hoskin, R. and Liley, D. 2017. Cannock Chase SAC Planning Evidence Base Review. Unpublished report for the Cannock Chase SAC Partnership.

<sup>36</sup> Panter, C & Liley, D., (2019). Cannock Chase Visitor Survey 2018. Unpublished report by Footprint Ecology for the Cannock Chase SAC Partnership.

<sup>37</sup> Thames Basin Heaths Strategic Joint Partnership. Thames Basin Heaths SPA Delivery Framework. Available at: <https://www.guildford.gov.uk/media/21979/Thames-Basin-Heaths-SPA-delivery-framework/pdf/thames-basin-heaths-spa-delivery-framework.pdf?m=636114482807070000> [Date Accessed: 09/10/23].

<sup>38</sup> Panter, C., Liley, D., Lake, S., Saunders, P., and Caals, Z. 2022. Visitor survey, recreational impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan, Report by Footprint Ecology for Dacorum Borough Council.

### **3.7 Habitats Sites and Threats and Pressures**

**3.7.1** **Figures 3.1** and **3.2** illustrate the location of Habitats sites which will be scoped into the HRA process for further consideration in the screening assessment (**Section 4**). Impact pathways which have the potential to affect these Habitats sites are summarised in **Table 3.4**. These will form the basis of the following HRA screening assessment.

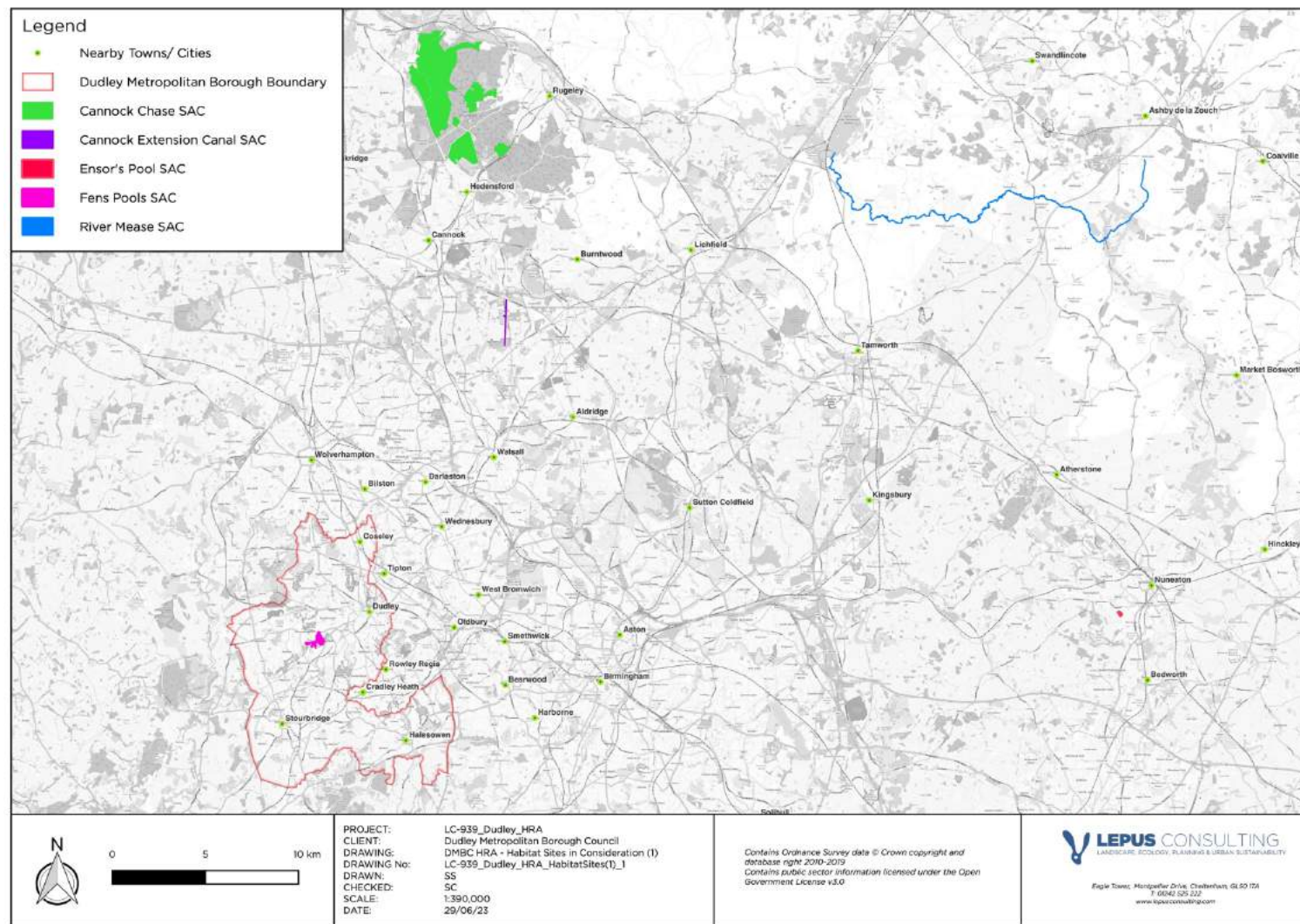


Figure 3.1: Habitats sites for consideration in the HRA process (1)

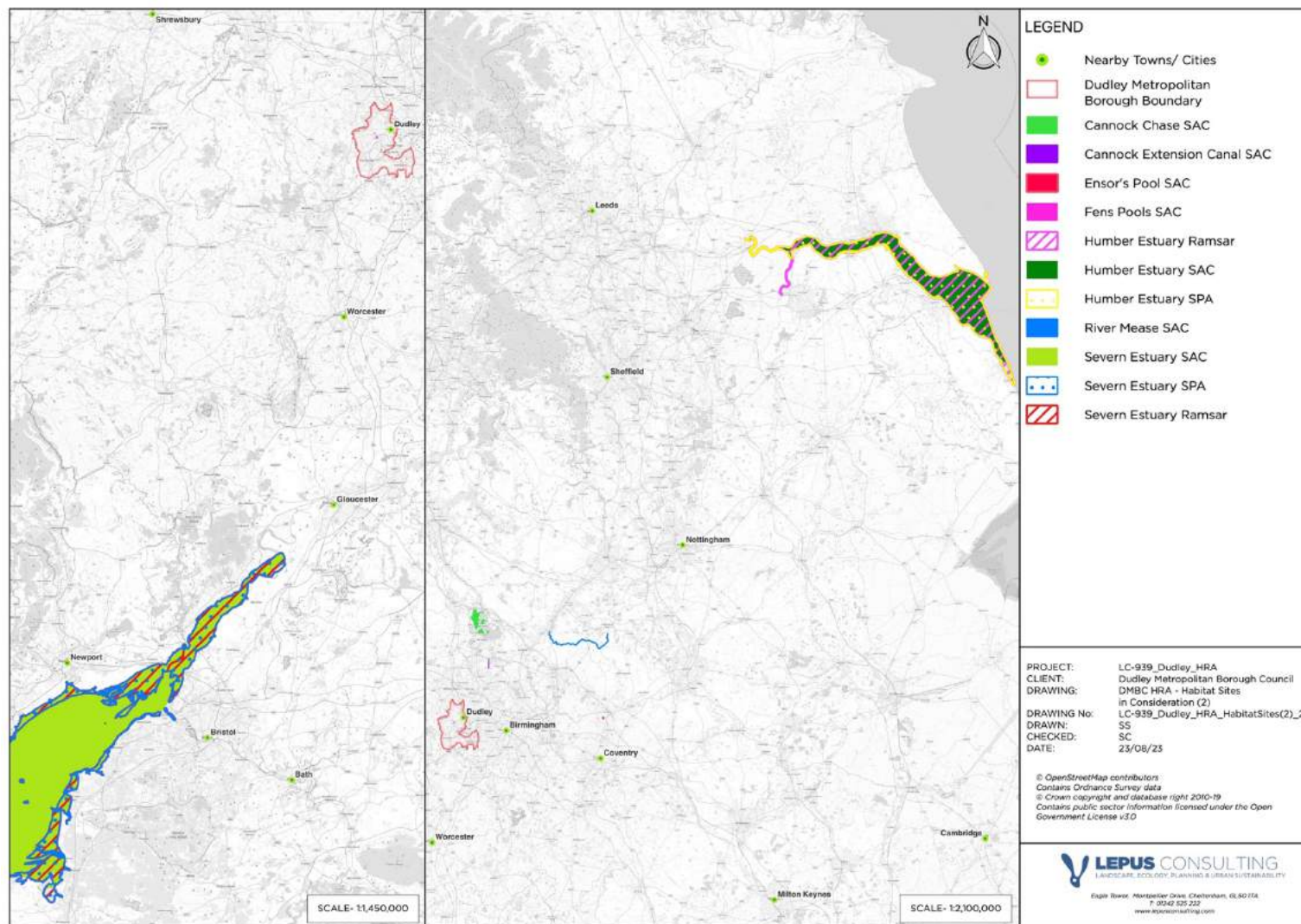


Figure 3.2 Habitats sites for consideration in the HRA process (2)

**Table 3.4:** Potential impact pathways from the DLP at each Habitats site.

Potential Impact Pathways	Air Pollution	Water quality and quantity changes	Public Access and Disturbance Effects
Habitats sites	Fens Pools SAC	<ul style="list-style-type: none"> <li>• Fens Pools SAC</li> <li>• River Mease SAC</li> <li>• Cannock Extension Canal</li> <li>• Severn Estuary SAC, SPA and Ramsar</li> <li>• Humber Estuary SAC, SPA and Ramsar</li> <li>• Ensor's Pool SAC</li> </ul>	Fens Pools SAC



## 4 Screening of the Draft DLP

### 4.1 Introduction

4.1.1 This section of the HRA comprises the screening stage: Stage 1 of the HRA process (see **Figure 2.1**). The screening exercise draws on information regarding threats and pressures at Habitats sites scoped into the HRA process in **Chapter 3** of this report. This chapter screens each component of the Draft DLP for LSEs and identifies the requirement for Appropriate Assessment (**Chapter 5, Chapter 6 and Chapter 7**).

### 4.2 Screening

4.2.1 The Draft DLP is not directly connected with or necessary to the management of any Habitats site and as such it is not exempted from the HRA process. In addition, it cannot be excluded or eliminated from the process on the basis of no conceivable effect. It is therefore necessary to determine whether the Draft DLP will have a LSE on any Habitats site, either alone or in-combination with other aspects of the Plan or other plans and projects. In order to identify LSEs upon Habitats sites, each component (policies and allocations) of the Draft DLP has been appraised against the HRA evaluation criteria (see **Appendix C** and **Appendix D**), taking into consideration case law and best practice. The assessment of LSEs takes no account of mitigation to ensure compliance with the People Over Wind ruling<sup>39</sup>.

4.2.2 This screening exercise will be revisited at Regulation 19 to capture any changes in policy wording or allocations made as the DLP continues to be developed.

4.2.3 It is concluded that LSEs, from the Draft DLP in-combination with other plans or projects, could be screened out for a number of policies. This is because they fell into the following evaluation categories (see **Table 2.1** for a description of each category):

- Category A: General statements of policy / general aspirations
- Category B: Policies listing general criteria for testing the acceptability / sustainability of proposals
- Category D: Environmental protection / site safeguarding
- Category F: Policies or proposals that cannot lead to development or other change

4.2.4 The following policies in the Draft DLP were however considered to have an LSE in-combination with other plans and projects:

- Policy DLP 1 - Development Strategy
- Policy DLP 2 - Growth Network: Regeneration Corridors and Centres
- Policy DLP 3 - Areas outside the Growth Network
- Policy DLP 10 - Delivering Sustainable Housing Growth
- Policy DLP 15 - Accommodations for Gypsies and Travellers and Travelling Show People
- Policy DLP 18 - Economic Growth and Job Creation

<sup>39</sup> InfoCuria (2018) Case C-323/17. Available at: <http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN> [Date Accessed: 08/09/23].



- Policy DLP 75 – Waste Infrastructure: Future Requirements
- Policy DLP 77 – Preferred Areas for New Waste Facilities
- Policy DLP BH1 – Development in the Brierley Hill Strategic Centre and Town Centre Core
- Policy DLP BH8 – Residential Growth in Brierley Hill
- Policy DLP BH9 – Office and Employment Uses in Brierley Hill
- Policy DLP BH PS1 – (Priority Site) Land at Waterfront Way and Level Street
- Policy DLP BH PS2 – (Priority Site) The Embankment / Daniels Land
- DLP BH OS1 – Brierley Hill Strategic Centre Opportunity Site: Brierley Hill Civic Core
- Policy BH OS2 – Brierley Hill Strategic Centre Opportunity Site: The Waterfront East Entertainment Zone
- Policy BH OS3 – Brierley Hill Strategic Centre Opportunity Site: The Venture Way Health and Education Zone
- Policy DLP D1 – Development in Dudley Town Centre and Town Centre Core Area
- Policy DLP D2 – Areas outside the Town Centre Boundary
- Policy DLP D PS1 – (Priority Site) Land at King Street/Flood Street
- Policy DLP D PS2 – (Priority Site) Land at Trindle Road / Hall Street / Birdcage Walk (Portersfield)
- Policy DLP D OS1 – Dudley Town Centre Opportunity Site: Tower Street / Castle Street
- Policy DLP D OS2 – Dudley Town Centre Opportunity Site: Trident Centre / Upper High Street
- Policy DLP D OS3 – Dudley Town Centre Opportunity Site: Upper High Street / King Street
- Policy DLP D OS4 – Dudley Town Centre Opportunity Site: Abberley Street / King Street
- Policy DLP S2 – Stourbridge Wharf
- Policy DLP S OS1 – North of Birmingham Street
- Policy DLP S OS2 – Mill Race Lane
- Policy DLP S OS3 – Rye Market
- Policy DLP H1 – Halesowen Town Centre and Town Centre Core Area
- Policy DLP H9 – Development Opportunity Site 1 – Trinity Point
- Policy DLP H10 – Development Opportunity Site 2 – Link House and Pioneer House
- Policy DLP H11 – Development Opportunity Site 3 – Little Cornbow
- Policy DLP H12 – Development Opportunity Site 4 – Fountain House
- Policy DLP H13 – Development Opportunity Site 5 – Pool Road Car Park
- Policy DLP KQ HOU1 – (Priority Site) Land at Ketley Quarry, Kingswinford

4.2.5 All allocations were considered to have likely significant air quality and water effects upon Habitats sites. The allocations at Harts Hill, east of Dudley Road (DLP BH H006 and H007 and Oak Court Car Park, Dudley Road (DLP BH H008) – see **Appendix D**, are located within 500m of Fens Pools SAC and therefore have the potential to have in-combination public access and disturbance LSEs.

4.2.6 LSEs were identified at Habitat sites detailed in **Table 3.3** as follows:

- Air quality LSEs – in-combination at Fens Pools SAC

- Public access and disturbance LSEs - in-combination at Fens Pools SAC
- Water quality and / or quantity LSEs – in-combination at Fens Pools SAC, River Mease SAC, Cannock Extension Canal SAC, Severn Estuary SAC, SPA and Ramsar, Humber Estuary SAC, SPA and Ramsar, Ensor's Pool SAC.

### 4.3 Screening conclusion

4.3.1 As required under Regulation 105 of the Habitats Regulations, an assessment has been undertaken of LSEs of the Draft DLP upon Habitats sites. The screening evaluation checks (**Appendix C** and **Appendix D**) indicate that a number of policies and all allocations proposed in the Draft DLP have the potential to have LSEs at the above Habitats sites. This takes no account of mitigation measures that policies, or other protective frameworks, may incorporate to mitigate adverse impacts upon Habitats sites. It is therefore concluded that the Draft DLP will be screened into the HRA process. The next stage of the HRA process will be Stage 2 - Appropriate Assessment.

4.3.2 It is too early at this stage of the Plan making process to undertake a full Appropriate Assessment as key pieces of evidence are in preparation, and these will inform the details within the DLP.

4.3.3 The following sections of this report however identify issues which will be considered in the Appropriate Assessment. Evidence collated to date has been set out and gaps in the evidence base have been highlighted. The full Appropriate Assessment will be completed alongside preparation of the Regulation 19 version of the DLP when all HRA evidence and DLP details are available.

## 5 Preliminary Air Quality Appropriate Assessment

### 5.1 Introduction

- 5.1.1 The HRA screening process in **Chapter 4** concluded that a number of Draft DLP policies and all allocations have the potential to result in LSEs at Fens Pools SAC due to changes in air quality.
- 5.1.2 This section of the report provides a preliminary Appropriate Assessment of this issue where evidence allows. It also highlights additional work that will be required to complete the Appropriate Assessment at Regulation 19.

### 5.2 Air quality impacts

- 5.2.1 The main mechanisms through which air pollution can have an adverse effect are through eutrophication (nitrogen), acidification (nitrogen and sulphur) and direct toxicity (ozone, ammonia and nitrogen oxides)<sup>40</sup>. Deposition of air pollutants can alter the soil and plant composition and species which depend upon these.
- 5.2.2 Excess atmospheric nitrogen deposition within an ecosystem or habitat can disrupt the delicate balance of ecological processes interacting with one another. As the availability of nitrogen increases in the local environment, some plants that are characteristic of that ecosystem may become competitively excluded in favour of more nitrophilic plants. It also impacts the ammonium and nitrate balance of the ecosystem, which disrupts the growth, structure and resilience of some plant species.
- 5.2.3 Excess nitrogen deposition often leads to the acidification of soils and a reduction in the soils buffering capacity (the ability of soil to resist pH changes). It can also render the ecosystem more susceptible to adverse effects of secondary stresses, such as frost or drought, and disturbance events, such as foraging by herbivores.

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<sup>40</sup> APIS (2016) Ecosystem Services and air pollution impacts. Available at: <http://www.apis.ac.uk/ecosystem-services-and-air-pollution-impacts>. [Date Accessed: 15/09/23].

- 5.2.4 In an attempt to manage the negative consequences of atmospheric nitrogen deposition and acidification, 'critical loads' and 'critical levels' have been established for ecosystems across Europe. Each Habitats site is host to a variety of habitats and species, the features of which are often designated a critical load for nitrogen deposition. The critical loads of pollutants are defined as a "...quantitative estimate of exposure to one or more pollutants below which significant harmful effects on specified sensitive elements of the environment do not occur according to present knowledge"<sup>41</sup>. Critical levels are defined as "concentrations of pollutants in the atmosphere above which direct adverse effects on receptors, such as human beings, plants, ecosystems or materials, may occur according to present knowledge"<sup>42</sup>.

### 5.3 Fens Pool SAC Baseline Information

- 5.3.1 The qualifying feature of Fens Pools SAC is the Great Crested Newt<sup>43</sup>. Natural England's Supplementary Advice<sup>44</sup> for the SAC notes that Great Crested Newts are sensitive to air pollution. It indicates that a change in air quality may modify the chemical status of its substrate, accelerating or damaging plant growth, altering its vegetation structure and composition (including food-plants) and reducing supporting habitat quality and population viability of this feature. The management target for this habitat in terms of air quality is to 'maintain concentrations and deposition of air pollutants at or below the site-relevant Critical Load or Level values given for Great Crested Newt supporting habitats on the Air Pollution Information System'.
- 5.3.2 APIS<sup>45</sup> indicates that the species broad habitat type (standing open water) is sensitive to changes in air quality. No critical loads are however available from APIS for this habitat type. APIS states that 'no Critical Load has been assigned to the EUNIS classes for meso / eutrophic systems. These systems are often P limited (or N/P co-limiting), therefore decisions should be taken at a site-specific level. Furthermore, consideration should also be given to other sources of N, i.e. discharges to water, diffuse agricultural pollution etc.' Nitrogen deposition (N deposition to forest<sup>46</sup>) is currently at an average of 28.837 N/ha/yr at the SAC (the level is relatively consistent across the site). The critical load for permanent oligotrophic waters: softwater lakes<sup>47</sup> is 3-10 kg/N/ha/year. This load is being applied in the joint air quality work currently being undertaken for the SAC (**paragraph 3.4.4**).

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<sup>41</sup> Coordination Centre for Effects (CCE). Critical load and level definitions. Available at: [https://www.umweltbundesamt.de/en/Coordination\\_Centre\\_for\\_Effects](https://www.umweltbundesamt.de/en/Coordination_Centre_for_Effects) [Date Accessed: 08/09/23].

<sup>42</sup> Coordination Centre for Effects (CCE). Critical load and level definitions. Available at: [https://www.umweltbundesamt.de/en/Coordination\\_Centre\\_for\\_Effects](https://www.umweltbundesamt.de/en/Coordination_Centre_for_Effects) [Date Accessed: 08/09/23].

<sup>43</sup> Natural England. 2018. Fens Pools SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/file/6642225895440384> [Date Accessed: 04/10/23].

<sup>44</sup> Natural England. 2019. Fens Pools SAC. Supplementary Advice. Available at: <http://publications.naturalengland.org.uk/file/5386159160557568> [Date Accessed: 04/10/23].

<sup>45</sup> Air Pollution Information System. <https://www.apis.ac.uk/> [Date Accessed: 04/10/23].

<sup>46</sup> Woodland – Representative of substantial areas of mature woodland between both key roads and qualifying habitat.

<sup>47</sup> No critical load data is available for the breeding pool utilised by the sites qualifying species (Great Crested Newts). As such the values for softwater lakes are recommended to be used instead.

- 5.3.3 Great Crested Newts rely on water bodies for a number of important stages throughout their lifecycle<sup>48</sup>. Natural England notes that if ponds are subject to increased nutrients, vegetation could become more abundant, potentially resulting in a loss of open areas which is important for Great Crested Newt courtship displays. If nutrient levels are increased further still, then submerged plants may also be completely lost as ponds become dominated by algae or in smaller waterbodies duckweed<sup>49</sup>. Natural England notes that “without water chemistry data it is impossible to tell if a water body is Nitrogen or Phosphorus limited. In many places neither nutrient is limiting as both nutrients are at elevated levels, regardless of the ratio between the two. Previously in freshwater science there was an assumption that most standing fresh waters were phosphorus limited, but this is no longer thought to be the case and the impacts of elevated levels of nitrogen, regardless of the phosphorus concentrations has been more widely acknowledged, as has the number of cases where water bodies are nitrogen limited”.
- 5.3.4 The screening assessment indicates that there are two strategic road links within 200m of the SAC which are capable of carrying traffic which may exceed Natural England’s screening thresholds (**paragraph 3.4.8**) – the A4101 and A461. A review of aerial photography and site mapping data for the SAC indicates that the closest Great Crested Newt pond to the A4101 is located approximately 177m to the south of the westbound carriageway with the closest pond to the A461 more than 200m to the west (approximately 310m). Terrestrial habitat is however likely to be located within 200m.

## 5.4 Information required to progress the Appropriate Assessment

- 5.4.1 Natural England has developed a standard methodology for the assessment of traffic related air quality impacts under the Habitats Regulations which is relevant to the HRA of land use plans<sup>50</sup>. In addition, the Institute of Air Quality Management (IAQM)<sup>51</sup> and the Chartered Institute of Ecology and Environmental Management (CIEEM)<sup>52</sup> have also prepared advice on the assessment of air quality impacts at designated sites. This guidance provides methodologies for Appropriate Assessment and ecological interpretation of air quality impacts at designated sites.

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<sup>48</sup> Langton, T.E.S., Beckett, C.L., and Foster, J.P. (2001), Great Crested Newt Conservation Handbook, Froglife, Halesworth.

<sup>49</sup> Personal Communication. Natural England. 1<sup>st</sup> May 2020.

<sup>50</sup> Natural England (2018) Natural England’s approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001). Available at: <http://publications.naturalengland.org.uk/publication/4720542048845824> [Date Accessed: 07/09/23].

<sup>51</sup> Holman et al (2020). A guide to the assessment of air quality impacts on designated nature conservation sites – version 1.1, Institute of Air Quality Management, London.

<sup>52</sup> CIEEM (2021) Advice on Ecological Assessment of Air Quality Impacts. Chartered Institute of Ecology and Environmental Management. Winchester, UK.

- 5.4.2 In order to better define this impact, traffic modelling data is required to identify whether screening thresholds (discussed in **Chapter 3**) along the A4101 and A461 will be exceeded for the DLP either alone or in-combination. This will be made available as part of the joint commission aimed at establishing a scientific and robust evidence base to determine the likely air pollution impacts (via increased traffic generation) on several Habitats sites should emerging Local Planning Authority (LPA) Local Plans be adopted. These include Fens Pools SAC (**paragraph 3.4.4**).
- 5.4.3 Where exceedances are identified these will be considered in an Appropriate Assessment taking into consideration the outputs of potential air quality modelling in relation to habitat types and habitat responses, baseline data and future trends. Where adverse impacts on site integrity are identified, effective mitigation will need to be incorporated. This information will be available as the DLP develops and will be presented in the Regulation 19 HRA.

## 6 Preliminary Water Appropriate Assessment

### 6.1 Introduction

6.1.1 The HRA screening process in **Chapter 4** concludes that a number of Draft DLP policies and all allocations have the potential to result in likely significant water impacts as follows:

- Fens Pools SAC – water quantity LSEs in-combination
- River Mease SAC– water quantity LSEs in-combination
- Cannock Extension Canal SAC – water quantity LSEs in-combination
- Severn Estuary SAC, SPA and Ramsar (functionally linked habitat) – water quality LSEs in-combination
- Humber Estuary SAC, SPA and Ramsar (functionally linked habitat) – water quality LSEs in-combination
- Ensor’s Pool SAC – water quantity LSEs in-combination

6.1.2 This section of the report provides a preliminary Appropriate Assessment of this issue where evidence allows. It also highlights additional work that will be required to complete the Appropriate Assessment at Regulation 19.

### 6.2 Water quality impacts and information required for the Appropriate Assessment

6.2.1 Urbanisation has the potential to reduce the quality of water entering a catchment through processes such as sedimentation, accidental spillage of chemicals and materials and operational surface water runoff. Water quality may also be reduced through effluent discharges at Waste Water Treatment Works (WwTWs). This change in water quality can increase nutrient inputs into a catchment which can lead to algal blooms, reduce dissolved oxygen and increased turbidity. This can affect the overall condition of the receiving waterbody and may have adverse effects at hydrologically sensitive and connected Habitats sites and their qualifying features.

6.2.2 Together the Government, the Environment Agency (EA) and the water companies are responsible for preparing plans and strategies and implementing a regulatory framework to ensure there is enough water for the future needs of both people and the environment and managing the treatment of wastewater. This is undertaken through a catchment-based approach and provides protection for Habitats sites and ensures compliance with the WFD<sup>53</sup>.

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<sup>53</sup> [https://environment.ec.europa.eu/topics/water/water-framework-directive\\_en](https://environment.ec.europa.eu/topics/water/water-framework-directive_en).



- 6.2.3 The WFD provides an indication of the health of the water environment and whether a water body is at good status or potential. It sets out areas which require special protection. These include areas designated for “the protection of habitats or species where the maintenance or improvement of the status of water is an important factor in their protection including relevant Natura 2000 sites<sup>54</sup> designated under Directive 92/43/EEC (the Habitats Directive) and Directive 79/409/EEC (the Birds Directive)”<sup>55</sup>.
- 6.2.4 As set out in **Chapter 3** the majority of the DLP administrative area falls within the Severn River Basin District, with the northeast and the east of the Plan area being located with the Humber River Basin District. River Basin Management Plans (RBMP) describe the threats to the water environment and how these can be managed. The Severn RBMP<sup>56</sup> and the Humber RBMP<sup>57</sup> provide a framework for protecting and enhancing the benefits provided by the water environment. To achieve this, and because water and land resources are closely linked, they also inform decisions on land-use planning. **Appendix A** provides a summary of the Severn and Humber River RBMPs and HRAs which were prepared to support these plans.
- 6.2.5 The DLP area is served by two water companies, Severn Trent Water (STW) and South Staffordshire Water (SSW). As sewerage undertaker, their role includes the collection and treatment of wastewater from domestic and commercial premises, and in some areas, it also includes the drainage of surface water from building curtilages to combined or surface water sewers.
- 6.2.6 Undertaking a Water Cycle Study (WCS) can help to inform local plans and wastewater infrastructure delivery requirements, water resources and water efficiency requirements to plan for sustainable growth. Through understanding environmental and infrastructure capacity, a WCS can identify joined up and cost-effective solutions that are resilient to climate change<sup>58</sup>. A Phase 1 WCS Scoping Study was undertaken to support the preparation of the former BCP<sup>59</sup>, the findings of which remain applicable to the preparation of the DLP.
- 6.2.7 The WCS provided an assessment of the impact of development set out in the BCP on the aquatic environment and thus the quality and quantity of water at Habitats sites. It concluded that WwTW serving growth within the BCP area are the most significant point source of pollution and could potentially impact upon environmental designations but did not identify impacts at any Habitats site specifically.

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<sup>54</sup> Known as the National Sites Network in the UK since leaving the EU.

<sup>55</sup> Official Journal of the European Communities (2000) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. Available at: [https://eur-lex.europa.eu/resource.html?uri=cellar:5c835afb-2ec6-4577-bdf8-756d3d694eeb.0004.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:5c835afb-2ec6-4577-bdf8-756d3d694eeb.0004.02/DOC_1&format=PDF) [Date Accessed: 13/09/23].

<sup>56</sup> Environment Agency (2022) Severn River Basin Management Plan. Available at: <https://www.gov.uk/guidance/severn-river-basin-district-river-basin-management-plan-updated-2022> [Date accessed: 22/06/23].

<sup>57</sup> Environment Agency (2022) Humber River Basin Management Plan. Available at: <https://www.gov.uk/guidance/humber-river-basin-district-river-management-plan-updated-2022> [Date accessed: 22/06/23].

<sup>58</sup> MHCLG (2019) Water supply, wastewater and water quality. Available at: <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality> [Date accessed: 26/06/23].

<sup>59</sup> BA Consulting (2020) Black Country Councils Water Cycle Study: Phase 1 Scoping Study. Available at: [https://blackcountryplan.dudley.gov.uk/media/17929/watercyclestudy\\_phs1\\_scopingstudy.pdf](https://blackcountryplan.dudley.gov.uk/media/17929/watercyclestudy_phs1_scopingstudy.pdf) [Date accessed: 26/06/23]

- 6.2.8 A number of allocations are located in close proximity to Fens Pools SAC including Harts Hill, east of Dudley Road (DLP BH H006 and H007) and Oak Court Car Park, Dudley Road (DLP BH H008) which is situated within 500m of the SAC. The qualifying features of the SAC, Great Crested Newts, are particularly sensitive to changes in water quality. Natural England's Supplementary Advice notes that the target for this SAC in terms of water quality is to "maintain water quality and quantity to a standard which provides the necessary conditions to support the Great Crested Newt feature"<sup>60</sup>. It goes on to note that "the site is vulnerable to runoff that drains into it from the surrounding residential areas and industrial estate. There is known problem area, relating to discharges from ServoSteel Ltd into the inflow stream feeding Pond 11, which subsequently drains into Pond 26/25, then into shallow bay at the north east corner of Pond 01. Many of the ponds are naturally eutrophic and base-rich from the local clay geology. This attribute concerns point source, anthropogenic pollution resulting from discharges onto the site or dumping adjacent to ponds". Development in close proximity to the SAC therefore has the potential to adversely affect the quality of water affecting the structure and function of the habitat upon which Great Crested Newts depend.
- 6.2.9 Given the location of the Severn Estuary SAC, SPA and Ramsar and Humber Estuary SAC, SPA and Ramsar a significant distance downstream from the Plan area (see **Figure 3.2**) it is unlikely that there will be direct surface water quality adverse impacts upon these designations from Local Plan development. However, as outlined in **Chapter 3**, adverse water quality impacts upon functionally linked watercourses are possible.
- 6.2.10 Policies set out in the Draft DLP (Policy DLP46 – Sustainable drainage and surface water management (SuDS), DLP48 – Water quality and ground water source protection zones and DLP54 The River Stour and its Tributaries) will go towards the protection of water quality. On-going dialogue will also be required with the waste water treatment company for the Plan area to ensure adequate WwTW infrastructure is in place to accommodate future forecast growth and ensure WFD targets for 'Good Ecological Status' are maintained. This ongoing dialogue will feed into the Appropriate Assessment at Regulation 19.
- 6.3 Water quantity impacts and information required for the Appropriate Assessment**
- 6.3.1 Urban development can reduce catchment permeability and the presence of drainage networks may be expected to remove runoff from urbanised catchments. This may result in changes in run off rates from urbanised areas to Habitats sites or watercourses which connect to them and therefore water levels. Water mains leakage and sewer infiltration may also affect water levels. In addition, supply to meet water demand associated with new development (residential and commercial / industrial) also has the potential to affect water balances at hydrologically sensitive Habitats sites which are connected with the DLP area.
- 6.3.2 It is a statutory requirement that every five years water companies produce and publish a Water Resources Management Plan (WRMP). The WRMP demonstrates long term plans to accommodate the impacts of population growth, drought, environmental obligations and climate change uncertainty in order to balance supply and demand. Water companies divide their supply into Water Resource Zones (WRZs).

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<sup>60</sup> Natural England. 2019. Fens Pools SAC. Supplementary Advice. Available at:  
<http://publications.naturalengland.org.uk/file/5386159160557568> [Date Accessed: 04/10/23].

- 6.3.3 The main water service provider for Dudley is STW, with water resources also provided by SSW. STW provides water to over 8 million people. The STW WRMP<sup>61</sup> and SSW WRMP<sup>62</sup> estimate future water demands and plans how these levels will be achieved. Both WRMPs forecasts a deficit that is likely to develop between supply and demand for water over time unless action is taken. The WRMPs outline a number of demand management measures that need to be taken to ensure continued sustainable sources of water supply. As part of the evidence base that supported the now withdrawn draft BCP, a WCS was prepared (see **paragraph 6.2.6**)<sup>63</sup>. This was undertaken through consultation with STW, SSW, the EA and neighbouring LPAs. Through this work, STW advised that if growth in the Black Country was in line with their forecast, then they do not have concerns regarding water resources. SSW stated that they do not have concerns about the level of growth within their Water Resource Zone (WRZ). These findings will be verified through consultation on the basis of the growth proposed within the emerging DLP specifically through the plan making process.
- 6.3.4 The EA prepares an ALS through its Catchment Abstraction Management Strategy (CAMS) process for each sub-catchment within a river basin. The CAMS process aims to assess the amount of water available for further abstraction licensing, taking into account the environment needs and implement the RBMPs and water abstraction plan<sup>64</sup> into licencing policy. The CAMS process is published in a series of ALSs for each river basin. As noted in **Chapter 3**, the Plan area predominantly lies within the Worcestershire Middle Severn and Tame, Anker and Mease ALS areas. Fens Pools SAC, River Mease SAC and Ensor's Pool SAC are water sensitive Habitat sites located within these ALS areas.
- 6.3.5 At Regulation 19 the Appropriate Assessment will apply protective water quality policy wording from the DLP and draw on the wider protective framework for the water environment. On-going consultation undertaken with STW and SSW in terms of waste water treatment and water resource availability for future growth will also input to the assessment.

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<sup>61</sup> Severn Trent Water (2019) Waste Resources Management Plan 2019. Available at: <https://SLP.stwater.co.uk/content/dam/stw-plc/our-plans/severn-trent-water-resource-management-plan.pdf> [Date accessed: 04/10/23].

<sup>62</sup> South Staffs Water. Water Resources Management Plan 2019. Available at: <https://www.south-staffs-water.co.uk/media/2676/final-wrmp-2019-south-staffs-water.pdf> [Date accessed: 04/10/23].

<sup>63</sup> JBA Consulting (May 2020) Black Country Councils Water Cycle Study: Scoping Study - Final Available at: <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4h/> [Date accessed: 04/10/23].

<sup>64</sup> DEFRA. July 2021. Policy Paper: Water Abstraction Plan. Available at: <https://www.gov.uk/government/publications/water-abstraction-plan-2017/water-abstraction-plan> [Date Accessed: 13/09/23].

# 7 Preliminary Public Access and Disturbance Appropriate Assessment

## 7.1 Introduction

7.1.1 The HRA screening process in **Chapter 4** concluded that a number of allocations have the potential to result in LSEs at Fens Pools SAC due recreational pressure and urbanisation effects.

7.1.2 This section of the report provides a preliminary Appropriate Assessment of this issue where evidence allows. It also highlights additional work that will be required to complete the Appropriate Assessment at Regulation 19.

## 7.2 Public access and disturbance impacts

7.2.1 Increased recreational pressure at Habitats sites can result in damage to habitats and changes in behaviour to animals such as birds at nesting and feeding sites. This can be caused by erosion and compaction, troubling of grazing stock, spreading of invasive species, dog fouling, and tree climbing among other recreational impacts. Typically, disturbance of habitat and species is the unintentional consequence of people's presence which can impact distribution of habitat types and breeding success and survival. Increased development has the potential to increase recreational pressures upon Habitats sites which are accessible to the public.

7.2.2 Urbanisation effects typically occur when development is located close to a Habitats site boundary. These may include impacts such as noise disturbance, lighting effects, cat predation, fly-tipping, wildfire, littering and vandalism.

## 7.3 Fens Pool SAC Baseline Information

7.3.1 The qualifying feature of Fens Pools SAC is the Great Crested Newt<sup>65</sup>. Great created newts are not identified as being sensitive to recreational impacts at the SAC, however, Natural England's Supplementary Advice indicates that they are sensitive to illegal activities. These may be exacerbated by development in close proximity and are likely to comprise urbanisation impacts.

7.3.2 There are two sites allocated in the Draft DLP within 500m of the SAC. This is the distance within which urbanisation impacts and increased frequency of visits are likely (see **paragraph 3.6.8**). These include Harts Hill, east of Dudley Road (DLP BH H006 and H007) which is allocated for 310 dwellings, and Oak Court Car Park, Dudley Road (DLP BH H008) which is allocated for 24 dwellings. All other allocations are further than 500m from the SAC and separated by urban development, road and rail linkages.

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<sup>65</sup> Natural England. 2018. Fens Pools SAC Conservation Objectives. Available at:  
<http://publications.naturalengland.org.uk/file/6642225895440384> [Date Accessed: 04/10/23].

- 7.3.3 It is noted that the majority of adults newts stay within approximately 250m of their breeding pond when foraging. Therefore, density of individuals gradually decreases with distance from a breeding pond. However, it is also acknowledged that newts may travel further if there are areas of high-quality foraging and refuge habitat extending beyond this range<sup>66</sup>.
- 7.3.4 The conservation target for the SAC is to “maintain the management measures (either within and / or outside the site boundary as appropriate) which are necessary to maintain the structure, functions and supporting processes associated with the Great Crested Newt feature and its supporting habitats”. Natural England’s Supplementary Advice notes that management measures, such as education and visitor management, are needed to target intentional and unintentional human damage.
- 7.3.5 Given the presence of allocations within 500m of the SAC and PRowS and an off-road cycle route through the centre of the SAC, development set out in the DLP may have an adverse impact. The SAC is managed by the Council, with wardens working weekly on site to manage habitats and address illegal activity which is likely to help manage impacts (see **paragraph 3.6.5**<sup>67</sup>).
- 7.4 Information required to progress the Appropriate Assessment**
- 7.4.1 At Regulation 19 the HRA process will evaluate protective policy in relation to allocations within 500m of the SAC. It will also include a review of final site locations and existing management measures delivered through current management plans at the SAC.

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<sup>66</sup> Langton, T.E.S., Beckett, C.L., and Foster, J.P. (2001), Great Crested Newt Conservation Handbook, Froglife, Halesworth.

<sup>67</sup> <https://www.dudley.gov.uk/things-to-do/nature-reserves/buckpool-fens-pools-and-barrow-hill-nature-reserves/fens-pools/>.

## 8 Next Steps

### 8.1 Conclusions

8.1.1 This HRA report provides an assessment of the Draft DLP which includes allocations and policies. It screens in LSEs at the following Habitats sites which reflects the outputs of the Issues and Options HRA:

- Air quality LSEs – in-combination at Fens Pools SAC
- Public access and disturbance LSEs – in-combination at Fens Pools SAC
- Water quality and quantity LSEs – in-combination at Fens Pools SAC, River Mease SAC, Cannock Extension Canal SAC, Severn Estuary SAC, SPA and Ramsar, Humber Estuary SAC, SPA and Ramsar, Ensor's Pool SAC

8.1.2 This report also identifies information required to inform the Appropriate Assessment at the Regulation 19 stage of the Plan making process. No conclusions have been drawn at this stage in the process in terms of adverse impacts on the site integrity of any Habitats site (alone or in-combination).

### 8.2 Next Steps

8.2.1 Screening will be revisited at Regulation 19 when the DLP is further developed to take into consideration any changes.

8.2.2 The following information will be collated as the DLP develops, to inform the Appropriate Assessment at Regulation 19:

- The Regulation 19 version of the DLP will include an assessment of strategic traffic modeling undertaken. This will allow a screening of likely significant air quality effects against Natural England's screening thresholds for Fens Pools SAC and inform any further work required to allow an Appropriate Assessment of this impact pathway; and
- The Regulation 19 HRA will be informed by ongoing dialogue with water suppliers in terms of WwTW capacity and water resources. It will also take into consideration the water protection framework and the DLP policy wording in this respect.
- The Regulation 19 HRA will be informed by a review of final allocation site locations and protective policy wording. It will also take into consideration the current management measures in place at Fens Pools SAC.

8.2.3 At Regulation 19 a full Appropriate Assessment will be presented in support of the Publication DLP which will allow the Council, as the Competent Authority, to make the Integrity Test. The Council will take into consideration representations from Natural England under the provisions of the Habitats Regulations at Regulation 105(2).

## Appendix A: In-Combination Assessment

Plans and Policies	Plan Status	Summary of Housing/Employment	Potential In-combination LSE
Birmingham Development Plan <sup>1</sup>	The Birmingham Development Plan (BDP) 2031 was adopted by Birmingham City Council on 10 <sup>th</sup> January 2017.	Approximately 51,100 dwellings, two regional investment sites of 20ha and 25ha and a 71ha employment site for the plan period to 2031.	The combined impact of neighbouring authority growth, in-combination with the DLP, on air quality, hydrology and public access and disturbance impacts will be considered further in the HRA process.
Bromsgrove District Plan <sup>2</sup>	Adopted (25 <sup>th</sup> January 2017). Currently under review.	Approximately 7,000 dwellings over the period 2011-2030. A minimum of 28ha employment growth. The Local Plan review has begun. The preferred options consultation took place in 2018 with a district plan review and further update in 2019. At the time of writing the HRA has not been published to support the plan review.	The combined impact of neighbouring authority growth, in-combination with the DLP, on air quality, hydrology and public access and disturbance impacts will be considered further in the HRA process.
South Staffordshire District Council Local Plan Review <sup>3</sup>	The public consultation on the Publication Plan closed on 23 <sup>rd</sup> December 2022. Currently under review.	A housing target of 8,845 over the Plan period 2018 – 2037 (to include 4,000 homes to meet the needs of the Black Country and wider area.	The combined impact of neighbouring authority growth, in-combination with the DLP, on air quality, hydrology and public access and disturbance impacts will be considered further in the HRA process.  In particular it is noted that this authority forms part of the Cannock Chase SAC Partnership.

<sup>1</sup> Birmingham City Council (2017) Adopted Birmingham Development plan. Available at: [https://www.birmingham.gov.uk/downloads/file/5433/adopted\\_birmingham\\_development\\_plan\\_2031](https://www.birmingham.gov.uk/downloads/file/5433/adopted_birmingham_development_plan_2031) [Date Accessed: 08/08/23]

<sup>2</sup> Bromsgrove District Council (2017) Bromsgrove District Plan 2011-2030. Available at: <https://www.bromsgrove.gov.uk/media/2673698/Adopted-BDP-January-2017.pdf> [Date Accessed: 08/08/23]

<sup>3</sup> South Staffordshire District Council Local Plan Review. Available at: <https://www.sstaffs.gov.uk/planning/local-plan-review-2.cfm> [Date Accessed: 08/08/23]



Plans and Policies	Plan Status	Summary of Housing/Employment	Potential In-combination LSE
Wyre Forest District Local Plan <sup>4</sup>	Adopted April 2022.	5,520 dwellings and 29ha employment land for 2016-2036.	The combined impact of neighbouring authority growth in-combination with the DLP on air quality, hydrology and public access and disturbance impacts will be considered further in the HRA process.
Draft Shropshire Local Plan	Shropshire Council is at an advanced stage of a Local Plan Review. The draft Local Plan (2016-2038) has been submitted for examination as of 3 September 2021.	Around 30,800 new dwellings and around 300 hectares of employment land will be delivered between 2016 and 2038.	This plan has the potential to act in-combination with the DLP through increased residential and employment development which may trigger in-combination recreational, urbanisation, air quality, and hydrology LSEs
Sandwell Local Plan	The Council is in the process of preparing a new Local Plan, after the production of joint Black Country Plan ceased in October 2022. The public consultation on the Sandwell Issues and Options Consultation took place between 6 <sup>th</sup> February and 20 <sup>th</sup> March 2023 <sup>5</sup> .	The plan will include detailed policies and provisions for housing and employment allocations.	This plan has the potential to act in-combination with the DLP through increased residential and employment development which may trigger in-combination recreational, urbanisation, air quality, and hydrology LSEs

<sup>4</sup> Wyre Forest District Council (2019) Wyre Forest District Local Plan 2016-36 Amendments to the Pre-Submission Publication Document. Available at: <https://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/wyre-forest-district-local-plan-2016-2036/> [Date Accessed: 07/08/23]

<sup>5</sup> Sandwell Local Plan. Sandwell Metropolitan Borough Council. Available at: [https://www.sandwell.gov.uk/info/200317/planning\\_policy/4990/sandwell\\_local\\_plan](https://www.sandwell.gov.uk/info/200317/planning_policy/4990/sandwell_local_plan) [Date accessed: 09/08/23]

Plans and Policies	Plan Status	Summary of Housing/Employment	Potential In-combination LSE
Wolverhampton Local Plan	The Council is in the process of preparing a new Local Plan, after the production of the joint Black Country Plan ceased in October 2022. A new Local Development Scheme that sets out a timetable for preparation of the new Wolverhampton Local Plan was approved on February 2023 <sup>6</sup> .	The plan will include detailed policies and provisions for housing and employment allocations.	This plan has the potential to act in-combination with the DLP through increased residential and employment development which may trigger in-combination recreational, urbanisation, air quality, and hydrology LSEs.
Walsall Borough Local Plan	The Council is in the process of preparing a new Local Plan, after the production of the joint Black Country Plan ceased in October 2022. As per the Local Development Scheme <sup>7</sup> , the Council is working on the Issues and Options document under Reg 18.	The plan will include detailed policies and provisions for housing and employment allocations.	This plan has the potential to act in-combination with the DLP through increased residential and employment development which may trigger in-combination recreational, urbanisation, air quality, and hydrology LSEs.
The West Midlands Strategic Transport Plan <sup>8</sup>	Adopted June 2016.	The plan aims to make better use of existing transport capacity (e.g. through smart technology and demand management) alongside promoting and improving public transport, cycling and walking. It sets out a number of key transport and infrastructure priorities to deliver this.	The combined impact of Local Transport Plan strategies, in-combination with DLP growth, on traffic related air quality will be considered further in the HRA process.

<sup>6</sup> Wolverhampton Local Council. City of Wolverhampton Council. Available at: <https://www.wolverhampton.gov.uk/planning/planning-policies/wolverhampton-local-plan> [Date accessed: 09/08/23]

<sup>7</sup> Walsall Borough Local Plan. Walsall Council. Available at: <https://go.walsall.gov.uk/planning-and-building-control/planning-policy/future-planning-policy> [Date accessed: 09/08/23]

<sup>8</sup> West Midlands Combined Authority (2016) West Midlands Strategic Transport Plan. Available at: [https://www.wmca.org.uk/media/1372/2016-06-01-mfg-full-document\\_wmca.pdf](https://www.wmca.org.uk/media/1372/2016-06-01-mfg-full-document_wmca.pdf) [Date Accessed: 07/08/23]

Plans and Policies	Plan Status	Summary of Housing/Employment	Potential In-combination LSE
Severn River Basin Management Plan <sup>9</sup>	First published in December 2009 and subsequently updated in February 2016 and December 2022.	<p>The 2015 plan provides a framework for protecting and enhancing the benefits provided by the water environment, and aims:</p> <ul style="list-style-type: none"> <li>to prevent deterioration of the status of surface waters and groundwater</li> <li>to achieve objectives and standards for protected areas</li> <li>to achieve good status for all water bodies or, for heavily modified water bodies and artificial water bodies, good ecological potential and good surface water chemical status</li> <li>to reverse any significant and sustained upward trends in pollutant concentrations in groundwater</li> <li>the cessation of discharges, emissions and losses of priority hazardous substances into surface waters</li> <li>progressively reduce the pollution of groundwater and prevent or limit the entry of pollutants.</li> </ul>	This plan aims to protect the water environment. It has the potential to have a positive in-combination effect with the DLP on the water environment.
Humber River Basin Management Plan <sup>10</sup>	Published. October 2022.	<p>The plan contains:</p> <ul style="list-style-type: none"> <li>Baseline classification of water bodies</li> <li>Statutory objectives for protected areas</li> <li>Statutory objectives for water bodies</li> <li>A summary program of measures to achieve statutory objectives.</li> </ul>	This plan aims to protect the water environment. It has the potential to have a positive in-combination effect with the DLP on the water environment.
Severn Trent Water Resources Management Plan <sup>11</sup>	Published August 2019.	Severn Trent's fourth published Water Resources Management Plan (WRMP) demonstrates the long-term plans in place to accommodate the impacts of population growth, drought, our environmental obligations and climate change uncertainty in order to balance the supply and demand for water in the communities.	This plan aims to protect the water environment. It has the potential to have a positive in-combination effect with the Local Plan on the water environment.

<sup>9</sup> Environment Agency (2015) Severn River Basin District River Basin Management Plan. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718336/Severn\\_RBD\\_Part\\_1\\_river\\_basin\\_management\\_plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718336/Severn_RBD_Part_1_river_basin_management_plan.pdf) [Date Accessed: 07/08/23]

<sup>10</sup> Environment Agency (2015) Humber River Basin District River Basin Management Plan. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718328/Humber\\_RBD\\_Part\\_1\\_river\\_basin\\_management\\_plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718328/Humber_RBD_Part_1_river_basin_management_plan.pdf) [Date Accessed: 06/08/23]

<sup>11</sup> Severn Trent (2019) Water Resources Management Plan 2019. Available at: <https://www.severntrent.com/content/dam/stw-plc/our-plans/severn-trent-water-resource-management-plan.pdf> [Date Accessed: 06/08/23]

Plans and Policies	Plan Status	Summary of Housing/Employment	Potential In-combination LSE
South Staffs Water Resources Management Plan <sup>12</sup>	Published December 2019	South Staffs Water's published WRMP demonstrates the long-term plans in place to accommodate the impacts of population growth, drought, our environmental obligations and climate change uncertainty in order to balance the supply and demand for water in the communities.	This plan aims to protect the water environment. It has the potential to have a positive in-combination effect with the Local Plan on the water environment.

<sup>12</sup> South Staffs Water (2019) Water Resources Management Plan 2019. Available at: <https://www.south-staffs-water.co.uk/media/2676/final-wrmp-2019-south-staffs-water.pdf> [Date Accessed: 07/08/23]

# Appendix B: Habitats Site Conservation Objectives, Qualifying Features, Threats and Pressures

## Fens Pools SAC<sup>1</sup>

### Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying species;
- The structure and function of the habitats of the qualifying species;
- The supporting processes on which the habitats of the qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

### Qualifying features:

S1166. *Triturus cristatus*; Great crested newt.

### Threats and Pressures at Habitats site which may be affected by the DLP<sup>2,3</sup>:

- Water pollution;
- Habitat fragmentation; and
- Air quality.

## Cannock Chase SAC<sup>4</sup>

### Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats;
- The structure and function (including typical species) of qualifying natural habitats; and
- The supporting processes on which the qualifying natural habitats rely.

### Qualifying Features:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

H4030. European dry heaths

### Threats and Pressures at Habitats site which may be affected by the DLP<sup>5,6</sup>:

- Hydrological changes;
- Water quality;

<sup>1</sup> Natural England (2018) Fens Pools SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/file/6642225895440384> [Date accessed: 25/08/23]

<sup>2</sup> Natural England (2014) Fens Pools SAC SIP. Available at: <http://publications.naturalengland.org.uk/file/4872756676001792> [Date accessed: 25/08/23]

<sup>3</sup> Natural England (2017) Fens Pools SAC Conservation Objectives Supplementary Advice. Available at: <http://publications.naturalengland.org.uk/file/5386159160557568> [Date accessed: 25/08/23]

<sup>4</sup> Natural England (2018) Cannock Chase SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/publication/6687924741472256> [Date accessed: 24/08/23]

<sup>5</sup> Natural England (2014) Cannock Chase SAC SIP. Available at: <http://publications.naturalengland.org.uk/publication/4957799888977920> [Date accessed: 24/08/23]

<sup>6</sup> Natural England (2020) Cannock Chase SAC Conservation Objectives Supplementary Advice. Available at: <http://publications.naturalengland.org.uk/file/5345144318722048> [Date accessed: 24/08/23]

### Cannock Chase SAC<sup>4</sup>

- Air pollution – impact of nitrogen deposition;
- Wildfire / arson; and
- Conservation measures (recreational impact).

### Cannock Extension Canal SAC<sup>7</sup>

#### Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of the habitats of qualifying species;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

#### Qualifying Features:

S1831. *Luronium natans*; Floating water-plantain

#### Threats and Pressures at Habitats site which may be affected by the DLP<sup>8,9</sup>:

- Water pollution (water quality and water clarity);
- Water levels;
- Air pollution – impact of nitrogen deposition;
- Disturbance of habitat by human activity.

### Ensor's Pool SAC<sup>10</sup>

#### Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying species;
- The structure and function of the habitats of the qualifying species;
- The supporting processes on which the habitats of the qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

#### Qualifying features:

S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish.

<sup>7</sup> Natural England (2018) Cannock Extension Canal SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/publication/5063623810482176> [Date accessed: 24/08/23]

<sup>8</sup> Natural England (2014) Cannock Extension Canal SAC SIP. Available at: <http://publications.naturalengland.org.uk/file/6749431462363136> [Date accessed: 25/08/23]

<sup>9</sup> Natural England (2018) Cannock Extension Canal SAC Conservation Objectives Supplementary Advice. Available at: <http://publications.naturalengland.org.uk/file/4920757142683648> [Date accessed: 24/08/23]

<sup>10</sup> Natural England (2018) Ensor's Pool SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/publication/6577286383927296> [Date accessed: 25/08/23]



## Ensor's Pool SAC<sup>10</sup>

### Threats and Pressures at Habitats site which may be affected by the DLP<sup>11,12</sup>:

- Water pollution; and
- Habitat fragmentation.

## River Mease SAC<sup>13</sup>

### Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

### Qualifying features:

H3260. Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot

S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish

S1149. *Cobitis taenia*; Spined loach

S1163. *Cottus gobio*; Bullhead

S1355. *Lutra lutra*; Otter

### Threats and Pressures at Habitats site which may be affected by the DLP<sup>14,15</sup>:

- Water pollution (water quality and water clarity) – specific targets set for water quality and flows<sup>16</sup>; and
- Water abstraction.

<sup>11</sup> Natural England (2014) Ensor's Pool SAC SIP. Available at: <http://publications.naturalengland.org.uk/publication/5364843502632960> [Date accessed: 24/08/23]

<sup>12</sup> Natural England (2019) Ensor's Pool SAC Conservation Objectives Supplementary Advice. Available at: <http://publications.naturalengland.org.uk/publication/6577286383927296> [Date accessed: 24/08/23]

<sup>13</sup> Natural England (2016) River Mease SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/publication/6217720043405312> [Date accessed: 24/08/23]

<sup>14</sup> Natural England (2014) River Mease SAC SIP. Available at: <http://publications.naturalengland.org.uk/file/644801194400768> [Date accessed: 25/08/23]

<sup>15</sup> Natural England (2016) River Mease SAC Conservation Objectives Supplementary Advice. Available at: <http://publications.naturalengland.org.uk/file/5642992359047168> [Date accessed: 25/08/23]

<sup>16</sup> Natural England (2014). River Mease Moving towards common standards monitoring guidance targets for SAC rivers. Available at: <http://publications.naturalengland.org.uk/file/5583205847531520> [Date accessed: 25/08/23]

## Humber Estuary SAC<sup>17</sup>

### Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;
- The populations of qualifying species; and,
- The distribution of qualifying species within the site.

### Qualifying features:

H1110. Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks

H1130. Estuaries

H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats

H1150. Coastal lagoons\*

H1310. Salicornia and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand

H1330. Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) H2110. Embryonic shifting dunes

H2120. Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"); Shifting dunes with marram

H2130. Fixed dunes with herbaceous vegetation ("grey dunes"); Dune grassland

H2160. Dunes with *Hippophae rhamnoides*; Dunes with sea-buckthorn

S1095. *Petromyzon marinus*; Sea lamprey

S1099. *Lampetra fluviatilis*; River lamprey

S1364. *Halichoerus grypus*; Grey seal

### Threats and Pressures at Habitats site which may be affected by the DLP<sup>18</sup>:

- Water pollution;
- Public access / disturbance;
- Direct land take for development;
- Coastal squeeze; and
- Air pollution.

<sup>17</sup> Natural England (2018) Humber Estuary SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/publication/5009545743040512> [Date accessed: 24/08/23]

<sup>18</sup> Natural England (2015) Humber Estuary SIP. Available at: <http://publications.naturalengland.org.uk/file/5730884670980096> [Date accessed: 25/08/23]

## Humber Estuary SPA<sup>19</sup>

### Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

### Qualifying features:

A021 *Botaurus stellaris*; Great bittern (Non-breeding)

A021 *Botaurus stellaris*; Great bittern (Breeding)

A048 *Tadorna tadorna*; Common shelduck (Non-breeding)

A081 *Circus aeruginosus*; Eurasian marsh harrier (Breeding)

A082 *Circus cyaneus*; Hen harrier (Non-breeding)

A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)

A132 *Recurvirostra avosetta*; Pied avocet (Breeding)

A140 *Pluvialis apricaria*; European golden plover (Non-breeding)

A143 *Calidris canutus*; Red knot (Non-breeding)

A149 *Calidris alpina alpina*; Dunlin (Non-breeding)

A151 *Philomachus pugnax*; Ruff (Non-breeding)

A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)

A157 *Limosa lapponica*; Bar-tailed godwit (Non-breeding)

A162 *Tringa totanus*; Common redshank (Non-breeding)

A195 *Sterna albifrons*; Little tern (Breeding)

Waterbird assemblage

### Threats and Pressures at Habitats site which may be affected by the DLP<sup>20</sup>:

- Water pollution;
- Public access / disturbance;
- Direct land take for development;
- Coastal squeeze; and
- Air pollution.

<sup>19</sup> Natural England (2019) Humber Estuary SPA Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/publication/5382184353398784> [Date accessed: 24/08/23]

<sup>20</sup> Natural England (2015) Humber Estuary SIP. Available at: <http://publications.naturalengland.org.uk/file/5730884670980096> [Date accessed: 25/08/23]

## Humber Estuary Ramsar<sup>21</sup>

Ramsar sites do not have the Conservation Objectives in the same way as SPAs and SACs. Information regarding the designation of Ramsar sites is contained in JNCC Ramsar Information Sheets. Ramsar Criteria are the criteria for identifying Wetlands of International Importance. The relevant criteria and ways in which this site meets the criteria are presented in the table below.

Ramsar Criterion	Justification for the application of each criterion
1	<p>The site is a representative example of a near-natural estuary with the following component habitats: dune systems and humid dune slacks, estuarine waters, intertidal mud and sand flats, saltmarshes, and coastal brackish/saline lagoons.</p> <p>It is a large macro-tidal coastal plain estuary with high suspended sediment loads, which feed a dynamic and rapidly changing system of accreting and eroding intertidal and subtidal mudflats, sandflats, saltmarsh and reedbeds. Examples of both strandline, foredune, mobile, semi-fixed dunes, fixed dunes and dune grassland occur on both banks of the estuary and along the coast. The estuary supports a full range of saline conditions from the open coast to the limit of saline intrusion on the tidal rivers of the Ouse and Trent. Wave exposed sandy shores are found in the outer/open coast areas of the estuary. These change to the more moderately exposed sandy shores and then to sheltered muddy shores within the main body of the estuary and up into the tidal rivers. The lower saltmarsh of the Humber is dominated by common cordgrass <i>Spartina anglica</i> and annual glasswort <i>Salicornia</i> communities. Low to mid marsh communities are mostly represented by sea aster <i>Aster tripolium</i>, common saltmarsh grass <i>Puccinellia maritima</i> and sea purslane <i>Atriplex portulacoides</i> communities. The upper portion of the saltmarsh community is atypical, dominated by sea couch <i>Elytrigia atherica</i> (<i>Elymus pycnanthus</i>) saltmarsh community. In the upper reaches of the estuary, the tidal marsh community is dominated by the common reed <i>Phragmites australis</i> fen and sea club rush <i>Bolboschoenus maritimus</i> swamp with the couch grass <i>Elytrigia repens</i> (<i>Elymus repens</i>) saltmarsh community. Within the Humber Estuary Ramsar site there are good examples of four of the five physiographic types of saline lagoon.</p>
3	<p>The Humber Estuary Ramsar site supports a breeding colony of grey seals <i>Halichoerus grypus</i> at Donna Nook. It is the second largest grey seal colony in England and the furthest south regular breeding site on the east coast. The dune slacks at Saltfleetby-Theddlethorpe on the southern extremity of the Ramsar site are the most north-easterly breeding site in Great Britain of the natterjack toad <i>Bufo calamita</i>.</p>
5	<p>Assemblages of international importance: 153,934 waterfowl, non-breeding season (5 year peak mean 1996/97-2000/2001)</p>
6	<p>Species/populations occurring at levels of international importance.</p> <p>Qualifying species/populations (as identified at designation): Species with peak counts in winter:</p> <ul style="list-style-type: none"> <li>Common shelduck, <i>Tadorna tadorna</i>, NW Europe - 4464 individuals, representing an average of 1.5% of the population (5 year peak mean 1996/7-2000/1)</li> <li>Eurasian golden plover, <i>Pluvialis apricaria</i>, <i>altifrons</i> subspecies, NW Europe, W Continental Europe, NW Africa population - 30,709 individuals, representing an average of 3.3% of the GB population (5 year peak mean 1996/7-2000/1)</li> <li>Red Knot, <i>Calidris canutus islandica</i> subspecies - 28165 individuals, representing an average of 6.3% of the population (5 year peak mean 1996/7-2000/1)</li> </ul>

<sup>21</sup> JNCC (2007) Ramsar Information Sheet: Humber Estuary. Available at: <https://rsis.ramsar.org/RISapp/files/RISrep/GB663RIS.pdf> [Date accessed: 25/08/23]

Ramsar Criterion	Justification for the application of each criterion
	<ul style="list-style-type: none"> <li>Dunlin, <i>Calidris alpina alpina</i>, Europe - 22222 individuals, representing an average of 1.7% of the population (5 year peak mean 1996/7-2000/1)</li> <li>Black-tailed godwit, <i>Limosa limosa</i>, islandica subspecies - 1,113 individuals, wintering, representing an average of 3.2% of the population (5 year peak mean 1996/7-2000/1)</li> <li>Bar-tailed godwit, <i>Limosa lapponica</i>, lapponica subspecies - 2,752 individuals, wintering, representing an average of 2.3% of the population (5 year peak mean 1996/7-2000/1)</li> <li>Common redshank, <i>Tringa totanus totanus</i> - 4632 individuals, representing an average of 3.6% of the population (5 year peak mean 1996/7- 2000/1)</li> </ul>
8	The Humber Estuary acts as an important migration route for both river lamprey <i>Lampetra fluviatilis</i> and sea lamprey <i>Petromyzon marinus</i> between coastal waters and their spawning areas.

**Threats and Pressures at Habitats site which may be affected by the DLP:**

- Water pollution (domestic sewage);
- Recreational / tourism disturbance;
- Coastal squeeze.

**Severn Estuary SAC<sup>22</sup>**

**Conservation objectives:**

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

**Qualifying features:**

H1110. Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks;  
 H1130. Estuaries;  
 H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats;  
 H1170. Reefs;  
 H1330. Atlantic salt meadows (*Glauco-Puccinellietalia maritima*); Atlantic salt meadows;  
 S1095. *Petromyzon marinus*; Sea lamprey;  
 S1099. *Lampetra fluviatilis*; River lamprey; and  
 S1103. *Alosa fallax*; Twaite shad.

<sup>22</sup> Natural England (2019) Severn Estuary SAC Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/file/6377265718099968> [Date accessed: 24/08/23]

### Severn Estuary SAC<sup>22</sup>

#### Threats and Pressures at Habitats site which may be affected by the DLP<sup>23</sup>:

- Public access / disturbance;
- Impacts from development;
- Coastal squeeze;
- Water pollution; and
- Air pollution.

### Severn Estuary SPA<sup>24</sup>

#### Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

#### Qualifying features:

A037 *Cygnus columbianus bewickii*; Bewick's swan (Non-breeding);

A048 *Tadorna tadorna*; Common shelduck (Non-breeding);

A051 *Anas strepera*; Gadwall (Non-breeding);

A149 *Calidris alpina alpina*; Dunlin (Non-breeding);

A162 *Tringa totanus*; Common redshank (Non-breeding); and

A394 *Anser albifrons albifrons*; Greater white-fronted goose (Non-breeding) Waterbird assemblage.

#### Threats and Pressures at Habitats site which may be affected by the DLP<sup>25</sup>:

- Public access / disturbance;
- Impacts from development;
- Coastal squeeze;
- Water pollution; and
- Air pollution.

### Severn Estuary Ramsar<sup>26</sup>

Ramsar sites do not have the Conservation Objectives in the same way as SPAs and SACs. Information regarding the designation of Ramsar sites is contained in JNCC Ramsar Information Sheets. Ramsar Criteria are the criteria for identifying Wetlands of International Importance. The relevant criteria and ways in which this site meets the criteria are presented in the table below.

<sup>23</sup> Natural England (2015) Severn Estuary SIP. Available at: <http://publications.naturalengland.org.uk/file/4856107648417792> [Date accessed: 25/08/23]

<sup>24</sup> Natural England (2019) Severn Estuary SPA Conservation Objectives. Available at: <http://publications.naturalengland.org.uk/file/6288530213175296> [Date accessed: 24/08/23]

<sup>25</sup> Natural England (2015) Severn Estuary SIP. Available at: <http://publications.naturalengland.org.uk/file/4856107648417792> [Date accessed: 25/08/23]

<sup>26</sup> JNCC (2008) Ramsar Information Sheet: UK11081 Severn Estuary. Available at: <https://jncc.gov.uk/jncc-assets/RIS/UK11081.pdf> [Date accessed: 24/08/23]

Ramsar Criterion	Justification for the application of each criterion
1	Due to immense tidal range (second-largest in world), this affects both the physical environment and biological communities.
3	Due to unusual estuarine communities, reduced diversity and high productivity.
4	<p>This site is important for the run of migratory fish between sea and river via estuary. Species include:</p> <p>Salmon <i>Salmo salar</i>; Sea trout <i>S. trutta</i>; Sea lamprey <i>Petromyzon marinus</i>; River lamprey <i>Lampetra fluviatilis</i>; Allis shad <i>Alosa alosa</i>; Twaite shad <i>A. fallax</i>, and Eel <i>Anguilla anguilla</i>.</p> <p>It is also of particular importance for migratory birds during spring and autumn.</p>
5	<p>Assemblages of international importance: Species with peak counts in winter:</p> <ul style="list-style-type: none"> <li>70919 waterfowl (5 year peak mean 1998/99-2002/2003)</li> </ul>
6	<p>Species/populations occurring at levels of international importance. Qualifying species/populations (as identified at designation): Species with peak counts in winter:</p> <ul style="list-style-type: none"> <li>Tundra swan, <i>Cygnus columbianus bewickii</i>, NW Europe - 229 individuals, representing an average of 2.8% of the GB population (5 year peak mean 1998/9-2002/3)</li> <li>Greater white-fronted goose, <i>Anser albifrons albifrons</i>, NW Europe - 2076 individuals, representing an average of 35.8% of the GB population (5 year peak mean for 1996/7-2000/01)</li> <li>Common shelduck, <i>Tadorna tadorna</i>, NW Europe - 3223 individuals, representing an average of 1% of the population (5 year peak mean 1998/9-2002/3)</li> <li>Gadwall, <i>Anas strepera strepera</i>, NW Europe - 241 individuals, representing an average of 1.4% of the GB population (5 year peak mean 1998/9-2002/3)</li> <li>Dunlin, <i>Calidris alpina alpina</i>, W Siberia/W Europe - 25082 individuals, representing an average of 1.8% of the population (5 year peak mean 1998/9-2002/3)</li> <li>Common redshank, <i>Tringa totanus totanus</i> - 2616 individuals, representing an average of 1% of the population (5 year peak mean 1998/9- 2002/3)</li> </ul> <p>Species/populations identified subsequent to designation for possible future consideration under criterion 6. Species regularly supported during the breeding season:</p> <ul style="list-style-type: none"> <li>Lesser black-backed gull, <i>Larus fuscus graellsii</i>, W Europe/Mediterranean/W Africa - 4167 apparently occupied nests, representing an average of 2.8% of the breeding population (Seabird 2000 Census)</li> </ul> <p>Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> <li>Ringed plover, <i>Charadrius hiaticula</i>, Europe/Northwest Africa - 740 individuals, representing an average of 1% of the population (5 year peak mean 1998/9- 2002/3)</li> </ul> <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> <li>Eurasian teal, <i>Anas crecca</i>, NW Europe - 4456 individuals, representing an average of 1.1% of the population (5 year peak mean 1998/9-2002/3)</li> </ul>



Ramsar Criterion	Justification for the application of each criterion
	<ul style="list-style-type: none"> <li>Northern pintail, <i>Anas acuta</i>, NW Europe - 756 individuals, representing an average of 1.2% of the population (5 year peak mean 1998/9- 2002/3)</li> </ul>
8	<p>The fish of the whole estuarine and river system is one of the most diverse in Britain, with over 110 species recorded.</p> <p>Salmon <i>Salmo salar</i>, sea trout <i>S. trutta</i>, sea lamprey <i>Petromyzon marinus</i>, river lamprey <i>Lampetra fluviatilis</i>, allis shad <i>Alosa alosa</i>, twaite shad <i>A. fallax</i>, and eel <i>Anguilla anguilla</i> use the Severn Estuary as a key migration route to their spawning grounds in the many tributaries that flow into the estuary.</p> <p>The site is important as a feeding and nursery ground for many fish species particularly allis shad <i>Alosa alosa</i> and twaite shad <i>A. fallax</i> which feed on mysid shrimps in the salt wedge.</p>

**Threats and Pressures at Habitats site which may be affected by the DLP:**

- Recreational / tourism disturbance.

# Appendix C: DLP Policy Screening Evaluation

## Part One – Spatial Strategy and policies

### Chapters 1 to 3

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
The Dudley Local Plan	These chapters provide administrative text, background and context for the Local Plan.	Screen Out Administrative text

### Chapter 4

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Vision for Dudley Borough by 2041	The vision provides a general statement of policy / general aspirations for the Borough over the Plan period.	Screen Out Category A
Strategic Objectives	Strategic objectives central to achieving the delivery of the vision for the Borough centred around the community, the economy and the environment. These are general aspirations for the Plan.	Screen Out Category A

### Chapter 5 – Dudley Borough Spatial Strategy

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 1- Development Strategy	The policy sets out the overarching strategy for development in Dudley for the plan period. Development within the Plan area (from the Local Plan alone and the Local Plan in- combination with development in neighbouring local plan areas (see Appendix A) has the potential to cumulatively result in the following LSEs: <ul style="list-style-type: none"><li>- Air Pollution (in-combination LSEs on the Fens Pools SAC);</li><li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites); and</li><li>- Urbanisation and recreation effects (Fens Pools SAC)</li></ul>	Screen In Category L
Policy DLP 2 - Growth Network: Regeneration Corridors and Centres	The policy identifies regeneration areas within Dudley and sets out how specific areas will accommodate different types of development, infrastructure and investment.	Screen In Category L

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
	<p>Development within the Plan area (from the Local Plan alone and the Local Plan in-combination with development in neighbouring local plan areas (see Appendix A) has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC);</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites); and</li> <li>- Urbanisation and recreation effects (Fens Pools SAC).</li> </ul>	
Policy DLP 3 - Areas outside the Growth Network	<p>The policy ensures that areas outside of the Growth Network will still provide: good quality mixed housing; strong GI networks; good transport links, and additional development opportunities.</p> <p>Development within the Plan area (from the Local Plan alone and the Local Plan in- combination with development in neighbouring local plan areas (see Appendix A) has the potential to cumulatively result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC);</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites); and</li> <li>- Urbanisation and recreation effects (Fens Pools SAC).</li> </ul>	Screen In Category L
Policy DLP 4 - Achieving well designed places	The policy seeks to ensure that all new developments within the Plan area are of high-quality design and have regard for the natural, built, and historic environment. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category B
Policy DLP 5 - Cultural Facilities, Tourism, Heritage, and the Visitor Economy	The policy aims to provide the protection, enhancement, promotion, and expansion of cultural, tourist and leisure facilities within the borough. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category B

## Chapter 6 – Infrastructure

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 6 – Infrastructure Provision	The policy identifies the infrastructure required to support the growth that is expected from the DLP and requires development proposals to address their own impacts through on-site and off-site infrastructure provision or enhancements, secured through planning obligations or CIL as appropriate. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 7 – Broadband and Telecommunications	The policy supports the provision of Fibre to the Premises (FTTP) and electronic communication networks as part of new development proposals, to meet the needs of current and future populations. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F

## Chapter 7 - Health and Wellbeing

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 8 – Health and Wellbeing	The policy supports initiatives that encourage healthier lifestyles, the improvement of mental wellbeing and addressing socio-economic and environmental issues that contribute to health inequalities. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 9 – Healthcare Infrastructure	The policy seeks to ensure that all new healthcare facilities are well designed and accessible, with a particular focus on ensuring facilities are accessible by public transport and also aims to protect existing health facilities, and details how larger residential developments of ten or more homes should be assessed against the capacity of surrounding facilities and new facilities should “ <i>be located to address accessibility gaps</i> ”. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F

## Chapter 8 – Housing

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 10- Delivering Sustainable Housing Growth	<p>The policy would be expected to deliver a high quantum of residential development of net new homes over the plan period in Dudley.</p> <p>Development within the Plan area (from the Local Plan alone and the Local Plan in-combination with development in neighbouring local plan areas (see Appendix A) has the potential to cumulatively result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC);</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites); and</li> <li>- Urbanisation and recreation effects (Fens Pools SAC).</li> </ul>	Screen In Category L
Policy DLP 11- Housing Density, Type and Accessibility	The policy aims to ensure that residential developments contribute towards the local housing need, supporting the current and future requirements of the population in terms of housing type and size, as well as ensuring new residents have good access to sustainable transport options. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 12- Delivering Affordable, Wheelchair Accessible and Self-Build/Custom-Build Housing	The policy would help to ensure that, throughout the Plan area, Dudley delivers an appropriate mix of affordable housing that meets the varied needs of current and future residents. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 13- Supported Accommodation	The policy will help to provide housing for a mixture of residents including the elderly and those with specific needs. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 14- Housing Development, Extensions and Alterations to Existing Dwellings	The policy looks to protect and manage the character and appearance of Dudley’s landscape by supporting proposals for conversions, extensions or alternations to dwellings that use materials which respect and are	Screen Out Category F

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
	responsive to the context and character of the area. It will not lead to development or any change which may have an LSE on any Habitats site.	
Policy DLP 15 - Accommodations for Gypsies and Travellers and Travelling Show People	<p>This policy will be used to determine planning applications for Gypsy and Traveller and Travelling Show people sites and sets out potential sites as Gypsy and Traveller pitch allocations.</p> <p>Development within the Plan area (from the Local Plan alone and the Local Plan in-combination with development in neighbouring local plan areas (see Appendix A) has the potential to cumulatively result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC);</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites); and</li> <li>- Urbanisation and recreation effects (Fens Pools SAC).</li> </ul>	Screen In Category L
Policy DLP 16- Education Facilities	The policy seeks to support the development or expansion of education facilities secured through a range of funding measures, including planning obligations or through the Community Infrastructure Levy (CIL). This policy does not allocate sites itself, rather sets out delivery objectives. It will therefore not lead to development or any change itself which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 17- Houses in Multiple Occupation	The policy supports the development of HMOs, providing the proposal is in accordance with the criteria set out in the policy to provide a range of housing options to residents of Dudley. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F

## Chapter 9 - Employment Land

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 18 -Economic Growth and Job Creation	<p>This policy allocates employment land over the plan period.</p> <p>Development within the Plan area from the Local Plan in-combination with development in neighbouring local plan areas (see Appendix A) has the potential to cumulatively result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC);</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites); and</li> <li>- Urbanisation effects (Fens Pools SAC).</li> </ul>	Screen In Category L
Policy DLP 19 – Strategic Employment Areas	The policy safeguards areas for specific employment uses. It will not lead to development itself or any change which may have an LSE on any Habitats site. Instead it sets criteria for Strategic Employment Areas.	Screen Out Category B
Policy DLP 20 – Local Employment Areas	The policy seeks to allocate Local Employment Areas to support the provision of industrial, logistics and commercial activities which would be likely to result in benefits for the local economy and provision of local employment opportunities. This policy does not allocate sites itself, rather sets out criteria for selection.	Screen Out Category B

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 21 – Other Employment Areas	The policy outlines the use of ‘other employment areas’ outside of the defined Strategic and Local Employment Areas. This policy does not allocate sites itself, rather sets out criteria for selection. It will therefore not lead to development or any change itself which may have an LSE on any Habitats site.	Screen Out Category B
Policy DLP 22 - Balancing Employment land and Housing, and Protecting the Viability and Integrity of existing Industrial and Business uses	The policy would ensure the retention of an adequate supply of occupied and available employment land to meet defined needs as set out in Policies DLP19, DLP20 and DLP21. This policy does not allocate sites itself, rather sets out delivery objectives. It will therefore not lead to development or any change itself which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 23 – Social Value	The policy will support equal job opportunities within the borough, helping to tackle unemployment issues through requiring developers to demonstrate that development will benefit deprived areas and priority groups. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F

## Chapter 10 – Centres and Town Centre Uses

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 24 – Dudley Borough Centres	The policy aims to ensure centres in the borough provide residents with services and facilities that meet the local needs for retail, leisure, commercial, residential, community and civic services; and sets out hierarchies for town centres. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category B
Policy DLP 25 – Local and District Centres and Local Services	The policy supports development and diversification within the local centres and district centres in Dudley setting criteria for development within these areas. This policy does not allocate sites itself, rather sets out delivery criteria. It will therefore not lead to development or any change itself which may have an LSE on any Habitats site.	Screen Out Category B
Policy DLP 26 – Small Scale Local Facilities	The policy sets out requirements for proposals relating to small-scale local facilities, seeking to ensure that they will meet the specific day-to-day needs of a population. This policy does not allocate sites itself, rather sets out criteria for the extension of existing floorspace. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category B
Policy DLP 27 – Edge-of-Centre and Out-of-Centre Development	The policy sets out criteria for development proposals within edge-of-centre and out-of-centre locations. This policy does not allocate sites itself, rather sets out criteria for community needs and access. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category B
Policy DLP 28 – Residential Developments in Centres	The policy aims to increase the vitality of Dudley’s centres through encouraging residential developments in centres, provided that certain criteria are met as set out in the policy. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category B

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 29 – Hot Food Takeaways	The policy aims to counteract the over-concentration of hot food takeaways in particular locations and provide a healthy balance of food choices across the borough. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 30 – Shop Front Security	The policy provides principles and guidance for shop front security. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F

## Chapter 11 – Environment

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 31 - Nature Conservation	The policy aims to protect, conserve and enhance biodiversity assets, from internationally designated to locally protected sites and also aims to ensure protected or rare species are not harmed by future development. It is a plan-wide environmental policy which will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 32 - Nature Recovery Network and Biodiversity Net Gain	The policy requires all development to deliver a minimum of 10% biodiversity net gain as part of development proposals, which will soon become mandatory for local planning authorities under the Environment Act 2021. It is a plan-wide environmental policy which will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 33 - Provision, retention and protection of trees, Ancient Woodlands and Veteran trees	The policy aims to create, retain and protect trees and woodlands, including ancient trees, ancient woodlands and veteran trees across the Plan area through arboricultural survey, creation of TPOs, habitat creation and BNG. It is a plan-wide environmental policy which will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 34 - Provision, retention and protection of Hedgerows	The policy aims to create, retain and protect hedgerows “before and during development” and it is stated that ecological surveys will also be required to identify the ecological importance of hedgerows. This would be expected to help prevent the inappropriate loss of vegetation. It is a plan-wide environmental policy which will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 35 - Geodiversity and the Black Country UNESCO Global Geopark	As per the policy, it would be expected to help protect and enhance geodiversity sites across Dudley, particularly within the boundaries of the Black Country UNESCO Global Geopark. It is a plan-wide environmental policy which will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 36 - Canals	The policy aims to protect and enhance the borough’s canal network. The policy requires development proposals to seek to reinstate and/or upgrade towpaths and link them into high-quality, wider pedestrian and cycle networks. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D



Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 37 - Open Space and Recreation	The policy seeks to ensure that open space and recreation facilities throughout the Plan area will be protected, managed and enhanced, in order to provide safe and accessible community facilities for existing and future residents. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 38 - Playing Fields and Sports Facilities	The policy seeks to ensure that playing fields and sports facilities throughout the Plan area will be protected, managed and enhanced and meet the needs of the area. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 39 - Design Quality	The policy aims to implement good design throughout the borough through effective design codes that can help to ensure new developments are integrated effectively into the local landscape, reinforcing local distinctiveness and conserving cultural and heritage assets. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 40 - Landscape Design	The policy is aimed at provision of high quality and attractive greenspace landscaping to promote sustainable development. As a plan-wide policy for landscape design, it will not have any lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F

## Chapter 12 - Climate Change

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 41 - Increasing Efficiency and Resilience	The policy aims to ensure that development proposals seek opportunities for adaptation to, and mitigation of, climate change which would help to promote sustainable development throughout the Plan area and help to protect the environment. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 42 - Energy Infrastructure	The policy aims to encourage the use of decentralised energy sources and district heat networks within development proposals and, where appropriate, the use of communal heating systems to reduce GHG emissions and support regional and national targets to achieve Net Zero carbon emissions. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 43 - Managing Heat Risk	Efficient design and building of development proposals can help to reduce the risk of heat gain and the urban heat island effect (UHI). It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 44 - Air Quality	The policy requires development proposals to promote active travel and the measures would be expected to support a modal shift to the use of public transport and more sustainable travel options. As a plan-wide policy for the area's air quality improvement, it will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D It is recommended that this policy include protection of

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
		air quality at designated sites in addition to human health.
Policy DLP 45 – Flood Risk	The policy seeks to manage the risk of flooding throughout Dudley and ensure that measures are in place within new developments to promote resilience to flooding. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 46 – Sustainable Drainage and Surface Water Management (SuDS)	The policy sets out guidelines for future development with respect to Sustainable Drainage and Surface Water Management and therefore requires developments to incorporate SuDS designed in line with local standards which would be anticipated to help reduce the risk of surface water flooding. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 47 – Renewable and Low Carbon Energy and BREEAM Standards	The policy requires all non-residential development of 1,000 sqm gross or more to be in accordance with the BREEAM New Construction Technical Standards and states that development proposals should in particular achieve full credits for category Wat 01 (water efficiency). It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 48 – Water Quality & Groundwater Source Protection Zones	The policy sets out the requirements for identifying and addressing potential water quality impacts associated with new development. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D

### Chapter 13 – The Borough's Green Infrastructure

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 49- Green Belt	The policy aims to maintain a strong Green Belt that will promote development within the urban area, whereby any future development proposals within the Green Belt will be considered in line with the NPPF guidance. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 50 - Agricultural and Rural Workers Dwellings in the Green Belt	The policy provides specific criteria for agricultural and rural worker dwellings within the Green Belt and aims to support farming activity or other rural enterprises through the provision of such dwellings. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 51 - Dudley Borough's Green Infrastructure Network	The policy sets out the borough's green network and measures that will ensure the protection of the network and the enhancement of the network to ensure that absent sections are covered by GI. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 52 - The Borough's Geology	The policy outlines the measures taken to safeguard and maximise the benefits of the Borough's unique and internationally recognised geology. The policy ensures that geodiversity assets and designated sites will be protected and enhanced by ensuring compliance to management plans, providing facilities that would manage	Screen Out Category D

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
	and interpret geological resources, and encouraging the use of new data for geological recording. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	
Policy DLP 53 - Parks	The policy seeks to provide protection to the parks that are located within the borough and identifies parks that will be protected and enhanced. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 54 - River Stour and its Tributaries	The policy describes the measures that will protect and enhance River Stour and its tributaries. According to the policy, efforts would be made towards the restoration of the natural riverbank habitat and, as appropriate, enable the restoration of the in-channel habitat structure. This will have benefits for functionally linked watercourses. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D

#### Chapter 14 - Historic Environment

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 55 - Historic Character and Local Distinctiveness of Dudley	The policy would be expected to ensure that the historic character and heritage assets that contribute to local distinctiveness, are protected throughout the borough and that development proposals should enhance the locally distinctive character of the area in which they are to be sited, whether formally recognised as a designated or non-designated heritage asset. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 56 - Conservation Areas	The policy ensures that the borough's conservation areas are safeguarded and enhanced, through ensuring that proposals will better reveal their significance as designated heritage assets. Also, proposals will be resisted where they are found to be detrimental to their character or setting. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 57 - Listed Buildings	The policy ensures that Listed Buildings within the borough are protected and enhanced, stating that the council will protect, conserve and encourage appropriate enhancement of buildings statutorily listed as being historic or having architectural value. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 58 - Buildings of Local Historic or Architectural Importance	The policy would be expected to ensure heritage assets are protected throughout the borough and that proposals should contain positive measures to conserve and enhance buildings on the Local List. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 59 - Areas of High Historic Townscape Value (AHHTV)	The policy will aid the conservation of features of architectural or historic interest and where necessary, encourage their conservation and looks to safeguard both statutory and non-statutory sites identified in the HLCS. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 60 - Areas of High Historic Landscape Value (AHHLV)	The policy will aid the conservation of features of architectural or historic interest and where necessary, encourage their conservation and looks to safeguard both statutory and non-statutory sites identified in the HLCS. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 61 - Registered Parks and Gardens and Designed Landscapes of High Historic Value (DLHHV)	The policy ensures protection of Registered Parks and Gardens and Designed Landscapes of High Historic Value (DLHHVs). The policy states that it will resist development that would be detrimental to these assets and further states that such assets will be preserved and enhanced wherever possible in order to enhance and maintain their unique features and their significance. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 62 - Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)	The policy would be expected to ensure archaeological and heritage assets are protected throughout the borough and would be expected to help ensure that heritage assets are conserved in a manner appropriate to their significance and that any archaeological discoveries are conserved correctly. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D

## Chapter 15 - Recreation and Community Use

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 63 - Public Open Space within New Large Housing Developments	The policy sets out the requirements of residential development proposals to provide green space, either on site, or off site if the provision is not practical or viable. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 64 - Children's Play Areas	The policy outlines the requirements of development proposals to retain and where necessary, enhance children's play areas. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 65 - Allotments and Community Gardens	The policy sets out measures to protect allotments within the borough and additionally ensure that the provision of new allotments meet certain standards. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 66 - Burial Land Including Cemeteries and Crematoriums	The policy sets out preference for safeguarding and extension of existing burial grounds, churchyards and cemeteries has been emphasised. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F

## Chapter 16 – Transport

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 67 – The Transport Network	The policy outlines the priorities for Dudley’s transport network during the Plan period, covering a wide range of transport modes including the strategic road network, rail, rapid transit and interchanges, which would be expected to contribute towards improving the delivery of sustainable transport options, improving the integration of different modes of transport, reducing issues with congestion and improving traffic flows. This policy safeguards land from development. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 68 – The Key Route Network	The policy sets out the Council’s commitment to ensure that the Key Route Network (KRN) is effectively managed in order to support the level of growth proposed in the DLP over the Plan period. It safeguards land for the KRN. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 69 – Transport Impacts of New Development	The policy states that planning permission will be refused on proposals that are likely to adversely impact the transport network in relation to capacity, congestion and/or highway safety. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 70 – The Movement of Freight	The policy sets out guidelines for the movement of freight, and the prioritisation of sustainable modes of transport where possible. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 71 – Active Travel	The policy seeks to ensure that walking and cycling infrastructure networks are developed and maintained across the borough to encourage sustainable travel choices. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 72 – Demand for Travel and Travel Choices	The policy promotes the holistic management of traffic across Dudley and seeks to encourage a modal shift towards more sustainable travel options, in accordance with the wider regional priorities for the West Midlands. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 73 – Parking Management	The policy aims to guide traffic within the borough through parking measures that strive to reduce the impacts of vehicle use on air quality through discouraging car use in centres. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 74 – Planning for Low Emission Vehicles	The policy provides measures that will enable the use of low emission vehicles, helping to meet the aim to achieve net zero emissions by 2041. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F

## Chapter 17 – Waste

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 75 – Waste Infrastructure: Future Requirements	<p>This policy sets out the overall strategy and principles for waste management, the types of waste development that will support this and also identifies how much new waste management capacity is likely to be needed to support planned levels of growth over the plan period.</p> <p>Whilst the policy does not identify specific locations for new waste facilities it does set out capacity requirements in the justification text which will need to be met over the Plan period.</p> <p>Development within the Plan area from the Local Plan in-combination with development in neighbouring local plan areas (see Appendix A) has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites).</li> </ul>	Screen In Category L
Policy DLP 76 – Waste Sites	The aim of the policy is to safeguard and retain capacity of the existing waste facilities in the borough. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 77 – Preferred Areas for New Waste Facilities	<p>The policy identifies a preferred location for new waste management infrastructure in the borough at Bloomfield Road/Budden Road in Coseley.</p> <p>Development within the Plan area from the Local Plan in-combination with development in neighbouring local plan areas (see Appendix A) has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC)); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites).</li> </ul>	Screen In Category L
Policy DLP 78 – Locational Considerations for New Waste Facilities	The policy sets out criteria which new waste management facilities should be in accordance with. As a result, waste management facilities will only be supported where there is an identified need for the facility. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 79- Resource Management and New Development	The policy sets out criteria for the sustainable management of waste and resources associated with new developments, during both construction and occupation.	Screen Out Category F

## Chapter 18 – Minerals

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 80 – Minerals Production: Requirements	The policy sets out requirements for the production of construction aggregate and industrial minerals in the borough. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 81 – Minerals Safeguarding	The policy seeks to safeguard all existing mineral sites and mineral infrastructure sites from inappropriate development in order to retain existing capacity. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F

Policy DLP 82 – Managing the Effects of Mineral Development	The policy sets out criteria by which development proposals for mineral working and related infrastructure would be expected to comply. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
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## Chapter 19 - Development Management

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP 83 – Access for All	The policy focuses on accessibility and inclusivity of all community members in Dudley. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category A
Policy DLP 84 – Incompatible Land Uses	The policy sets out the issues of development and particular land uses that would need to be mitigated and addressed, including noise and disturbance, light and air pollution, and odours and fumes. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP 85 – Contaminated Land	The policy outlines requirements for development proposals in relation to contaminated land of sites at the planning application stage. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 86 – Unstable Land	The policy seeks to address the evidenced legacy of unstable land within the borough through the development process. The policy does not allocate sites itself, rather sets out recommendations for developers to conduct site assessments. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 87 – Noise Pollution	The policy aims to protect local residents from development resulting in noise pollution through requirements of development in the planning process. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 88 – Light Pollution	The policy outlines requirements of development proposals that comprise or require external lighting within the planning process. It is a plan-wide environmental protection policy and will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP 89- Control of Advertisements	The policy provides requirements for the appropriate design and location of advertisements to prevent adverse impacts on the surrounding landscape, environment, and cultural heritage of the borough. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F

## Part Two

### Chapter 1 - Brierley Hill Strategic Centre



Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Vision and Objectives	The vision provides a general statement of policy / general aspirations for the strategic centre over the Plan period. Objectives are central to achieving the delivery of the vision for the Borough centred around the community, the economy and the environment. These are general aspirations for the Plan.	Screen Out Category A
Policy DLP BH1 – Development in the Brierley Hill Strategic Centre and Town Centre Core	The policy has a strong focus on accessibility and transport links. By making the Strategic Centre accessible by a variety of means of transport, particularly walking, cycling and public transport. The proposal for commercial and business development of more than 500 sq. m of floorspace within The Merry Hill Centre Core Area has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC);</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites); and</li> <li>- Urbanisation effects (Fens Pools SAC).</li> </ul>	Screen In Category L
DLP BH2 - Brierley Hill Design (including Landmarks, Views, Vistas and Gateways)	The policy sets out the requirements for development proposals regarding landmarks, views, vistas and gateway sites, specifically the design and location of proposals. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP BH3 - Public Realm in Brierley Hill	The policy will ensure street clutter is avoided and a high quality, integrated landscape is provided. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP BH4 - Green Infrastructure in Brierley Hill	The policy is aimed at ensuring that a minimum of 5000 trees are within the Brierly Hill Inset Plan area. Planting more trees will have a positive impact on the environment and hence, it will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D
Policy DLP BH5 – Conservation and Enhancement of Local Character and Distinctiveness in Brierley Hill	The policy looks to conserve the historic character of Dudley and protect the character and appearance of the local landscape and townscape. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP BH6 - Brierley Hill High Street and Delph Nine Locks Conservation Areas	The policy will “safeguard and seek to enhance the special architectural or historic interest” sites within Dudley and encourage new developments that will “reinforce historic landscape character”. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP BH7 – Sustainable Transport and Active Travel in Brierley Hill Strategic Centre	The policy seeks to ensure that walking and cycling infrastructure networks are developed and maintained across the strategic centre to encourage sustainable travel choices. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP BH8 – Residential Growth in Brierley Hill	The policy will ensure the provision of new houses within Brierly Hill which will be of appropriate residential use and will offer a range of housing types and tenures. Individual allocations are assessed in Appendix D. Development within Brierley Hill has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC);</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites); and</li> </ul>	Screen In Category L

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
	<ul style="list-style-type: none"> <li>- Urbanisation and recreation effects (Fens Pools SAC).</li> </ul>	
Policy DLP BH9 - Office and Employment Uses in Brierley Hill	<p>The policy looks to develop offices and research and education facilities within Brierley Hill. Development within Brierley Hill has the potential cumulatively to result in the following LSEs: Individual allocations are assessed in Appendix D.</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC);</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites); and</li> <li>- Urbanisation effects (Fens Pools SAC).</li> </ul>	Screen In Category L
Policy DLP BH PS1 - (Priority Site) Land at Waterfront Way and Level Street	<p>Priority site policy, allocated for residential development.</p> <p>Development within the priority site has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy DLP BH PS2 - (Priority Site) The Embankment / Daniels Land	<p>Priority site policy, allocated for residential development.</p> <p>Development within the priority site has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
DLP BH OS1 - Brierley Hill Strategic Centre Opportunity Site: Brierley Hill Civic Core	<p>Opportunity site allocation policy for mixed use development.</p> <p>Development within the opportunity site has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy BH OS2 - Brierley Hill Strategic Centre Opportunity Site: The Waterfront East Entertainment Zone	<p>Opportunity site allocation policy for mixed use development.</p> <p>Development within the opportunity site has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy BH OS3 – Brierley Hill Strategic Centre Opportunity Site: The Venture Way Health and Education Zone	<p>Opportunity site allocation policy for mixed use development.</p> <p>Development within the opportunity site has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L

## Chapter 2 - Dudley

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Vision and Objectives	The vision provides a general statement of policy / general aspirations for the town centre over the Plan period. Objectives are central to achieving the delivery of the vision for the Borough centred around the community, the economy and the environment. These are general aspirations for the Plan.	Screen Out Category A
Policy DLP D1 – Development in Dudley Town Centre and Town Centre Core Area	The policy sets out requirements for development within Dudley Town Centre and the Town Centre Core Area and outlines the key developments and aims of the town centre in becoming diversified in terms of uses that promote the vitality and viability of the town centre, with residential, leisure and entertainment use being important in achieving this. Development has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC);</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites); and</li> </ul>	Screen In Category L
Policy DLP D2 – Areas outside the Town Centre Boundary	The policy supports enhanced leisure and tourism developments within the Castle Hill area of Dudley. Development within Castle Hill has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC);</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites); and</li> </ul>	Screen In Category L
Policy DLP D3 – Dudley Town Design (including Landmarks, Views, Vistas and Gateways)	The policy sets out the requirements for development proposals regarding landmarks, views, vistas and gateway sites, specifically the design and location of proposals. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP D4 – Public Realm in Dudley Town	The policy aims to improve all the areas within Dudley Town that are accessible to the public (public realm) through development and local initiatives. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP D5 – Conservation and Enhancement of Local Character and Distinctiveness in Dudley	The policy aims to conserve and enhance the local character of Dudley through guiding development proposals to ensure that the design will conserve and enhance local identity. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP D6 – Dudley Town Centre Conservation Area	The policy aims to support the Dudley Town Centre Conservation Area through the enhancement and protection of local identity within the area through setting out requirements for development proposals in the local area. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP D7 – Castle Hill Conservation Area	The policy provides requirements for development proposals within the Castle Hill Conservation Area, with regard to maintaining and enhancing the local character and distinctiveness of the area and the heritage assets located within the area. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP D8 - Sustainable Transport and Active Travel in Dudley Town Centre	The policy promotes sustainable travel links and active travel as new cycle links are prioritised under this plan. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP D PS1 – (Priority Site) Land at King Street/Flood Street	Priority site policy, allocated for mixed use redevelopment, including housing. Development within the priority site has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy DLP D PS2 – (Priority Site) Land at Trindle Road/Hall Street/Birdcage Walk (Portersfield)	Priority site policy, allocated for mixed use redevelopment, including housing and a new transport interchange. Development within the priority site has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy DLP D OS1 - Dudley Town Centre Opportunity Site: Tower Street/Castle Street	Opportunity site allocation policy for mixed use development. Development within the opportunity site has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy DLP D OS2 - Dudley Town Centre Opportunity Site: Trident Centre/Upper High Street	Opportunity site allocation policy for mixed use development. Development within the opportunity site has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy DLP D OS3 - Dudley Town Centre Opportunity Site: Upper High Street/King Street	Opportunity site allocation policy for mixed use development. Development within the opportunity site has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy DLP D OS4 - Dudley Town Centre Opportunity Site: Abberley Street/King Street	Opportunity site allocation policy for mixed use development. Development within the opportunity site has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L

### Chapter 3 - Stourbridge

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Vision and Objectives	The vision provides a general statement of policy / general aspirations for the town centre over the Plan period. Objectives are central to achieving the delivery of the vision for the Borough centred around the community, the economy and the environment. These are general aspirations for the Plan.	Screen Out Category A

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP S1 – Stourbridge Town Centre and Town Centre Core Area	The policy sets out requirements for development within Stourbridge Town Centre and the Town Centre Core. This policy does not allocate sites itself, rather sets out criteria for new retail and leisure developments. It will therefore not lead to development or any change itself which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP S2 – Stourbridge Wharf	The focus of this policy is on development within Stourbridge Wharf, directing development to ensure a focus on promoting a creative/cultural industry and visitor economy related business, with complementary entertainment and leisure uses. Development within Stourbridge Wharf area has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites).</li> </ul>	Screen In Category L
Policy DLP S3 – Urban Character and Appearance in Stourbridge	The policy aims to provide improvements to the public realm of Stourbridge Town Centre through enhancing the visual appeal and improving accessibility. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP S4 – Stourbridge Town Design – Landmarks, Views, Vistas and Gateways	The policy seeks to ensure that new development proposals within Stourbridge conserve and enhance the local character and distinctiveness, with consideration of height, massing, views and gateways. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP S5 – Public Realm in Stourbridge	The policy aims to provide improvements to the public realm of Stourbridge Town Centre through enhancing the visual appeal and improving accessibility. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP S6 – Conservation and Enhancement of Local Character and Distinctiveness in Stourbridge	The policy sets out requirements for development proposals within Stourbridge, aiming to ensure the local character and distinctiveness of the area is conserved and enhanced. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP S7 – Stourbridge Ring Road	The policy aims to introduce measures that will enhance the visual appearance of the ring road and prevent development that would encroach into any new spaces designated to improve visual amenity. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP S8 – Pedestrian Access and Cycling in Stourbridge	The policy provides development proposals with requirements to retain and improve existing cycle and pedestrian routes and provide new infrastructure to facilitate safe and improved connectivity around Stourbridge Town Centre. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP S OS1 – North of Birmingham Street	Opportunity site allocation policy for mixed use development. Development within the opportunity site has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP S OS2 – Mill Race Lane	<p>Opportunity site allocation policy for mixed use development.</p> <p>Development within the opportunity site has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy DLP S OS3 – Rye Market	<p>Opportunity site allocation policy for mixed use development.</p> <p>Development within the opportunity site has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L

#### Chapter 4 – Halesowen Town Centre

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Vision and Objectives	<p>The vision provides a general statement of policy / general aspirations for the town centre over the Plan period. Objectives are central to achieving the delivery of the vision for the town centre, centred around the community, the economy and the environment. These are general aspirations for the Plan.</p>	Screen Out Category A
Policy DLP H1 – Halesowen Town Centre and Town Centre Core Area	<p>The policy aims to help direct the appropriate development for Halesowen Town Centre and the Town Centre Core Area (Tier Two Centre).</p> <p>Development within Halesowen Town Centre and Town Centre Core Area has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites).</li> </ul>	Screen In Category L
Policy DLP H2 – Education in Halesowen	<p>The safeguarding and provision of new education facilities within Halesowen are the main aims of this policy. It will not lead to development or any change which may have an LSE on any Habitats site.</p>	Screen Out Category F
Policy DLP H3 – Urban Character and Appearance	<p>The policy promotes incorporating local distinctiveness or contemporary elements in the development depending on its function and location. As a site-wide design policy, it will not lead to development or any change which may have an LSE on any Habitats site.</p>	Screen Out Category F
Policy DLP H4 – Landmarks, Views, Vistas and Gateways	<p>The policy aims to protect the identity and character of Halesowen Town Centre through identifying key landmarks that should be protected and enhanced and provides requirements on the design of development proposals. It will not lead to development or any change which may have an LSE on any Habitats site.</p>	Screen Out Category F
Policy DLP H5 – Public Realm in Halesowen	<p>The policy aims to provide uplift to the public realm of Halesowen Town Centre through enhancing the visual appeal and improving accessibility. It will not lead to development or any change which may have an LSE on any Habitats site.</p>	Screen Out Category F

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP H6 – Landscape and Public Realm/Open Space Network in Halesowen	The policy sets out requirements of development proposals regarding improvements to the open spaces and public realm within Halesowen Town Centre. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP H7 –Conservation and Enhancement of Local Character and Distinctiveness in Halesowen	The policy provides development proposals within Halesowen with requirements that ensure the local character and distinctiveness of the area and respected and where possible enhanced. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP H8 – Access and Movement in Halesowen	The policy aims to create accessible spaces and encourage the use of sustainable methods of transport, meeting the needs of residents. The design of development proposals will encourage safer walking, cycling, use by people with disabilities and access to public transport. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category F
Policy DLP H9 – Development Opportunity Site 1 – Trinity Point	Opportunity site allocation policy for mixed use development, includes residential, commercial, business and services. Development within the opportunity site has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy DLP H10 – Development Opportunity Site 2 – Link House and Pioneer House	Opportunity site allocation policy for mixed use development, includes residential, commercial, business and services. Development within the opportunity site has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy DLP H11 – Development Opportunity Site 3 – Little Cornbow	Opportunity site allocation policy for mixed use development, includes residential, commercial, business and services. Development within the opportunity site has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L
Policy DLP H12 – Development Opportunity Site 4 – Fountain House	Opportunity site allocation policy for mixed use development, includes residential, commercial, business and services. Development within the opportunity site has the potential cumulatively to result in the following LSEs: <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L



Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP H13 – Development Opportunity Site 5 – Pool Road Car Park	<p>Opportunity site allocation policy for mixed use development, includes residential, commercial, business and services.</p> <p>Development within the opportunity site has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L

#### Chapter 5 - Housing Allocations (individual allocations assessed in Appendix D)

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP KQ H1 – (Priority Site) Land at Ketley Quarry, Kingswinford	<p>Priority site allocation policy for residential development.</p> <p>Development within the priority site has the potential cumulatively to result in the following LSEs:</p> <ul style="list-style-type: none"> <li>- Air Pollution (in-combination LSEs on the Fens Pools SAC); and</li> <li>- Water quality and quantity (in-combination LSEs on a number of SACs, SPAs and Ramsar sites)</li> </ul>	Screen In Category L

**Chapter 6- Gypsy and Traveller Sites** – see Appendix D for assessment of individual allocations

**Chapter 7 – Employment Sites** – see Appendix D for assessment of individual allocations

**Chapter 8 - Local Green Space**

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Policy DLP LGS1 - Corbett Meadow Local Green Space	The policy designates a Local Green Space as a way to provide special protection for green areas of particular importance to local communities. It will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D

#### Chapter 8 – BNG Offsetting Sites

Policy Name	Summary of Policy and Identification of LSEs	Screening Conclusion
Allocations DLP BNG 001 – BNG 021	These sites will provide opportunities for BNG offsetting sites. They will not lead to development or any change which may have an LSE on any Habitats site.	Screen Out Category D

# Appendix D: DLP Allocation Screening Evaluation



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## Table Notes:

The following allocations are set out in Part 2 of the Draft DLP.

**Air Quality LSEs:** All site allocations set out in the Draft DLP have the potential to act cumulatively and in-combination with other plans and projects (see **Appendix A**) to increase traffic flows on the local and wider road network. An increase in traffic related emissions has the potential to change air quality at Habitats sites. Applying Natural England's screening thresholds, air quality likely significant effects (LSEs) are considered possible at Fens Pools SAC. As growth at all allocations (listed below) contribute towards a change in air quality, all allocations below have been screened in under Category L.

**Water Quality and Quantity LSEs:** All site allocations set out in the Draft DLP (including those listed below) have the potential to act cumulatively with one another and in-combination with other plans and projects to increase the quantity of water required for treatment at Wastewater Treatment Works (WwTWs). This may result in the deterioration of downstream water quality. In addition, new development set out in the DLP will increase demand for water supply which may also affect water levels at hydrologically sensitive Habitats sites. Taking a precautionary approach, hydrology impacts from the combined effect of all developments together, acting in-combination with other plans and projects (see **Appendix A**), have the potential to result in LSEs at hydrologically connected Habitats sites listed in Table 3.4. of the Regulation 18 HRA report. Water quality and quantity impacts at all allocations listed below have therefore been screened in under Category L.

**Table D.1** screens public access and disturbance (urbanisation and recreation) LSEs for each potential allocation.

**Table D.1:** Screening evaluation of potential sites allocations (public access and disturbance LSEs only – see above for air quality and water LSEs screening conclusions)

### Housing Sites

Dudley Local Plan Site Reference	Site Name	Allocation details (Employment/ Residential/ Mixed)	Potential for public access or disturbance LSEs
DLP KQ HOU1 (Priority Site)	Land at Ketley Quarry, Kingswinford	21.37 ha; of which 14.90 ha allocated for 600 new dwelling units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H001	Cookley Works, Leys Road, Brockmoor, Brierley Hill	2.16 ha, 1.62 ha for 70 new dwelling units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H002	Land at Old Wharf Road, Stourbridge	7.02 ha; 4.20 ha for 256 new dwelling units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H003	Long Lane/Maltmill Lane, Shell Corner	0.36 ha for 13 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H004	Caledonia Sewage Works	6.24ha, 3.97 ha for 140 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H005	Clinic Drive Lye	0.91 ha, 0.68 ha for 10 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H006	Land off Ruiton St/ Colwall Rd Gornal	0.46 ha for 19 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H007	Bourne Street, Coseley	2.57 ha for 72 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H008	Land adj. To 49 Highfields Road	0.40 ha for 13 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H009	Springfield Works, Pearson Street, Lye	0.25 ha for 10 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H010	Land at Plant Street, Mill Street and Bridge Street, Wordsley	1.29 ha, 0.97 ha for 43 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.

Dudley Local Plan Site Reference	Site Name	Allocation details (Employment/ Residential/ Mixed)	Potential for public access or disturbance LSEs
DLP011	Leys Road/Moor Street, Brierley Hill	2.60 ha, 1.95 ha for 78 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP012	Quantum Works, Enville Street, Stourbridge	0.36 ha for 14 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP013	Balds Lane, Lye	2.60 ha, 1.95 ha for 89 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP014	Rufford Road, Stourbridge	0.41 ha for 16 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP015	Lyde Green	0.69 ha for 27 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP016	Land at corner of Saltwells Road and Halesowen Road, Netherton	1.40 ha for 49 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP017	Land off Thorns Road, Lye (North)	3.42 ha, 2.61 ha for 104 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP018	Bull Street, Dudley	2.06 ha for 80 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP019	St Marks House, Brook Street	0.29 ha for 12 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP020	Shaw Road/New Road, Dudley	0.39 ha for 16 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP021	The Straits/Majors Fold, Lower Gornal	0.64 ha for 23 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP022	Ridge Hill	4.16 ha for 103 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.



Dudley Local Plan Site Reference	Site Name	Allocation details (Employment/ Residential/ Mixed)	Potential for public access or disturbance LSEs
DLP023	Industrial land at Marriott Road and Cradley Road	3.34 ha, 2.50 ha for 88 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP024	Hayes Lane, Stour Vale Road	1.45 ha, 1.09 ha for 58 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP025	Land at Blowers Green Road, Dudley	1.88 ha, 1.41 ha for 63 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP026	Land Adj.Rear 84-86 Lyde Green, Halesowen	0.50 ha for 17 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP027	Former Factory Site, Park Lane, Cradley	3.60 ha, 2.00 ha for 80 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP028	Former MEB Headquarters, Mucklow Hill	1.50 ha for 60 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP029	Foredraft Street, Cradley (2 sites A and B)	0.53 ha for 18 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP030	Former Ibstock Works	7.6 ha for 148 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP031	Land at Birmingham New Road	26.4 ha for 472 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP032	Old Dock, Dudley	3.3 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP033	North Street Industrial Estate	1.58 ha for 63 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP034	Marriott Road	3.50 ha, 2.60 ha for 105 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.



Dudley Local Plan Site Reference	Site Name	Allocation details (Employment/ Residential/ Mixed)	Potential for public access or disturbance LSEs
DLP035	Vee Bee Filtration, Old Wharf Road	0.28 ha for 36 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP036	Brockmoor Foundry North, Leys Road	1.9 ha for 60 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP037	Land between Heath Road and Copse Road, Netherton	0.76 ha, 0.57 ha for 27 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP038	Land rear of Salcombe Grove, Coseley	1.1 ha, 0.8 ha for 38 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP039	Land rear of Two Gates Lane, Cradley	0.68 ha, 0.51 ha for 24 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP040	Land adjacent 32 Whitegates Road, Coseley	0.25 ha for 10 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP041	Hampshire House, 434 High Street, Kingswinford	0.44 ha for 30 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP042	Land rear of 294 to 364 Stourbridge Road, Halesowen	1.34 ha, 1.0 ha for 39 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP043	Land at Corporation Road and Cavell Road, Dudley	0.42 ha, 0.26 ha for 10 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP044	Land adjacent to Pear Tree Lane, Coseley	0.99 ha, 0.74 ha for 38 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP045	St Peter's Road, Netherton	0.89 ha for 55 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DL PH046	Former New Hawne Colliery, Haysech Road, Halesowen	0.63 ha for 15 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.

Dudley Local Plan Site Reference	Site Name	Allocation details (Employment/ Residential/ Mixed)	Potential for public access or disturbance LSEs
DLP H047	Baptist End Road, Netherton (Former Arley Court and Compton Court)	1.45 ha, 1.09 ha for 49 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H048	Sandvik, Halesowen	1.50 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H049	Site at Wellington Road and Dock Lane	2.20 ha, 1.65 ha for 74 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H050	National Works, Hall Street, Dudley (Nuttalls)	5 ha, 3.75 ha for 150 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H051	Land adjacent to Nuttalls	0.8 ha for 32 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H052	Derelict building opposite 206 to 218 Moor Street	0.26 ha for 30 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H053	Land off Lower Valley Road	0.4 ha for 17 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H054	Former recycling site, Moor Street	0.81 ha for 80 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H055	Vacant land at Darkhouse Lane	0.63 ha for 13 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H056	Fiddlers Arms, 16 Straits Road	0.27 ha for 9 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H057	Pens Meadow School, Ridge Hill	0.67 ha for 30 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H058	Land at Norton Crescent, Coseley	0.56 ha for 12 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.

Dudley Local Plan Site Reference	Site Name	Allocation details (Employment/ Residential/ Mixed)	Potential for public access or disturbance LSEs
DLP H059	Land at Highfields Road/Highmoor Close, Coseley'	0.49 ha, 0.35 ha for 12 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H060	Holloway Street West, Gornal	0.61 ha for 24 new residential buildings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP H061	Church Road, Netherton	0.88 ha, 0.66 ha for 29 new residential units	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP BH H004	Level Street/Old Bush Street	95 dwellings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP BH H006 and H007	Harts Hill, east of Dudley Road	310 dwellings	This site is located within 500m of Fens Pools SAC. Urbanisation recreation LSEs are therefore likely.
DLP BH H002	Waterfront Way West	61 dwellings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP BH H003	Canal Walk South, Mill Street	250 dwellings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP BH H001	Land at Moor Street	60 dwellings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP BH H010	Land at Bell Street and High Street	120 dwellings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP BH H008	Oak Court Car Park, Dudley Road	24 dwellings	This site is located within 500m of Fens Pools SAC. Urbanisation and recreation LSEs are therefore likely.
DLP BH H010	Old Carriage Works, Mill Street	28 dwellings	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.

## Gypsy and Traveller Sites

Dudley Local Plan Site Reference	Site Name	Allocation details (Employment/ Residential/ Mixed)	Potential for public access or disturbance LSEs
DLP GT001	Delph Lane, Brierley Hill	0.12 ha, 4 pitches	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP GT002	Holbeache Lane, Wall Heath	0.24 ha, 4 pitches	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP GT003	Dudley Road, Lye	0.3 ha, 6 pitches	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP GT004	Smithy Lane, Pensnett	0.45 ha, 15 pitches	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP GT005	Oak Lane, Pensnett	1.1 ha, 22 pitches	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLP GT006	Saltbrook Scrapyard, Salbrook Road, Halesowen	2.92 ha, 2 pitches	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.

## Employment Sites

Dudley Local Plan Site Reference	Site Name	Allocation details (Employment/ Residential/ Mixed)	Potential for public access or disturbance LSEs
DLPE01	Fountain Lane	1.79 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLPE02	Moor Street Freight Depot	2.02 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLPE03	Tansey Green Road (south)	1.66 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.

Dudley Local Plan Site Reference	Site Name	Allocation details (Employment/ Residential/ Mixed)	Potential for public access or disturbance LSEs
DLPE04	Hillcrest Business Park, New Road, Dudley	0.42 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLPE05	Narrowboat Way	1.43 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLPE06	Steelpark Road, Halesowen	0.44 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLPE08	Bean Road, Coseley	2.16 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLPE08	Westminster Industrial Estate, Cradley Road, Netherton	0.44 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLPE09	Land off Amber Way, Coombeswood Industrial Park	0.45 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLPE010	Land adjacent to railway, Pedmore Road (Blackbrook Salvage)	0.93 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLPE011	Hardstanding area to south, Silver End Trading Estate	0.43 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLPE012	Land off Timmis Road, Lye	0.59 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.
DLPE013	Coopers Bank Road, Gornal	0.67 ha	This site is not located within 500m of Fens Pools SAC. Public access and disturbance LSEs are therefore unlikely.

Habitats Regulations Assessments

Sustainability Appraisals

Strategic Environmental Assessments

Landscape Character Assessments

Landscape and Visual Impact Assessments

Green Belt Reviews

Expert Witness

Ecological Impact Assessments

Habitat and Ecology Surveys



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