

Local Plan
Publication Stage
Representation Form

Ref:

(For
official
use only)

Name of the Local Plan to which this representation relates:

South Staffordshire Council
Local Plan 2018 - 2039

Please return to South Staffordshire Council BY 12 noon Friday 23 December 2022

This form has two parts –
Part A – Personal Details: need only be completed once.
Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.

Title	<input type="text" value="Dr"/>	<input type="text"/>
First Name	<input type="text" value="Kate"/>	<input type="text"/>
Last Name	<input type="text" value="Tobin"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address Line 1	<input type="text"/>	<input type="text"/>
Line 2	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text"/>



Please see my representation below

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:



South Staffordshire Council

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

Data Protection

Your details will be added to our Local Plans Consultation database so that we can contact you as the review progresses. South Staffordshire Council will process your personal data in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Our Privacy Notice can be viewed at <https://www.sstaffs.gov.uk/planning/strategic-planning--data-protection.cfm>

Please return the form via email to localplans@sstaffs.gov.uk or by post to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

Soundness of Local Plan in relation to the NPPF Chapter 15: Conserving and enhancing the natural environment

General Comments regarding biodiversity in the Local Plan

The Local Plan's proposals for new housing at multiple sensitive Green Belt locations is a highly unsustainable and environmentally damaging approach, conflicting with the 'Sustainability' test for soundness within paragraph 35 (d) of the NPPF.

Given that 80% of the district is Green Belt land, it is disappointing and concerning that the District Council appears to gloss over issues concerning the protection of the natural environment and biodiversity in their planning. There appears to be no recent Green Infrastructure Study and instead the very broad-brush Nature Recovery Mapping 2020 is being used to justify planning decisions, even though this is obviously unsuitable for this task. Staffordshire Wildlife Trust raised the lack of ground survey data and the use of very dated biodiversity data as issues in their Local Plan consultation response in 2021.

Therefore, the proportionate evidence needed to protect biodiversity (NPPF Paragraph 175 and 179) is not available (Paragraph 35b) and sustainable development cannot be delivered (Paragraph 35d)

Little thought appears to have been given to the feasibility of achieving a measurable 10% Biodiversity Net Gain, when all these rural fields, hedgerows and mature trees, with their associated protected species, are given over to housing development in such quantities. The objective of 'improving biodiversity' (NPPF Paragraph 8c) has not been addressed in this Local Plan.

It is particularly concerning that this destruction of Green Belt habitats and species is being planned for, not to meet the housing needs of the district (estimated as 5,089 houses over the period of the Plan), but instead to meet the possible future needs of neighbouring authorities, based on out of date and unreliable data (the total proposed being a minimum of 10,188 houses).

Site specific comments

The Save Lower Penn Greenbelt community group commissioned a report on the threats to the biodiversity of the proposed Green Belt site at **Langley Road (site 582)**, where a minimum of 390 houses are proposed. The report was submitted to the previous Local Plan consultation in December 2021.

Summary

Site 582 forms part of an important ecological network connecting the urbanised area of Wolverhampton with open countryside in South Staffordshire. The South Staffordshire Railway Walk Local Nature Reserve provides a critical corridor/link to wider networks for wildlife in and out of the urban area. The proposed site is playing a strategic role in supporting this species diversity at the point where the railway walk meets the open countryside.

- We believe that the Council’s Planning Policy team have failed to work with the neighbouring authority to maintain and enhance ecological networks across local authority boundaries (NPPF paragraph 175).
- There is a high diversity of important nationally protected bird and bat species and protected habitats in the immediate area of the site. We believe that their conservation has not been duly considered under NPPF paragraph 179b.
- In particular, we believe the Council’s Planning Policy team have not fully considered bat protection issues and bat conservation measures, by proposing the destruction of bat foraging habitats and disturbance of adjoining roosts (NPPF paragraph 179b, 185c)

Transboundary ecological networks between local authorities

A network of three major green and blue corridors, formed by Smestow Valley Local Nature Reserve (LNR), the Staffordshire and Worcestershire Canal and the South Staffordshire Railway Walk Local Nature Reserve, runs south from urban Wolverhampton towards Wombourne, where it connects with the Wom Brook Walk Local Nature Reserve and the wider countryside of South Staffordshire.

The Langley Road site is closely linked to this important ecological network as the line of the South Staffordshire Railway Walk forms the western boundary of the site. This adjoining Railway Walk is a linear wooded Local Nature Reserve, and as such is an ‘absolute environmental constraint’ for development (Green Belt Study 2019). The impact of a proposed new development directly adjoining approximately 360m of this feature should have been considered. The site holds a strategic position in the landscape, with its close proximity to the edge of the Wolverhampton conurbation to the east and north-east, so the site forms a green wedge, linking the urban area to the wider area of the South Staffordshire countryside to the south and west. The new development would inhibit habitat connectivity at the bottleneck on the northern point of this wedge at Bhylls Lane/Castlecroft Road (see Appendix 1 and 2).

The importance of this area for transboundary connectivity is recognised in the recent Black Country Plan 2021, which highlighted the National Habitat Network Connection in this area between the two authorities in their Local Nature Recovery Opportunity map. South Staffordshire Council have not taken the opportunity to work with neighbouring authorities to enhance ecological networks across local authority boundaries. The impact of housing development on this transboundary network has not been considered by the Local Plan, in contravention of NPPF Paragraph 175.

Priority Species - Bats

The Birmingham and Black Country Bat Group has recently highlighted this area (Smestow and Wightwick) as one of the key sites in the region for bats, supporting 11 species of bats, including Leisler’s bat, Brandt’s bat, Nathusius’s pipistrelle and lesser horseshoe bats, at the boundary between Wolverhampton and South Staffordshire (Hughes and Brown, 2022).

Eight bat species have been recorded by Ecorecord utilising the Smestow valley LNR/Railway walk corridor within the Wolverhampton conurbation:

<i>Myotis daubentoniid</i>	Daubenton's bat	
<i>Myotis nattereri</i>	Natterer's bat	
<i>Myotis mystacinus</i>	Whiskered bat	

<i>Nyctalus noctula</i>	Noctule bat	UK and Staffordshire BAP species
<i>Pipistrellus pipistrellus</i>	Pipistrelle bat	Staffordshire BAP species
<i>Pipistrellus pygmaeus</i>	Soprano Pipistrelle	UK and Staffordshire BAP species
<i>Plecotus auratus</i>	Brown Long-eared bat	UK BAP species
<i>Rhinolophus hipposideros</i>	Lesser Horseshoe bat	UK BAP species

Three of these UK BAP species were recorded along the railway walk adjacent to the northern boundary to the site.

All bats are protected under the Wildlife and Countryside Act 1981 – thus it is an offence to injure, disturb or kill them, or destroy or alter their habitat.

Bats require areas to forage for insects and to drink water. This Green Belt farmland with wetland habitat features currently provides critically important bat foraging habitat. The hedgerows on the site provide linear habitat for bats to fly along, to navigate by and to traverse the countryside. The ponds to the north of the site are important sources of water. The mature trees provide roosting sites. The copse of trees that borders the south of the site has active bat roosts.

The lesser horseshoe bat is of regional and national conservation importance, being at the Eastern edge of its restricted UK range here. It is on the IUCN Red List as Near Threatened at European Level, with the population trend decreasing.

Species such as the lesser horseshoe bat are photophobic species and show pronounced reactions to artificial illumination at night. Lesser horseshoe bats commute along treelines and hedgerows between roosts and foraging areas. The Railway Walk Nature Reserve is a vital commuting route and dark corridor. Light pollution has been shown to fragment the network of commuting routes (Stone *et al.* 2009). Thus, any housing development alongside the wildlife corridor with street lighting and household lights will pose a significant threat, in contravention of NPPF Paragraph 185c.

Priority species - Birds

Lapwing have been recorded in 2020 and 2021 on the site (Staffordshire Ecological Record) (Figure 1). Lapwing *Vanellus vanellus* is listed as Near Threatened on the IUCN Red List for birds and numbers are decreasing. It is also on the UK Red List for birds and is protected under the Wildlife and Countryside Act 1981. Lapwing have been recorded in association with the two shallow field ponds on the site, which are important habitats for breeding lapwing. This species is a Staffordshire BAP species.

A search revealed that 27 bird species have been recorded within a 0.5 km radius of the centre of the proposed site (National Biodiversity Network (NBN) atlas). These are shown in Appendix 3, along with further bird species from the Staffordshire Ecological Record. Most of the bird records were from along the railway walk at the north-western boundary of the site. Three of these species are UK BAP species (in addition to lapwing) and are also Amber/Red listed:

Reed bunting <i>Emberiza schoeniclus</i>	UK Amber List
Herring gull <i>Larus argentatus</i>	UK Red List
House sparrow <i>Passer domesticus</i>	UK Red list

Natural England describes the railway walk as having ‘a substantial resident bird population...which is largely characteristic of woodland or open farmland’. <https://designatedsites.naturalengland.org.uk>

Within a 1km radius of the site there are records of the following additional species:

Yellowhammer <i>Emberiza citronella</i>	UK BAP species, UK Red List
Bullfinch <i>Pyrrhula pyrrhula</i>	UK BAP species, UK Amber List.
Woodlark <i>Lullula arborea</i>	UK and Staffordshire BAP species.
Hen Harrier <i>Circus cyaneus</i>	UK Red list
Redwing <i>Turdus iliacus</i>	UK Red list
Fieldfare <i>Turdus pilaris</i>	UK Red list

Farmland Priority bird species will require mitigation for loss of open habitat if this site is developed.

The impact of housing development on Priority bird species has not been considered by the Local Plan, in contravention of NPPF Paragraph 179b.

Priority habitats

Historical records from the 1843 Penn Tithe map indicate that the field boundary pattern at the site has remained almost completely unchanged since this time. There was no parliamentary enclosure in Penn (Staffordshire Archives), so the field system is pre-enclosure. The fields were in arable use at the time of the 1843 tithe map. Therefore, the field system here is pre-1845 and worthy of conservation.

As reflected in the Staffordshire Biodiversity Action Plan (BAP), ancient and species diverse hedgerows are of considerable conservation importance and should therefore be protected from damage or removal. At this site they are providing linear linkages between the railway walk and the wider countryside.

Hedgerows along the field boundaries identified on the 1843 map have been surveyed. Three were found to be woody species diverse (9 species) and therefore of nature conservation value. Greater Stitchwort *Stellaria holostea* was recorded in one of the hedgerows, a species remnant of a woodland field layer and further evidence of the great age of the hedges.

The pre-Parliamentary enclosure field system means that these hedgerows are regarded as ancient and are deemed ‘important’ under the Hedgerow Regulations 1997.

In addition, there are several significant hedgerow trees – mostly oaks of varying ages including specimens between 200 to 300 years old, which are detailed on the 1887 map.

The Staffordshire Biodiversity Action Plan defines this part of Staffordshire as the Southern Parklands. The plan sets an objective to maintain and restore the extent of hedgerows, including individual, isolated hedgerow trees and isolated veteran trees by 2026. Ancient and diverse hedgerows have a specific Habitat Action Plan and are also a UK BAP priority habitat.

Additionally, the proposed housing will be situated alongside the priority habitat deciduous woodland of the Local Nature reserve.

Staffordshire Wildlife Trust noted in their response to the Local Plan in 2021 that this site contained semi-natural grassland and water bodies. It recommended that this site required a more detailed assessment of its biodiversity value before any allocation occurred.

South Staffordshire Council have not taken into consideration the threat to these priority habitats and species, in contravention of NPPF Paragraph 179b, and of the requirement for justification with proportionate evidence in Paragraph 35b, and without regard for the Staffordshire BAP.

Sustainability Appraisal – Local Nature Reserve

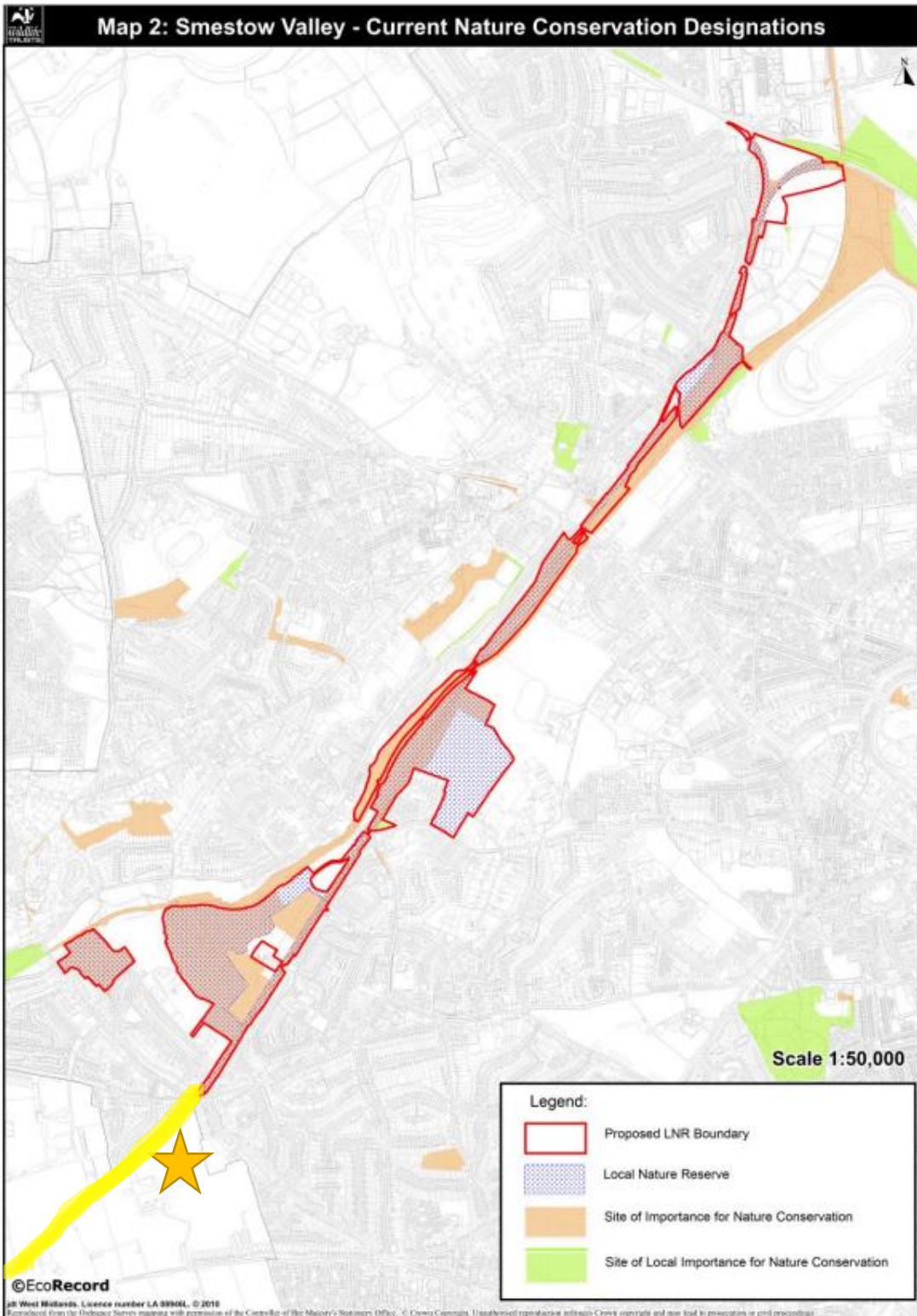
It was noted in the Sustainability Appraisal (2021) (SA Objective 3) that the close proximity of a development to an 'ecological receptor' such as a LNR will have negative effects (3.3.2). However, this was then disregarded for this site:

'due to the nature of this LNR, the proposed development...would be expected to have a negligible impact on the LNR'. (B.17.3.3)

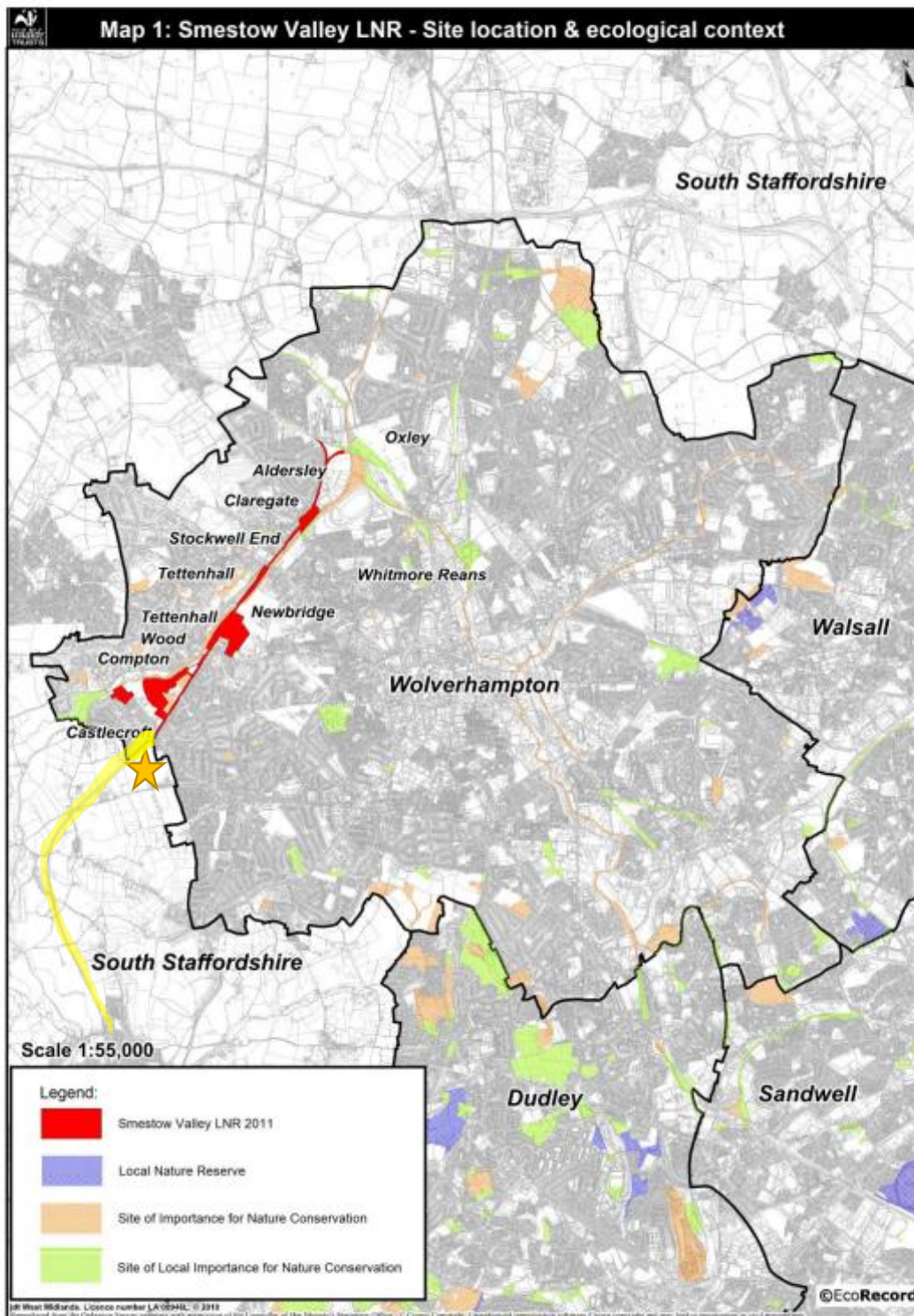
No detail or evidence was given for this assumption that this LNR (Staffordshire Railway Walk) could be regarded as less sensitive than other LNRs. This assumption is out of line with the stated methodology (box 3.3) being used for the appraisal.

Additionally, the close proximity to the Smestow Valley Local Nature Reserve (Appendix 1) was not considered. This conflicts with the need for decisions to be justified based on proportionate evidence (NPPF Paragraph 35b).

In conclusion, the natural environment has been neglected in the drawing up of this Local Plan, which is in conflict with the test for soundness in NPPF, Paragraph 35d – to enable the delivery of sustainable development.



Appendix 1. The network of Local Nature Reserves, SINCs and SLINCs on the Wolverhampton side of the county boundary (The Wildlife Trust for Birmingham and the Black Country (2019)). The position of the proposed development (yellow star) and of the South Staffordshire Railway Walk LNR (yellow line) is shown on the South Staffordshire side of the county boundary.



Appendix 2 The network of Local Nature Reserves, SINCs and SLINCs on the Wolverhampton side of the county boundary – landscape context (The Wildlife Trust for Birmingham and the Black Country (2019). The position of the proposed development (yellow star) and of the South Staffordshire Railway Walk LNR (yellow line) is shown on the South Staffordshire side of the county boundary.

Appendix 3 - NBN Atlas bird records within 0.5km of the centre of the proposed Langley road site

(Mostly British Trust for Ornithology records)

Sparrowhawk <i>Accipiter nisus</i>
Long-tailed tit <i>Aegithalos caudatus</i>
Swift <i>Apus apus</i>
Grey heron <i>Ardea cinerea</i>
Buzzard <i>Buteo buteo</i>
Black-headed gull <i>Chroicocephalus ridibundus</i>
Rock dove <i>Columba livia</i>
Woodpigeon <i>Columba palumbus</i>
Carrion crow <i>Corvus corone</i>
Blue tit <i>Cyanistes caeruleus</i>
House martin <i>Delichon urbicum</i>
Reed bunting <i>Emberiza schoeniclus</i> – UK BAP
Robin <i>Erithacus rubecula</i>
Brambling <i>Fringilla montifringilla</i>
Swallow <i>Hirundo rustica</i>
Herring gull <i>Larus argentatus</i> – UK BAP
Great tit <i>Parus major</i>
House sparrow <i>Passer domesticus</i> – UK BAP
Coal tit <i>Periparus ater</i>
Chiffchaff <i>Phylloscopus collybita</i>
Magpie <i>Pica pica</i>
Dunnock <i>Prunella modularis</i>
Tawny owl <i>Strix aluco</i>
Additional bird species seen within a 1km radius of the site (Staffordshire Ecological Record and NBN)
Kingfisher <i>Alcedo atthis</i> UK Amber List
Hen Harrier <i>Circus cyaneus</i> UK Red List
Yellowhammer <i>Emberiza citrinella</i> UK BAP, UK Red List
Hobby <i>Falco subbuteo</i>
Woodlark <i>Lullula arborea</i> UK BAP
Bullfinch <i>Pyrrhula pyrrhula</i> UK BAP, UK Amber List
Green Sandpiper <i>Tringa ochropus</i> UK Amber List
Redwing <i>Turdus iliacus</i> UK Red List
Fieldfare <i>Turdus pilaris</i> UK Red List
Barn Owl <i>Tyto alba</i>

References

Hughes, M and Brown, S. (2022). *A provisional atlas of the bats of Birmingham and the Black Country*. The Birmingham and Black Country Bat Group.

Stone, E., Jones, G., Harris, S. (2009). Street lighting disturbs commuting bats. *Current Biology*, 19, pp. 1123-1127.

The Wildlife Trust for Birmingham and the Black Country (2019) *Smestow Valley Local Nature Reserve Supplementary Management Plan*. Available at [Smestow Valley Local Nature Reserve - Supplementary Management Plan 2020-2025 - City of Wolverhampton Council - Citizen Space](#) (Accessed 6 December 2022).