



BY EMAIL ONLY

Draft Dudley Local Plan – Regulation 18

Dear Sir/Madam

Thank you for your consultation which was received by Natural England on 10 November 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes this positive plan for the future of Dudley. We particularly welcome the numerous references to the natural environment throughout the plan.

We recommend that the plan could be strengthened by the inclusion of a green infrastructure policy, informed by an appropriate local evidence base. Reference should be made to NE's Green Infrastructure Framework [Green Infrastructure Home \(naturalengland.org.uk\)](https://naturalengland.org.uk/green-infrastructure-framework) which includes within it the Urban Greening Factor user guide - [UGF 3.3 User Guide \(naturalengland.org.uk\)](https://naturalengland.org.uk/ugf-3.3-user-guide). This framework offers huge potential to meet many other wider policies included within this plan. In considering the NE Green Infrastructure Framework we would encourage Dudley to take inspiration from a liveable city model in Copenhagen [Copenhagen: resilience and liveability \(openedition.org\)](https://openedition.org/copenhagen-resilience-and-liveability) that has developed over the last 40 years. Dudley should have similar long term aspirations. Natural England also recommends the better protection of soils within the plan.

Our detailed comments on specific policies are provided below.

DRAFT DUDLEY LOCAL PLAN **PART ONE – SPATIAL STRATEGY AND POLICIES**

SECTION 5. DUDLEY BOROUGH SPATIAL STRATEGY

Policy DLP2 Growth Network: Regeneration Corridors and Centres

Natural England welcomes the inclusion of requirements 2e and 3g for “*an improved network of green and environmental infrastructure*”. This is a vital part of regeneration.

We also welcome the additional description in table 5.2 -

Brierley Hill strategic centre

We welcome the following points:

- *...imaginatively landscaped and well-connected public spaces*
- *being a much greener place, with increased tree cover and more biodiversity including wildlife corridors, which is better linked to the Saltwells and Fens Pool Nature Reserves.*
- *... well designed public open spaces around them*
- *having a high quality and beautiful built, natural, and historic environment that respects and enhances local character, including important historic buildings and areas, and makes effective use of the canal network as an asset.*

Stourbridge town centre

Halesowen town centre

We welcome the references to the river Stour and the canals in the opportunities sections for **Stourbridge** and **Halesowen**. It would be good if this could come through more strongly in the vision.

RC2 – Dudley to Brierley Hill to Stourbridge

We welcome the reference to the canals, the river Stour and to Fens Pool nature reserve. Fens Pool is a Special Area of Conservation. The Habitat Regulations Assessment needs to be utilised here in order to ensure plans and policies do not result in adverse effects on integrity.

RC3 – Stourbridge to Lye

We welcome the reference to the river Stour and note the production of the Lye and Stour Valley design code.

RC4 – Dudley to Coseley

We welcome the proposed enhancement of open spaces including Wren's Nest National Nature Reserve.

Policy DLP3 Areas outside the Growth Network

Natural England welcomes the inclusion of point 4, particularly the reference to green and blue infrastructure and bringing this into the heart of the urban area:

4. Improved green and blue infrastructure, linked with protected Green Belt will promote health and wellbeing, support biodiversity and will bring the countryside and its landscape into the heart of the urban area.

Policy DLP4 Achieving well designed places

Natural England welcomes the inclusion of points 8 and 9, which are about high quality green infrastructure and its contribution towards a nature recovery network. The term 'green infrastructure' should be used.

8. An integrated and well-connected multifunctional open space network will be pursued throughout the borough, including through the design and layout of new residential and employment developments. This will deliver opportunities for sport and recreation and will help establish and support a strong natural environment. Properly designed and well-located open spaces will help mitigate flood risk, provide space for wildlife and encourage informal recreation for local people as well as help create a high-quality living environment. This will also be important for the delivery of the Nature Recovery Network strategy (Policy DLP32).

9. The protection and enhancement of the borough's historic canal network and the area's natural waterways will be sought to the extent possible through the design and layout of appropriately located housing and employment development and by the integration of

waterways into those proposals to create attractive waterside development. This will act as a unifying characteristic within the Dudley Borough's urban structure and landscape.

Reference could be made to NE's GI Planning and Design Guide.

SECTION 11. ENVIRONMENT

Policy DLP31 Nature Conservation

Natural England welcomes the inclusion of a strong policy on nature conservation. We particularly welcome the inclusion of point 5 -

5. All appropriate development should positively contribute to the natural environment of Dudley by:

- a. extending and improving the condition of nature conservation sites;*
- b. improving wildlife movement; and / or*
- c. restoring or creating habitats / geological features that actively contribute to the implementation of Nature Recovery Networks, Biodiversity Action Plans (BAPs) and / or Geodiversity Action Plans (GAPs) at a national, regional, or local level.*
- d. ensuring that canal and natural watercourse-side developments deliver improved and extended corridors for the movement of wildlife and people.*

We welcome the reference to climate change adaptation in the policy justification, the link to the Local Nature Recovery Strategy and the connection made to the Local Authorities "Biodiversity Duty".

The policy and its justification could be strengthened by recognising the relationship between nature conservation and green infrastructure. We recommend reference to Natural England's Green Infrastructure Framework.

The urban nature recovery standard in NE's GI Framework recommends that in urban and urban-fringe areas, GI should be increased by an agreed percentage, and that developers should identify in their GI Plan the development's contribution to nature recovery.

NE's GI Framework sets out the following urban greening factor:

- At least 40% average green cover in urban residential neighbourhoods.
- No net loss of green cover in urban neighbourhoods.
- Urban Greening Factors for development of
 - 0.4 for residential
 - 0.3 for commercial
 - 0.5 for residential greenfield.

We would welcome it if this could be written into policy.

Policy DLP32 Nature Recovery Network and Biodiversity Net Gain

Natural England welcomes the inclusion of a strong policy on the Nature Recovery Network and Biodiversity Net Gain. Connection should also be made to green infrastructure, with reference to NE's GI Framework. In applying BNG metrics to brown field sites, careful consideration/strategy should be given to ensuring that these sites can often be naturally biodiverse given the time they may have been left fallow. The Brachen in Berlin offers potential inspiration in valuing sites of such character - [NATURA URBANA – THE BRACHEN OF BERLIN](#).

Policy DLP33 Provision, retention and protection of trees, woodlands, Ancient Woodland, and Veteran trees

We welcome the inclusion of this policy, particularly the requirement to retain existing mature trees, the requirement for 20% canopy cover within major developments, street trees, the consideration of climate change and the enhancement of ecological networks and the Nature Recovery Network.

8. Opportunities for increasing tree provision through habitat creation and the enhancement of ecological networks, including connecting areas of ancient woodland, will be maximised, in particular by means of the biodiversity net gain and Nature Recovery Network initiatives (see Policy DLP32).

Reference should be made to the urban tree cover standards in NE's GI Framework, which state:

- Urban Tree Canopy Cover is increased by agreed %.
- Major residential and commercial development is designed to meet these targets.
- New and existing trees are incorporated into new developments and new streets are tree lined.

Reference should be made to the Standing advice for ancient woodlands produced jointly by Natural England and the Forestry Commission: [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424242/Ancient_woodland,_ancient_trees_and_veteran_trees_advice_for_making_planning_decisions_-_GOV.UK.pdf).

Policy DLP34 Provision, retention, and protection of Hedgerows

Natural England welcomes this policy.

Policy DLP35 Geodiversity and the Black Country UNESCO Global Geopark

Natural England welcomes this policy. We support the connections made to green infrastructure. Specific reference could be made to Saltwells and Wren's Nest National Nature Reserves.

Policy DLP36 Canals

Natural England welcomes this policy. We welcome the reference to green infrastructure in the justification, and would support a reference being included in the actual policy.

Policy DLP37 Open Space and Recreation

Natural England welcomes the inclusion of this policy.

We support the recognition of the wide value of open space listed under point 1:

- f. mitigating the effects of climate change in accordance with relevant policies, through flood risk betterment, reducing potential urban heat island effects and providing opportunities for additional landscaping and tree planting;*
- g. preserving and enhancing diversity in the natural and built environment and preventing the fragmentation of habitat networks;*
- h. strengthening (through extension, increased access and enhanced value) and providing components of a high quality, multifunctional green space and greenway network;*
- i. providing outdoor sport and physical activity facilities, including footpath and cycle networks and areas for informal recreation and children's play;*
- j. providing opportunities for people to grow their own food on allotments and encouraging urban horticulture; and*
- k. enhancing people's mental and physical health and well-being.*

Under point 3c on making more efficient use of the urban land, we advise that care should be taken to not lose biodiversity value in a drive for multifunctionality.

We welcome the inclusion of 3c iv on increasing accessible public open space and suitable recreational use of the Green Belt.

We note that Dudley will move towards up-to-date local open space and recreation standards in terms of quantity, quality and access (3a). Reference should be made to the Accessible Natural Greenspace Standards set out in NE's GI Framework. These state:

- Everyone has access to good quality greenspace close to home to meet Accessible Greenspace Standards, with a focus on access to greenspace within 15 minutes.
- Local authorities have at least 3 hectares per 1000 population of publicly accessible greenspace.
- Accessible greenspace meets the Green Flag Award criteria and achieve best practice in accessibility for all.
- Developers meet Local Authority requirements for accessible greenspace.

We welcome the inclusion of the reference to greenways in the justification. This could be included in the policy itself.

Policy DLP39 Design Quality

Natural England welcomes this policy. We particularly welcome the reference to urban greening in 5a, 5b and 5c on green infrastructure.

5. Major development proposals should contribute to the greening of Dudley by:

a. including urban greening³⁷ as a fundamental element of site and building design.

b. incorporating measures such as high-quality landscaping (including trees), other soft landscaping and planting, green roofs, green walls and sustainable drainage and conserving existing green spaces and natural resources.

c. optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space and shading.

We recommend reference to NE's GI Framework, particularly the Planning and Design Guide.

Policy DLP40 Landscape Design

We welcome the inclusion of this policy. A requirement for sustainable drainage that is nature-based and contributes to the site design for biodiversity could be made.

SECTION 12 CLIMATE CHANGE

Policy DLP41 Increasing Efficiency and Resilience

Natural England welcomes the inclusion of this policy, particularly points that relate this to landscaping and the use of trees and other natural environment features.

c. use of trees and other planting in landscaping schemes will be required throughout Dudley, to provide for the shading of amenity areas, buildings and streets, mitigate against poor air quality and help connect fragmented habitats and protect and support biodiversity networks.

Policy DLP44 Air Quality

Natural England welcomes the inclusion of this policy. Air quality is also major threat to habitats and species. Many ecological sites are exceeding their critical loads and levels for ammonia, nitrogen deposition and acid deposition. We advise that the policy is amended to ensure that new

development does not contribute to the further deterioration of habitats and species due to air pollution.

Policy DLP46 Sustainable drainage and surface water management (SuDS)

Natural England welcomes the inclusion of this policy. We welcome the inclusion of point 2 which states:

Preference will be given to systems that contribute to the conservation and enhancement of biodiversity and green infrastructure in the wider area.

Policy DLP51 Dudley Borough's Green Infrastructure Network

Natural England very much welcomes the inclusion of a policy on Green Infrastructure. The Green Network may form a part of the GI network but it could be wider than described in the policy. We recommend a wider GI policy, supported by the production of a Green Infrastructure Strategy and delivery plan which should form part of the Local Plan evidence base. We would also recommend that all major developments are informed by a GI Plan, design codes and best practice in its implementation alongside developers. London is a case study of good practice - [urban greening and bng design guide march 2021.pdf \(london.gov.uk\)](https://www.london.gov.uk/infrastructure/green-infrastructure/green-infrastructure-design-guidance).

We recommend that the council utilises Natural England's Green Infrastructure Framework: [Green Infrastructure Home \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/Green-Infrastructure-Home).

The GI Framework sets out standards for:

- Green infrastructure
- Accessible greenspace
- Urban nature recovery
- Urban greening factor
- Urban tree cover.

The council could use the GI Mapping Tool produced by NE and available online. Natural England would welcome further discussions with Dudley Council on this matter.

Policy DLP52 The Borough's Geology

Natural England welcomes the inclusion of this policy.

Policy DLP54 River Stour and its Tributaries

Natural England welcomes the inclusion of this policy.

SECTION 15 RECREATION AND COMMUNITY USES

Policy DLP63 Public Open Space within New Large Housing Developments

Natural England welcomes the inclusion of this policy. We recommend reference to the Accessible Natural Greenspace standards set out in our GI Framework.

Soil and Best and Most Versatile agricultural land

We are disappointed that no policies specially address soil protection or loss of best and most versatile agricultural land. We acknowledge that compared to other areas there is limited best and most versatile agricultural land in the plan area. We would still advise adding in a policy for soil protection that includes best and most versatile agricultural land, in line with the National Planning Policy Framework and the government's 25 Year Environment Plan.

The Local Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpin our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver, for example:

- Safeguard the long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future.
- To avoid development that would disturb or damage other soils of high environmental value (e.g. wetland and other specific soils contributing to ecological connectivity, carbon stores such as peatlands etc) and, where development is proposed.
- Ensure soil resources are conserved and managed in a sustainable way.

We would advise that the plan refers to sources of Agricultural Land Classification and Best and Most Versatile mapping and data which will include but not limited to: the [MAGIC \(defra.gov.uk\)](https://www.defra.gov.uk/magic) website and Natural England. For example [Agricultural Land Classification map West Midlands Region - ALC004 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/land-use/land-classification/ALC004) and [Likelihood of Best and Most Versatile \(BMV\) Agricultural Land - Strategic scale map West Midlands Region - ALC016 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/land-use/land-classification/ALC016).

The plan should recognise that development (soil sealing) has a major and usually irreversible adverse impact on soils. Mitigation should aim to minimise soil disturbance and to retain as many ecosystem services as possible through careful soil management during the construction process. We advise that policy should support developments that enhance soils, avoid soil sealing and provide mitigation to avoid soil disturbance.

We advise that Plan policies refer to the [Code of practice for the sustainable use of soils on construction sites - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/code-of-practice-for-the-sustainable-use-of-soils-on-construction-sites) and that major development should have a soils management plan.

DRAFT DUDLEY LOCAL PLAN PART TWO – CENTRES AND SITE ALLOCATIONS

Brierley Hill Strategic Centre

Point 1.9 includes the following points, we would welcome it if these could come through in the policy:

- a) safe pedestrian/cycle linkages, and wildlife corridors*
- e) significantly increasing the number of trees, tree canopy cover and biodiversity and nature recovery networks within the plan area*
- f) requiring measures which help prevent and/or mitigate for climate change*

Policy DLPBH4 Green Infrastructure in Brierley Hill

Natural England very much welcomes the inclusion of this policy. We welcome the aspiration to plant a minimum of 5000 new trees by 2041. It is important that this is the right tree in the right place - [Right tree, right place, for the right reasons - Forestry Commission \(blog.gov.uk\)](https://www.blog.gov.uk/2019/07/11/right-tree-right-place-for-the-right-reasons-forestry-commission). Tree planting may not be appropriate for some biodiversity sites including SLINC's mentioned, as tree planting may not be compatible with its value, or on geodiversity sites for the same reason. We recommend making use of NE's GI Framework, particularly the urban greening factor and urban tree canopy standards.

The Brierley Hill area is adjacent to Saltwells National Nature Reserve, which includes within its boundaries Doulton's Claypit Site of Special Scientific Interest (SSSI) and Brewin's Canal Section SSSI. Fen's Pool Special Area of Conservation and SSSI is just to the north. We welcome the principle of improvements to the access to Saltwells National Nature Reserve, in paragraphs 1.45 and 1.46. Likewise we welcome the principle of better connections to Fens Pool nature reserve, in paragraph 1.47. As this site is a Special Area of Conservation, the Habitat Regulations Assessment

should be utilised in order to ensure there are no adverse impacts. Natural England would be happy to engage with the council on these proposals.

Policy DLPBH7 Sustainable Transport and Active Travel in Brierley Hill Strategic Centre

We welcome the inclusion of point h:

h. Improved links to and within Saltwells National Nature Reserve and to Buckpool, Fens Pools and Barrow Hill Local Nature Reserve, and onward connections to Smestow Valley (northwest) and Netherton Park/Bumble Hole Local Nature Reserve (east).

Dudley

We welcome the references to Wren's Nest National Nature Reserve and green infrastructure connections. We would welcome a green infrastructure or urban greening policy for Dudley.

Stourbridge

In the Vision, Natural England welcomes the references to the River Stour and the canal.

b) To continue to increase the awareness, visibility and 'rediscovery' of the River Stour, returning it to a more natural state and providing continuous footpath and cycleway linkages along its length. Green wildlife corridors will be encouraged to improve the nature conservation value of the watercourse.

Halesowen

We welcome the inclusion of point d in the vision:

d) To capitalise on Halesowen's unique natural assets by protecting, enhancing and improving access to the River Stour, its bank-side habitats and other green open spaces and infrastructure leading to and within the town centre for people and nature.

Policy DLPH6 Landscape and Public Realm/Open Space Network in Halesowen

Natural England welcomes the inclusion of points 2:

a. Consider and provide ways of increasing the amount of on-site amenity green space and publicly accessible natural and semi-natural green space within the Town Centre (in particular at the north-eastern area of the Town Centre). Dudley Council's 'Open Space, Sport and Recreation' Supplementary Planning Document gives further guidance.

f. Integrate green infrastructure within the building design as an intrinsic part of the scheme's landscape strategy and enhancement of biodiversity. Green infrastructure includes such things as green roof and wall technology, and sustainable drainage.

The justification refers to an under provision of natural and semi-natural greenspace.

4.23. There is also an under provision of natural and semi-natural green space especially in the north-eastern areas of the Town Centre. Creating better access and landscape enhancement to the currently underutilised River Stour corridor will offer an opportunity to begin to address this shortfall, by way of linear green space links, publicly accessible amenity green space and other improvements to the open space network.

Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford

We welcome recognition of the Ketley Claypit Site of Special Scientific Interest (SSSI). The policy could give its name, for ease of reference.

Local Green Space

Natural England supports the council's proactive approach to designating local green space.

Figure 10.1 Biodiversity Net Gain (BNG) Offsetting Sites

Natural England notes the approach taken.

HABITATS REGULATIONS ASSESSMENT

Natural England welcomes the production of a draft Habitat Regulations Assessment, which should be used to inform the further development of the Dudley Local Plan. Ideally the plan will be written to avoid impacts on Habitats Sites.

Due to potential pathways for impacts through a combination of air quality, water quality, water quantity, recreation and disturbance, the following habitats sites have been scoped in for further assessment in the HRA process:

- Fens Pool SAC
- River Mease SAC
- Cannock Extension Canal SAC
- Severn Estuary SAC/SPA/Ramsar site
- Humber Estuary SAC/SPA/Ramsar site
- Ensor's Pool SAC.

We note that a full Appropriate Assessment will be undertaken and provided as a part of the Regulation 19 consultation.

Regarding air quality, we note that the HRA states that local plans do not cause air-quality impacts beyond 10km. Natural England does not agree with this application of a distance threshold.