

Representation form

Dudley Local Plan

Publication Plan

Consultation October 2024

DUDLEY LOCAL PLAN



We are inviting your views on the publication version to be used to make comments (known as representations)

Guidance notes are available to help you complete this form and

The consultation period begins on Friday 18 October 2024,

Comments can be submitted:

Online: On our online portal available here www.dudley.gov.uk

By email: planning.policy@dudley.gov.uk

By post: Dudley Local Plan, Planning Policy, Planning & Regeneration, Council House, Priory Road, Dudley, DY1 1HF.

Additional copies of this response form can be downloaded at www.dudley.gov.uk/localplan or a copy can be posted to you - please call us on 01384814136.

This form has three sections:

Section A: Personal details

Section B: A declaration which you will need to read and sign

Section C: Your representation/comments on the Plan, Sustainability Appraisal or supporting evidence.

Please note:

- 1 You can use this form to comment on more than one site and/or policy. For each comment, please tell us the site/policy reference that your comment refers to. A separate form C should be completed for each comment.
2. Responses must include your name and address.
3. Your comments cannot be treated as confidential. By completing this form, you agree to your details being shared and your name and comment (but not your address or other personal details) being made available for public viewing.
4. It is recommended that groups that share a common view send a single response rather than multiple copies of the same response. Please attach a list of the contact details of each person who supports the comments, including their names and addresses.
5. **Completed forms should be received by us no later than 5pm 29 November 2024.**
6. Paper copies of this form and guidance notes can be found in selected libraries - visit www.dudley.gov.uk/localplan for the full list and at Dudley Council House, 1 Priory Road, Dudley, DY1 1HJ.

Individual acknowledgement of receipt will not be possible.

Local Plan. This form should be used to submit your response to the consultation.

For more information, please visit www.dudley.gov.uk/localplan or contact us on Friday 29 November

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Respondent No:		Representation No:		Date received:	
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Part A - Personal details

	1. Personal details	2. Agent's details (if applicable)
Title	c/o agent	Mr
First name	c/o agent	Jon
Last Name	c/o agent	Kirby
Job Title (where relevant)	c/o agent	Senior Director
Organisation (where relevant)	Hagley Homes	Lichfields
House No./Street	c/o agent	2 Cornwall Street
Town	c/o agent	Birmingham
Post Code	c/o agent	B3 2DX
Telephone Number	c/o agent	
Email address (where relevant)	c/o agent	

Notes:

1. If you are responding as an individual (e.g. a resident) you do not need to fill in the job title and organisation boxes unless you are responding as a member of an organisation.
2. If you are an agent responding on behalf of an organisation please ensure that your details are in the Agent's details column and give the details of the client you are responding for in the Personal details column, only the title, name and organisation boxes are necessary.

Please indicate which of these best describes you / your role in responding to this consultation	
Resident or Individual	
Planning Agent or Consultant	X
Developer or Investor	
Landowner	
Land & Property Agent or Surveyor	
Local Authority	
Public service provider e.g. education establishment, health etc	
Public agency /organisation	
Community or other Organisation	
Charity	
Other (please specify in space below)	

Please note that copies of all comments received, including the name(s) of the respondent(s) will be made available for the public to view. All other personal details will remain confidential. Dudley Council will process your personal data in accordance with the Data Protection Act 2018. Our Privacy Notice is at the end of this form.

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Part B: Declaration

How we will use your personal information

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act 2018. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004, and may be used by the council to contact you if necessary regarding your submission. Your name, organisation and comments will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and in order to protect personal data, we will not publish signatures, telephone numbers, addresses or email addresses on the internet.

Your details will be kept until the Local Plan is adopted plus a further ten years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. When other agencies are involved in Local Plan preparation, we may need to share details about you to enable us to work together for your benefit. Information will only be shared with third parties if they have genuine and lawful need for it. Information shared on this basis will not be reused for any other purpose. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

Please sign and date this form.

Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation and representations being made available for public inspection on the internet.

Signature: 

Date: 29.11.24

I understand that in submitting my representations, that my details will be added to the Dudley Local Plan Consultation database and I may be contacted at future stages of the local plan process.

All personal data will be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation ("GDPR"). If you do not wish to be contacted further, please advise us.

No, I do not wish to be contacted about the Local Plan

A copy of our privacy notice is available at <https://www.dudley.gov.uk/privacy-disclaimer-statement/regeneration-and-enterprise-dudley-local-plan-privacy-notice/>

Thank you for taking the time to provide your response.

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Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

Title of document	Dudley Local Plan Part One Spatial Strategy and Policies		
Paragraph/section		Policy	DLP 31 Nature Conservation
Site		Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

- | | | | | |
|---|--------------------------|-----|-------------------------------------|----|
| 1. Legally compliant | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 2. Sound | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |
| 3. Complies with the Duty to co-operate | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached representations

Continue on a separate sheet if necessary.

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Q4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q3. above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to attached representations

Continue on a separate sheet 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.

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Q5. 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.*

Q6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please refer to the attached representations

***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.

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Please enter **Dudley Local Plan Representation** in the subject field of the email.

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Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

Title of document	Dudley Local Plan Part One Spatial Strategy and Policies		
Paragraph/section		Policy	DLP 60 Areas of High Historic Landscape Value
Site		Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

- | | | | | |
|---|--------------------------|-----|-------------------------------------|----|
| 1. Legally compliant | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 2. Sound | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |
| 3. Complies with the Duty to co-operate | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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Please refer to attached representations

Continue on a separate sheet if necessary.

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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.*

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Planning Policy Team
Dudley Council
Council House
1 Priory Road
Dudley
DY1 1HF

Date: 28 November 2024
Our ref: 69011/01/JK/LGa/33178477v1

Dear Sirs

Publication Dudley Local Plan (Regulation 19) consultation: Land at Junction 3, M5, Halesowen

Introduction

These representations to the Publication Dudley Local Plan consultation (“the PP consultation”) have been prepared by Lichfields on behalf of Hagley Homes (“Hagley Homes”). We focus on the matters which are contained within the Publication Dudley Local Plan (“PP”) and relate specifically to Hagley Homes land interests at Land at Junction 3, M5, Halesowen (“the site”). These representations are supported by two technical notes (‘Landscape and Visual Note’ and ‘Preliminary Ecological Technical Note’) which have been prepared by FPCR Environment and Design Ltd (“FPCR”) and are included in Annex 1.

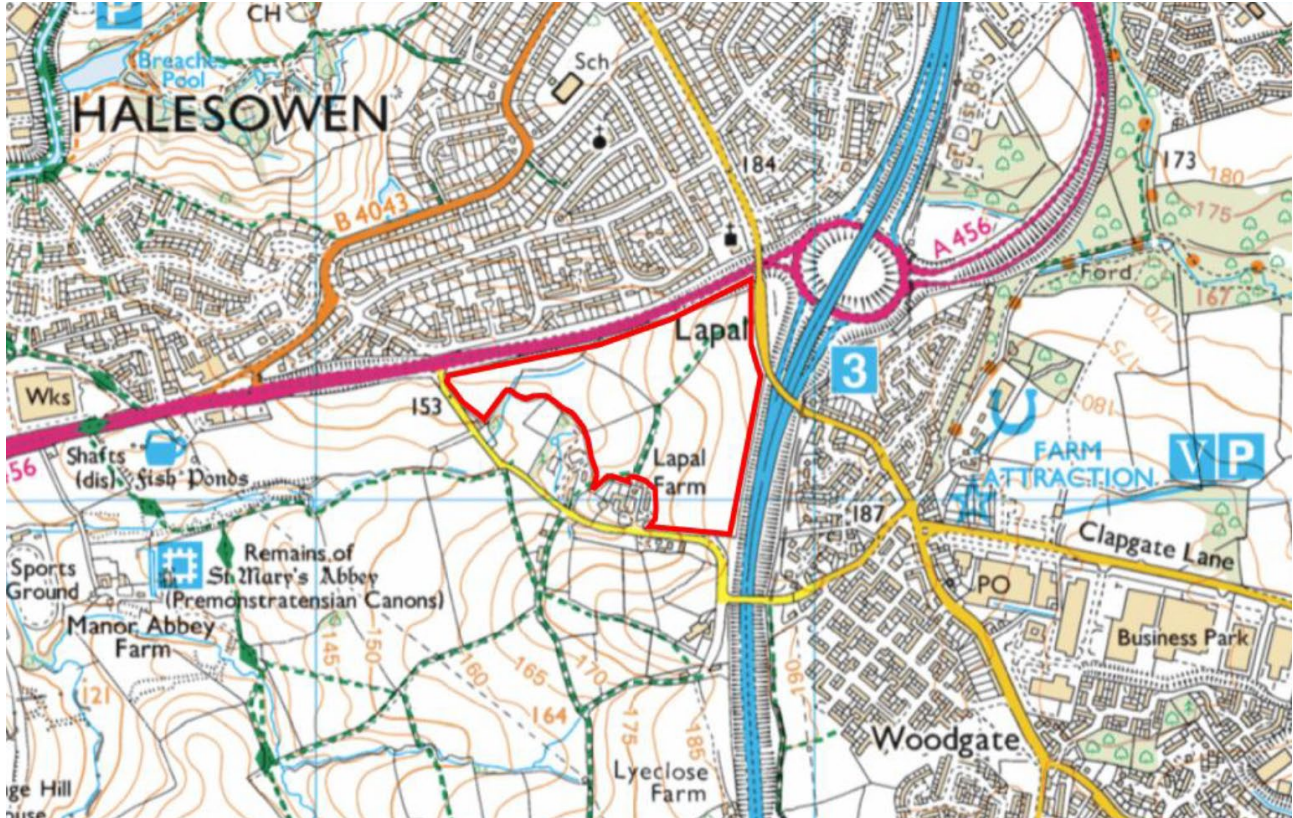
Hagley Homes seeks to work constructively with Dudley Metropolitan Borough Council (“the Council”) as it progresses towards the submission and ultimate adoption of the Dudley Local Plan Review and trusts that the comments contained within this document will assist officers in this regard.

The Site

The site is located to the south of Halesowen and falls within the administrative boundary of Dudley Metropolitan Borough Council. It is situated within the Birmingham Greenbelt and is bounded by Manor Way (the A456) to the north, Carters Lane and the M5 to the east and Lapal Lane and a group of trees to the south and west. It is located in close proximity to the Strategic Road Network.

The site extends approximately 16 hectares and comprises of 6 parcels of land which are currently in agricultural use. The wider area is characterised by residential development to the north and the east (beyond the A456 and M5) and agricultural land to the west and south. There is a group of trees, several residential properties and an assisted living residence (Lapal House) immediately to the south-west of the site.

Figure 1 Site Location



Source: FPCR

The PP identifies the site as forming part of an Area of High Historic Landscape Value and as a Site of Local Importance for Nature Conservation (Lapal Farm Pastures). In this regard, Hagley Homes has the following comments in respect of Draft Policy DLP31 (Nature Conservation) and Draft Policy DLP60 (Area of High Historic Landscape Value).

Draft Policy DLP31 Nature Conservation

Draft Policy DLP31 (Nature Conservation) sets out that the Council will ensure that Sites of Local Importance for Nature Conservation are protected from development proposals which could negatively impact them. Hagley Homes notes that the site (alongside other adjacent land parcels) has been designated as a Site of Local Importance for Nature Conservation [SLINC] within the PP; this represents an expansion of the boundary of an existing SLINC designation as defined by the Dudley Borough Development Strategy (adopted 2017).

Figure 2 Publication Dudley Local Plan Policies Map



Source: Publication Dudley Local Plan

Hagley Homes supports the Council's efforts to safeguard nature conservation, however, considers that the Council should give further consideration to the site's designation as a SLINC. In this regard, these representations provide an overview of the Council's evidence base which underpins the SLINC designation and set out the conclusions of the Preliminary Ecological Technical Note ("the appraisal") prepared by FPCR.

Black Country Local Nature Recovery Map and Strategy: An Emerging Approach (2022)

The Black Country Local Nature Recovery Strategy (BCLNR) sets out evidence to produce a draft Local Nature Recovery map and develop a Local Nature Recovery Strategy (LNRS) for the Black Country. The BCLNR sets out that the site falls within a 'Core Habitat Zone' which is defined as:

"the land use parcels that contain the most ecologically valuable habitats. The zone includes all parcels with an ecological value score of 4 or above (see ecological evaluation methodology); all sites with a nature conservation designation not included in the above (e.g. some Sites of Local Importance for Nature Conservation); and any additional areas identified in Natural England's Combined Habitat Network data set. The Core Habitat Zone is a priority for protection and restoration." (paragraph 112 of the BCLNR)

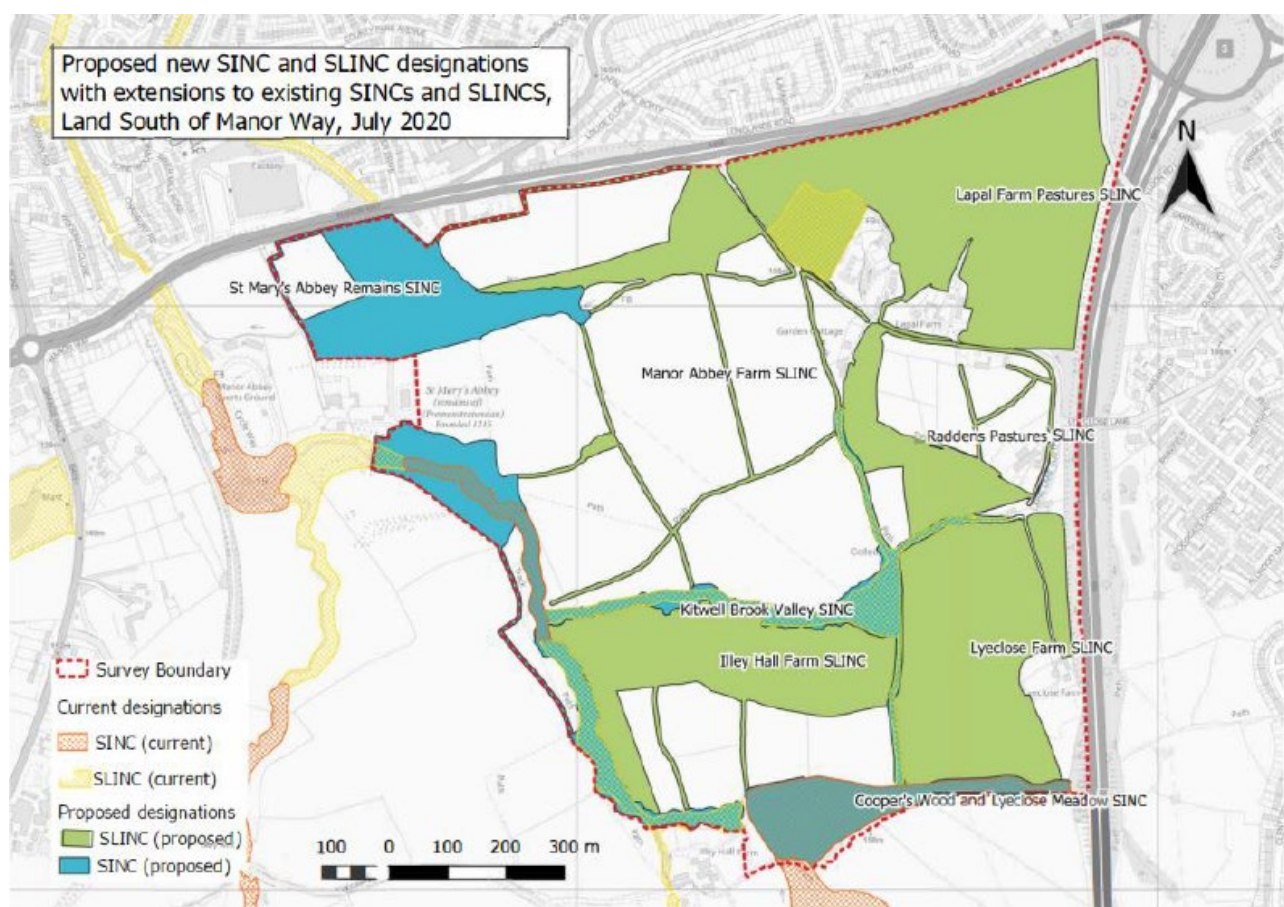
Illey Local Site Assessment

Local Site Ecological Surveys were undertaken within the Black Country, providing recommendations on nature conservation designations of Sites of Importance for Nature Conservation (SINCs) and Sites of Local Importance for Nature Conservation (SLINCS).

including the designation of new SINCS /SLINCS; the upgrading of SLINCS to SINCS; alterations to the boundary of existing SINCS/SLINCS and the de-designation of a habitat which no longer warrants designation. The Illey Local Site Assessment sets out that:

“Lapal Farm Pastures should form SLINC due to the large areas of neutral semi-improved grassland, species rich hedgerows, presence of red and amber migratory farmland birds and presence/suitability for waxcaps.”

Figure 3 Proposed New SINC and SLINC designations



Source: Birmingham & Black Country Local Sites Assessment Report

Preliminary Ecological Technical Note (FPCR)

In the context of the above, FPCR were instructed to prepare a ‘Preliminary Ecological Technical Note’ (‘the note’) which provides a preliminary ecological appraisal of the site. A preliminary habitat survey was completed on the 14th of November 2024 by an experienced botanist from FPCR.

The note sets out that the site is dominated by six modified grassland field compartments. Other habitats found within or around the site include other neutral grassland, hawthorn scrub, broadleaved woodland, line of trees, tall forbs, hedgerows and broadleaved trees. The note states that the site falls

within an emerging nature recovery strategy area; the strategy for the area is the provision of habitat enhancements and maintenance of connectivity.

The note identifies only small numbers of neutral grassland indicator species across the site in the areas of modified grassland. It finds that the site is dominated by palatable grassland and suggests the grassland would not be classified as a habitat of principle importance or as a Local Biodiversity Action Plan (LBAP) habitat. Additionally, it is stated that the grassland composition is a habitat type which is commonly occurring and has a lower botanical nature conservation value.

Additionally, the note finds that the grassland is not managed for nature conservation, and that its management is not consistent with 'good conservation management'. The lack of appropriate conservation management means that the site designation is unlikely to be one of high nature conservation importance.

In respect of other habitats, the note identifies a small area of self-set hawthorn scrub in poor condition, which does not meet the criteria to be considered as a priority habitat or a LBAP habitat. The note states that "*species poor scrub habitats is a common and widespread habitat type and has not been identified as being of significant ecological importance*".

Additionally, the tall forbs onsite did not meet the criteria to be considered as a priority habitat or a LBAP habitat. This habitat is common and was not identified as being of significant ecological importance within the note. The broadleaved woodland was assessed as being in poor condition. The woodland was also not considered to meet the criteria to be considered a priority habitat or a LBAP habitat. Notwithstanding this, the woodland was identified as an ecologically important feature within the site.

A network of 14 hedgerows were also identified across the site. Ten of the hedgerows were species poor, whilst the other four were species rich. Three of the hedgerows were found to meet the criteria to be 'important'. The note also found that the network of hedgerows provided commuting routes through the landscape and were identified as an ecological important feature within the site.

In the context of the above, the note concludes that much of the grassland is a widespread and common habitat which does not justify protection through designation as a local site. Equally, the area of scrub and woodland are comparatively small and also do not warrant protection through designation as a local site. However, the network of hedgerows is identified as an ecological important feature. The appraisal finds that "*given the overall connectivity provided through the landscape, the hedgerow network is worthy of selection under the SLINC.*"

In the context of the above, Hagley Homes considers that the Council should further consider whether they have sufficiently justified the designation of the entire site as a SLINC. Hagley Homes would highlight to the Council that paragraph 35 of the NPPF requires that plans should be sufficiently justified and based upon proportionate evidence. In this regard, the note demonstrates that not all parts of the site are worthy of protection through designation as a local site. Consequently, Hagley Homes considers that the Council should undertake further studies to underpin its position.

Notwithstanding the above, Hagley Homes wishes to highlight to the Council that the site is capable of accommodating development. The note finds that:

“Given the site is not currently actively managed for nature conservation, it is our view that a level of development could be accommodated within the Site with the implementation of a range of habitat creation and enhancements measures. These measures and the long terms management would on balance avoid negative impacts to the designation and ensure longer term protection.”

Hagley Homes would therefore urge the Council to also give consideration to the types of development which could be delivered and how these could contribute to the ecological enhancement of the site.

Policy DLP60: Areas of High Historic Landscape Value (AHHLV)

The site is also identified within the PP as forming part of an ‘Area of High Historic Landscape Value’ [AHHLV]. Supporting text to Draft Policy DLP60 (Areas of High Historic Landscape Value) sets out that (paragraph 14.29):

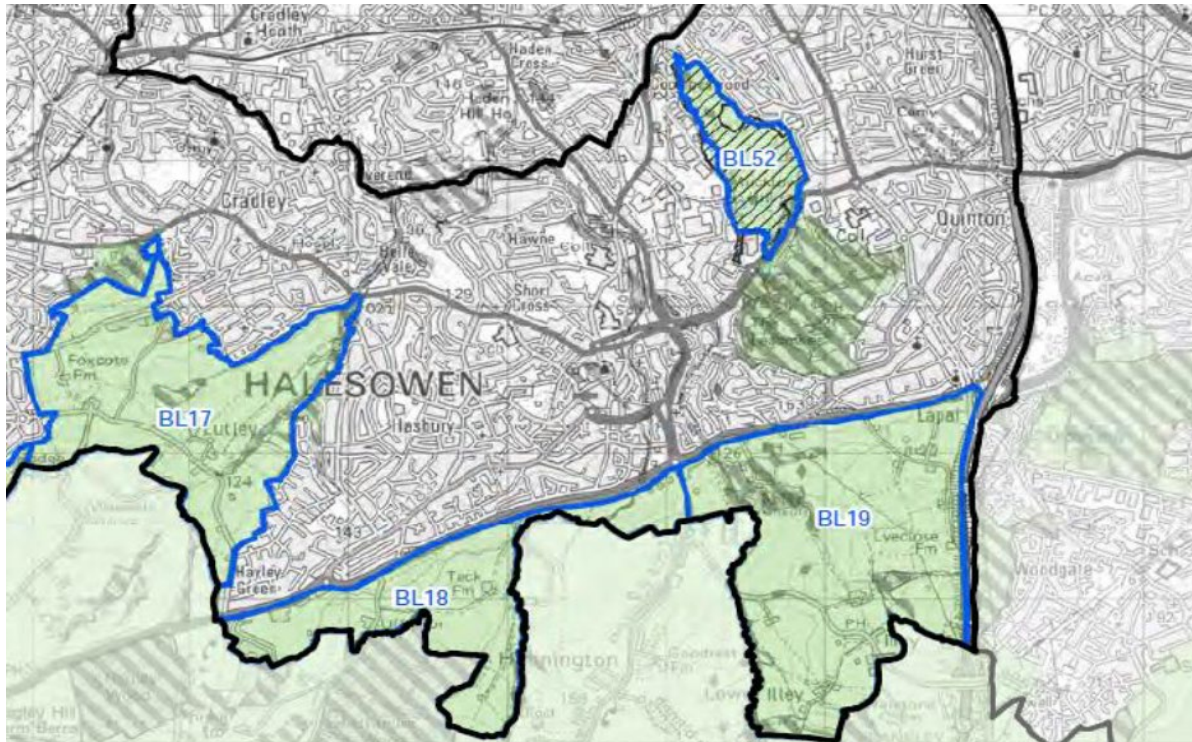
“Areas of High Historic Landscape Value (AHHLV) are one of the Historic Environment Area Designations (HEADS) and define areas of landscape of acknowledged importance...Policy DLP60 aims to ensure that where new development is proposed in an AHHLV, every effort must be made to ensure it consolidates or enhances its existing positive characteristics and that views into, out of and within the AHHLV are respected.”

Hagley Homes is supportive of the Council seeking to protect important landscape areas within the Borough. However, having reviewed the Councils evidence base, Hagley Homes is concerned that the Council has not sufficiently justified the designation of the site as an AHHLV. This assertion is supported by the conclusions of a Landscape and Visual Appraisal Note, prepared by FPCR, which examines the Councils evidence base and raises concerns about the approach to identifying AHHLVs. These representations therefore review the evidence which underpins the AHHLV designation and give an overview of the conclusions reached by FPCR in respect of the site.

Black Country Landscape Sensitivity Assessment (2019)

The site is assessed within the “Black Country Landscape Sensitivity Assessment” (2019) (“The Assessment”) as part of a wider land parcel (Landscape Area BL19). The study highlights landscape and visual sensitivities within identified assessment areas (see Figure 4) and provides a broad landscape character-based assessment rather than a site level assessment.

Figure 4: Landscape Area BL19



Source: Black Country Landscape Sensitivity Assessment

Hagley Homes considers that it is important to recognise that different parts of BL19 have varying levels of landscape sensitivity. For example, the assessment notes that the south-western part of BL19 has a landscape sensitivity of ‘High’. In contrast, Hagley Homes notes that the assessment finds that the northern part of parcel BL19 (which contains the site) has a landscape sensitivity of ‘Moderate to High’. It goes on to state that:

“The landscape is considered to have a moderate-high overall sensitivity to both residential and employment development as the majority of the criteria score moderate, while the natural and recreational character score high and most other criteria scoring moderate-high. Employment development in particular would have a poor relationship with the existing settlement form and would disrupt the existing small scale landscape pattern.”

Additionally, Hagley Homes notes that the Constraints Plan (which accompanies the assessment) shows that whilst other parts of BL19 contain absolute constraints (such as a Scheduled Monuments, Ancient woodland, SSSI’s etc), there are none located within the site itself. The assessment goes on to identify Parcel BL19 and the other landscape areas to the west as ‘*Potential Historic Landscape Areas*’. This is considered further within the Black Country Historic Landscape Characterisation Study which is discussed below.

The Black Country Historic Landscape Characterisation Study (October 2019)

The 'Black Country Historic Landscape Characterisation Study' (October 2019) ("the study") examines the Council's existing historic environment evidence base in order to identify areas of historic environment significance. In respect of Dudley, the Study advises that:

'The majority of the Historic Environment Area designations are based upon existing designations which have been identified in the Dudley Borough- Wide Urban Historic Landscape Characterisation (2016) and adopted in the Dudley Borough Development Strategy (2017). This document does however contain some recommended amendments and additions to the existing designations.'

Within the Study, BL19 (as defined by the Black Country Landscape Sensitivity Assessment) is identified as 'AHHLV 32 Illey and Lapal'. The landscape areas to the west of BL19 (Figure 4) are also identified as AHHLVs. The study goes on to set out the following description of the Illey and Lapal AHHLV:

"B.8.34 The AHHLV is one of the largest in the borough and is inseparably part of the North Worcestershire Countryside and forms a foreground to the North Worcestershire hills which terminate views to the south and west. It is of considerable scenic value and contains a complex mix of landscape elements..."

B.8.35 The AHHLV falls within the historic townships of Illey and Frankley and can be divided into three areas with the topography to the east and west of Lapal Lane South and north of Illey, falling to the west to Illey brook and then rising to the south to Illey Lane.....

B.8.36 Ridge and furrow earthworks have also been recorded in the area to the east of Lapal Lane South associated with Green Lane which is a possible holloway. The ridge and furrow earthworks providing visible evidence of previous land management and agricultural practice...

B.8.37 The AHHLV also derives archaeological interest from the site of the former Manor Colliery and the course of the former Lapal Canal and Lapal Tunnel. These remains could provide evidence about the industrial development within this area during the 19th century...

B.8.39 The AHHLV contains nationally rare archaeological remains associated with St Mary's Abbey. It also contains extensive prehistoric, Roman and medieval remains. Such remains are rare within the Black Country, as much of the area has been affected by ground disturbance associated with the high level of urbanisation and development that has occurred.

B.8.40 This AHHLV is particularly rare as it represents one of the few areas within the Black Country that has been less affected by the industrial and residential development of the area."

Hagley Homes wishes to highlight to the Council that the site is located within the north-eastern corner of AHHLV 32 and is separate from the areas of the AHHLV which contain the Scheduled Monument and St. Mary's Abbey. This indicates that the site itself is located within an area of less sensitivity in these terms.

Landscape and Visual Note (FPCR)

FPCR were instructed to carry out a Landscape and Visual appraisal (“LVA”) of the site. Having reviewed the Councils evidence base and carried out a site-specific appraisal, the LVA raises the following concerns with the proposed designation of the site as a AHHLV within the PP:

- The AHHLV seems to be a “blanket designation”; it covers all the undeveloped landscape areas to the south of the built-up area.
- The Landscape Sensitivity Study refers to the AHHLV as a ‘Potential Historic Landscape Area’. This indicates that the landscape has *potentially* some value in these terms yet that this has not been fully substantiated.
- The criteria used for the identification of an AHHLV appears to be principally determined by reference to archaeological interest. There is little reference to other factors which would support a more complete judgement for a Historic Landscape Value designation.
- There are no identified heritage assets within the site boundary (although there is reference to ridge and furrows earthworks and the line of the former canal). The principal heritage and archaeological assets within the wider landscape are St Mary's Abbey Ruins and the associated earthworks at Abbey Farm, however these are separate from the Site.
- It appears that the key justification for the designation of the wider landscape area as an AHHLV is that the landscape remains undeveloped and that it contains no existing residential or industrial development.

In the context of the above, the LVA concludes that there is insufficient evidence to support the Council’s decision to designate the site as an AHHLV. The LVA acknowledges that the site has some positive landscape features, however it goes on to state that it is also well contained alongside two major road corridors. The report concludes that *“it is not a landscape that is of any distinctive or heightened value that would warrant a local landscape value designation.”*

Hagley Homes notes that paragraph 35 of the NPPF states that local plans are sound where they are ‘justified’ and are based upon proportionate evidence. In this regard, Hagley Homes considers that the PP is currently unsound as the Council have not yet sufficiently justified the designation of the site as an AHHLV. On that basis, Hagley Homes would encourage the Council to reconsider the blanket designation of BL19 as an AHHLV; further technical assessments should be undertaken in order to justify the Councils approach.

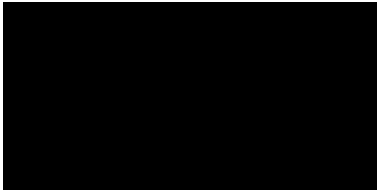
Conclusion

Hagley Homes wishes to work constructively with the Council as it progresses towards the submission and ultimate adoption of the PP. These representations have therefore set out some concerns and recommendations regarding the Councils approach to designating the site as an AHHLV and a SLINC.

We trust that these comments will be taken into consideration during the final stages of the preparation of the Publication Dudley Local Plan. Should there be any queries, please do not hesitate to contact me.



Yours faithfully



Jon Kirby
Senior Director
BSc (Hons) DMS MRTPI



Annex 1: FPCR Technical Notes

FPCR | environment
& design



PRELIMINARY ECOLOGICAL TECHNICAL NOTE

Client

Adam Myers Ltd/ Lichfields

Project

Land at Junction 3, M5, Halesowen

Date

November 2024

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Rev	Issue Status	Prepared/Date	Approved/Date
	Draft	MPG / KG / 18/11/24	KG/22/11/24
	Final	KG / 28.11.24	KG / 28.11.24

1.0 INTRODUCTION

- 1.1 This Preliminary Ecological Note has been prepared for a land at Junction 3 of the M5 Motorway at Halesowen, by FPCR Environment and Design Ltd (FPCR). The purpose of this Technical Note is to provide a preliminary ecological appraisal of the Site and the potential for future development on the Site. It is an initial preliminary appraisal of the Site, and its context and further detailed appraisal work will be required in due course should any future proposals be pursued.
- 1.2 The Technical Note considers any likely ecological constraints, including the site designation as a Site of Local Importance for Nature Conservation (SLINC), and related issues through desk study and a preliminary walkover and appraisal of the Site. The primary focus of this work has been to consider and appraise the potential for the Site to be able to successfully accommodate future development in ecological terms.
- 1.3 FPCR is a multi-disciplinary environmental and design consultancy established over 60 years, with expertise in architecture, landscape, ecology, arboriculture, urban design, masterplanning and environmental impact assessment. The practice is a member of the Landscape Institute and Institute of Environmental Management and Assessment and is frequently called upon to provide expert evidence on ecological matters at Public and Local Plan Inquiries.

Site

- 1.4 The Site is situated to the south of Halesowen, within the Dudley Metropolitan Borough Council administrative area. It lies immediately to the west of the M5 Motorway and south of the A456, at Junction 3 of the M5 Motorway. Lapal Lane South and a small collection of properties and an area of trees/woodland lie bordering the southwestern edge of the Site, with a short stretch of Carters Lane at its north easterly extent, closest to Junction 3. The Site comprises six fields, currently in agricultural use (Figure 1).
- 1.5 To the north of the Site and the A456 lies existing residential development. Similarly, beyond the Site and the M5 Motorway to the east lies further existing residential development. To the south and west of the Site lies generally farmland.

2.0 METHODOLOGY

Desk Study

2.1 Given the high-level nature of the assessment, the desk study focused on obtaining baseline ecological data for designated site with a the relevant zone of influence surrounding the Site. The following organisation were consulted:

- EcoRecord;
- Multi-Agency Geographic Information for the Countryside (MAGIC) website¹.

2.2 The search areas were related to the significance of sites and their potential zones of influence², as follows:

- 10km around the Site for International importance;
- 2km around the Site for sites of National or Regional Importance (e.g. Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), and bat records);
- 1km around the Site for non-statutory sites of Local or County Importance or statutory sites such as Local Nature Reserves (LNRs) and species records (e.g. protected, or Section 41 NERC species of principal importance and notable species).

2.3 Results are shown in **Figure 2**.

Field Surveys

Habitat Survey

2.4 The preliminary habitat survey was completed on 14 November 2024 by an experienced botanist from FPCR. Survey methods broadly followed UKHab classification system³ and comprised a systematic walk over the Site to classify the broad habitat types and identify any Habitats of Principal Importance (HPI) for the conservation of biodiversity as listed within Section 41 (S41) of the NERC Act (2006)⁴.

2.5 Where feasible, target notes and species lists were compiled for individual areas and assessments of abundance were made using the DAFOR scale. Vascular plant nomenclature follows Stace (2019)⁵. Whilst the species lists collected should not be regarded as exhaustive, sufficient information was gained during the survey to enable classification and assessment of broad habitat types and identify features likely to be of interest.

2.6 Any habitats suitable for, or features with the potential to support, protected or notable species were also assessed and recorded with the surveys.

2.7 Consideration was given as to the presence of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (*as amended*) (WCA 1981) and the presence of any notable

¹ www.magic.gov.uk.

² Zone of Influence - the areas and resources that may be affected by the proposed development

³ Butcher, B., Carey, P., Edmonds, R., Norton, L. and Trewick, J. 2020. The UK Habitat Classification User Manual 1.1 <http://www.ukhab.org> [Accessed 12/07/2024].

⁴ *The Natural Environment and Rural Communities Act 2006*. [Online]. London: HMSO Available at: <http://www.legislation.gov.uk/ukpga/2006/16/contents> [Accessed 23/08/2024]

⁵ Stace, C.A. (2019). *New Flora of the British Isles*. (4th Ed.). Cambridge: Cambridge University Press

weeds including those covered under the Weed Act 1959 (where population is significant enough to be considered injurious).

3.0 ECOLOGICAL APPRAISAL

3.1 The following provides an initial appraisal covering those matters deemed most relevant in ecological terms.

Designated Sites

3.2 The Site is not listed as a statutory designated site on MAGIC.

3.3 The Fen Pools (SAC) is situated 8.36km to the northwest of the Site. This designated site is isolated from the proposals by significant areas of the existing built environment.

3.4 The closest statutory designated site is Bromsgrove Road Cutting Tenterfield (SSSI). This is located 397m to the northwest of the Site. from the Site (Figure 1). In the wider environment two SSSI are present in the 2km search area. These are the Leasowes (SSSI) 1.37km north of the Site and Illey Pasture (SSSI) 1.96km to the southwest of the Site. All of these sites are geographical isolated from the Site.

3.5 Three Local Nature Reserves (LNR) are also located to the west of the M5. These are Quinton Meadows, Woodgate Valley and Broadhidley Wood.

3.6 EcoRecord provided the locations of non-statutory within 1km of the Site. The Site has been designated as a SLINC. The SLINC known as the Lapal Farm Pasture and is designated as a 'large area of semi-improved neutral grassland with some lowland meadow indicator species, intact hedgerows, broadleaved woodland and scrub'. On land surrounding the site are an additional 7 SLINC sites and 7 Sites of Importance for Nature Conservation (SINC) sites (Figure 2).

3.7 Neither SLINC's or SINC sites are afforded statutory protection but these local designations are afforded a level of policy protection. In a similar light to other regional policy protection in Birmingham & The Black County, Policy DLP31 Nature Conservation (bullet (b)) provides a strict level of protection for SINC sites protecting them from 'development which might result in 'harm'. This is the same level of policy protection is also applied to SSSI and National Nature Reserves (NNR).

3.8 Policy DLP31 (bullet (c)) confirms a lower level of policy protection for SLINC sites. These sites are only protected from 'developments which could negatively impact them'.

3.9 The site is located in a in the emerging 'Local nature Recovery map and Strategy: an Emerging approach. March 2022' as Core Landscape Zone (C113) LLley, Lapel and Hasbury. The emerging nature recovery strategy doesn't provide any level of statutory or policy protection, but it does recognise habitat in the core landscape zone as areas for ecological recovery.

Habitat Assessment

3.10 The completed habitat assessment confirmed that the site was dominated by six modified grassland field compartments. Other habitats present within and/or bounding the site included hawthorn scrub, other neutral grassland, broadleaved woodland, tall forbs, line of trees, hedgerows and broadleaved trees.

- 3.11 Modified grassland species composition was dominated by high yield palatable grass species within the sward which included frequently occurring Yorkshire fog *Holcus lanatus* and perennial rye grass and occasional timothy. Whilst neutral grassland indicator species including common sorrel *Rumex acetosa*, common knapweed *Centaurea nigra* and red clover *Trifolium pratense* were recorded within the modified grassland sward, all were recorded as rarely occurring in abundance. As the time of survey, the sward exhibited a lush homogenous height c. 10-20cm and was currently under a silage management regime.
- 3.12 A thin strip of other neutral grassland was located adjacent to the site's northern boundary. This grassland was located on a steep south-facing embankment and exhibited no management regime and a long and lush sward. Species composition included frequently occurring false oat grass *Arrhenatherum elatius*, common knapweed and occasional Yorkshire fog and cock's-foot *Dactylis glomerata*.
- A small strip of common hawthorn *Crataegus monogyna* was present on an embankment adjacent to the site's northern boundary. Hawthorn scrub standards were mature in age with the scrub scattered in structure, with other neutral grassland providing understorey and ground level vegetation.
- 3.13 A small semi-natural broadleaved woodland tree group was present within the south-west of the site. The woodland was semi-mature in age and structure and comprised English oak *Quercus robur*, ash *Fraxinus excelsior* and alder *Alnus glutinosa*. The woodland was located on the top of an earth mound and comprised no understorey layer, with the ground layer being dominated by grassland.
- 3.14 Four small areas of tall forbs were dominated by common nettle *Urtica dioica*.
- 3.15 A single line of broadleaved trees was present towards the south of the site. Species composition was dominated by immature ash.
- 3.16 A total of 14 hedgerows were present forming site boundary and boundaries between field parcels. Of these, three were native species hedgerows, six native species hedgerows associated with banks and/or ditches, a single native hedgerow with trees - associated with bank and/or ditch, two species rich native hedgerows and two species-rich native hedgerow with trees – associated with bank and/or ditch. Out of the 14 hedgerows, three hedgerows (H4, H5 and H11) were assessed as being 'important' under the Hedgerow Regulations 1997, with hedgerows H4 and H5 associated with a PRoW and hedgerow H11 associated with a PRoW and species rich.
- 3.17 The vast majority of broadleaved trees were associated within hedgerows, in particular hedgerows H4, H6, H8, H9 and H11. Species were dominated by English oak and ash.

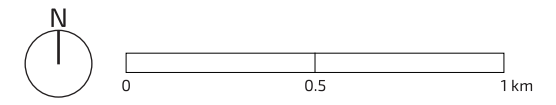
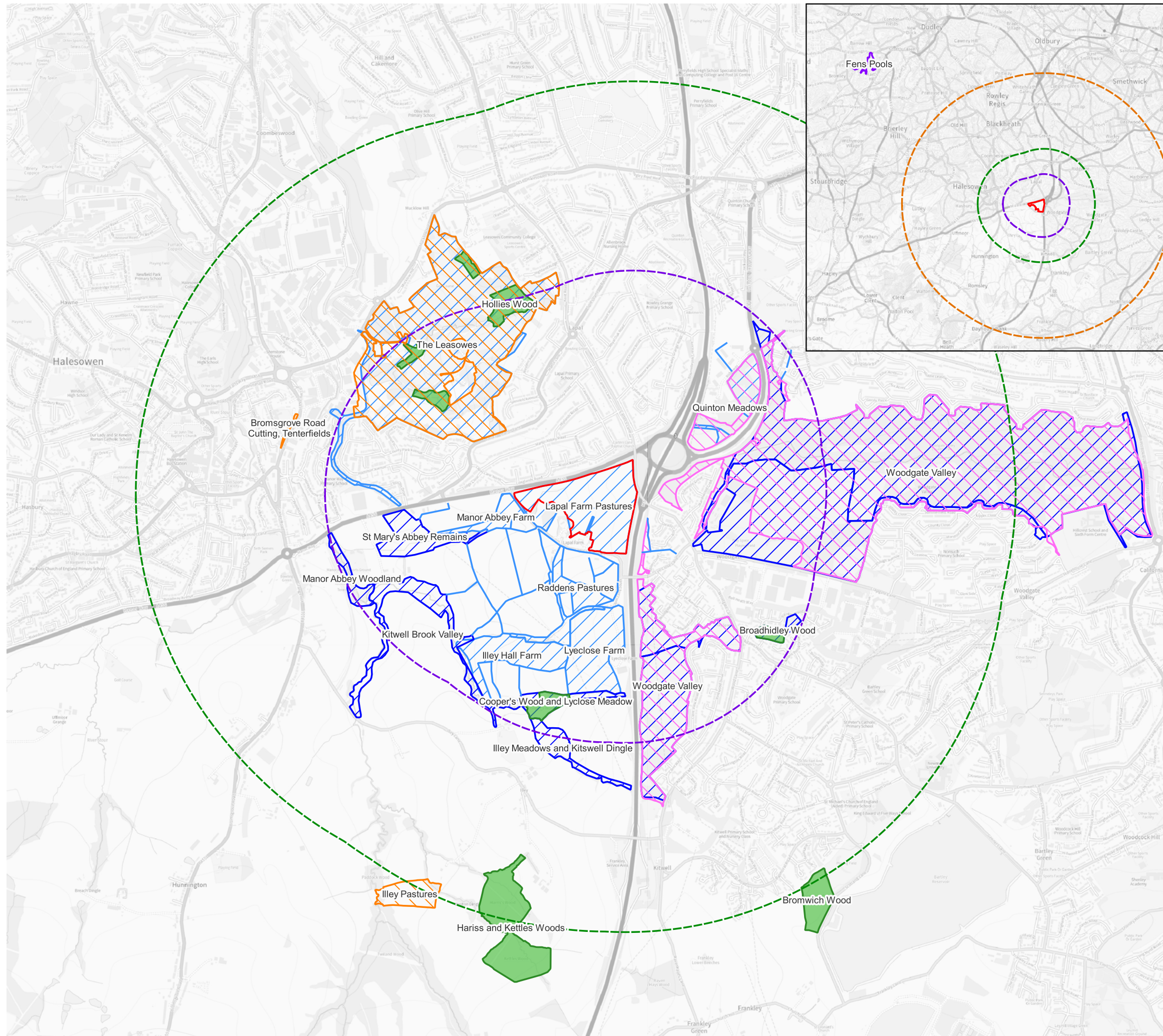
4.0 POTENTIAL FOR DEVELOPMENT

- 4.1 The consultation results and the overall landscape designations covering the site and land surrounding the site, highlights the site is located in the emerging nature recovery nature strategy area. The overarching strategy for this area is the provision of habitat enhancements and maintenance of connectivity. If development is progress on the site, any proposals would have to provide overall ecological enhancements and maintain the connectivity of CL13.

- 4.2 From the completed assessment only small numbers of neutral grassland indicator species have been identified across the site in the areas of modified grassland. Whilst the survey was undertaken late in the season, the indicator species were only identified in 13 of 30 (c.43%) quadrats and recorded as rarely occurring within the sward. All of the quadrats were dominated by palatable grasses and the grassland therefore was identified as a 'modified' grassland in poor condition due limited number of species recorded in the quadrats, thus failing condition criteria A.
- 4.3 The dominance of the palatable grasses and the within the sward indicates the grassland would not be classified as a habitat of principle importance as listed in S41 of the NERC Act or as a Local Biodiversity Action Plan (LBAP) habitat. Moreover, the grassland composition currently is a habitat type which is common and widespread, and of lower botanical nature conservation value.
- 4.4 The grassland is not managed for nature conservation, rather it is subject to improvement through the application of fertilisers and managed to produce silage. This management is not consistent with good conservation management which will allow the development of a diverse grassland sward of higher ecological value. Given the lack of appropriate conservation management, the site designation is unlikely which would be of high nature conservation importance.
- 4.5 Other neutral grassland was recorded on a steep embankment on the northern boundary of the site. Whilst of slightly higher botanical interest to other area of the Site due to a reduction in intensive management, again this form of grassland would not be classified as a habitat of principle importance or a LBAP habitat and is considered in poor condition due to not being considered a good example of this habitat type.
- 4.6 Other habitats present within the site include a small area of self-set hawthorn scrub. This scrub habitat was assessed as being in poor condition due to the dominance by a single scrub species, lack of age structure and lack of clearings, glades and rides, and did not meet the criteria to be considered as a priority habitat or a LBAP habitat. Species poor scrub habitats is a common and widespread habitat type and has not been identified as being of significant ecological importance.
- 4.7 Tall forbs dominated by common nettle did not meet the criteria to be considered as a priority habitat or a LBAP habitat. This habitat is common and widespread and has not been identified as being of significant ecological importance.
- 4.8 The broadleaved woodland was assessed as being in poor condition. The woodland was considered not meet the criteria to be considered as a priority habitat or a LBAP habitat. The woodland has been identified as an ecological important feature within the Site
- 4.9 The completed survey work identified a network of 14 hedgerows across the Site. Ten of the hedgerows were species poor, with the remaining four species rich. Three of the hedgerows (H4, H5 and H11) were identified as meeting the criteria to be 'important'. The network of hedgerows does provide commuting routes through the landscape and have been identified as an ecological important feature within the Site.
- 4.10 In terms of the ecological designation, whilst the grassland provides a substantial area, from the completed botanical survey the grassland majority of the grassland is a common and

widespread habitat which does not justify protection through designation as a local site. The area of scrub and woodland are relatively small, and again do not warrant protection through local designation.

- 4.11 The network of hedgerows has been identified as an ecological important feature and given the overall connectivity provided through the landscape, the hedgerow network is worthy of selection under the SLINC.
- 4.12 From a policy perspective, designation as a SLINC provides a level of protection whereby 'negative impact to the designation' should be avoided. Given the site is not currently actively managed for nature conservation, it is our view that a level of development could be accommodated within the Site with the implementation of a range of habitat creation and enhancements measures. These measures and the long terms management would on balance avoid negative impacts to the designation and ensure longer term protection.
- 4.13 To ensure policy compliance any development proposals brought forward for the site would have to maximise retention of the existing hedgerow network within the sites overall green infrastructure. Where there are minor losses for the development of access road, these should be restricted to existing accesses and any loss should be fully mitigated through the provision of new native species hedgerows. To maintain the ecological importance of the hedgerows, the hedgerow should be retained in corridor of between 5-10m and the retained hedgerows should be place into an overall long term management plan.
- 4.14 In addition to the site's hedgerow network, it is our view that any proposals should retain the other neutral grassland in the northern area of the site and the area of broadleaved woodland to the south of the site. The retention of these habitats and the hedgerows would ensure all medium distinctiveness habitats present within the site have been retained which is consistent with the requirements of the mitigation hierarchy.
- 4.15 As part of the development, any retained areas of grassland should be retained and put into positive conservation management. Such positive management would be a benefit of the proposals and would be consistent with the requirements of the policy protection offered SLINC site.
- 4.16 Whilst further detail analysis would be required to support any planning application, it is our view that development of the site following the principals outline above would be consistent with the policy and would provide overall betterment / long term management in a nature recovery strategy area.



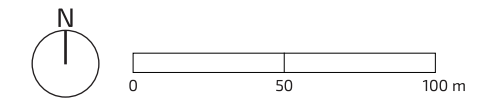
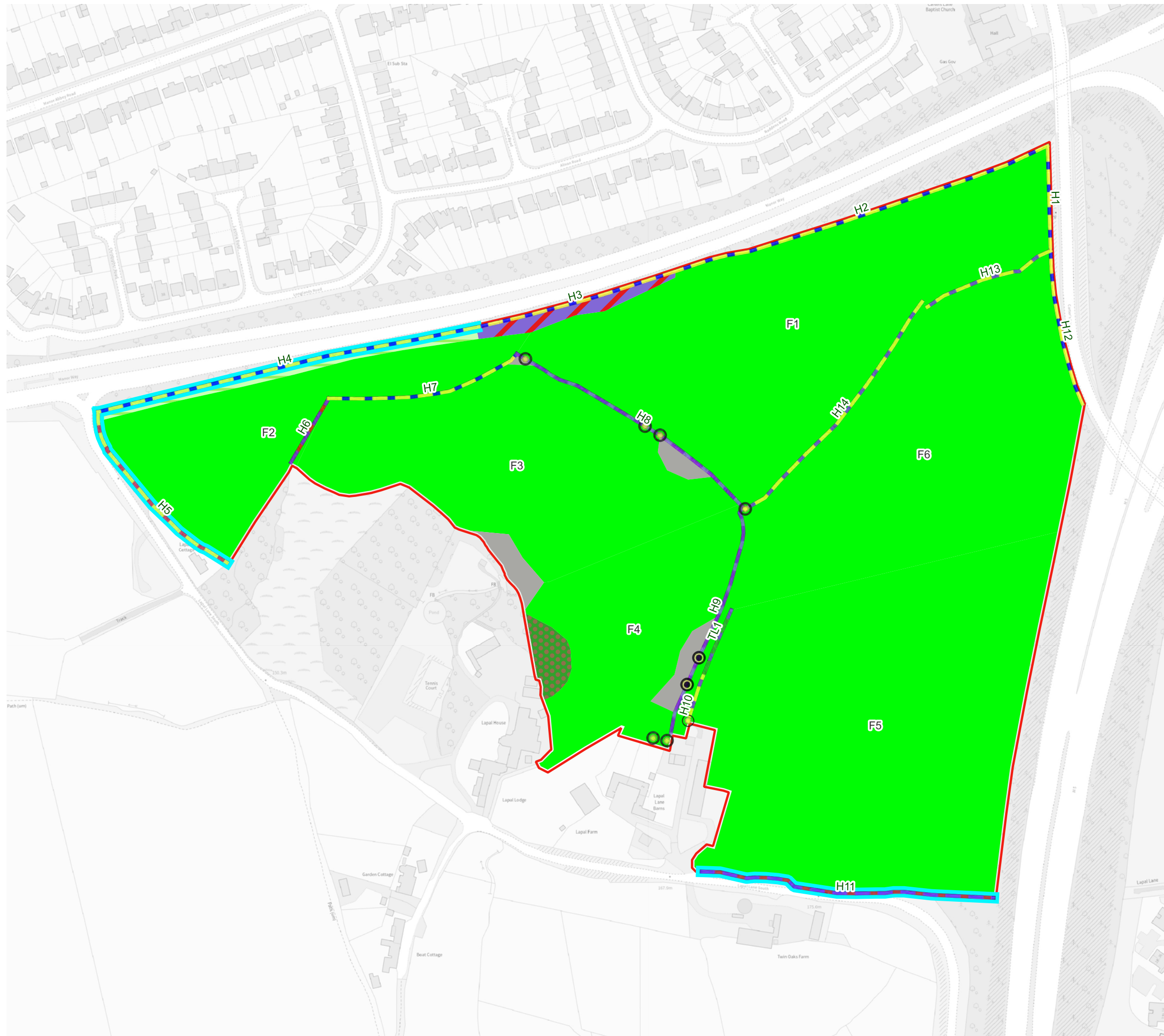
- Key**
- Site Boundary
 - 1km Buffer
 - 2km Buffer
 - 5km Buffer
 - Local Nature Reserve (LNR)
 - Special Areas of Conservation (SPA)
 - Sites of Special Scientific Interest (SSSI)
 - Sites of Importance for Nature Conservation (SINCs)
 - Sites of Local Importance for Nature Conservation (SLINCs)
 - Ancient Woodland

date 20/11/24 drwn/chkd
EAS / MPG

client **Adam Myers Ltd / Lichfields**
 project **Land at Junction 3, M5, Halesowen**

title **CONSULTATION PLAN - DESIGNATED SITES** scale 1:20,000 @ A3

number **FIGURE 1a** rev -



- Red Line Boundary
- Baseline Habitats [13]**
- Hawthorn scrub [1]
- Modified grassland [6]
- Other neutral grassland [1]
- Other woodland; broadleaved [1]
- Tall forbs [4]
- Baseline Hedgerow [15]**
- Line of trees [1]
- Native hedgerow [3]
- Native hedgerow - associated with bank or ditch [6]
- Native hedgerow with trees - associated with bank or ditch [1]
- Species-rich native hedgerow [2]
- Species-rich native hedgerow with trees - associated with bank or ditch [2]
- Important Hedgerow [3]
- Baseline Individual Trees [9]**
- Existing very large rural tree [2]
- Existing large rural tree [6]
- Existing medium rural tree [1]

date 20/11/24 drwn/chkd
MPG / KDG

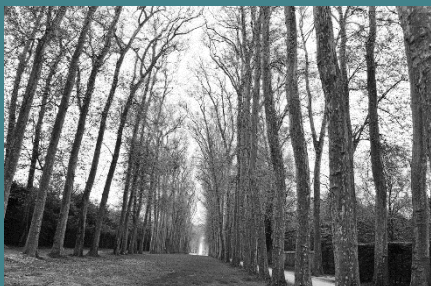
client
Adam Myers Ltd/ Lichfields

project
**Land at Junction 3, M5,
Halesowen**

title **BASELINE HABITAT PLAN** scale
1:2,500 @ A3

number **FIGURE 3** rev
-

FPCR | environment
& design



PRELIMINARY LANDSCAPE & VISUAL NOTE

Client

Adam Myers Ltd/ Lichfields

Project

Land at Junction 3, M5, Halesowen

Date

November 2024

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3.0	CONCLUSIONS	13

Rev	Issue Status	Prepared/Date	Approved/Date
	FINAL	TJ/28/11/24	TJ/28/11/24

1.0 INTRODUCTION

- 1.1 This Preliminary Landscape and Visual Note has been prepared for a land at Junction 3 of the M5 Motorway at Halesowen, by FPCR Environment and Design Ltd (FPCR). The purpose of this Note is to provide a preliminary landscape and visual appraisal of the Site, including with reference to existing published studies and the potential for future development on the Site. It is an initial preliminary appraisal of the Site and its context and further detailed appraisal work will be required in due course should any future proposals be pursued.
- 1.2 The Note considers any likely landscape and visual constraints and related issues through desk study and a preliminary walkover and appraisal of the Site. The primary focus of this work has been to consider and appraise the potential for the Site to be able to successfully accommodate future development in landscape and visual terms. It has also appraised the appropriateness of any local landscape designations. It should be read alongside other relevant planning appraisal document(s).
- 1.3 FPCR is a multi-disciplinary environmental and design consultancy established over 60 years, with expertise in architecture, landscape, ecology, arboriculture, urban design, masterplanning and environmental impact assessment. The practice is a member of the Landscape Institute and Institute of Environmental Management and Assessment and is frequently called upon to provide expert evidence on landscape and visual issues at Public and Local Plan Inquiries.

Site

- 1.4 The Site is situated to the south of Halesowen, within the Dudley Metropolitan Borough Council administrative area. It lies immediately to the west of the M5 Motorway and south of the A456, at Junction 3 of the M5 Motorway. Lapal Lane South and a small collection of properties and an area of trees/woodland lie bordering the south western edge of the Site, with a short stretch of Carters Lane at its north easterly extent, closest to Junction 3. The Site comprises six fields, currently in agricultural use.



Figure 1: Site Location (Wider Context)

- 1.5 To the north of the Site and the A456 lies existing residential development. Similarly, beyond the Site and the M5 Motorway to the east lies further existing residential development. To the south and west of the Site lies generally farmland.



Figure 2: Site Location (red line denotes Site boundary)

Limitations

- 1.6 At this stage, this Note provides an initial preliminary yet suitably researched and proportionate landscape and visual appraisal of the Site and its context in landscape and visual terms.

Approach

- 1.7 The Note has been prepared drawing upon the guidance contained within the 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA3) (2013), as published by the Landscape Institute and Institute of Environmental Management and Assessment.
- 1.8 No other environmental and/ or technical considerations are addressed within this Note.

2.0 LANDSCAPE AND VISUAL APPRAISAL

- 2.1 The following provides an initial appraisal covering those matters deemed most relevant in landscape and visual terms.

Published Landscape Character and Sensitivity Assessments

National

- 2.2 The Site lies within National Character Area (NCA) 97 'Arden'. This is an extensive landscape tract and stretches across Birmingham and much of its hinterland and surrounds to the east, south and south west, including up to and including Coventry and Warwick to the south east and Bromsgrove and Redditch to the south west.
- 2.3 It is a national scale landscape study, from the northern outskirts of Leicester in the north, to Market Harborough in the east and the edges of Rugby and Coventry in the south and south west.
- 2.4 It is characterised as a heavily urbanised landscape yet one that includes distinctive field boundaries, mature hedgerow oaks, historic parklands and narrow river corridors. It states; *'Land use throughout the area is mainly, residential, agricultural and industrial including coal mining, which is still active in the north-east of the NCA. Numerous transport corridors; road, rail, air and canal run through the area.'*
- 2.5 The NCA is most relevant to the very broad landscape context of the Site.

District/ Borough – Black Country Landscape Sensitivity Assessment (2019)

- 2.6 The purpose of this study was to provide an assessment of the extent to which the character and quality of the landscape abutting the West Midlands conurbation within the Black Country and around settlements in South Staffordshire is, in principle, susceptible to change as a result of introducing built development. The study highlights likely landscape and visual sensitivities within each assessment area and provides a broad landscape character based assessment, rather than a site level assessment as might be required for a planning application.
- 2.7 The Site lies within the north eastern part of 'Landscape Area BL19'.
- 2.8 For Landscape Area BL19 the study advises that the 'smaller fields to the east of Lapal Lane' are described as being of 'Higher Sensitivity to Development' (page A2.60). It also notes that the M5 'particularly affects the east of the area'. In terms of 'Settlement Setting' its states for BL19 (page A2.61); *'Development would have a poor relationship with the settlement as it would cross the sharp settlement edge provided by the A456 Halesowen bypass and M5.'*

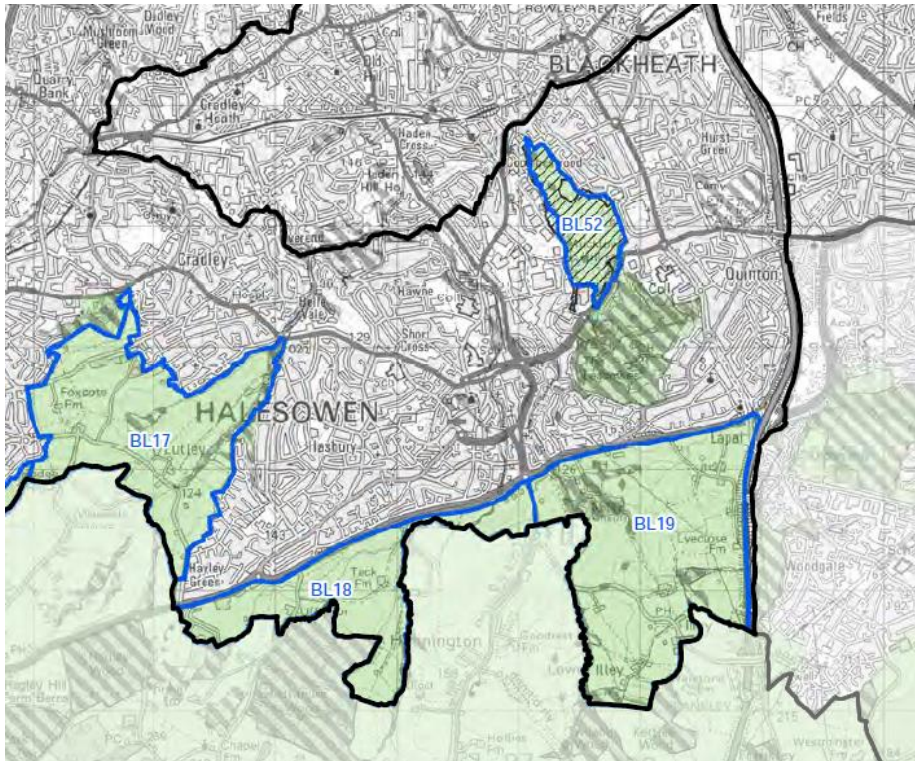


Figure 3: Extract of Figure 3.3 of the Study showing the location of the Site within the north eastern corner of 'Landscape Area BL19'

- 2.9 The study states the overall judgement on Landscape Sensitivity for Area BL19 to be 'Moderate – High'. It summarises this as follows;
- 'The landscape is considered to have a moderate-high overall sensitivity to both residential and employment development as the majority of the criteria score moderate, while the natural and recreational character score high and most other criteria scoring moderate-high. Employment development in particular would have a poor relationship with the existing settlement form and would disrupt the existing small scale landscape pattern.'*
- 2.10 In the context of Landscape Area BL19, the study does note the relatively higher Landscape Sensitivity (assessed as 'High') of the landscape in the south western part of BL19, furthest from the Site.
- 2.11 Under the 'Summary of Findings' for Dudley, the study states (para 4.3; page 22); 'Areas along the southern settlement edge of Dudley (BL16-19) are considered to have high or moderate-high sensitivity to residential and employment development, particularly due to the frequent occurrence of natural features related to the watercourses and deciduous woodland (including ancient woodland, the designations as Areas of High Historic Landscape Value and the strong existing settlement edge). Area BL15 has a lower rating due to less extensive natural habitats and time depth that is related to geological rather than landscape features.'
- 2.12 The accompanying Constraints Plans contained within the study confirm that there are no 'Absolute Constraints' identified within or close to the Site itself. Other parts of BL19 beyond the Site include a Scheduled Monument, Ancient Woodland, SSSI and local wildlife sites. All of BL19 and the adjoining landscape areas to the west are also indicated as a 'Potential Historic Landscape Area'. The latter is considered further as part of the Historic Landscape Characterisation study (see below).

Other Studies

Black Country Historic Landscape Characterisation Study (October 2019)

- 2.13 This study comprised a review of the existing historic environment evidence base to identify areas of particular historic environment significance based upon the area's historic landscape, historic townscape, archaeological and designed landscape value. In relation to Dudley, the study advises; *'The majority of the Historic Environment Area designations are based upon existing designations which have been identified in the Dudley Borough- Wide Urban Historic Landscape Characterisation (2016) and adopted in the Dudley Borough Development Strategy (2017). This document does however contain some recommended amendments and additions to the existing designations.'*
- 2.14 The study identifies 'Historic Environment Area Designations' (HEAD) within the study area. It states (para 5.1.1) that the *'Historic Environment Area Designations demark areas containing heritage assets, which have a particular historic environment significance and/or make significant contribution to the local character and distinctiveness of an area. In line with the NPPF (2019) the significance of a proposed Historic Environment Area Designation has been identified by considering the archaeological, architectural, artistic and historic interests of the area.'*
- 2.15 The study divides the HEADs into 4 categories (Archaeological Priority Areas (APA); Areas of High Historic Townscape Value (AHHTV); Designed Landscapes of High Historic Value (DLHHV); and Areas of High Historic Landscape Value (AHHLV)). It states (para 5.1.3); *'The methodology for identifying Historic Environment Area designations has been adapted from the Dudley Borough-wide HLC (DMB 2016) and follows the procedure for a Level 1 (outline) assessment, as detailed in Historic England's guidance document Understanding Place: Historic Area Assessment (Historic England 2017).'*
- 2.16 For context, the Executive Summary to the study confirms the numbers of HEADs within the Black Country study area as follows:
- ' A total of 103 Historic Environment Area Designation have been identified within, or partially within the Green Belt, comprising 40 Areas of High Historic Landscape Value, 50 Archaeological Priority Areas, 10 Areas of High Historic Townscape Value and three Designed Landscapes of High Historic Value. A further 354 Historic Environment Area Designations have been identified within the urban area comprising 32 Areas of High Historic Landscape Value, 128 Areas of High Historic Townscape Value, 154 Archaeological Priority Areas and 40 Designed Landscapes of High Historic Value.'*
- 2.17 Thus, a total of 457 HEADs are identified.
- 2.18 The Site and all of Landscape Area BL19 (as defined in the Landscape Sensitivity study) are identified as an Area of High Historic Landscape Value (AHHLV) (ref AHHLV 32 *Illey and Lapal*). Similarly, all of the landscape areas to the west of BL19 are also all identified as AHHLVs. The description for AHHLV 32 *Illey and Lapal* is detailed at Appendix B para B.8.34 – B. 8.41. This includes the following references;
- 'Archaeological Interest: representation for Cultural and Natural Heritage*
- B.8.34 The AHHLV is one of the largest in the borough and is inseparably part of the North Worcestershire Countryside and forms a foreground to the North Worcestershire hills which*

terminate views to the south and west. It is of considerable scenic value and contains a complex mix of landscape elements.

B.8.35 The AHHLV falls within the historic townships of Illey and Frankley and can be divided into three areas with the topography to the east and west of Lapal Lane South and north of Illey, falling to the west to Illey brook and then rising to the south to Illey Lane.....

- 2.19 The Site lies within the north east corner of the area and quite separate from the area containing the Scheduled Monument and St. Mary's Abbey. It is also quite separate from the area to the west of Lapal Lane South and within the curtilage of Manor Farm. This suggests that the Site lies within an area of relatively less sensitivity/ interest in these terms.

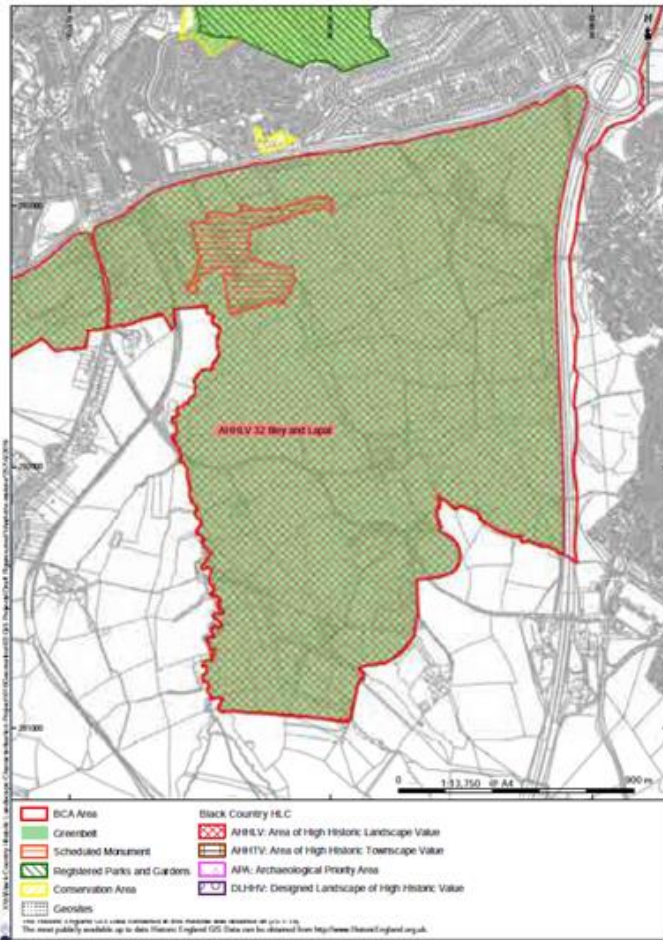


Figure: Figure 74 showing AHHLV 32 Illey and Lapal

- 2.20 The study adds for AHHLV 32;

'B.8.36 Ridge and furrow earthworks have also been recorded in the area to the east of Lapal Lane South associated with Green Lane which is a possible holloway. The ridge and furrow earthworks providing visible evidence of previous land management and agricultural practice....

B.8.37 The AHHLV also derives archaeological interest from the site of the former Manor Colliery and the course of the former Lapal Canal and Lapal Tunnel. These remains could provide evidence about the industrial development within this area during the 19th century.

B.8.39 The AHHLV contains nationally rare archaeological remains associated with St Mary's Abbey. It also contains extensive prehistoric, Roman and medieval remains. Such remains are rare within the Black Country, as much of the area has been affected by ground disturbance associated with the high level of urbanisation and development that has occurred.

B.8.40 This AHHLV is particularly rare as it represents one of the few areas within the Black Country that has been less affected by the industrial and residential development of the area.

Other considerations: Amenity

B.8.41 The AHHLV contains a SINC and SLINCs and also includes APA 42 Lutley Lane Roman Villa and APA 176 Illey Township.

- 2.21 The assessment of AHHLV 32 does identify some relative differences in archaeological interest across the area, with the Site occupying an area of relatively less interest than that particularly around and including the Scheduled Monument some distance to the west. The line of the former Lapal Canal and Tunnel (an Archaeological Priority Area within the study) does extend across the northern part of AHHLV 32 with a relatively short stretch of this line crossing east-west through the southern part of the Site. As stated in the study, there may be remains associated with the canal that could provide evidence about the area within the 19th century. However, the line is not evident within the Site; is crossed by major road corridors, including the M5 immediately to the east of the Site; and is has also been developed upon with existing housing immediately to the east of the M5 and by other property(s) alongside the Site on Lapal Lane South.
- 2.22 Fundamentally, it appears to be the case that all of the AHHLVs are principally determined by reference to archaeological interest, with limited reference to other factors/ criteria, that would support a more informed and appropriate judgement for a Historic Landscape Value designation.
- 2.23 The primary justification for the designation of the wider landscape area as an AHHLV, as referenced at B.8.39 and B.8.40, appears to be that this landscape has simply not been developed and does not comprise existing industrial and residential development. It is simply undeveloped settlement edge land as a whole, albeit with some archaeological/ heritage areas and features of relatively greater value, within parts of this landscape.
- 2.24 There is no evidence to support or justify why the wider landscape as a whole or the Site itself should be judged 'High', in historic landscape value terms.

Site Landscape

- 2.25 The Site comprises six fields contained principally by surrounding road corridors. The land is rolling and generally falls from east to west, with the M5 Motorway situated in 'cutting' on the eastern edge of the Site. The A456 is also partially in cutting as it approaches Junction 3 to the north east of the Site. The land typically falls from around 185m Above Ordnance Datum (AOD) on the eastern side of the Site to around 155m AOD in the north west. The general aspect of the Site is towards the west and south west.
- 2.26 The fields are bound by a combination of hedgerows and fencing and the hedgerows include a small number of mature trees.



Aerial Photograph showing the Site and its immediate context

- 2.27 Lapal Farm and a small number of other properties lie adjoining the south eastern side of the Site. These generally sit alongside and within some mature treed surrounds, with further mature trees occupying the lower lying land outside the Site to the north west of the properties.
- 2.28 A public footpath crosses the Site from the north east to the south west, providing a link between Carters Lane and Lapal Lane South. This provides a link to a network of further Public Rights of Way to the south and west of the Site.



Public footpath within the Site and Lapal Lane South which lies beyond the Site to the south and west



View looking across the Site from the public footpath to the south west, close to Lapal House. The visible fields form the majority of the Site.



View from the higher eastern part of the Site looking north westwards towards existing development visible immediately north of the A456



View from the Carter's Lane overbridge of the A456, with the Site situated beyond the mature planting lining the southern boundary of the A456 on the left and centre of the photo



View looking towards the Site (fields in the middle distance) from a public footpath to the south of the Site and south of Lapal Lane South



View southwards towards the eastern part of the Site from Radden's Road, situated within the existing residential area to the north of the A456

- 2.29 The higher parts of the Site in the east are relatively more open and visible yet much of the Site is well contained by a combination of the underlying landform and mature woodland and trees on its southern and western boundaries.
- 2.30 In landscape character terms, it is a relatively simple landscape set within well-defined boundaries and separated from the wider landscape to the south and west by a combination of the rolling topography and mature planting and properties lining much of Lapal Lane South.
- 2.31 The most positive landscape features of the Site are the mature trees and hedgerows and the general rolling nature of the landform.
- 2.32 At this stage, whilst an assessment of the Landscape Value of the Site and its immediate context has not been undertaken, it is considered likely that this will be Medium. The Site does not lie within or alongside a nationally designated landscape and at a localised scale the designation of all the undeveloped land south of the A456 as an AHHLV does not appear to be justified.

Potential for Development

- 2.33 The Site lies within a wider landscape situated to the west of the M5 motorway and south of the A456 that is relatively varied yet comprises predominantly rolling farmland with woodland and more scattered settlement and built development. This broader landscape generally

contrasts with that to the north and east of the major road corridors, where the landscape is dominated by existing settlement and development.

- 2.34 The Site occupies a well-defined and relatively visually contained area alongside both major road corridors at the north eastern extent of the broader landscape. Future built development on the Site may result in some notable yet relatively localised landscape and visual impacts. As recognised by the published landscape sensitivity study, the effects of employment development are likely to be greater than for residential development.
- 2.35 The rolling nature of the landform and the relatively more elevated and visible eastern side of the Site will require careful consideration in respect of the extents and type of any future development. Potential future development on the mid and lower lying parts of the Site in the centre and west is likely to be visibly well contained.
- 2.36 Any future built development on the Site should be carefully considered in the context of landscape and visual matters. The inclusion of a robust landscape 'setting' or 'framework' to any new built development is likely to be a key component of a suitable scheme. This would need to mitigate any potential adverse landscape and visual effects as far as practicable and assimilate built development into the local landscape.
- 2.37 Conservation of existing hedgerows and trees (existing trees are limited in number) wherever practicable is likely to assist in reducing direct impacts on landscape features and new native woodland, trees and hedgerows could form part of a suitable development scheme should one be pursued.
- 2.38 Accommodating other types of development (e.g. solar energy facility) would also require careful consideration and appraisal in landscape and visual terms.

3.0 CONCLUSIONS

- 3.1 This preliminary landscape and visual appraisal of the Site and its landscape context has been undertaken by experienced and chartered members of the Landscape institute. It has followed a suitable and proportionate approach to the appraisal of the landscape.
- 3.2 The Site lies immediately to the west of the M5 Motorway and south of the A456, at Junction 3 of the M5 Motorway. Lapal Lane South and a small collection of properties and an area of trees/woodland lie bordering the south western edge of the Site, with a short stretch of Carters Lane at its north easterly extent, closest to Junction 3. The Site comprises six fields, currently in agricultural use. Topographically, it is generally rolling and falls from east to west.
- 3.3 The Site and its context is not nationally designated in landscape terms. The Site is however locally designated as part of an 'Areas of High Historic Landscape Value' (AHHLV). This local designation stretches across all of the undeveloped land surrounding the southern edges of Dudley and Halesowen, including all of the landscape within the Borough to the south of the A456. It is referred to within the published Black Country Landscape Sensitivity Assessment (2019) as a 'Potential Historic Landscape Area'.
- 3.4 There are a number of concerns with the status and weight that should be given to the AHHLV local designation in relation to the Site, namely:
- The AHHLV appears to be a blanket designation, covering all undeveloped landscape areas to the south of the built up area.
 - The AHHLV is also referred to in the published Landscape Sensitivity Study as a 'Potential Historic Landscape Area', suggesting that the landscape has 'potentially' some value in these terms yet that this has not necessarily been substantiated. This might reflect why all of the undeveloped landscape to the south of the built up area is identified as an AHHLV, as a blanket local designation.
 - The criteria adopted for the identification of an AHHLV is principally determined by reference to archaeological interest, with limited reference to other factors/ criteria, that would support a more complete and appropriate judgement for a Historic Landscape Value designation.
 - The Site does not include any identified heritage assets, albeit there is reference to ridge and furrows earthworks and the line of the former canal. The principal archaeological and heritage assets within the wider landscape are St Mary's Abbey Ruins and the associated earthworks at Abbey Farm yet these are quite separate from the Site.
- 3.5 The Black Country Landscape Sensitivity Assessment (2019); identifies the broad landscape area (identified in this study as BL19) within which the Site lies as being of Moderate – High Sensitivity. It also notes however, that the landscape is of relatively higher sensitivity further to the south west and away from the Site and the existing settlement edges and major road corridors.
- 3.6 This preliminary LVA considers that the Site and its immediate context is likely to be of Medium (or 'Moderate') Landscape Value.
- 3.7 The Site does have the capacity to successfully accommodate some change, potentially in the form of new development, albeit this will require further detailed consideration and appraisal particularly in relation to the nature and extents of any development proposals.

- 3.8 In conclusion, there is not sufficient evidence to support an Area of High Historic Landscape Value (AHHLV) designation covering the Site. Whilst the Site does include some positive landscape features and characteristics, it is also well defined and generally visually well contained close to and alongside two major road corridors. It is not a landscape that is of any distinctive or heightened value that would warrant a local landscape value designation.