

## **ISSUES ACTION PLAN: Site and Species Protection**

### **1. AIMS OF ACTION PLAN**

- To protect the biological resources required to maintain the range of animals and plants which use the Birmingham and Black Country area for some or all of their life cycles.
- To protect the range of wildlife for the benefit of the human community in Birmingham and the Black Country.

### **2. CURRENT ACTION**

#### **Introduction**

2.1. There are three broad methods for protecting sites and species which this Issues Action Plan will address:

- setting aside important wildlife sites as nature reserves where nature conservation has a high priority;
- defining a larger network of sites which can be managed compatibly for nature conservation although this is not the primary land use;
- protecting wildlife which occurs outside these areas.

2.2. Protection of sites and species is secured using the following measures:

- by gaining legal control over land for the purposes of conserving wildlife;
- through agreement with private landowners;
- through regulation.

Each of these methods is used within Birmingham and the Black Country.

2.3. Site and species protection is significantly more effective if it takes place in conjunction with appropriate management. Site and species management is the subject of a separate Issues Biodiversity Action Plan.

2.4. Sites and species can also be protected indirectly through education and awareness raising which discourages people from carrying out activities damaging to wildlife. Education again is the subject of a separate Issues Biodiversity Action Plan.

2.5. Adequate information is also essential for the protection of sites and species. We cannot protect species or habitats without knowledge of their existence or distribution. The maintenance of biological records is the subject of a separate Issues Biodiversity Action Plan.

### 3. EFFECTIVENESS OF CURRENT ACTION

#### PROTECTION OF SITES: DESIGNATING NATURE RESERVES

- 3.1. **Site ownership.** Many Birmingham and Black Country sites are owned and managed by people, groups and organisations who protect and manage them for nature conservation. The five local authorities own the largest numbers of reserves but there are other players from the voluntary and private sector (e.g. Birmingham Boys and Girls Union, Bumble Hole Conservation Group).
- 3.2. **Local and National Nature Reserves** Some of the publicly owned sites are National or Local Nature Reserves (declared under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981). To date two National Nature Reserves have been declared covering some 845 ha and twenty four Local Nature Reserves covering 549 ha. Although the legal powers exist to declare Local Nature reserves on private land with the agreement of the landowner, all the current statutory nature reserves protect publicly owned land. The local authorities have had little success in securing legal agreements with landowners on privately owned land.
- 3.3. **Targets for Local Nature Reserve declaration** Based on research relating to people and wildlife, English Nature suggests a target of 1 ha of Local Nature Reserve land for every 1,000 people. Currently the proportion is 1 ha for every 1,394 people in the region. (See Table 1) Increasing the amount of land declared as Local Nature Reserves to meet English Nature's target would both protect sites for nature conservation and allow public access to wildlife. To meet these targets would require the declaration of an additional 727 hectares of land as National or Local Nature Reserves across Birmingham and the Black Country. The exact sub-division of this target amongst the local authorities would take account of the number of potential sites within each authority.
- 3.4. **Future Local Nature Reserves** There are also a number of publicly owned sites which are not declared as Local Nature Reserves but are still managed for nature conservation. It is from this group of sites that most of the candidate Local Nature Reserves will emerge. However, it is the privately owned sites that generally are under the most threat and would therefore benefit most from protection through Local Nature Reserve status.
- 3.5. Not all species and habitats can be protected by setting aside land as nature reserves but protection may be achieved through regulation.

#### PROTECTING SITES THROUGH REGULATION

- 3.6. **The hierarchy of designated sites** There are statutory powers available to protect both sites and species. The Wildlife and Countryside Act 1981 provides the basic framework for habitat protection in the UK and habitats are protected through the designation of Sites of Special Scientific Interest. (This designation also protects sites of geological importance.) However, less than 2% of the surface area of Birmingham and the Black Country is notified as Site of Special Scientific Interest and biodiversity cannot be conserved by protecting this limited range of sites alone. Therefore a system of designating land of regional importance has been developed. The Sites of

Importance for Nature Conservation (SINCs) are designated with reference to set criteria which have been developed and supported by English Nature. The criteria assess both scientific and social value and the sites are protected through the planning system. SINCs may also be designated to protect land of geological value. However, SINC sites cover little more than 3% of the total land area of the region and more recently a third tier of sites has been established called Sites of Local Importance for Nature Conservation (SLINCs) (previously known as Wildlife Consultation Areas within Dudley MBC). These sites are more loosely defined and, like the SINCs, receive some protection through the planning system.

**3.7. The extent of designated sites** Together all the designated sites cover about 7.5% of the land area. It is possible that this percentage could rise with survey work uncovering previously unrecognised sites. Table 2 shows the numbers of each category of site and their areas and Table 3 shows the percentage of land covered by such designations expressed in terms of total land areas.

**3.8. Weaknesses of the system** Although the various designations of site have been protected more or less effectively in much of the Birmingham and Black Country area over the last 10 years, the system does have two main areas of weakness:

**3.8.1. The inadequacies of the legislation available for the protection of sites.**

- There is, at present, no requirement for owners of SSSIs to manage their land sympathetically. A protected site can therefore deteriorate without any offence being committed. This is also a problem with the SINCs and SLINCs.
- Old mineral and other unimplemented planning permissions threaten some designated sites.
- SINCs and SLINCs can only be protected through the planning system. Therefore damaging operations which do not require planning permission cannot be prevented. Central government has not permitted local planning authorities to adopt policies which prevent all damaging development and therefore further losses of SINCs and SLINCs are likely.

**3.8.2. Improvements are needed to the administration of the local systems.**

- The SLINC system has not been particularly effective and considerable effort is required both to identify the sites and to define appropriate criteria.
- Little monitoring is carried out to quantify losses to designated sites or damage and deterioration through inappropriate management. The only data relating to loss of sites comes from Walsall MBC and this is summarised in Table 4. It is likely that Walsall's experience of loss of sites is not significantly different from that of the other local authorities. Information on damage to designated sites is not available from any area.

- 3.9. Protection of further land for nature conservation.** The protection of wildlife sites through the designation of a relatively small number of scattered sites is structurally flawed. General nature conservation theories suggest that concentrating conservation effort on the protection of fragmented sites is not the best way to conserve populations of many species. The Birmingham and Black Country Councils have therefore identified further areas of land as wildlife corridors where nature conservation is an incidental land use and protection is limited to protecting the integrity of the corridors by resisting development which would sever them. A review of the effectiveness of the wildlife corridors and monitoring of the system is required.
- 3.10. Alternatives to site protection.** Given the weaknesses of the system it is not surprising that sites continue to be lost or damaged because, in many cases, the Local Authorities lack the legal powers to provide complete site protection. Very often sites lost to development are the subject of a planning application. If site protection cannot be achieved it is common for developers to be required to carry out works in mitigation. Such works can cover any of the following:
- amendment to development proposals to protect the areas of highest wildlife value;
  - habitat creation;
  - habitat management;
  - translocation of habitat;
  - other environmental improvements (e.g. improving water quality in local water courses);
  - dedication of land as nature reserve.
- 3.11. All these have been used in Birmingham and the Black Country, although there are so few examples of successful habitat translocation that this technique should normally be used as a very last resort where total loss would otherwise result. The Councils try to ensure that any mitigation works are identified only after detailed survey work and using an accepted methodology. However, little monitoring is done to ascertain the effectiveness of the measures, although there are notable exceptions.

### **PROTECTION OF SPECIES**

- 3.12. There are statutory powers available to protect individual species. The Wildlife and Countryside Act 1981 makes provision for species protection in the UK through inclusion of named animals and plants on the various Schedules within the Act. A small but significant number of the species of plants and animals found in the Borough are found on these Schedules of the Wildlife and Countryside Act 1981. There is also other legislation which protects species, for example, the Protection of Badgers Act 1992. The species protected by the Wildlife and Countryside Act 1981 also receive some additional protection through the planning system. Planning Policy Guidance Note 9: Nature Conservation, issued by central government requires Councils to take into account the presence of protected species of animals and plants when determining planning applications.
- 3.13. There are several weaknesses in the administration of this legislation:

- only a relatively small number of species are protected, leaving many species which do not normally occur on protected sites, without protection;
- the legislation does not usually protect the habitat of protected species;
- the administration of the legislation is problematical with confusion as to who should enforce it and investigate contraventions;
- magistrates have been reluctant to take contraventions seriously.

However, the biggest obstacle to the effective conservation of many protected species is the lack of information on their exact location or even their presence in some cases. For example, many species of bats (all species are protected) use buildings but only a small percentage of roosts are known and therefore they cannot be fully protected.

- 3.14. There is little direct action that the partners to the Birmingham and Black Country Biodiversity Action Plan can take to strengthen the legislation for the protection of species. Instead effort should be concentrated in recording the numbers and distribution of protected species so that full use can be made of the existing legal powers.
- 3.15. It is unlikely that sufficient resources will ever be available to protect all the species and habitats which need protection. Therefore it is proposed that the following species and habitats are adopted as priorities for the Birmingham and Black Country Biodiversity Action Plan:
- Species and habitats for which there is a national Biodiversity Action Plan;
  - Species included for protection on the various Schedules of the Wildlife and Countryside Act 1981;
  - Species and habitats which are characteristic of the area and which are believed to be declining or under threat.

#### **4. LEGAL ASPECTS, RESEARCH AND GUIDANCE**

##### **Legislation and guidance.**

- 4.1. The major legislation and policy guidance relating to the protection of wildlife in Birmingham and the Black Country is set out in Appendix 1.

## **5. ACTION PLAN OBJECTIVES AND TARGETS**

<b>Objective</b>	<b>Target</b>
1. Encourage local planning authorities, English Nature and the Environment Agency to make most effective use of their legal powers relating to site and species protection.	Ongoing
2. Encourage monitoring to assess the effectiveness of strategic policy initiatives aimed at protecting sites and species.	2005
3. Establish priorities for sites and species protection.	2001
4. Increase the area of land protected through the designation of Local Nature Reserves.	Ongoing
5. Increase knowledge of the presence of priority species and habitats and encourage dissemination of appropriate information to people, organisations and groups involved in species and habitat protection.	Ongoing
6. Encourage the strengthening of national legislation aimed at site and species protection.	Ongoing

## 6. PROPOSED ACTIONS WITH PARTNERS TO MEET OBJECTIVES

ACTION	POTENTIAL DELIVERERS		YEAR							Meets objective number.
	Lead	Partner	2001	2002	2003	2004	2005	2006	2011	
<b>6.1 Policy and legislation</b>										
Seek the inclusion of effective measures for site and species protection in the preparation of Unitary Development Plans and/ or other policy documents.	LAs	EN/ EA/ WT	As UDPs and other policy documents are prepared.							1
Seek the inclusion of effective measures for site and species protection in the preparation of Local Environment Agency Plans and/ or other policy documents.	EA	EN/ LA/ WT	As LEAPs and other policy documents are prepared.							1
Establish criteria for determining local priority species and habitats.	LAs/ EN/ EA/ WT	All		•		•				3
Overhaul the SLINC system by defining criteria and identifying sites.	LAs/ WT	ER	•							4
<b>6.2 Site and species protection and management</b>										
Increase the proportion of land designated as Local Nature Reserve to 1 hectare per 1,000 population across the sub region.	LAs/ EN								•	4
Increase the number of LNRs on privately owned land. One site to be designated for each local authority.	LAs/ EN								•	4

ACTION	POTENTIAL DELIVERERS		YEAR							Meets objective number.
	Lead	Partner	2001	2002	2003	2004	2005	2006	2011	
<b>6.2 Site and species protection and management. (cont'd)</b>										
Establish programme of survey work to reveal the presence of protected, rare or threatened species of animals and plants.	LAs	EN/ EA/ ER WT/ EN		•						5
<b>6.4 Advisory</b>										
Lobby, respond to government consultation documents and make the case for increased site protection.	ER	All	Ongoing							6
<b>6.5 Future research and monitoring</b>										
Monitor the effectiveness of UDP policies for site or species protection.	LAs	EN/ ER/ WT	Ongoing							2
Monitor the effectiveness of mitigation works implemented as compensation for the loss or damage of protected sites, or the loss or damage of protected species' habitat.	LAs	WT/ EC/ EN/ EA						•	•	2
Assemble data to quantify the numbers of protected sites under threat from extant planning permissions and other threats.	LAs		•					•	•	1, 2
Monitor the condition of each Site of Special Scientific Interest not less frequently than once every 5 years.	EN	LAs/ ER/ WT						•	•	2

ACTION	POTENTIAL DELIVERERS		YEAR							Meets objective number.
	Lead	Partner	2001	2002	2003	2004	2005	2006	2011	
<b>6.5 Future research and monitoring. (cont'd)</b>										
Monitor the condition of each Site of Importance for Nature Conservation not less frequently than once every 5 years.	LAs	EN/ ER/ WT						•	•	2
Collect data on loss or damage to designated sites.	LAs/ EN	ER/ WT	Ongoing							2
Establish programme of survey work to locate previously unknown sites which meet Site of Special Scientific Interest, Site of Importance for Nature Conservation or Site of Local Importance for Nature Conservation criteria.	LAs	EN/ EA/ WT/ All						•	•	5
<b>6.6 Communications and Publicity</b>										
Co-ordinate site protection policy across the sub-region through the setting up of a working group to deal with nature conservation policy issues.	LAs	EN/ EA/ WT	•							All
<b>6.7 Education.</b>										
<b>6.8 Links with other Action Plans.</b>										
The implementation of this Action Plan has links with all Issues, Species and Habitat Action Plans.										

## 7. **CO-ORDINATION AND REVIEW**

This Biodiversity Issue Action Plan will be implemented over 10 years with a review after 5 years. A group will be set up to oversee its implementation. To avoid the proliferation of groups being established to oversee various Biodiversity Action Plans it is envisaged that any such group will also be responsible for the implementation of related plans.

## TABLES.

**TABLE 1: EXTENT OF NATIONAL/ LOCAL NATURE RESERVES IN BIRMINGHAM AND THE BLACK COUNTRY.**

Local authority	Number of National/ Local Nature Reserves*	Area (hectares)	Population	Population per hectare.
Birmingham CC	5	837	1,014,400	1,212
Dudley MBC	7	295	311,500	1,056
Sandwell MBC	6	64	291,100	4,548
Walsall MBC	7	135	262,000	1,940
Wolverhampton MBC	1	51	242,200	4,749
<b>TOTALS</b>	<b>26</b>	<b>1,394</b>	<b>2,121,200</b>	<b>1,522</b>
<b>TARGET SHORT FALL</b>		<b>2,121.20 727</b>	<b>2,121,200</b>	<b>1,000</b>

\* National and Local Nature Reserves are included together because in Birmingham and Black Country both are places where people can enjoy wildlife.

**TABLE 2: EXTENT OF: SITES OF SPECIAL SCIENTIFIC INTEREST, SITES OF IMPORTANCE FOR NATURE CONSERVATION & SITES OF LOCAL IMPORTANCE FOR NATURE CONSERVATION**

Local Authority	Number of Sites of Special Scientific Interest.	Area (hectares)	Number of Sites of Importance for Nature Conservation	Area (hectares)	Number of Sites of Local Importance for Wildlife	Area (hectares)
Birmingham CC	2	882	38	784	-	-
Dudley MBC	8	90	41	486	-	481*
Sandwell MBC	-	-	15	267	-	-
Walsall MBC	7	70	32	407	-	324*
Wolverhampton MBC	-	-	15	100	40	160*
<b>TOTALS</b>	<b>17</b>	<b>1,042</b>	<b>141</b>	<b>2,185</b>	<b>270</b>	<b>1,470</b>

\*Totals only available for Dudley MBC, Walsall MBC and Wolverhampton MBC.

**TABLE 3: PERCENTAGE OF LAND COVERED BY VARIOUS NATURE CONSERVATION DESIGNATIONS.**

Local Authority	Total surface area (hectares)	Percentage of land designated Sites of Special Scientific Interest.	Percentage of land designated Sites of Importance for Nature Conservation	Percentage of land designated Sites of Local Importance for Wildlife
Birmingham CC	26,460	3.33%	2.97%	
Dudley MBC	9,765	0.92%	4.98%	
Sandwell MBC	8,543	-	3.13%	
Walsall MBC	10,550	0.66%	3.86%	3.07%
Wolverhampton MBC	6,866	-	1.46%	
TOTALS	62,184	1.68%	3.15%	2.36%

All designations cover approximately 7.55% of land area.

**TABLE 4: LOSSES OF PROTECTED SITES.**

Local Authority	Current area of Sites of Special Scientific Interest. (hectares)	Total lost to development 1977-1995. (hectares)	Current area of Sites of Importance for Nature Conservation. (hectares)	Total lost to development 1977-1995. (hectares)	Current area of Sites of Local Importance for Nature Conservation. (hectares)	Total lost to development 1991-1995. (hectares)
Birmingham CC						
Dudley MBC						
Sandwell MBC						
Walsall MBC*	70.89	0.42 (0.59%)	406.87	60.2 (12.89%)	320.42	68.74 (17.7%)
Wolverhampton MBC						
TOTALS						

\* Figures available for Walsall MBC only.

## APPENDIX 1. LEGISLATION AND GUIDANCE

### LEGISLATION

- **Wildlife and Countryside Act 1981** (and subsequent amendments).  
Makes provision for SSSIs and the protection of species.
- **Protection of Badgers Act 1992.**  
Is a consolidating act which draws together legislation relating to the interference of badger setts.
- **National Parks and Access to the Countryside Act 1949.**  
Makes provision for the declaration of Local Nature Reserves.
- **The Conservation (Natural Habitats, &c.) Regulations 1994.**  
Makes provision for Special Areas of Conservation and Special Protection Areas and supports the protection of linear features (e.g. rivers, field boundaries) and stepping stones (e.g. ponds and small woods).
- **Town and Country Planning Act 1990**  
Makes provision for Tree Preservation Orders.
- **The Hedgerow Regulations 1997.**  
Protects some hedgerows.

### NATIONAL POLICY/ GUIDANCE.

- **Planning Policy Guidance Paper 9: Nature Conservation 1994.**  
Provides official advice on planning and nature conservation.
- **Sustainable Development: the UK Strategy 1994.**
- **Biodiversity : the UK Action Plan 1994.**
- **UK Biodiversity Steering Group report 1995.**
- **UK Biodiversity Group Tranch 2 Action Plans 1998/99**

### LOCAL POLICY/ GUIDANCE.

- **Midlands Plateau Natural Area Profile 1998.**
- **Black Country Nature Conservation Strategy 1992**
- **Action Plan for Nature Conservation in Dudley 1995**
- **Birmingham Nature Conservation Strategy 1997**
- **Unitary Development Plans** for Birmingham City Council and Dudley, Sandwell, Walsall and Wolverhampton Metropolitan Borough Councils.