

**Community Services and Environment
Scrutiny and Performance Panel**

27th August 2013

**Agenda
Item No.
5**

Brownhills Common

Ward(s) Brownhills

Portfolios: Cllr A Harris – Leisure and Culture

Executive Summary:

A petition containing approximately 1,400 signatures was submitted to Council on 8th April 2013. The petition states: *“We the undersigned object to Walsall Council and Natural England’s proposals that will see 60% of the trees on Brownhills Common cut down and reduce the common to scrub land to encourage heather. We want and love our trees.”*

Following consultation with local community groups, members of the public and the Forestry Commission, the original management proposals for Brownhills Common were significantly revised to include the removal of two small conifer plantations and restoring these areas to lowland heathland, and thinning other plantations by up to 30%.

The Scrutiny Panel considered a report regarding Brownhills Common on 13th May 2013 and made the following recommendations:

1. Further robust consultation by Walsall Council, Natural England and the Forestry Commission take place with the local community regarding the new management plan for Brownhills Common;
2. That a Friends Group for Brownhills Common be established;
3. The Development Control Section consider rescinding planning consent for mineral extraction on Brownhills Common (please see separate report); and
4. The Panel consider the outcome of the further consultation along with the final proposed management plan for Brownhills Common at a future meeting.

Brownhills Common is part of the Chasewater and Southern Staffordshire Coalfield Heaths Site of Special Scientific Interest (SSSI) on account of its wet and dry lowland heath, fens and standing open water habitats.

The Council has a legal obligation to manage the SSSI appropriately. A condition assessment in 2010 found Brownhills Common to be ‘unfavourable recovering’: unfavourable because of the high scrub and woodland cover, with more intensive management needed, but recovering because management is deliverable.

The Council entered into a Higher Level Stewardship (HLS) agreement with Natural England in October 2012, which will support management of the site for the next decade. A revised management plan has been produced. Undertaking the management work would satisfy the Council's legal obligations and result in the SSSI achieving favourable condition by 2022.

Reason for scrutiny:

The Council's petitions' scheme requires that, where a petition containing at least 500 signatures is received by the Council, the relevant senior officer will give evidence at a public meeting of one of the Council's Scrutiny and Performance Panels. The authority has determined that the response to such petitions must be given by either the Chief Executive or one of the Executive Directors, Assistant Directors or Heads of Service. This report facilitates further consideration of the petition and so helps inform the Council's response.

Background papers:

Heathland Restoration Plan for Brownhills Common Site of Special Scientific Interest.

Brownhills Common Site of Special Scientific Interest – Heathland Restoration

Resource and legal considerations

The Wildlife and Countryside Act (1981) requires SSSI owners / managers to manage such sites appropriately. Natural England's SSSI condition assessment in 2010 found Brownhills Common to be 'unfavourable recovering': unfavourable because of the high scrub and woodland cover, with more intensive management needed, but recovering because it is in a stewardship agreement and management to tackle these concerns is deliverable.

Lowland heathland is a priority habitat of both the UK Biodiversity Action Plan and Birmingham and Black Country Biodiversity Action Plan (B&BC BAP).

In the Natural Environment White Paper (2011) the Government undertook to support the creation of Nature Improvement Areas. On 27 February 2012, 12 NIAs were announced, including Birmingham and the Black Country Living Landscape NIA (B&BC NIA), of which Walsall Council is a partner. A delivery theme of the B&BC NIA is to restore and link long-established heathland.

From 2002 to 2012, Brownhills Common was under a Countryside Stewardship agreement between Natural England and Walsall Council to manage the heathland habitats. This was renewed in 2012 as a Higher Level Stewardship (HLS) agreement that will support the Council in managing the site for the next decade.

Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) requires all public bodies to have regard to biodiversity conservation when carrying out their functions – commonly referred to as the 'Biodiversity duty'.

Citizen impact:

Residents' concerns over the original proposals are acknowledged and their level of interest clearly demonstrates the value they place in Brownhills Common and the amount of enjoyment derived from it.

There will be no direct impact on local residents from the heathland restoration. The HLS agreement will result in a better managed site with improved access and increased wildlife value, which will contribute towards people's physical and mental wellbeing.

Environmental impact:

The HLS agreement and management plan will ensure the effective management of the SSSI, bringing it into favourable condition by 2022, and enhance the wildlife value of Brownhills Common.

Performance management:

The HLS Stewardship agreement and management plan will ensure the effective management of Brownhills Common and contribute towards UK Biodiversity Indicator C1c: Condition of Areas/Sites of Special Scientific Interest.

The work contributes towards Walsall Council's biodiversity duty.

Equality Implications:

There are no direct equality implications arising from the management work on Brownhills Common. The HLS agreement will result in improved access and increased wildlife value, resulting in increased opportunities for access to nature.

Consultation:

Natural England and Walsall Council officers attended Brownhills Local Committee (BLC) meetings on 3rd December 2012 and 4th February 2013, and held a site visit with BLC and Brownhills Community Association representatives on 1st March.

The heathland restoration work was discussed at the Brownhills Area Partnership meeting on 4th February, Brownhills, Rushall, Shelfield and Pelsall Area Community meeting on 19th March and Children's Area Partnership meeting on 24th June.

There has been a display on the heathland restoration in the Park View Centre (Brownhills) since 21st March, which was amended on 14th May to feature the revised management work. The display has included contact details for Countryside Services for people to seek further information or to make comments. Information posters and leaflets were issued to other local libraries, with similar details placed on the Council's website and a series of news releases issued. The display was taken to Brownhills West Primary School 'Summer Fayre' on 28th June and Watling Street Primary School at the end of the school day on 18th July.

An information board with details of the heathland restoration was installed at Holland Park car park on 24th July.

'Meet the Species' guided walks were held on 20th May and 14th June, providing opportunities for "visitors to ask questions about the management of heathlands, see some specialist heathland species up close and learn more about this rare habitat". These were attended by eight and four members of the public respectively.

An information booklet on the heathland restoration was published in mid-July. Some 1,500 copies were distributed to the immediate residents around Brownhills Common, Brownhills and other local libraries, Environmental Depot, First Stop Shop, Watling Street Primary School, Brownhills Tesco, community groups, Councillors, other interested individuals and organisations, and at a series of Drop-in Events as follows:

24 th July	Holland Park car park
25 th July	Brownhills Library, Park View Centre
31 st July	Brownhills Library (instead of cancelled Brownhills Fun Day)
6 th August	Environment Day, Walsall Arboretum
7 th August	Children's Play Day, Brownhills Children's Centre
10 th August	Community Fun Day, Brownhills Activity Centre
10 th & 11 th August	Walsall Town Show, Walsall Arboretum

These were arranged for people to meet and discuss the heathland restoration with Countryside Services staff. The above display accompanied each of these events.

The booklet included a two-page questionnaire and freepost envelope seeking people's views on the heathland restoration work and its timing – the closing date for responses was 14th August 2013. A PDF of the booklet and the questionnaire were placed on the Council's website at www.walsall.gov.uk/brownhills_common_nature_reserve.

As at 15th August, 16 paper copies of the questionnaire were returned and three were completed online. The questions and summaries of responses are as follows:

- 1. Having considered the information regarding the appropriate management and restoration of Brownhills SSSI, what are your views on the scheme overall?*

17 responses.

14 were generally supportive e.g. "I think that more of the conifers should be removed - although the change may appear dramatic we must remember that it wasn't so long ago that the common was much more open", "We need to keep these habitats to support the animals and plants" and "The restoration of heathland is important for the area. I appreciate that accommodating some of the views of residents who oppose tree removal is necessary but not at the expense of the long term vision of a restored heathland";

Two were opposed, saying "I do not agree with the butchering of any trees

like Walsall Council have already done and left dangerous stumps" and "No need to cut down trees"; and
The other said "Having read the information all I can say is it looks good on paper but in practice is another thing. Opposite our house is a disgrace, eyesore, at moment".

2. *Is there anything you would change about the heathland restoration scheme?*

14 responses.

Four wanted to change nothing;

Three said "Remove more conifers" or "Resort back to the original scheme";

Three stated "Leave it alone" or "Put it back to how it was 5 years ago when it was maintained and looked beautiful"; and

Four made suggestions such as "Deeper ditches bordering pathways! Thus allaying some of the flooding! Poo Bins! People hang bags on trees!!" and "Establish something like Nature Centre, Pelsall Road, Birmingham".

3. *There are three options for when plantation tree removal work is undertaken, which of the following would be your preference?*

19 responses.

4. *Why do you say this?*

Option 1. Undertake all management work during winter 2013/14 or 2014/15.

14 responses

E.g. "It would be better if the scheme was dealt with as soon as possible. The main priority is to ensure the welfare of the land" and "Disturbance all at one time, this will be good for all concerned";

Option 2. Undertake some management work during each winter from 2013/14 to 2017/18.

2 responses.

"Disruption to existing wildlife and visual appearance of the area";

Option 3. Undertake more management work during some winters from 2013/14 to 2017/18.

One response.

"If it is managed in zones that would be good and the change over the whole site will be less sudden"; and

Other.

Two responses.

"No work at all leave it as it is" and "No need to change anything".

5. *The council has sought specialist advice concerning management of the lowland heathland, broadleaf and conifer woodland on Brownhills Common. Do you have any concerns or comments relating to aspects of the proposed management of Brownhills Common?*

17 responses.

Three people said "No".

14 made specific comments e.g. "I am very concerned about parking along the Parade. Many drivers are abusing the parking areas, some will park on the actual common causing damage to the ground. It MUST be stopped", "Fire risks", "The management should have local people overseeing it" and "Waste of time. Waste of money. Leave alone".

6. *Where if at all, would you like to see native trees and shrubs planted on Brownhills Common?*

16 responses.

Comments included "Encourage a few patches of natural regeneration to provide cover for deer/bird nesting/butterflies no need to plant", "Are there not enough native trees that will be on the common? Perhaps some on the edge as your plan shows", "With the current plight of native Ash trees perhaps some provision could be made to plant disease resistant specimens" and "On the island by the Rising Sun".

7. *Do you have any other comments about the planned management and restoration of Brownhills Common?*

13 responses.

Two said "No", but others made specific comments such as "Make a big fuss about the work it's good news people should come to Brownhills more not go all the way to Cannock Chase, especially youngsters who should get a chance to see what their local wildlife is", "Tree removal is a sensitive subject, but the reasons for careful work is well explained", "I appreciate the time and effort that has been put into the scheme and look forward to the improvement coming to fruition in the future" and "Waste of time. Waste of money".

8. *Please tell us your home postcode.*

16 responses.

13 from WS8, two from WS9 and one each from WS1 and WS7.

Two comments were also received by e-mail: "The heathland restoration in particular will be a significant boost for the Nature Improvement Area" (Wildlife Trust for Birmingham and the Black Country) and "A potential new Friends group for the site would be good" (Birmingham Open Spaces Forum).

Other than oral comments made by people at the Drop-in Events, no others were received.

In accordance with the Environmental Impact Assessment (Forestry) (England and Wales) Regulations (1999) a Determination Enquiry Form was submitted to the Forestry Commission in February and a meeting held with Forestry Commission and Natural England on 10th April. The Forestry Commission has confirmed that an Environmental Impact Assessment is not required for the management work. A Felling Licence is currently being sought – this is also a public consultation process taking up to three months, which will also identify the amount of compensatory planting required.

Contact Officer:

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Brownhills Common

- 1.1. Brownhills Common includes those parts north of Holland Park and bordered by Watling Street, The Parade and Chester Road North (outlined in white in Figure 1), covering a total area of 32.7 hectares.



Not to scale

Figure 1. Brownhills Common

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (c) Crown Copyright and database rights 2011 Ordnance Survey 100019529

- 1.2. Brownhills Common is part of the Chasewater and Southern Staffordshire Coalfield Heaths Site of Special Scientific Interest (SSSI), which was re-notified in December 2010 (see Figure 2). The SSSI is nationally important for its wet and dry lowland heath, fens (including habitats often referred to as mires and swamps) and oligotrophic (nutrient-poor) standing open water habitats. Walsall Council is legally required to manage the SSSI appropriately.
- 1.3. Brownhills Common is located at the southern end of a chain of lowland heaths connecting Cannock Chase to Sutton Park.
- 1.4. The SSSI condition assessment at the time of re-notification found Brownhills Common to be 'unfavourable recovering': unfavourable because of the high scrub and woodland cover (c37%), with more intensive management needed, but recovering because it is in a stewardship agreement and management to tackle these concerns is deliverable.
- 1.5. Natural England produced a Draft Heathland Restoration Plan for Brownhills Common Site of Special Scientific Interest in January 2013 to inform and guide

management of Brownhills Common and bring the SSSI into favourable condition by 2022. Following consultation with local community groups, members of the public and Forestry Commission, a revised plan was produced in May.

- 1.6. An area of native broadleaved woodland (c3ha) stands in the northern part of the site and will continue to be managed as such.

2. Lowland Heathland

- 2.1. Lowland Heathland is a broadly open landscape on acidic mineral and shallow peat soil, characterised by the presence of plants such as heathers and gorses. Areas of heathland in good condition should consist of these plants of varying heights and structures with greater than 25% cover, plus some or all of the following features: scattered and clumped trees and scrub (less than 15% cover), Bracken, bare ground, acid grassland, lichens, gorse, wet heaths, bogs and open waters.
- 2.2. Lowland Heathland is a dynamic habitat, undergoing significant changes in different successional stages, from bare ground and grassy stages, to mature, dense heath. These different stages are often present together on a site. The presence and numbers of characteristic birds, reptiles, invertebrates, mosses, lichens and other plants are important indicators of habitat quality. If left unmanaged, heathland will be colonised by trees and shrubs, and ultimately develop into woodland, thereby losing its value and associated species.
- 2.3. Lowland heathland is now incredibly rare. Over 80% has been lost since 1800 and mostly since 1950 to agriculture, afforestation, development and lack of management leading to the establishment of woodland. The UK holds over 20% of the world total.
- 2.4. Just 198ha of lowland heathland remains across Birmingham and the Black Country, with Walsall Borough containing the greatest proportion across the Black Country. Walsall Countryside Services have successfully created areas of heathland on Brownhills Common, Barr Beacon, Pelsall North Common and Shire Oak Park.
- 2.5. At the time of the SSSI notification, heathland habitats (including acidic grassland) covered 12.2 hectares of Brownhills Common. The remaining 20.5ha were made up of woodland (15.2ha) and other habitats (5.3ha) such as grassland, bramble, scrub, weedy areas and paths.

3. Biodiversity Action Plans and Nature Improvement Areas

- 3.1. Lowland heathland is a priority habitat of both the UK Biodiversity Action Plan and Birmingham and Black Country Biodiversity Action Plan.
- 3.2. In the Natural Environment White Paper (2011), the Government undertook to support the creation of Nature Improvement Areas. On 27th February 2012, 12 NIAs were announced, including Birmingham and the Black Country Living Landscape NIA (B&BC NIA), of which Walsall Council is a partner.

- 3.3. A delivery theme of the B&BC NIA is to restore and link long-established heathland, to be achieved through the clearance of undesirable vegetation, the re-introduction of appropriate management and targeted habitat creation.

4. Stewardship Agreement

- 4.1. From 2002 to 2012, Brownhills Common was under a Countryside Stewardship Scheme to manage the heathland and woodland habitats. The work included heathland management, rotational scrub clearance and thinning of some of the conifer plantations.
- 4.2. The agreement was renewed in 2012 as a Higher Level Stewardship (HLS) scheme that will support Walsall Council with continued management of the site for the next decade.

5. Heathland Restoration

- 5.1. Conifer plantations (see Figure 2) were planted on the heathland during the mid to late 1950s and are now regarded as being inappropriate given the SSSI designation. Two areas of secondary woodland have also become established on the heathland. The trees are changing the soils, seeding into surrounding heathland and causing further deterioration of heathland habitat.
- 5.2. The HLS agreement includes continued heathland and woodland management and rotational scrub clearance. The details are as follows:
- Remaining conifer trees on mounds in the centre of the western part of Brownhills Common (Plantations 11 and 15, see Figure 2) will be removed and the area (c0.5ha in total) restored to lowland heathland to reconnect existing areas immediately to the north and south.
 - All other conifer plantations will be thinned by up to 30% in accordance with standard woodland management practice on a five to eight year cycle, starting with those of non-native species (including Corsican Pine, Lodgepole Pine, European Larch and Red Oak). This will enable the remaining trees to grow on in a healthier and more uniform way, increase light levels and disturb the soil, thereby enabling ground flora to become established.
 - Depending of growth rates and lights levels reaching the ground, conifer plantations thinned initially may be thinned by up to a further 30% during the latter years of the agreement.
 - Heather will be encouraged by spreading cuttings around the edges of the plantations as they are thinned to increase the overall extent of heathland.
 - Trees and scrub will be removed on rotation from open areas of heathland to increase age diversity and benefit heathland communities.
 - All mature native broadleaved trees within plantations and heathland will be left.
 - The area of broadleaved woodland in the northern part of Brownhills Common will be managed in accordance with standard woodland management practice.
 - All trees to be removed will be checked for bats before felling.
 - No tree felling will start before autumn 2013.

- Compensatory native broadleaved planting will be undertaken during the first subsequent planting season in locations around the edges of Brownhills Common.

5.3. Thinning the conifer plantations does not meet the criteria for HLS funding, as heathland is not being restored, so grant aid would not be forthcoming. Therefore, undertaking this work in a couple of years would represent more effective use of Council resources. This was also reflected in the questionnaire responses.

5.4. The original management proposals would have restored c7.3ha of heathland across Brownhills Common over the ten years of the HLS agreement. The Council has a legal obligation to manage the SSSI appropriately, which the revised management work would still meet as well as restoring a smaller area of heathland and bringing the SSSI into favourable condition by 2022. The revised work strikes a balance between the requirements of the SSSI and objectives of the HLS agreement and the views of local people/users of the Common.

6. Friends of Brownhills Common

6.1 The information booklet questionnaire included a request for people interested in receiving information about the Friends of Brownhills Common to provide their name and contact details.

6.2 The Council's vision is to "involve as many people as possible in the management and maintenance of its green spaces". A Friends group would provide opportunities for local people and site users to become involved in the practical activities, health walks, consultation days, local meetings and fund raising. Groups work in partnership with the Council and other community organisations and partners, and can be a real catalyst in representing the views of the local community and ensuring that there is a platform for local people to influence the management, maintenance and improvement of a site.

6.2 Ten people provided their contact details, with another four expressing an interest in joining a Friends group. Following the Scrutiny Panel meeting, a date and venue will be arranged, with a view to establishing a Friends group at the earliest opportunity.

7 Community Garden Project

7.1 The questionnaire also included a request for people to express an interest in Community Gardens and a project with Brownhills Community Association.

7.2 Community Gardens aims to bring together keen gardeners and encourage others who wish to take up gardening. The intention is to grow fruit and vegetables as part of promoting healthy eating and helping young people learn about gardening techniques and the joys of gardening. The Association, Council and Walsall College are exploring opportunities for students and others to make hanging flower baskets and raised beds, including using some of the timber from Brownhills Common. This would make the management work far more sustainable.

7.3 Seven respondents provided their contact details, to whom further details will be sent following the Scrutiny Panel meeting.

Table 1. Plantation management work

Plantation	Species	Area ha	Total Trees	Management work	Notes
1	Scots Pine	0.37	113	Remove up to 30% of trees	Some Birch and Oak saplings
2	Scots Pine and Lodgepole Pine	0.21	112	Remove up to 30% of trees	Some Birch and Oak saplings
3	Scots Pine	0.21	103	Remove up to 30% of trees	
4	Scots Pine	0.05	29	Remove up to 30% of trees	
5	Corsican Pine	0.11	30	Remove up to 30% of trees	
6	Scots Pine	0.18	36	Remove up to 30% of trees	Some Birch and Oak saplings, with Birch scrub on edges
7	Lodgepole Pine	0.50	195	Remove up to 30% of trees	Some Birch and Oak saplings, with Whitebeam and Sycamore on edges
8	Lodgepole Pine	0.37	208	Remove up to 30% of trees	
9	Lodgepole Pine and European Larch	0.09	96	Remove up to 30% of trees	Some Birch and Oak saplings, with Whitebeam and Sycamore on edges
10	European Larch	0.10	56	Remove up to 30% of trees	
10a	Lodgepole Pine	0.17	107	Remove up to 30% of trees	Some semi-mature Sycamore
11	Lodgepole Pine	0.01	6	Remove and restore to lowland heathland	
12	Scots Pine	0.15	100	Remove up to 30% of trees	Heather regenerating
13	Scots Pine and Lodgepole Pine	0.14	39	Remove up to 30% of trees	Thin strip with mix of Birch and Oak
14	Scots Pine	0.26	185	Remove up to 30% of trees	Dense stand
15	Lodgepole Pine	0.50	70	Remove and restore to lowland heathland	
16	Scots Pine, Lodgepole Pine and European Larch	0.70	187	Remove up to 30% of trees	Mix of Birch and Oak developing
17	Scots Pine	1.10	502	Remove up to 30% of trees	Some Birch and Oak saplings, plus Red Oak and Birch scrub on edges
18	Corsican Pine	0.40	50	Remove up to 30% of trees	Some semi-mature Red Oak and developing Oak and Birch woodland

19	Scots Pine	0.22	63	Remove up to 30% of trees	Some semi-mature Red Oak and developing Oak and Birch woodland
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Figure 2. Brownhills Common Conifer Plantations

Not to scale