



# HABITATS REGULATIONS ASSESSMENT OF THE BLACK COUNTRY JOINT CORE STRATEGY

Screening Report

June 2010





# Habitats Regulations Assessment for the Black Country Joint Core Strategy

## Screening Report

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# Abbreviations

AA	Appropriate Assessment	POMS	Programme of Measures
BC	Black Country	pSPA	Potential Special Protection Area
BCA	Black Country Authorities	RBMP	River Basin Management Plan
CC	Climate Change	RSS	Regional Spatial Strategy
cSAC	Candidate Special Area of Conservation	SAC	Special Area of Conservation
DCLG	Department of Communities and Local Government	SA	Sustainability Appraisal
DPD	Development Plan Document	SEA	Strategic Environmental Assessment
GOWM	Government Office for the West Midlands	SPA	Special Protection Area
HRA	Habitats Regulations Assessment	SSSI	Site of Special Scientific Interest
IROPI	Imperative Reasons of Overriding Public Interest	STW	Sewage Treatment Works
JCS	Joint Core Strategy	SUDS	Sustainable Drainage System
JNCC	Joint Nature Conservation Committee	TEC	Treweek Environmental Consultants
LDD	Local Development Document	UNESCO	United Nations Educational, Scientific and Cultural Organisation
LDF	Local Development Framework	WCS	Water Cycle Study
LPA	Local Planning Authority	WFD	Water Framework Directive
LTP	Local Transport Plan	WRMP	Water Resource Management Plan
NO <sub>x</sub>	Oxides of Nitrogen	WRZ	Water Resource Zone
NHPAU	National Housing and Planning Advice Unit	WMRSS	West Midlands Regional Spatial Strategy
ODPM	Office of the Deputy Prime Minister (now disbanded)	WYG	White Young Green

# Executive Summary

## E1.1 Introduction

This report explains the process of screening for Habitats Regulations Assessment (HRA). It has been prepared by UE Associates on behalf of the Black Country Authorities (BCA) and provides a statement, for consultation with Natural England on whether the Joint Core Strategy (JCS) requires Appropriate Assessment (AA) under the Habitats Regulations for its effects on European sites. European sites are areas of international nature conservation importance that are protected for the benefit of the habitats and species they support.

This is a screening report to accompany the submission version of the JCS. Earlier versions have been produced during 2007 and 2008 whilst the JCS was being drafted, however new evidence has recently come to light which requires the HRA process to be revisited.

The screening process examines the likely significant effects the JCS could have on **eighteen European sites within the vicinity of the Black Country**, as a result of development proposed by the plan and its interrelationship with the sites' specific environmental sensitivities.

## E1.2 Findings

Based on the information given in the following chapters, it cannot be concluded that the Joint Core Strategy will have no **significant effects in combination** on Cannock Chase SAC (in relation to air quality and recreational disturbance), the Severn Estuary cSAC/SPA/Ramsar (in relation to water quality and water supply), or the Humber Estuary cSAC/SPA/Ramsar (in relation to water quality), and so an Appropriate Assessment under the Habitats Regulations is required.

Further details of the screening process can be found in the main report, where:

- ▶ **Chapter One** provides a background;
- ▶ **Chapter Two** details existing reports and new evidence;
- ▶ **Chapter Three** explains the methodology used;
- ▶ **Chapter Four** describes the scope of the study;
- ▶ **Chapter Five** analyses the policies proposed within the JCS;
- ▶ **Chapter Six** provides a commentary on the potential effects of the plan; and
- ▶ **Chapter Seven** presents the Screening Statement and next steps.

### **E1.3 Consultation Arrangements**

Formal and informal consultation with Natural England has taken place throughout the review of the Joint Core Strategy HRA. Further consultation will take place following publication of this and the forthcoming Appropriate Assessment reports.



# 1 Introduction

## 1.1 Background

The Black Country Authorities (BCA) are re-visiting the Habitats Regulations Assessment (HRA) of the recently published Joint Core Strategy (JCS) (November, 2009) and the February 2010 "proposed changes" document. This is in response to new evidence recently prepared by a consortium of local planning authorities in Staffordshire in connection with Cannock Chase Special Area of Conservation (SAC), as well as through consultation with Natural England. This report is the fourth in a series of HRA Screening Reports; the previous version was issued in November 2008.

## 1.2 Purpose of this Report

This report revisits the HRA for the Black Country JCS, this time screening all European sites within 20km of the Black Country and those of relevance outside it, i.e. sites that may lie along a particular impact pathway, and states whether or not an Appropriate Assessment (AA) is required for the plan.

The assessment seeks to establish whether or not there will be any significant effects on the ecological integrity of these European sites as a result of proposals in the plan.

The outputs of the report include information in relation to:

- ▶ The Habitats Regulations Assessment process (**Section 1.3**);
- ▶ The Joint Core Strategy (**Section 1.4**);
- ▶ The methodology for assessment (**Chapter Three**);
- ▶ Evidence gathering in relation to the European sites (**Chapter Four**);
- ▶ The likely significant effects of the plan (**Chapter Five**);
- ▶ A commentary on the potential effects of the plan (**Chapter Six**); and
- ▶ A Screening Statement and next steps (**Chapter Seven**).

## 1.3 Habitats Regulations Assessment of Land Use Plans

The application of HRA to land use plans is a requirement of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations), the UK's transposition of European Union Directive 92/43/EEC *on the conservation of natural habitats and of wild fauna and flora* (the Habitats Directive). HRA must be applied to all Local Development Documents (LDD) in England and Wales and aims to assess the potential effects of a land use plan against the conservation objectives of any sites designated for their nature conservation importance as part of a system known collectively as the Natura 2000 network of European sites.

European sites provide ecological infrastructure for the protection of rare, endangered or vulnerable natural habitats and species of exceptional importance within the European Union. These sites consist of Special Areas of Conservation (SACs, designated under the Habitats Directive), Special Protection Areas (SPAs, designated under European Union Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)) and potential SPAs (pSPA). Meanwhile, Government policy (PPS9 (ODPM, 2005a) and Circular 06/05 (ODPM, 2005b)) recommends that Ramsar sites (UNESCO, 1971) are treated as if they are fully designated European sites for the purposes of considering development proposals that may affect them.

Under Regulation 102 of the Habitats Regulations, the assessment must determine whether or not a plan will adversely affect the integrity of the European site(s) concerned. The process is characterised by the precautionary principle. The European Commission (2001) describes the principle as follows:

*If a preliminary scientific evaluation shows that there are reasonable grounds for concern that a particular activity might lead to damaging effects on the environment, or on human, animal or plant health, which would be inconsistent with the protection normally afforded to these within the European Community, the Precautionary Principle is triggered.*

*Decision-makers then have to determine what action to take. They should take account of the potential consequences of taking no action, the uncertainties inherent in the scientific evaluation, and they should consult interested parties on the possible ways of managing the risk. Measures should be proportionate to the level of risk, and to the desired level of protection. They should be provisional in nature pending the availability of more reliable scientific data.*

*Action is then undertaken to obtain further information enabling a more objective assessment of the risk. The measures taken to manage the risk should be maintained so long as the scientific information remains inconclusive and the risk unacceptable.*

The hierarchy of intervention is important: where effects on ecological integrity are identified, plan makers must firstly seek to avoid the effect through for example, a change to policy wording. If this is not possible, mitigation measures should be explored to remove or reduce the significant effect. If neither avoidance, or subsequently, mitigation is possible, alternatives to the plan should be considered. Such alternatives should explore ways of achieving the plan's objectives that avoid significant effects entirely. If there are no alternatives to removing the adverse effect, plan-makers must demonstrate, under the conditions of Regulation 103 of the Habitats Regulations, that there are Imperative Reasons of Overriding Public Interest (IROPI) to continue with the proposal. This is widely perceived as an undesirable position and should be avoided if at all possible. ODPM/Defra Circular 06/05 notes that:

*Different tests apply depending on whether the site hosts a priority natural habitat type or species. If the site does not host a priority natural habitat type or species, planning permission can be granted if the proposed development has to be carried out for imperative reasons of overriding public interest, including those of a social or economic*

*nature. Such reasons would need to be sufficient to override the harm to the ecological importance of the designation. If the site hosts a priority habitat or species, and there is no alternative solution, the only considerations which can justify the grant of planning permission are (a) those which relate to human health, public safety, or beneficial consequences of primary importance to the environment or (b) other imperative reasons of overriding public interest agreed by the European Commission. The Government may obtain the opinion of the European Commission as to whether any particular reasons may be considered imperative and overriding in the public interest.*

## 1.4 Background to the Plan

The Joint Core Strategy sets out how the Black Country should look in 2026 and establishes clear directions for change in order to achieve this visionary transformation; see **Figure 1.1**. Partnership working has been embraced by the Black Country local authorities of Dudley, Sandwell, Walsall and Wolverhampton as a logical response to the intertwined nature of the sub-region's challenges and opportunities.

Vision
<p>The Vision consists of three major directions of change and underpins the approach to the whole strategy:</p> <ol style="list-style-type: none"><li>1) Sustainable Communities: A network of cohesive, healthy and prosperous communities across the Black Country, with equal access to a mix of affordable and aspirational housing, a range of quality community services and an integrated transport network which reduces the need to travel by car.</li><li>2) Environmental Transformation: A step change in the image and environmental quality of the Black Country to underpin social and economic transformation and help meet the challenges of growth.</li><li>3) Economic Prosperity: Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.</li></ol>
Sustainability Principles
<p>The achievement of this vision requires a number of sustainability challenges to be addressed:</p> <ol style="list-style-type: none"><li>A) Facing up to Climate Change: Meeting the requirements of RSS Policy CC1: Climate Change by ensuring that the spatial approach to development both minimises climate change impacts and is 'climate change-proofed' by mitigating and adapting to predicted changes in the climate of the Black Country.</li><li>B) Sustainable Development: Ensuring that development meets the social, economic and environmental needs of the present without compromising the ability of future</li></ol>

generations to meet their own needs. This will include sustainable management of material resources through minimising waste, making prudent use of minerals, water and energy, and using renewable and low-carbon technologies.

- C) Social Inclusion: Ensuring all members of the community have the best possible access to facilities, housing and opportunities.
- D) Brownfield First: Ensuring that previously developed land, particularly where vacant, derelict or underused, is prioritised for development over greenfield sites.
- E) Comprehensive Approach to Development: Delivering complex and large-scale redevelopment in a way that ensures new development links well with surrounding areas, makes efficient use of land, improves amenity, avoids a piecemeal approach that could result in blight and constrain neighbouring uses, and provides infrastructure necessary to support individual developments in a co-ordinated way.

### Spatial Objectives

To ensure that the Vision becomes a reality and is fully consistent with the sustainability principles, a set of Spatial Objectives have been developed. By 2026 the Core Strategy will have helped to deliver:

- 1) Focussed investment and development in comparison shopping, office employment, leisure, tourism and culture within the four Strategic Centres: Brierley Hill, Walsall, West Bromwich and Wolverhampton, to retain and increase their share of economic activity and meet the increasing aspirations of their catchment areas.
- 2) A restructured sub-regional economy which provides sufficient high quality employment land in the best locations within Regeneration Corridors to attract new high technology and logistics businesses and also recognises the value of local employment land.
- 3) Model sustainable communities on redundant employment land in the Regeneration Corridors, that make the most of opportunities such as public transport and canal networks, are well served by residential services and green infrastructure, have good transport links to retained employment areas and centres, are set in a high quality natural and built environment and are well integrated with surrounding areas.
- 4) Enhancements to the character of the Black Country's existing housing areas by protecting and improving high quality residential areas and pursuing a sustained and focussed programme of housing renewal in low quality residential areas requiring intervention.
- 5) A network of vibrant and attractive town, district and local centres across the Black Country, each offering an appropriate choice of facilities.
- 6) A high quality environment fit for the future.
- 7) A first-class transport network providing rapid, convenient and sustainable links between the Strategic Centres, existing and new communities, and employment sites.
- 8) A sustainable network of community services, particularly high quality lifelong learning, health care and sport and recreation facilities.

- 9) Sufficient waste recycling and waste management facilities in locations which are the most accessible and have the least environmental impact.
- 10) Safeguard and make the most sustainable use of the Black Country's mineral resources including primary, secondary and recycled materials, without compromising environmental quality.

A list of Joint Core Strategy proposed policies can be viewed at **Appendix V**.

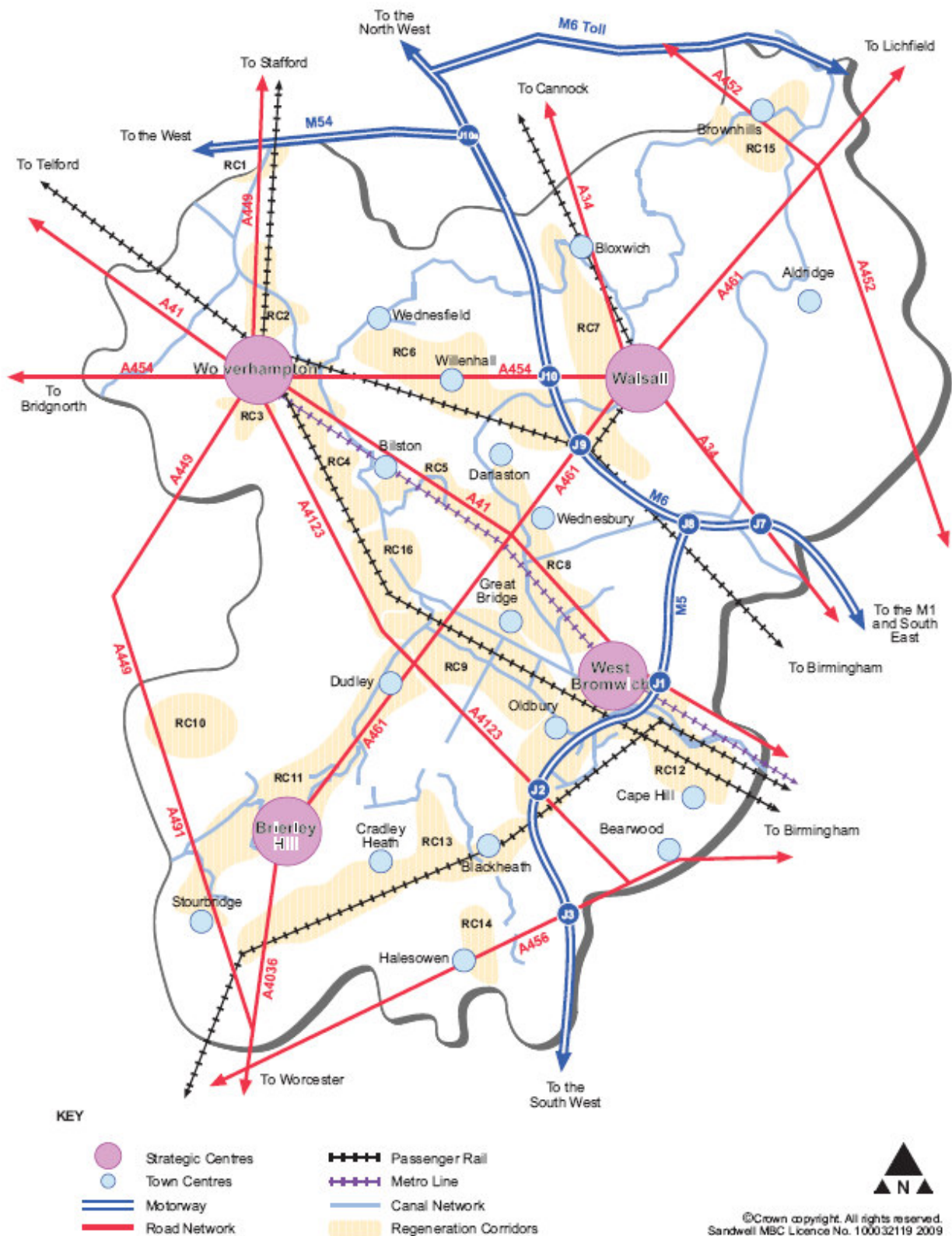


Figure 1.1: Black Country JCS Key Diagram (reproduced from the JCS, 2009)

## 2 Earlier HRA Work and New Evidence

### 2.1 Introduction

HRA screening has previously been carried out on the Black Country JCS. This in part drew from the HRA of the both the West Midlands Regional Spatial Strategy (WMRSS) Phase 1 Revision, and the WMRSS Phase 2 Revision. A review of sites assessed, impacts identified and recommendations made through each of these three processes is provided in the following sections.

Since publication of the various HRA reports on the Black Country JCS, West Midlands RSS Phase 1 Revision (Black Country) and West Midlands RSS Phase 2 Revision (Housing), further investigations have been carried out (e.g. regarding the BC Water Cycle Study (Scott Wilson, 2009)), whilst other information has also come to light (e.g. on visitor pressure at Cannock Chase SAC). The implications of these findings are discussed below.

### 2.2 Screening Reports for the Black Country Authority Joint Core Strategy

Previous screening work was prepared by White Young Green. This report was edited and revised such that three versions were issued during the plan period. These are as follows:

- ▶ *White Young Green (2007) Habitats Regulations Assessment of the Black Country Core Strategy Task 1: Screening. Prepared for Black Country Local Authorities and Cannock Chase District Council. November, 2007.*
- ▶ *White Young Green (2008a) Habitats Regulations Assessment of the Black Country Core Strategy Task 1: Screening. Prepared for Black Country Local Authorities and Cannock Chase District Council. March, 2008.*
- ▶ *White Young Green (2008b) Habitats Regulations Assessment of the Black Country Core Strategy. Prepared for: Black Country Local Authorities and Cannock Chase District Council. November, 2008.*

Each version of the screening report looked at the same two European sites in detail: Fens Pool SAC and Cannock Extension Canal SAC, as per the original brief from the Black Country Authorities. Both sites lie within the administrative boundaries of the four BCAs.

A search area for European sites of 20km was applied, however; this identified six additional sites:

- ▶ Cannock Chase SAC
- ▶ Motte Meadows SAC
- ▶ River Mease SAC
- ▶ West Midlands Mosses SAC

- ▶ West Midlands Mosses Ramsar (Chartley Moss)
- ▶ West Midlands Ramsar (Aquaete Mere)

In the case of each site, a brief set of comments was applied to each with the effect of screening out each site with the exception of Cannock Chase SAC. The report (WYG, 2008b) stated that this site was to be looked at separately at a later date, in conjunction with Cannock Chase District and Staffordshire County Council.

The screening process therefore concentrated only on Cannock Extension Canal SAC and Fens Pools SAC. The following potential issues were identified in relation to Cannock Extension Canal SAC:

- ▶ Agricultural run-off
- ▶ Boat traffic
- ▶ Bottom feeding fish
- ▶ Direct loss of habitat supporting floating water-plantain
- ▶ Invasive animal species, e.g. signal crayfish
- ▶ Invasive plants
- ▶ Management of vegetation, e.g. clearance for fishing platforms
- ▶ Management of water levels
- ▶ Routine canal maintenance
- ▶ Silt removal / dredging
- ▶ Water quality from point sources, e.g. road drains

Whilst the following potential issues were identified in relation to Fens Pools SAC:

- ▶ Adverse water quality changes arising from existing contamination on site (e.g. as a result of maintenance works on site)
- ▶ Development of land adjacent to the SAC
- ▶ Infill of greenspace
- ▶ Local hydrology
- ▶ Recreational pressure, principally angling
- ▶ Risk of accidental spillages entering the SAC from local factories etc

The screening outcome of the (2008b) report is reproduced in Box 1.

#### **Box 1: Screening Outcome**

The tables in Appendix A show the results in full of the screening process for each policy contained within the Core Strategy. The tables overleaf summarise the results. A number of issues have been dealt with by amending parts of the Core Strategy document to ensure that an appropriate level of emphasis on nature conservation protection is contained within each relevant policy area.

The amended Core Strategy is now considered to have no likely significant effects on Fens Pools SAC, and some of the potential impacts on Cannock Extension Canal SAC identified in Issue 1 of the screening report have also been discounted. It can be seen that there is one major area where possible significant effect has been identified that cannot be addressed through relatively minor amendments to parts of the Core Strategy document. This is the likely increase in traffic on the A5, M6 Toll and other local roads as a result of developments promoted by the Core Strategy and other adjacent local and



regional authorities, which could have effects on water quality in Cannock Extension Canal SAC.

This issue is to be investigated at Stage 2.

The outcome of the report recorded that the JCS would have no likely significant effects on Fens Pools SAC, so long as the recommended changes to the plan proposals were followed. Appendix A of the 2008b report lists all plan proposals and their effects on Fens Pools SAC and Cannock Extension Canal. The same recommendations are therefore replicated. In the case of Fens Pools SAC the main recommendation was to protect land around the SAC to safeguard potential metapopulations, avoid habitat isolation and maintain or enhance connectivity of suitable habitat.

This has been done in the JCS; policy RC11a in particular says *"it is therefore important that during redevelopment, east-west open space links are created and maintained between (Saltwells Nature Reserve and Fens Pools SAC) which are currently lacking"*. (See **Appendix V**).

At the time of writing, Cannock Extension Canal SAC was confirmed as warranting further investigation as part of a Stage 2 (AA) process. However, subsequent research was carried out into potential effects on the site, enabling them to be screened out by Natural England which confirmed that:

*"It is now clear that any road drainage reaching the canal is only off a very short stretch of the B4154 and, as consequence, any increase in road traffic along this road resulting from the proposal of either your own authorities core strategy or that of The Black Country authorities.*

*Indeed, it is now clear that the polluted water originates off Wyrley Common and matters are now in hand to resolve that issue.*

*As a consequence, Natural England agrees that it is not necessary for you to proceed to the next stages of the HRA in terms of this particular issue."* (See **Appendix VI**),

### **2.3 Screening and AA Reports for the West Midlands RSS Phase 1 Revision**

Also of relevance to this Report is the HRA of the WMRSS Phase 1 Revision (the Black Country) which was undertaken in rapid succession during August 2007. Two reports were produced, as follows:

- ▶ *Treweek Environmental Consultants & URSUS (2007a) Habitat Regulations Assessment of the Phase One Revision of the Regional Spatial Strategy for the West Midlands; Screening Note. Prepared for: Government Office for the West Midlands. 2nd August, 2007.*
- ▶ *Treweek Environmental Consultants & URSUS (2007b) Appropriate Assessment of the Proposed Changes to the West Midlands Draft Phase One Regional Spatial Strategy. Prepared for: Government Office for the West Midlands. 16th August, 2007.*

The screening report (2007a) identified nine European sites deemed to be within the influence, or range, of impact pathways from the RSS for the Black Country. Of the sites listed, only one was screened out: the Cannock Extension Canal SAC. All others warranted further investigation and analysis as part of the AA process.

The following issues (shown in **Table 2.1** below) were identified as affecting the integrity of European sites at the screening stage, and recommendations for mitigation were made (reproduced from the AA Report, 2007b, p.72-73):

**Table 2.1: Impacts and Recommendations from WMRSS1 AA Report (TEC/Ursus, 2007b)**

Site name	Likely significant effects identified at screening stage	Was significant effect confirmed through Stage 2 (AA)?	Recommended Action
Cannock Chase SAC	Local and diffuse air pollution adversely affecting the species composition and character of the heathlands. Risk of effects of water abstraction on ground water levels at the site and supply to meet the needs of qualifying habitats	No – Modelling shows traffic unlikely to increase significantly on roads adjacent to site. Contribution to background concentrations of pollutants at sites considered insignificant. Any increase in licensing of abstractions will require a test pump and if there are adverse effects to the site the licence won't be granted.	No changes to Phase One necessary Monitoring of air quality on roads adjacent to site suggested due to uncertainties inherent in modelling and the current exceeded of nitrogen and acid deposition at the site.
Fens Pools SAC	Further removal of terrestrial habitat and habitat linkages	Yes – Phase One encourages further development that could lead to further loss	Additions to policy PA11A to ensure that the new focus of investment and development at Brierley Hill does not result in loss of supporting habitat.
Peak District Dales SAC, South Pennine Moors SAC, West Midlands Mosses SAC, Peak District Moors SPA, South Pennine Moors Phase II	Critical thresholds for nitrogen and acid deposition exceeded at these sites. Possible LSE from emissions associated with Phase One	No – Contribution of Phase One to background concentrations of pollutants at sites considered insignificant.	None Issues of diffuse air pollution associated with transport and housing across the region to be addressed in more detail in Phase Two.
Severn Estuary	Lowering of water	Overall demands for water	Any possible significant

cSAC, SPA, and Ramsar	levels due to the need to increase abstraction to supply new business and retail developments. Possible reduction in water quality resulting from a reduction in flow or increase in pollutants for surface water runoff and/or combined sewer overflows	supply due to Phase One are unlikely to increase beyond planned capacity although this is uncertain. It is not known whether there is sufficient capacity to connect new foul- and surface-water sewers without overloading the network, and whether redevelopment and regeneration will lead to an increase in diffuse pollution from hard standing surfaces.	effects can be avoided if development is phased appropriately such that required infrastructure is in place. Water Cycle Assessments required for development and these should be reviewed with respect to the ongoing assessments under the Habitats Directive. Additional text suggested to policy UR1B
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The AA process concluded that there would be no adverse effect on site integrity at the following sites as a result of the RSS Phase 1 proposals:

- ▶ Cannock Chase SAC;
- ▶ Peak District Dales SAC;
- ▶ South Pennine Moors SAC;
- ▶ West Midlands Mosses SAC;
- ▶ Peak District Moors (South Pennine Moors Phase I) SPA; and
- ▶ South Pennine Moors Phase II SPA.

Whilst the above sites were screened out of WMRSS Phase 1, the issue of diffuse air pollution was recognised as requiring a more detailed assessment during the WMRSS Phase 2 (see **Section 2.4** below). Also, in the case of Cannock Chase SAC, monitoring of air quality on roads adjacent to the site was recommended due to uncertainties associated with modelling and the current exceeded levels of nitrogen and acid deposition at the site.

Two sites, Fens Pools SAC and the Severn Estuary, both had significant effects confirmed. In the case of Fens Pools SAC, the HRA of the WMRSS Phase 1 recommended additions to overarching policy PA11A to ensure that the new focus of investment and development at Brierley Hill (which is located immediately to the south of Fens Pools SAC) does not result in loss of supporting habitat. In the case of the Severn Estuary, water cycle studies were recommended for development proposals and to further inform future HRA work.

## 2.4 Screening Reports for the West Midlands RSS Phase 2 Revision

The HRA process for the West Midlands RSS Phase 2 Revision (Housing) has resulted in the publication of four documents, as follows:

- ▶ *URSUS & Treweek Environmental Consultants (2007) Habitat Regulations Assessment of the Phase Two Revision of the Regional Spatial Strategy for the West Midlands; Screening Note. Prepared for: Government Office for the West Midlands. September, 2007.*
- ▶ *Baker Shepherd Gillespie (2008) Development of Options for the West Midlands RSS in Response to the NHPAU Report; HRA Screening Report. Prepared for: Government Office for the West Midlands. 7<sup>th</sup> October, 2008.*
- ▶ *Treweek Environmental Consultants (2008) Critique of the Habitat Regulations Assessment for the Nathaniel Lichfield & Partners Housing Study. Prepared for: West Midlands Regional Assembly. 16<sup>th</sup> October, 2008.*
- ▶ *Baker Shepherd Gillespie (2009) Development of Options for the West Midlands RSS in Response to the NHPAU Report; Updated HRA Assessment Report. Prepared for: Government Office for the West Midlands. March, 2009.*

The suite of HRA screening reports published on the West Midlands RSS Phase 2 Revision (both pre- and post-publication of the National Housing and Planning Advice Unit (NHPAU) report which sought to increase housing provision in the region), screened out nine sites, including Motte Meadows SAC.

Twenty-seven sites were deemed likely to be significantly affected by policies within the RSS Phase 2 Revision (or the effects would be uncertain), and thus these were progressed to the appropriate assessment stage. The sites affected (for brevity, only those of relevance to the Black Country are included), possible impacts, and recommendations made are summarised in the table below.

**Table 2.2:** Impacts and Recommendations from Updated WMRSS2 HRA Report (BSG, 2009)

Likely significant effects	Site name	Recommended Action
Changes in Local Air Quality	Cannock Chase SAC	Housing in the District should be implemented in conjunction with measures to ensure that traffic levels do not increase on roads around the site. (Road pricing, improved public transport etc).
	Peak District Dales SAC, South Pennine Moors SAC, Peak District Moors SPA, West Midlands Mosses SAC, Midlands Meres and	Relevant Local Authorities could produce air quality strategies for their area to explore and monitor ways to reduce air pollution.  RSS Policy should require LPA s establish the link between the development proposed within the LDFs, individual transport schemes in LTP and the implications for road traffic on identified transport routes that pass near sensitive

	Mosses Phase 2 Ramsar	European sites (particularly within 200m).
Changes in Diffuse Air Quality	Cannock Chase SAC, Peak District Dales SAC, South Pennine Moors SAC, Peak District Moors SPA, West Midlands Mosses SAC, Midland Meres and Mosses Phase 1 & 2 Ramsar, South Pennine Moors Phase 2 SPA	<p>Introduce a new specific policy on air pollution focusing on air quality as a regional issue.</p> <p>Require all new developments that would contribute significantly to NOx emissions to contribute to other measures to improve air quality or reduce levels of emissions from other sources.</p> <p>Apply for Level 6 of the Code for Sustainable Homes at an earlier date.</p> <p>Amend Policy CF3 to reduce the number of additional dwellings in locations remote from existing services and infrastructure.</p> <p>Reduce traffic levels, for example through charging for journeys and investment in lesser polluting public transport.</p> <p>Introduce Policy SR4</p>
Changes in Water Quality	Pasturefields Salt Marsh SAC, River Mease SAC, Severn Estuary cSAC and Ramsar	As a result of uncertainties over impacts, mitigation is to be addressed through a separate report to be produced by Treweek Environmental Consultants.
Changes in Water Supply	River Mease SAC, Severn Estuary cSAC, SPA and Ramsar	As a result of uncertainties over impacts, mitigation is to be addressed through a separate report to be produced by Treweek Environmental Consultants.
Disturbance Caused by Recreation/Amenity and Tourism	Cannock Chase SAC	<p>Consolidation of the site and an increase in its area.</p> <p>Visitor management strategies e.g. designating mandatory 'dogs on leads' areas where ground-nesting birds may be disturbed or creating buffer areas with limited access.</p> <p>Concentrated Biodiversity Enhancement.</p>
	Cannock Extension Canal SAC	<p>Impacts should be controllable at a local level.</p> <p>Numbers of boats need to be regulated.</p>
	Peak District Dales SAC, South Pennine Moors SAC, Peak District Moors (South Pennine Moors Phase 1) SPA, South Pennine Moors Phase 2 SPA	<p>Access management, e.g. via the Rights of Way Network.</p> <p>A new policy may be required specifically to ensure better integration between transport policies and strategies promoting access to the countryside.</p> <p>Coordinated approaches for upland sites which straddle regional boundaries.</p>
	Midlands Meres and Mosses Phase 1 and 2 Ramsar	Control access e.g. numbers of anglers at a site level.
	Fens Pool SAC	AAs undertaken for LDDs or for specific developments in the area should take into account the importance of supporting terrestrial habitat to the integrity of the site.

	River Mease SAC	Development in the North West and West Midlands likely to result in increased road traffic near the site will need to fund road improvements to ensure other movements are sustainable and levels of mortality do not go up.
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As mentioned in the table above, due to uncertainties over impacts on water quality and water supply, further investigation was carried out, culminating in the following report:

- ▶ *Treweek Environmental Consultants (2009) Impact of Housing Growth on Water Supply and Water Quality at the European sites – Update to information contained within the West Midlands RSS Phase II Revision HRA. Prepared for: West Midlands Regional Authority. April, 2009.*

With respect to implications for water supply to European sites, this document reveals there to be no adverse effect on the River Mease SAC, but uncertain effects on the Severn Estuary cSAC, SPA and Ramsar sites. To avoid effects on the Severn Estuary sites, the report recommends:

- ▶ A precautionary policy until the results of the Review of Consents & Water Framework Directive (WFD)/ Restoring Sustainable Abstraction Sensitivity Analysis can be made available to the statutory nature conservation bodies.
- ▶ A requirement for Local Authorities to engage in early consultation with Water Companies and the Environment Agency concerning site allocations to ensure development is located in WRZs where there is surplus water available after the required sustainability reductions have been implemented. Mandatory water cycle studies would demonstrate this.
- ▶ A commitment to be enshrined in the LDFs that development must be conditional on assured water supplies from sources that would not have an adverse effect on European sites.
- ▶ Continuing support of the water conservation and efficiency measures set in policy SR3 of the draft RSS.

With respect to changes in water quality, the Water Issues HRA Update (TEC, 2009) states that there will be no adverse effect on Pasturefield Saltmarsh SAC from the RSS Phase 2 Revision policies, but that potential effects on River Mease SAC and Severn Estuary cSAC, SPA and Ramsar remain uncertain. Recommendations for the RSS are thus:

- ▶ Require water cycle studies to be mandatory for all areas where likely significant effects on a European site are possible and these should include a Surface Water Management Plans.
- ▶ Require local authorities to link delivery of housing with review of the capacity of STWs and the sewerage network, and plan improvements to these as necessary to ensure that water quality at European Sites is not compromised. Those Local authorities with European Sites that could be at risk need to adopt a precautionary approach to development and must test plan alternatives.

- ▶ Reinforce the need for more detailed assessment at a local level and include a policy allowing a lower housing allocation where it is the only effective mitigation to ensure no adverse effect on the integrity of European sites

No singular, conclusive Appropriate Assessment report was prepared for the RSS Phase 2 Revision; however, a workshop was held at the Examination during which Policy SR4 was suggested, and subsequently added to the document (see **Section 2.5** below).

## **2.5 Panel Report for the West Midlands Regional Spatial Strategy Phase 2 Revision**

The document below was produced following the Examination in Public (carried out 28<sup>th</sup> April – 24<sup>th</sup> June 2009) of the WMRSS Phase 2 Revision:

- ▶ *Planning Inspectorate (2009) West Midlands Regional Spatial Strategy Phase Two Revision; Report of the Panel (Volume 1 – Report). Prepared for: Secretary of State. September, 2009.*

In relation to European sites, on page one of the Overview it states:

*The fourth over-arching policy, which was originally proposed to address air quality issues affecting European sites, was drawn into the wider arena of protecting designated European sites generally against any significant adverse effects. Following the work on the Phase 2 revision Habitat Regulations Assessment (HRA), it became apparent that in a small number of cases it was not possible for the HRA to rule that there would be no adverse effects on the integrity of certain European sites. This related not just to air quality but also to water resources and other issues. We were impressed by the positive way in which environmental organisations, with the Regional Assembly and GOWM got together to find a way of adapting Policy SR4 to meet this situation. The resultant policy, which we have recommended with few changes, in our view enables the RSS to go forward with some certainty about how to deal with the issues, while remaining compliant with the HRA requirements. Although designed to deal with the particular circumstances in the West Midlands, the approach may be of wider application.*

The new Policy SR4 of the West Midlands RSS Phase 2 Revisions is reproduced below (adapted from Planning Inspectorate, 2009, p.18-21):

### **Box 2: Policy SR4 Safeguarding the Integrity of European Sites**

A. LDDs and other plans and programmes prepared by local authorities, and other relevant agencies, should give the highest level of protection to sites of international nature conservation importance (European sites<sup>1</sup>). Local authorities and other plan makers should therefore ensure that they:

(i) test alternatives as part of the process of preparing LDDs. In particular, where there are potential adverse effects on a European site, a local authority should consider alternative distributions of development within its area;

(ii) demonstrate at examination that they have avoided adverse effects through testing distribution and

phasing options. If adverse effects cannot be prevented, the local authority will need to show it has mitigated any impacts so that no adverse effect on the integrity of any European site will occur (alone or in combination with other plans and projects). In exceptional circumstances, if it is concluded that the only means of avoiding an adverse impact on the integrity of a European site is to reduce the housing allocation to a lower level than that set out in Policy CF3 Table 1, then the figure agreed by an Inspector at a DPD examination should be treated as the housing allocation.

B. In relation to Land Use Change issues identified by the HRA, local authorities and other plan makers should:

(i) require that any proposal which is likely to cause land use change to potential supporting habitat within 10 Kilometres of the Wye Valley Woodland SAC and Wye Valley and Forest of Dean Bat Sites SAC and other relevant European sites should be subject to a HRA in order to protect the integrity of these sites.

C. In relation to Air Quality issues identified by the HRA, local authorities and other plan makers should:

(i) secure the fullest possible use of sustainable transport choices (T1), reduce the need to travel (T2) and encourage the development of sustainable communities (SR2);

(ii) include policies to improve air quality and reduce the levels of emissions as set out in air quality strategies so as to take account of the risks to European sites;

(iii) ensure that both the diffuse and local air pollution effects of proposed development on European sites are considered;

(iv) ensure that development is only permitted where it is clearly demonstrated by the HRA that it will not significantly contribute to adverse effects caused by diffuse air pollution at European sites, alone or in combination with other plans and projects. Where development would result in such increases it should include measures to secure an equivalent improvement in air quality or reduction in emissions from other sources;

(v) avoid the siting of new sources of emissions or development that would increase traffic levels on roads near to sensitive European sites;

(vi) consider the local air pollution impacts of increased road traffic within 200 metres of a sensitive European site, including impacts from dust;

(vii) require a pollution-neutral strategy for major development based on the results of local air quality assessments, especially for potentially polluting development near to European sites.

D. In relation to Water Supply issues identified by the HRA, local authorities and other plan makers should:

(i) engage in early consultation with water companies, the Environment Agency and the HRA statutory consultation bodies on site allocations to ensure development is located and appropriately phased in Water Resource Zones where a sustainable water supply is available and where water supply can be secured without adverse effects upon a European site;

(ii) avoid development within the Pilleth Water Resource Zone (affecting a small part of rural Herefordshire) unless it can be demonstrated that water supply can be secured without adverse effects on a European site;

(iii) where significant effects on a European site are possible, ensure that Water Cycle studies inform the



evidence base for LDDs.

E. In relation to Water Quality issues identified by the HRA, local authorities and other plan makers should:

(i) engage in early consultation with water companies, the Environment Agency and the HRA statutory consultation bodies in relation to site allocations to ensure that development is located and appropriately phased and that there is capacity available in the waste water treatment works and sewerage network in order to ensure there will be no adverse effects on a European site;

(ii) where significant effects on a European site are possible, to ensure that Water Cycle studies inform the evidence for LDDs.

F. In relation to Disturbance from Recreation and Tourism issues identified by the HRA, local authorities and other plan makers should:

(i) ensure that additional development does not result in an increase in recreational pressure that would cause an adverse effect on the integrity of European sites. The relevant local authorities must, in undertaking HRAs of their LDDs, ensure that increases in visitor numbers can be accommodated before giving effect to any such plan, with the provision of appropriate counteracting measures where necessary.

## 2.6 Implications of SR4

In order to protect European sites, Policy SR4 requests that diffuse air pollution is taken into account by local authorities by way of: promoting sustainable transport choices, reducing the need to travel and encouraging the development of sustainable communities; as well as reducing the levels of emissions as set out in air quality strategies.

The Black Country JCS sets out various measures to promote sustainable transport and improve air quality, particularly through policies CSP5, TRAN2, TRAN3, and ENV8, but also through the strategy as a whole with self-sustaining development (an appropriate mix of housing, office, retail and leisure developments) in each town centre and regeneration corridor. In addition, all four Black Country Authorities are covered by Air Quality Management Area strategies, the purpose of which are to improve air quality.

In terms of water supply and water quality, Policy SR4 requires that where significant effects on a European site are possible, Water Cycle Studies must inform the evidence base for LDDs. A Water Cycle Study for the Black Country was produced in September 2009, and is discussed below.

## 2.7 Black Country Water Cycle Study

The Outline Water Cycle Study was produced on behalf of the four Black Country Authorities following Sir Michael Pitt's independent review (June, 2008) into the summer 2007 floods, and guidance on Water Cycle Studies produced by the Environment Agency (January, 2009):

- ▶ *Scott Wilson (2009) Black Country Water Cycle Study and Scoping Surface Water Management Plan. Prepared for: Black Country Local Authorities. September, 2009.*

This document looks into four specific areas for the Black Country:

- ▶ Water resources and supply;
- ▶ Wastewater treatment and collection;
- ▶ Water environment; and
- ▶ Flood risk.

The findings of the report record that the Black Country is served by both Severn Trent Water and South Staffordshire Water. The Black Country has been assessed as an area of moderate water stress. Whilst South Staffordshire Water has sufficient resources to meet the forecast growth in demand throughout the period to 2035, Severn Trent's draft Water Resource Management Plan (WRMP) indicates a supply/demand shortfall within the Severn Water Resource Zone (WRZ), an area which includes Wolverhampton, Stourbridge and Halesowen.

In terms of wastewater collection and treatment, there are six wastewater treatment works (WwTWs) located within the Black Country, and a further eight bordering the area. Of these, eight have been identified as potentially being impacted by proposed development within the study area, as though all WwTWs appear to have sizeable spare volumetric capacity to treat flows from new development, no detailed information on trade flow is yet available.

WwTW quality consents are likely to require tightening in future to ensure that the proposed growth complies with Water Framework Directive (WFD) standards. In general, water quality within the Black Country area is of fairly poor quality but has complied with current water quality standards over the latest Environment Agency reporting periods.

## **2.8 Evidence Base Relating to Cannock Chase SAC**

New evidence recently prepared by a consortium of local planning authorities in Staffordshire in connection with Cannock Chase SAC is contained within two reports:

- ▶ *Footprint Ecology (2009) Evidence Base relating to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies. Prepared for Cannock Chase District Council, Lichfield District Council, South Staffordshire District Council, Stafford Borough Council and Staffordshire County Council. November 2009.*
- ▶ *Footprint Ecology (2010) Cannock Chase Visitor Impact Mitigation Strategy. Prepared for Cannock Chase District Council, Lichfield District Council, South Staffordshire District Council, Stafford Borough Council and Staffordshire County Council. January 2010.*

The initial study (2009) concludes that Cannock Chase SAC is likely to suffer significant effects in terms of water abstraction, air quality and increased recreation pressure as a result of

policies within the Core Strategies of four local planning authorities (Cannock Chase District, Lichfield District, South Staffordshire District and Stafford Borough). In terms of the Black Country, water abstraction effects on Cannock Chase SAC can be ruled out, as the site is only affected by supply to Stafford Borough.

Water abstraction is recognised as being potentially significant in association with boreholes at Milford and Shugborough:

*It is not possible from the data so far available to conclude that water abstraction from the boreholes at Milford and Shugborough are not having a significant adverse effect on the integrity of the SAC and that any effect will not be greater with increased abstraction at one or both boreholes. This means that Stafford Borough Council will need to obtain assurances from the Environment Agency that a supply of water of sufficient quantity and quality will be available to meet the needs of new housing and industrial/commercial development before publishing their final development proposals in the core strategy.*

This is a local issue for Cannock Chase SAC. It is not thought that the Black Country will exacerbate this particular issue due to distance from the boreholes.

The 2010 report deemed that any residential development within 12 miles (19.3km) of Cannock Chase SAC is likely to increase recreational pressure (based on a visitor survey carried out in 2000 by Staffordshire University that found 75% of visitors coming from within 12 miles of the SAC). This 'Zone of Influence' includes almost all of Walsall Metropolitan Borough, the majority of the City of Wolverhampton, and the northernmost part of Sandwell Metropolitan Borough. The report notes however, at several junctures, that the baseline data which has been used to inform the evidence base is now ten years old and would benefit from a new visitor survey being undertaken. Such a survey will help to clarify whether residents of the Black Country visit Cannock Chase SAC, and for what purpose, duration and frequency.

Air pollution effects are cited in relation to both wet and dry heaths at the site. This is believed to be caused by vehicular traffic passing through or near to the site. As is the case with recreational pressure, the report cites implications for visitors from the BC.

## **2.9 Correspondence with Natural England**

Natural England has been consulted on HRA matters throughout the process of preparing the Joint Core Strategy. All correspondence from Natural England can be found in **Appendix VI**. By way of summary, this includes:

- ▶ *Robert Duff (9th May, 2008): Supporting the inclusion of the Cannock Extension Canal SAC for the Appropriate Assessment Stage. Raising an objection to the BC HRA Screening Report's approach to Fens Pool SAC.*
- ▶ *Graham Walker (17th November, 2009): Confirmed that Appropriate Assessment is not required for the Cannock Extension Canal SAC.*

- ▶ *Susie Murray (Submission Version Comments; February, 2010): Raised the issue of cross boundary working, specifically in connection with Cannock Chase SAC.*
- ▶ *Eric Steer (4th June, 2010): Confirmed BCA decision to update screening work in relation to European sites outside of the Black Country boundaries.*

## 3 Methodology

### 3.1 Introduction

Guidance on HRA has been published in draft form by the Government (DCLG, 2006). This draws on advice from a range of experts as well as European Union guidance (European Commission, 2001) regarding methodology for Appropriate Assessment of plans.

The guidance recognises that there is no statutory method for undertaking Habitats Regulations Assessment and that the adopted method must be *appropriate* to its purpose under the Habitats Directive and Regulations; this concept is one of the reasons why HRA is also often referred to as Appropriate Assessment. The guidance identifies three stages to the HRA process:

- ▶ AA1: Likely Significant Effects (Screening)
- ▶ AA2: Appropriate Assessment and Ascertaining the Effect on Integrity
- ▶ AA3: Mitigation Measures and Alternative Solutions

Where stage AA3 cannot produce alternative solutions to remove or reduce adverse effects to insignificant levels, there may be a need to explore Imperative Reasons of Overriding Public Interest. This is discouraged by DCLG. The three stages collectively make up Habitats Regulations Assessment, while Stage AA2 is the point at which Appropriate Assessment of the plan is carried out if the evidence points to a need for such an assessment.

Natural England (formerly English Nature) has produced more prescriptive draft guidance on the assessment on Regional Spatial Strategies (RSS) and sub-regional strategies under the provisions of the Habitats Regulations (David Tyldesley and Associates, 2006). This introduces the concept of a stepped approach to the assessment process and fits within the framework of the three stages identified by DCLG. Whilst the guidance has been written for RSS similar guidance, drawing on the same principles, is being prepared for Development Plan Documents, and Natural England has confirmed that the RSS guidance is suitable for use in the interim period.

**Table 3.1** illustrates how the two approaches can be operated as one integrated methodology to achieve the same outcome from each approach. It is recognised that HRA may be undertaken at the same time as other assessment processes associated with the preparation of DPDs (ie, Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA)), but it should be noted that it is a distinct procedure with its own legislative requirements. The SA/SEA process for the Core Strategy is being undertaken and documented separately from the HRA.

### 3.2 Methodology

The HRA follows the methodology prepared by David Tyldesley and Associates (2006), as described in **Table 3.1**.

**Table 3.1:** Stages in the Habitats Regulations Assessment process drawing on guidance from the DCLG and Natural England

DCLG Stage	Natural England (Tyldesley) Steps
AA1: Likely significant effects	1. Identify all international sites in and around the area.
	2. Acquire, examine and understand conservation objectives of each interest feature of each European site potentially affected.
	3. Consider the policies and proposals in the plan and the changes that they may cause that may be relevant to the European sites. This is likely to involve estimating likely magnitude, duration, location and extent of effects of the changes as far as they may reasonably be predicted at this stage.
	4. Acknowledging the plan is not necessary for site management, would any elements of the plan be likely to have a significant effect on any interest feature, alone or in-combination with other projects and plans, directly or indirectly?
	5. Seek official screening statement from Natural England.
AA2: Appropriate Assessment and ascertaining the effect on integrity	6. Agree scope and method of the Appropriate Assessment and consultation period with Natural England.
	7. Undertake an Appropriate Assessment of the implications for each affected site in light of its conservation objectives, using the best information, science and technical know-how available.
AA3: Mitigation measures and alternative solutions	8. Consider whether any possible adverse effect on integrity of any site could be avoided by changes to the plan, such as an alternative policy or proposal whilst still achieving its aims and objectives.
	9. Draft a report on the Appropriate Assessment and consult Natural England and if necessary the public.
	10. Taking account of Natural England and public representations, can it be ascertained that the plan will not adversely affect the integrity of any international site?

### 3.2.1 HRA Screening

The screening process, drawing on information about the qualifying features of the site and its conservation objectives, considers whether or not the Joint Core Strategy's proposals are likely to lead to significant effects onsite. The screening process concerns steps 1 to 5 in **Table 3.1**. The following chapters address the five steps accordingly:

- ▶ **Chapter Four** – Identifies all European sites (Step 1) and acquires and examines the conservation objectives of each of these sites (Step 2);
- ▶ **Chapters Five and Six** – Determine the likely significant effects of the plan on European sites, both alone (Step 3) and in-combination with other plans (Step 4); and
- ▶ **Chapter Seven** – Gives the Screening Statement and next steps (Step 5).

### 3.2.2 *Appropriate Assessment*

The methodology for Stage AA2 (Steps 6 and 7) and Stage AA3 (Steps 8 – 10) of the HRA process are discussed further in **Chapter Seven**.

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## 4 Scope of the Study

### 4.1 Introduction

Each European site has its own intrinsic qualities, besides the habitats or species for which it has been designated, that enable the site to support the ecosystems that it does. An important aspect of this is that the ecological integrity of each site can be vulnerable to change from natural and human induced activities in the surrounding environment. For example, sites can be affected by land use plans in a number of different ways, including the direct land-take of new development, the type of use the land will be put to (for example, a noise emitting use), the pollution a development generates and the resources it uses (during both construction and operation).

An intrinsic quality of any European site is its functionality at the landscape ecology level; in other words, how the site interacts with the zone of influence of its immediate surroundings, as well as the wider area. Best practice guidance on Habitats Regulations Assessment suggests that all European sites within the area of coverage of a plan, together with all those within a 20km buffer zone should be considered in the first instance as potential receptors for negative effects. In addition to these, other European sites further than 20km from the area of coverage of a plan may also be affected due to their specific environmental sensitivities. This is particularly the case where there is potential for developments resulting from the plan to generate water-borne pollutants, where there are particularly high demands for water resources, or a specific recreational resource has a catchment area of greater than 20km.

There are 18 European sites wholly or partially within the area covered by the plan, or near to it, and may potentially be affected by activities arising from the plan. These are shown in **Figures 4.1** and **4.2** and listed in **Table 4.1**.

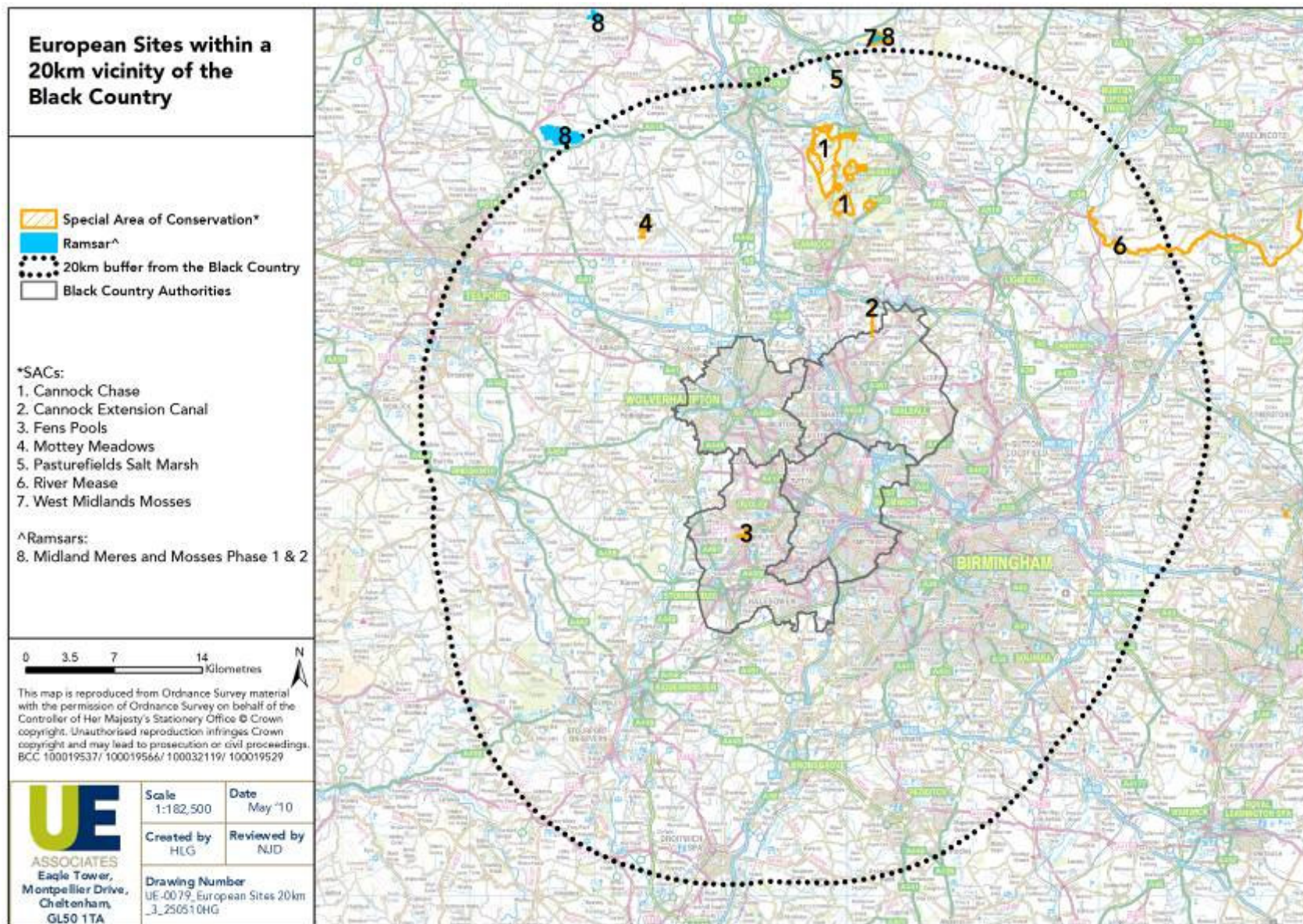


Figure 4.1: European Sites within a 20km vicinity of the Black Country

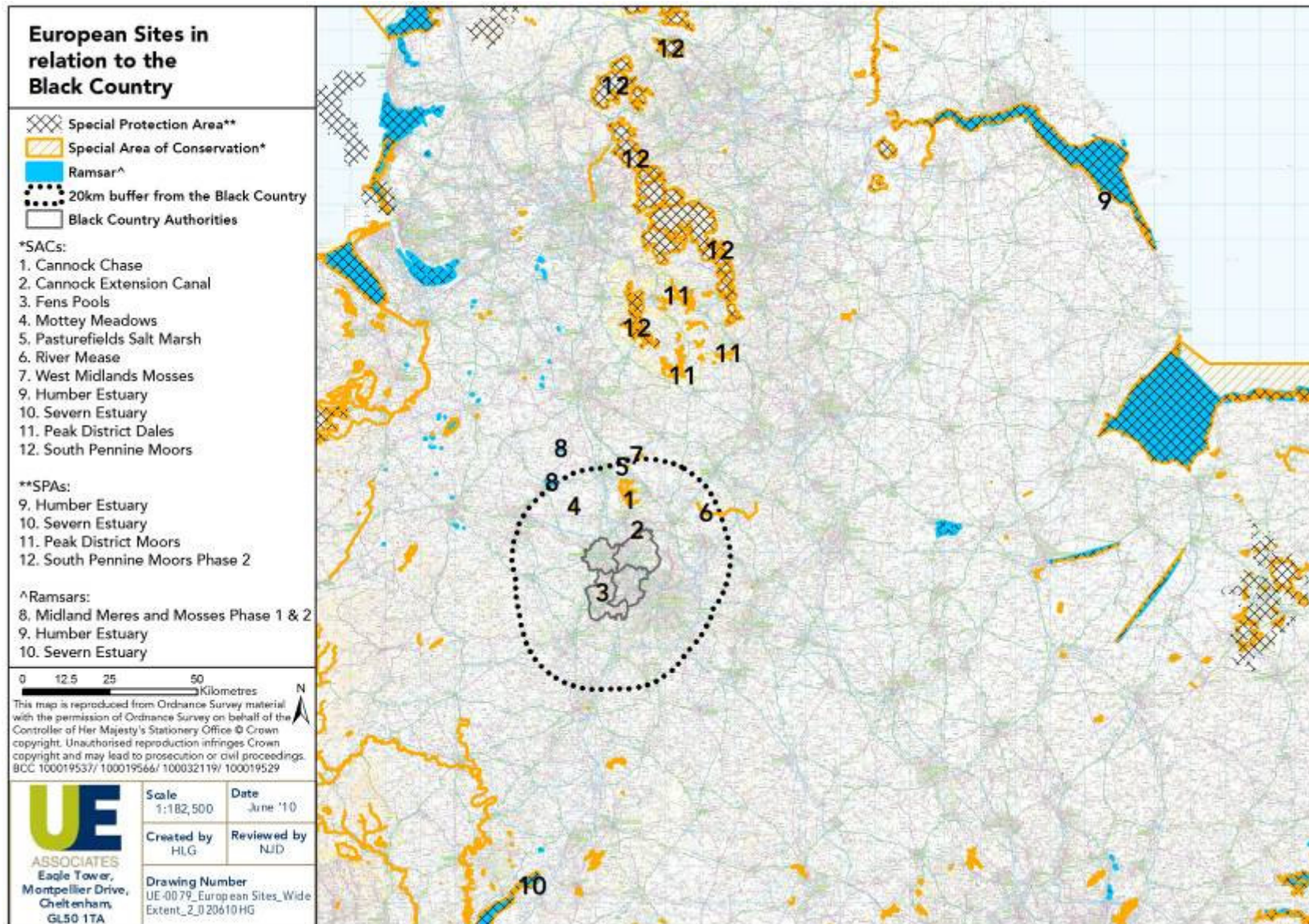


Figure 4.2:  
European Sites  
in relation to the  
Black Country

**Table 4.1: European sites in the vicinity of the Black Country Authorities**

Name	Location	Type
Cannock Chase	Within 20km buffer zone	SAC
Cannock Extension Canal	Within BCA area	SAC
Fens Pools	Within BCA area	SAC
Humber Estuary	Beyond buffer	cSAC
Motley Meadows	Within 20km buffer zone	SAC
Pasturefields Salt Marsh	Within 20km buffer zone	SAC
Peak District Dales	Beyond buffer	SAC
River Mease	Within 20km buffer zone	SAC
Severn Estuary	Beyond buffer	cSAC
South Pennine Moors	Beyond buffer	SAC
West Midlands Mosses	Beyond buffer	SAC
Humber Estuary	Beyond buffer	SPA
Peak District Moors (South Pennine Moors Phase 1)	Beyond buffer	SPA
Severn Estuary	Beyond buffer	SPA
South Pennine Moors Phase 2	Beyond buffer	SPA
Humber Estuary	Beyond buffer	Ramsar
Midland Meres and Mosses (Phases 1 & 2)	Beyond buffer	Ramsar
Severn Estuary	Beyond buffer	Ramsar

## 4.2 Site Descriptions

An ecological description of each European site is given in **Appendix I**.

## 4.3 Qualifying Features

The qualifying features of each site (that is, the reasons for which the sites were designated) are listed in **Appendix II**. To summarise, the main species and habitats protected under the group of designations are as follows.

Bird species (as protected by the designation of SPAs and Ramsars):

- ▶ Avocet *Recurvirostra avosetta*
- ▶ Bar-tailed godwit *Limosa lapponica lapponica*
- ▶ Bewick's tundra swan *Cygnus columbianus bewickii*
- ▶ Black-tailed godwit *Limosa limosa islandica*
- ▶ Dunlin *Calidris alpina alpina*
- ▶ Eurasian bittern *Botaurus stellaris*

- ▶ Eurasian teal *Anas crecca*
- ▶ European golden plover *Pluvialis apricaria*
- ▶ Gadwall *Anas strepera strepera*
- ▶ Greater white-fronted goose *Anser albifrons albifrons*
- ▶ Hen harrier *Circus cyaneus*
- ▶ Lesser black-backed gull *Larus fuscus graellsii*
- ▶ Little tern *Sterna albifrons*
- ▶ Marsh harrier *Circus aeruginosus*
- ▶ Merlin *Falco columbarius*
- ▶ Northern pintail *Anas acuta*
- ▶ Red knot *Calidris canutus*
- ▶ Redshank *Tringa totanus*
- ▶ Ringed plover *Charadrius hiaticula*
- ▶ Ruff *Philomachus pugnax*
- ▶ Shelduck *Tadorna tadorna*
- ▶ Short-eared owl *Asio flammeus*

Other species (as protected by the designation of SACs and Ramsars):

- ▶ *Alosa alosa* Allis shad
- ▶ *Alosa fallax* Twaite shad
- ▶ *Anguilla anguilla* Eel
- ▶ *Austropotamobius pallipes* White-clawed (or Atlantic stream) crayfish
- ▶ *Bufo calamita* Natterjack toad
- ▶ *Carex elongata* Elongated sedge
- ▶ *Cicuta virosa* Cowbane
- ▶ *Cobitis taenia* Spined loach
- ▶ *Cottus gobio* Bullhead
- ▶ *Dicranum affine* Undulate dicranum moss
- ▶ *Glyptopteryx lathamella* Moth
- ▶ *Hagenella clathrata* Caddisfly
- ▶ *Halichoerus grypus* Grey seal
- ▶ *Lampetra fluviatilis* River lamprey
- ▶ *Luronium natans* Floating Water-plantain
- ▶ *Lutra lutra* Otter
- ▶ *Petromyzon marinus* Sea lamprey
- ▶ *Salmo salar* Salmon
- ▶ *Salmo trutta* Sea trout
- ▶ *Sphagnum pulchrum* Golden bog moss
- ▶ *Trichiosoma vitellinae* Sawfly
- ▶ *Triturus cristatus* Great crested newt

Habitats (as protected by the designation of SACs and Ramsars):

- ▶ Alkaline fens
- ▶ Atlantic salt meadows (*Glaucopuccinellietalia maritimae*)
- ▶ Blanket bogs
- ▶ Calaminarian grasslands of the *Violetalia calaminariae*
- ▶ Calcareous rocky slopes with chasmophytic vegetation
- ▶ Calcareous and calcshist screes of the montane to alpine levels (*Thlaspietea rotundifolii*)
- ▶ Coastal lagoons

- ▶ Dunes with *Hippophae rhamnoides*
- ▶ Embryonic shifting dunes
- ▶ Estuaries
- ▶ European dry heaths
- ▶ Fixed dunes with herbaceous vegetation ('grey dunes')
- ▶ Inland salt meadows
- ▶ Lowland hay meadows
- ▶ Mudflats and sandflats not covered by seawater at low tide
- ▶ Natural dystrophic lakes and ponds
- ▶ Northern Atlantic wet heaths with *Erica tetralix*
- ▶ Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- ▶ Reefs
- ▶ *Salicornia* and other annuals colonising mud and sand
- ▶ Sandbanks which are slightly covered by sea water all the time
- ▶ Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*)
- ▶ Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes')
- ▶ *Tilio-Acerion* forests of slopes, screes and ravines
- ▶ Transition mires and quaking bogs
- ▶ Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

#### 4.4 Conservation Objectives

Natural England is in the process of setting out conservation objectives for all SACs and SPAs, and progress towards these objectives can be taken as an indicator of favourable condition at European sites. Ramsar sites do not have agreed conservation objectives, but in most instances overlap with SPA site boundaries. However, it should be noted that Ramsar qualifying features include a range of habitats and non-bird species common to SAC designations, as well as bird species and assemblages and their supporting habitats, which are common to SPAs.

The conservation objectives of the above sites are currently work in progress and are provided in **Appendix III**.

#### 4.5 Vulnerabilities

Every European site has distinctive characteristics that make it vulnerable to a variety of impact-inducing activities. The known vulnerabilities of the above named sites are shown in **Appendix IV**.

## 5 Effects of the Core Strategy

### 5.1 Background

**Section 1.4** described the objectives of the plan. This chapter considers proposed options for achieving these objectives and, acknowledging that the plan is not necessary to the management of any European site, states whether or not the proposals are likely to have significant effects on site integrity, either alone or in-combination with other plans or projects.

Site integrity can be described as follows (ODPM, 2005b):

*"The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified."*

### 5.2 Consideration of Effects

The effects associated with the Black Country JCS can be sorted into one of nine categories, which are listed below in **Box 3**. These categories are taken from Appendix A of the draft HRA guidance document produced by David Tyldesley and Associates (2006), and help to determine which, if any, elements of the plan would be likely to have a significant effect on any interest feature of any European site, alone or in-combination with other plans and projects, directly or indirectly.

Proposals falling within categories one to seven are deemed not to have an effect on a European site and can be eliminated from the assessment procedure. Those falling within category eight could have a potential effect, including consideration of in-combination effects; whilst any proposal falling within category nine is deemed likely to have a significant effect.

**Tables 5.1 to 5.10** illustrate the results of the HRA screening process for all Core Strategy proposals, where the numbers in each of the coloured cells correspond to a category listed in **Box 3**. See **Appendix V** for the full list of Joint Core Strategy proposals.

**Box 3: Categories of proposed actions** (Source: David Tyldesley and Associates, 2006)

*Reasons why proposal will have no effect on a European Site:*

1. The proposal will not itself lead to development (e.g. it relates to design or other qualitative criteria for development, or it is not a land use planning policy).
2. The proposal makes provision for a quantum / type of development (and may or may not indicate one or more broad locations e.g. a District, town or suburb) but the location of the development is to be selected following consideration of options in lower tier plans.
3. No development could occur through this proposal alone, because it is implemented through sub-ordinate proposals which are more detailed and therefore more appropriate to assess for their effects on European sites and associated sensitive areas.
4. Concentration of development in urban areas will not affect European sites and will help to steer development and land use change away from European sites and associated sensitive areas.
5. The proposal will help steer development away from European sites and associated sensitive areas, e.g. not developing in areas of flood risk or areas otherwise likely to be affected by climate change.
6. The proposal is intended to protect the natural environment, including biodiversity.
7. The proposal is intended to conserve or enhance the natural, built or historic environment, and enhancement measures will not be likely to have any effect on a European site.

*Reason why proposal could have a potential effect:*

8. The proposal steers a quantum or type of development towards, or encourages development in, an area that includes a European site or an area where development may indirectly affect a European site.

*Reason why proposal would be likely to have a significant effect:*

9. The proposal makes provision for a quantum, or kind of development that in the location(s) proposed would be likely to have a significant effect on a European site. The proposal must be subject to Appropriate Assessment to establish, in light of the site's conservation objectives, whether it can be ascertained that the proposal would not adversely affect the integrity of the site.



**Table 5.1: Screening Matrix for JCS Proposed Policies: The Spatial Strategy**

**Proposed policy summary:** The Core Spatial Policies cover the whole of the Black Country; both the Strategic Centres and Regeneration Corridors, known together as the Growth Network (Policy CSP1), and the areas outside the Growth Network (Policy CSP2). There are also Black Country wide Core Spatial Policies on achieving Environmental Transformation (Policy CSP3), world class quality of place (Policy CSP4) and creating a strong, sustainable transport network (Policy CSP5).

Site Name	Cann'k Chase SAC	Cann'k Extens. Canal SAC	Fens Pools SAC	Humb'r Estuary cSAC	Humb'r Estuary SPA	Humb'r Estuary Ramsar	Midl'nd Meres & Mosses Ramsar	Mottey Meado. SAC	P'fields Salt Marsh SAC	Peak District Dales SAC	Peak District Moors SPA	River Mease SAC	Severn Estuary cSAC	Severn Estuary SPA	Severn Estuary Ramsar	South Penn. Moors SAC	South Penn. Moors Phase 2 SPA	West Mid's Mosses SAC
CSP1	8	4	4	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4
CSP2	8	5	5	8	8	8	5	5	5	5	5	5	8	8	8	5	5	5
CSP3	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
CSP4	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
CSP5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Proposal or related project will require appropriate assessment																	
	Proposal could have a potential effect on a European site, either alone or in combination																	
	Proposal will have no adverse effect on a European site																	
	Not relevant because of distance from European sites																	

The numbers listed in Tables 5.1 – 5.10 correspond to the category numbers explained in Box 3.

**Table 5.2: Screening Matrix for JCS Proposed Policies: Delivering Our Vision**

**Proposed policy summary:** A key role of the Core Strategy is to provide a framework for the integrated and co-ordinated regeneration of the Black Country. Ensuring effective delivery of this framework on the ground will require strong collaborative working both between the local authorities and, jointly, with our public, private and third sector partners and a robust process of infrastructure planning and delivery.

Site Name	Cann'k Chase SAC	Cann'k Extens. Canal SAC	Fens Pools SAC	Humb'r Estuary cSAC	Humb'r Estuary SPA	Humb'r Estuary Ramsar	Mid'nd Meres & Mosses Ramsar	Motley Meado. SAC	P'fields Salt Marsh SAC	Peak District Dales SAC	Peak District Moors SPA	River Mease SAC	Severn Estuary cSAC	Severn Estuary SPA	Severn Estuary Ramsar	South Penn. Moors SAC	South Penn. Moors Phase 2 SPA	West Mid's Mosses SAC
DEL1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
DEL2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Proposal or related project will require appropriate assessment																	
	Proposal could have a potential effect on a European site, either alone or in combination																	
	Proposal will have no adverse effect on a European site																	
	Not relevant because of distance from European sites																	

The numbers listed in Tables 5.1 – 5.10 correspond to the category numbers explained in Box 3.

**Table 5.3: Screening Matrix for JCS Proposed Policies: Creating Sustainable Communities**

**Proposed policy summary:** The creation of a network of cohesive, healthy and prosperous communities across the Black Country is a fundamental element of the Vision. The provision of sufficient land to provide for sustainable housing growth is a corner stone in the achievement of this Vision.

Site Name	Cann'k Chase SAC	Cann'k Extens. Canal SAC	Fens Pools SAC	Humb'r Estuary cSAC	Humb'r Estuary SPA	Humb'r Estuary Ramsar	Midl'nd Meres & Mosses Ramsar	Mottey Meado. SAC	P'fields Salt Marsh SAC	Peak District Dales SAC	Peak District Moors SPA	River Mease SAC	Severn Estuary cSAC	Severn Estuary SPA	Severn Estuary Ramsar	South Penn. Moors SAC	South Penn. Moors Phase 2 SPA	West Mid's Mosses SAC
HOU1	8	4	4	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4
HOU2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
HOU3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
HOU4	2	2	2	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4
HOU5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Proposal or related project will require appropriate assessment																	
	Proposal could have a potential effect on a European site, either alone or in combination																	
	Proposal will have no adverse effect on a European site																	
	Not relevant because of distance from European sites																	

The numbers listed in Tables 5.1 – 5.10 correspond to the category numbers explained in Box 3.

**Table 5.4: Screening Matrix for JCS Proposed Policies: The Economy, Employment and Centres**

**Proposed policy summary:** Policies EMP1-4 are concerned with employment in manufacturing (Use Class B1(b) and B2)), warehousing (Use Class B8) and other uses which are typically located in employment areas. We refer to these uses as ‘employment’. Offices are not classed as an employment use; they are covered by policies CEN1-7, which cover uses that are more appropriately located in town centres, also including retail.

Site Name	Cann'k Chase SAC	Cann'k Extens. Canal SAC	Fens Pools SAC	Humb'r Estuary cSAC	Humb'r Estuary SPA	Humb'r Estuary Ramsar	Mid'nd Meres & Mosses Ramsar	Motley Meado. SAC	P'fields Salt Marsh SAC	Peak District Dales SAC	Peak District Moors SPA	River Mease SAC	Severn Estuary cSAC	Severn Estuary SPA	Severn Estuary Ramsar	South Penn. Moors SAC	South Penn. Moors Phase 2 SPA	West Mid's Mosses SAC
EMP1	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
EMP2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
EMP3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
EMP4	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
EMP5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
EMP6	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
CEN1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
CEN2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
CEN3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
CEN4	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
CEN5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
CEN6	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
CEN7	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
CEN8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Proposal or related project will require appropriate assessment																	
	Proposal could have a potential effect on a European site, either alone or in combination																	
	Proposal will have no adverse effect on a European site																	
	Not relevant because of distance from European sites																	

The numbers listed in Tables 5.1 – 5.10 correspond to the category numbers explained in Box 3.

**Table 5.5: Screening Matrix for JCS Proposed Policies: Transportation and Accessibility**

**Proposed policy summary:** The delivery of an improved and integrated transport network both within the Black Country and in links with regional and national networks is fundamental to achieving the Vision and in helping to transform the area, deliver housing growth and improve economic performance.

Site Name	Cann'k Chase SAC	Cann'k Extens. Canal SAC	Fens Pools SAC	Humb'r Estuary cSAC	Humb'r Estuary SPA	Humb'r Estuary Ramsar	Mid'nd Meres & Mosses Ramsar	Mottey Meado. SAC	P'fields Salt Marsh SAC	Peak District Dales SAC	Peak District Moors SPA	River Mease SAC	Severn Estuary cSAC	Severn Estuary SPA	Severn Estuary Ramsar	South Penn. Moors SAC	South Penn. Moors Phase 2 SPA	West Mid's Mosses SAC
TRAN 1	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
TRAN 2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
TRAN 3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
TRAN 4	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
TRAN 5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Proposal or related project will require appropriate assessment																	
	Proposal could have a potential effect on a European site, either alone or in combination																	
	Proposal will have no adverse effect on a European site																	
	Not relevant because of distance from European sites																	

The numbers listed in Tables 5.1 – 5.10 correspond to the category numbers explained in Box 3.

**Table 5.6: Screening Matrix for JCS Proposed Policies: Environmental Infrastructure**

**Proposed policy summary:** Environmental transformation is one of the underpinning themes of the Vision which requires a coordinated approach to the protection and enhancement of the built and natural environment. In particular the Strategy aims to improve the attractiveness of the area for people to live, work, study and visit while at the same time improving the physical and natural sustainability of the conurbation in the face of climate change.

Site Name	Cann'k Chase SAC	Cann'k Extens. Canal SAC	Fens Pools SAC	Humb'r Estuary cSAC	Humb'r Estuary SPA	Humb'r Estuary Ramsar	Mid'nd Meres & Mosses Ramsar	Mottey Meado. SAC	P'fields Salt Marsh SAC	Peak District Dales SAC	Peak District Moors SPA	River Mease SAC	Severn Estuary cSAC	Severn Estuary SPA	Severn Estuary Ramsar	South Penn. Moors SAC	South Penn. Moors Phase 2 SPA	West Mid's Mosses SAC	
ENV1	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
ENV2	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
ENV3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
ENV4	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
ENV5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
ENV6	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
ENV7	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
ENV8	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
	Proposal or related project will require appropriate assessment																		
	Proposal could have a potential effect on a European site, either alone or in combination																		
	Proposal will have no adverse effect on a European site																		
	Not relevant because of distance from European sites																		

The numbers listed in Tables 5.1 – 5.10 correspond to the category numbers explained in Box 3.

**Table 5.7: Screening Matrix for JCS Proposed Policies: Waste**

**Proposed policy summary:** Managing waste in a responsible way – addressing waste as a resource, minimising waste, managing unavoidable waste in ways that will minimise harmful effects, and providing sufficient waste management capacity to meet current and future requirements – is an important element of sustainable development.

Site Name	Cann'k Chase SAC	Cann'k Extens. Canal SAC	Fens Pools SAC	Humb'r Estuary cSAC	Humb'r Estuary SPA	Humb'r Estuary Ramsar	Mid'nd Meres & Mosses Ramsar	Motley Meado. SAC	P'fields Salt Marsh SAC	Peak District Dales SAC	Peak District Moors SPA	River Mease SAC	Severn Estuary cSAC	Severn Estuary SPA	Severn Estuary Ramsar	South Penn. Moors SAC	South Penn. Moors Phase 2 SPA	West Mid's Mosses SAC
WM1	2/3	2/3	2/3	2/3	2/3	2/3	2/3	2/3	2/3	2/3	2/3	2/3	2/3	2/3	2/3	2/3	2/3	2/3
WM2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
WM3	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
WM4	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
WM5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Proposal or related project will require appropriate assessment																	
	Proposal could have a potential effect on a European site, either alone or in combination																	
	Proposal will have no adverse effect on a European site																	
	Not relevant because of distance from European sites																	

The numbers listed in Tables 5.1 – 5.10 correspond to the category numbers explained in Box 3.

**Table 5.8: Screening Matrix for JCS Proposed Policies: Minerals**

**Proposed policy summary:** The Black Country’s mineral resources need to be managed carefully to provide the raw materials needed to support regeneration within the Growth Network, and to conserve the area’s geological heritage.

Site Name	Cann’k Chase SAC	Cann’k Extens. Canal SAC	Fens Pools SAC	Humb’r Estuary cSAC	Humb’r Estuary SPA	Humb’r Estuary Ramsar	Mid’nd Meres & Mosses Ramsar	Mottey Meado. SAC	P’fields Salt Marsh SAC	Peak District Dales SAC	Peak District Moors SPA	River Mease SAC	Severn Estuary cSAC	Severn Estuary SPA	Severn Estuary Ramsar	South Penn. Moors SAC	South Penn. Moors Phase 2 SPA	West Mid’s Mosses SAC
MIN1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
MIN2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
MIN3	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
MIN4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
MIN5	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
	Proposal or related project will require appropriate assessment																	
	Proposal could have a potential effect on a European site, either alone or in combination																	
	Proposal will have no adverse effect on a European site																	
	Not relevant because of distance from European sites																	

The numbers listed in Tables 5.1 – 5.10 correspond to the category numbers explained in Box 3.



**Table 5.9: Screening Matrix for JCS Proposed Policies: Strategic Centres**

**Proposed policy summary:** The RSS established Brierley Hill, Walsall, West Bromwich and Wolverhampton as Strategic Centres serving the Black Country, and identified the need to promote a balanced network of Strategic Centres to underpin regeneration. These centres have a key role to play in achieving Urban Renaissance and should be priorities for investment to support this.

Site Name	Cann'k Chase SAC	Cann'k Extens. Canal SAC	Fens Pools SAC	Humb'r Estuary cSAC	Humb'r Estuary SPA	Humb'r Estuary Ramsar	Mid'nd Meres & Mosses Ramsar	Motley Meado. SAC	P'fields Salt Marsh SAC	Peak District Dales SAC	Peak District Moors SPA	River Mease SAC	Severn Estuary cSAC	Severn Estuary SPA	Severn Estuary Ramsar	South Penn. Moors SAC	South Penn. Moors Phase 2 SPA	West Mid's Mosses SAC
SC1	8	4	4	4	4	4	4	4	4	4	4	4	8	8	8	4	4	4
SC2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
SC3	8	4	4	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4
SC4	8	4	4	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4
	Proposal or related project will require appropriate assessment																	
	Proposal could have a potential effect on a European site, either alone or in combination																	
	Proposal will have no adverse effect on a European site																	
	Not relevant because of distance from European sites																	

The numbers listed in Tables 5.1 – 5.10 correspond to the category numbers explained in Box 3.

**Table 5.10: Screening Matrix for JCS Proposed Policies: Regeneration Corridors**

**Proposed policy summary:** The Core Strategy draws together the overlapping employment and housing corridors to create an integrated network of Regeneration Corridors. The RC boundaries broadly reflect the distribution of large parcels of employment land across the Black Country. The backbone of this network is a system of sustainable transport routes (rail, metro, bus and proposed high frequency rapid transit) and the extensive canal system.

Site Name	Cann'k Chase SAC	Cann'k Extens. Canal SAC	Fens Pools SAC	Humb'r Estuary cSAC	Humb'r Estuary SPA	Humb'r Estuary Ramsar	Mid'nd Meres & Mosses Ramsar	Motley Meado. SAC	P'fields Salt Marsh SAC	Peak District Dales SAC	Peak District Moors SPA	River Mease SAC	Severn Estuary cSAC	Severn Estuary SPA	Severn Estuary Ramsar	South Penn. Moors SAC	South Penn. Moors Phase 2 SPA	West Mid's Mosses SAC
RC1	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
RC2	8	4	4	4	4	4	4	4	4	4	4	4	8	8	8	4	4	4
RC3	8	4	4	4	4	4	4	4	4	4	4	4	8	8	8	4	4	4
RC4	8	4	4	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4
RC5	8	4	4	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4
RC6	8	4	4	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4
RC7	8	4	4	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4
RC8	8	4	4	8	8	8	4	4	4	4	4	4	4	4	4	4	4	4
RC9	8	4	4	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4
RC10	8	4	4	4	4	4	4	4	4	4	4	4	8	8	8	4	4	4
RC11a	8	4	4	4	4	4	4	4	4	4	4	4	8	8	8	4	4	4
RC11b	8	4	4	4	4	4	4	4	4	4	4	4	8	8	8	4	4	4
RC12	8	4	4	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4
RC13	8	4	4	4	4	4	4	4	4	4	4	4	8	8	8	4	4	4
RC14	8	4	4	4	4	4	4	4	4	4	4	4	8	8	8	4	4	4
RC15	8	4	4	8	8	8	4	4	4	4	4	4	4	4	4	4	4	4
RC16	8	4	4	8	8	8	4	4	4	4	4	4	8	8	8	4	4	4

**Table 5.11: Summary of likely significant effects associated with the BC JCS**

<b>Effect</b>	<b>Pathway</b>	<b>Receptor</b>	<b>Cause (see Appendix V)</b>
<b>Air pollution</b>	Increased traffic flow	Cannock Chase SAC	CSP1, CSP2, HOU1, SC1, SC3, SC4, RC2, RC3, RC4, RC5, RC6, RC7, RC8, RC9, RC10, RC11a, RC11b, RC12, RC13, RC14, RC15, RC16
<b>Recreational pressure and disturbance</b>	Increased number of residents and tourists resulting from new housing and/or improved facilities	Cannock Chase SAC	CSP1, CSP2, HOU1, SC1, SC3, SC4, RC2, RC3, RC4, RC5, RC6, RC7, RC8, RC9, RC10, RC11a, RC11b, RC12, RC13, RC14, RC15, RC16
<b>Water quality</b>	Increased pressure on waste water treatment resulting from new housing	Humber Estuary cSAC, SPA and Ramsar	CSP1, CSP2, HOU1, HOU4, SC3, SC4, RC4, RC5, RC6, RC7, RC8, RC9, RC12, RC15, RC16
		Severn Estuary cSAC, SPA and Ramsar	CSP1, CSP2, HOU1, HOU4, SC1, SC3, SC4, RC2, RC3, RC4, RC9, RC10, RC11a, RC11b, RC12, RC13, RC14, RC16
<b>Water supply</b>	Increased abstractions to provide for new housing	Severn Estuary cSAC, SPA and Ramsar	CSP1, CSP2, HOU1, SC1, SC4, RC2, RC3, RC4, RC5, RC6, RC7, RC10, RC11a, RC11b, RC12, RC13, RC14, RC16

### 5.3 In-Combination Test

Other plans and projects being prepared or implemented in the area have the potential to cause negative effects on the integrity of European sites. These effects may be exacerbated when experienced in-combination with the effects of the plan in question, possibly leading an insignificant effect to become significant. It is therefore important to consider which other plans and projects could affect the European sites, and which may act in-combination.

The plans listed below are considered likely to act in-combination with the Core Strategy, and will be taken forward to the appropriate assessment stage. However in some cases, for example the Birmingham Core Strategy, new plans are not yet in operation. These new plans still need to be considered for in combination effects, but significant uncertainty will remain over the nature of effects they might generate until they are adopted.

- ▶ Birmingham Core Strategy (not yet adopted);
- ▶ Bridgenorth Core Strategy (2010);
- ▶ Cannock Chase Core Strategy (not yet adopted);
- ▶ Derby Core Strategy (not yet adopted);

- ▶ Derbyshire Dales and High Peak Joint Core Strategy (not yet adopted);
- ▶ Derbyshire Local Transport Plan 2006/2011;
- ▶ East Midlands Regional Plan (2009);
- ▶ East Staffordshire Core Strategy (not yet adopted);
- ▶ Lichfield Core Strategy (2010);
- ▶ Shropshire Local Transport Plan 2006/2011;
- ▶ South Staffordshire Core Strategy (not yet adopted);
- ▶ Stafford Core Strategy (2006);
- ▶ Staffordshire Local Transport Plan 2006/2011;
- ▶ Tamworth Core Strategy (not yet adopted);
- ▶ Telford and Wrekin Core Strategy (2007);
- ▶ Warwickshire Local Transport Plan 2006/2011;
- ▶ West Midlands Local Transport Plan 2006/2011;
- ▶ West Midlands Regional Spatial Strategy (2009); and
- ▶ Worcestershire Local Transport Plan 2006/2011.

## 6 Commentary on Potential Effects

### 6.1 Introduction

This chapter provides an interpretation of the screening results depicted in **Chapter Five**. The following types of effect are discussed: recreational pressure/disturbance and local air pollution at Cannock Chase SAC; water quality at Humber Estuary cSAC/SPA/Ramsar; and water quality and water supply at Severn Estuary cSAC/SPA/Ramsar.

### 6.2 Air Pollution

Though air pollution is not mentioned as a specific vulnerability of Cannock Chase SAC within the JNCC's Natura 2000 Data Form (dated May 2002), new evidence recently prepared by a consortium of local planning authorities in Staffordshire (Footprint Ecology, 2009) has revealed that nitrogen deposition exceeds the critical loads for both wet and dry heath on the site. High acid deposition can lead to direct damage to lower plants, whilst airborne nitrogen (arising from the burning of fossil fuels in industry, traffic, aviation and agriculture) will cause rapid ageing of heathland plants along with greater susceptibility to drought, frost and insect attack.

The Footprint Ecology (2009) report states that the main sources of pollutants at Cannock Chase SAC are likely to be the power station at Rugeley and traffic levels in the surrounding area, whilst the greatest concern is rising traffic levels as a result of new housing and employment in the region. The report goes on to state that 33.4% of the SAC falls within 200m of a road (where the effect is greatest) and that most visitors to the site arrive by car, so "it can be anticipated that further residential development in the area will generate more visits to Cannock Chase, and increase direct effects on the heathland from emissions".

The subsequent Visitor Impact Mitigation Strategy (Footprint Ecology, 2010) reveals that the majority (c. 75%) of visitors to Cannock Chase come from within twelve miles of the SAC perimeter; an area which includes the majority of Walsall Metropolitan Borough and the City of Wolverhampton, and the far north of Sandwell Metropolitan Borough. If the findings are considered to be robust, then an increase in housing numbers in the northern section of the Black Country is therefore likely to increase the number of visitors to, and consequently increase air pollution effects on, Cannock Chase SAC. In line with the precautionary principle, as at this stage it cannot be accurately known from where visitors to Cannock Chase travel from, all policies within the Black Country JCS that relate to increased housing provision have been screened in for further analysis at the appropriate assessment stage.

It should be noted that earlier BC HRA findings, for instance, in association with Fens Pools SAC and Cannock Extension Canal SAC have been taken into account (which were both screened out). See **Section 2.2** for full details.

### 6.3 Recreational Pressure and Disturbance

Recreational pressure and disturbance is cited as a vulnerability at Cannock Chase SAC due to dog walking, horse riding, mountain biking and orienteering (JNCC, 2002), and HRA Screening Reports for the West Midlands RSS Phase 1 and 2 Revisions revealed that likely significant effects may occur at the site due to recreational pressure.

In particular, screening of the RSS Phase 2 suggested that levels of recreational use are expected to increase with implications for vegetation damage through trampling. Whilst the effect was not considered to be significant at the appropriate assessment stage of the RSS Phase 1 Revisions, the new evidence presented by the consortium of planning authorities in Staffordshire has revealed that visitor pressure at Cannock Chase SAC is a significant concern. As mentioned above (**Section 6.3**), visitors are thought to visit the site from within a 12 mile radius. In line with the precautionary principle, all policies within the Black Country JCS that stipulate increased housing provision in this zone and beyond will need to be progressed to appropriate assessment.

### 6.4 Water Quality

The screening results have identified policy proposals which will facilitate development during the plan period which will necessarily require water treatment. The WCS (Scott Wilson, 2009) reports that volumetric capacity of existing Wastewater Treatment Works (WwTWs) to treat waste water during the plan period is adequate for all levels of planned growth. There are nevertheless, other issues associated with waste water treatment and in particular water quality which have led to the screening in of the following European sites into the Appropriate Assessment stage: (i) the Humber Estuary cSAC, SPA and Ramsar, and (ii) the Severn Estuary cSAC, SPA and Ramsar.

The Water Cycle Study (Scott Wilson, 2009) has considered water quality issues associated with the plan period 2006-2026; **Section 2.7** provides a summary of this report, its findings and the potential implications for the JCS. The WCS notes that current Environment Agency water quality standards are being met in the Black Country. However, new water standards which are scheduled to be introduced as of 2015 i.e. during the plan period. Table 11.1 of the WCS (reproduced in **Figure 6.1**) provides forecast potential constraints facing the strategic centres and regeneration corridors. The table indicates that there are likely to be water quality issues relating in particular to the new Water Framework Directive (WFD) Standards. There are also issues associated with water resources and the network of sewers and the wider waste water network.

The table is based on a colour coding system. In describing the table, the WCS report notes that:

*"In general, it can be seen that the main issues relate to potential impact to the water environment, in this case from increases in discharges from WwTWs. However, this needs to be considered against the existing water quality targets and draft RBMP targets. Any opportunity to consider wider Programme of Measures (POMS) in the region to improve the water environment should be considered. Water environment*

issues in the Black Country are many and varied, and each sector needs to bear a fair share of the burden to achieve proscribed objectives. Water resources could be a significant issue, mainly in ST's Water Resource Zone (WRZ) 3. The situation for SSW appears to be more straightforward.

"The issues surrounding possible constraints of wastewater network need to be considered in conjunction with ST. In particular, many constraints relate to assumptions on WwTW's which have potential to accept additional flow from multiple development areas. When assessed individually, such potential problems are likely to be minimal. Thus, more detailed modelling should be conducted to confirm this preliminary assessment. Volumetric capacity of WwTW is unlikely to be an issue in the Black Country. Nevertheless, increasing discharges are likely to lead to pressures on some WwTW process capacities and discharge consents. This should be confirmed during any proposed Detailed WCS".

Strategic centres	Houses	WwTW volumetric capacity	Wastewater network	Water resource	Water environment (draft WFD)	Flood risk
SC1: Wolverhampton	2,400					
SC2: Walsall	500					
SC3: Brierley Hill	3,000					
<b>Regeneration corridors</b>						
RC 2 Stafford Road	1,380					
RC 3 South of Wolverhampton City Centre	975					
RC 4 Wolverhampton – Bilston	4,600					
RC 6 Wednesfield/Willenhall/Darlaston	2,550					
RC 7 Bloxwich/Birchills/Bescot	1,800					
RC 8 Hill Top	6,070					
RC 9 Tipton/Dudley Port/Brades Village	6,150					
RC 10 Pensnett/Kingswinford	735					
RC 11 Dudley:Brierley Hill - Stourbridge	5,125					
RC 12 Oldbury/West Bromwich/Smethwick	3,670					
RC 13 Rowley Regis – Jewellery Line	6,800					
RC 14 Coombs Wood – Halesowen	500					
RC 15 Brownhills	640					
RC 16 Coseley – Tipton – Princes End	2,535					

	Spare capacity, minimum investment required, minimal issues.
	Strategic scale mitigation or water cycle infrastructure will be required.
	Major investment required / major limitation

Figure 6.1: Table showing water cycle constraints in the Black Country (2007-2026). (Reproduced from the WCS Study, 2009).

Both sites will be explored in further detail as part of the Appropriate Assessment Stage.

## **6.5 Water Supply**

Water will be required by new houses and employment sites as the Growth Network develops during the plan period. The WCS study (which is reviewed in **Section 2.7**) notes that the Black Country is supplied by two water companies: Severn Trent and South Staffordshire Water. The precise split of geographic coverage is not known but thought to be approximately half and half. It is known that in combination for the entire Black Country, 60% of water is from surface water and 40% is from groundwater. In the case of SSW, it is understood that all new projected increases in water demand for those parts of the Black Country supplied by SSW can be met. In the case of ST, the report notes that:

*“ST’s draft WRMP indicates a supply/demand shortfall within the Severn WRZ (3) over the entire planning period through to 2035. Their final WRMP to be published shortly (subject to DEFRA’s approval) indicates a worsening position in terms of deficits once the latest effects of climate change are included. As a result, ST is now proposing resources schemes (mainly groundwater) and demand management measures within WRZ 3”.*

On this basis, which includes the uncertainty surrounding the WRMP measures and consideration about the potential for the Black Country to become water neutral or whether alternative measures should be explored to mitigate water demand issues, the Severn Estuary cSAC, SPA and Ramsar has been screened into the Appropriate Assessment stage.



## **7 Screening Statement and Next Steps**

This document has set out the results of the screening stage for the Habitats Regulations Assessment of the Black Country Joint Core Strategy. It is not possible to screen out Cannock Chase SAC, Humber Estuary cSAC/SPA/Ramsar, or Severn Estuary cSAC/SPA/Ramsar at this time due to uncertain effects involving local air pollution, disturbance from recreation, water quality and water supply.

As a result, a full appropriate assessment for the Black Country Joint Core Strategy will be undertaken to investigate the causes, consequences and significance of these effects, in accordance with the Habitats Regulations.

The Appropriate Assessment first focuses on the effects generated by the Joint Core Strategy and considers ways in which they can be avoided altogether. Where adverse effects cannot be avoided by changes to the plan, mitigation measures are introduced to remove or reduce the effects to the level of non-significance. Any residual (non-significant) effects can then be taken forward for further analysis to establish whether they might be expected to become significant in combination with the effects of other plans or projects.

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## References

Baker Shepherd Gillespie (for Government Office for the West Midlands, 2008): *Development of Options for the West Midlands RSS in Response to the NHPAU Report; HRA Screening Report.*

Baker Shepherd Gillespie (for Government Office for the West Midlands, 2009): *Development of Options for the West Midlands RSS in Response to the NHPAU Report; Updated HRA Assessment Report.*

David Tyldesley and Associates (for English Nature, 2006): *Draft Guidance: The Assessment of Regional Spatial Strategies and Sub-Regional Strategies under the Provisions of the Habitats Regulations.*

Department for Communities and Local Government (DCLG, 2006): *Planning for the Protection of European Sites: Appropriate Assessment (Draft).*

Environment Agency (2008): *Tame, Anker and Mease Catchment Abstraction Management Strategy.*

European Commission (2001): *Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive.*

Footprint Ecology (for Cannock Chase District Council, Lichfield District Council, South Staffordshire District Council, Stafford Borough Council and Staffordshire County Council, 2009): *Evidence Base relating to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies.*

Footprint Ecology (for Cannock Chase District Council, Lichfield District Council, South Staffordshire District Council, Stafford Borough Council and Staffordshire County Council, 2010): *Cannock Chase Visitor Impact Mitigation Strategy.*

Joint Nature Conservancy Committee (JNCC) accessed online at (26/05/10): <http://www.jncc.gov.uk/>

Office of the Deputy Prime Minister (ODPM, 2005a): *Planning Policy Statement 9: Biodiversity and Geological Conservation.*

ODPM (2005b): *Government Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.*

Planning Inspectorate (for Secretary of State, 2009): *West Midlands Regional Spatial Strategy Phase Two Revision; Report of the Panel (Volume 1 – Report).*

Scott Wilson (for Black Country Authorities, 2009): *Black Country Water Cycle Study and Scoping Surface Water management Plan. Final Report, September, 2009.*

Severn Trent Water (2009): *Severn Trent Water Resources Management Plan 2009. Draft Version May 2008*

Treweek Environmental Consultants & URSUS (for Government Office for the West Midlands, 2007a): *Habitat Regulations Assessment of the Phase One Revision of the Regional Spatial Strategy for the West Midlands; Screening Note.*

Treweek Environmental Consultants & URSUS (for Government Office for the West Midlands, 2007b): *Appropriate Assessment of the Proposed Changes to the West Midlands Draft Phase One Regional Spatial Strategy.*

Treweek Environmental Consultants (for West Midlands Regional Assembly, 2008): *Critique of the Habitat Regulations Assessment for the Nathaniel Lichfield & Partners Housing Study.*

Treweek Environmental Consultants (for West Midlands Regional Assembly, 2009): *Impact of Housing Growth on Water Supply and Water Quality at the European sites – Update to information contained within the West Midlands RSS Phase II Revision HRA.*

URSUS & Treweek Environmental Consultants (for Government Office for the West Midlands, 2007): *Habitat Regulations Assessment of the Phase Two Revision of the Regional Spatial Strategy for the West Midlands; Screening Note.*

United Nations Educational, Scientific and Cultural Organisation (UNESCO, 1971): *Convention on Wetlands of International Importance especially as Waterfowl Habitat. (Ramsar (Iran), 2 February 1971, UN Treaty Series No. 14583).*

White Young Green (for Black Country Local Authorities and Cannock Chase District Council, 2007): *Habitats Regulations Assessment of the Black Country Core Strategy Task 1: Screening.*

White Young Green (for Black Country Local Authorities and Cannock Chase District Council, 2008a): *Habitats Regulations Assessment of the Black Country Core Strategy Task 1: Screening.*

White Young Green (for Black Country Local Authorities and Cannock Chase District Council, 2008b): *Habitats Regulations Assessment of the Black Country Core Strategy.*

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**UE Associates Ltd**

Eagle Tower Montpellier Drive Cheltenham GL50 1TA

T: 01242 524 111 E: [enquiries@ue-a.co.uk](mailto:enquiries@ue-a.co.uk)

W: <http://www.ue-a.co.uk>

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**UE Associates Ltd**

Eagle Tower, Montpellier Drive, Cheltenham, GL50 1TA

T: 01242 524 111 E: [enquiries@ue-a.co.uk](mailto:enquiries@ue-a.co.uk)

W: <http://www.ue-a.co.uk>

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