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# Habitats Regulations Assessment of the Cannock Chase Local Plan (Part 2)

## Scoping Report

Prepared by LUC  
December 2016

**Project Title:** Habitats Regulations Assessment of the Cannock Chase Local Plan (Part 2)

**Client:** Cannock Chase Council

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# 1 Introduction

- 1.1 Cannock Chase Council is producing a new Local Plan which is the statutory development plan for the district and forms the basis for promoting and controlling development. The Local Plan is being prepared in two parts – the Local Plan (Part 1) was adopted in June 2014 and the Council is now working on the preparation of the Local Plan (Part 2).
- 1.2 LUC was appointed by Cannock Chase Council in March 2016 to undertake Habitats Regulations Assessment (HRA) of the emerging Local Plan (Part 2) on its behalf. The purpose of this HRA Scoping Report is to draw together and update as necessary the information that was gathered during the HRA of the adopted Local Plan (Part 1) and to describe the approach that will be taken to the HRA of the Local Plan (Part 2).

## Background to the preparation of the Cannock Chase Local Plan (Part 2)

- 1.3 Cannock Chase Council adopted its Local Plan (Part 1) in June 2014, which contains the Core Strategy for the District and the Rugeley Town Centre Area Action Plan. The Local Plan (Part 1) sets out the overall planning strategy for Cannock Chase up to 2028.
- 1.4 Now that the Core Strategy and Area Action Plan have been adopted the Council is commencing preparation of the other documents that will together comprise the Local Plan. The Local Plan (Part 2) will include site specific allocations and standards to be applied to manage development in line with and to help deliver the strategic policy in the Local Plan (Part 1).
- 1.5 The first iteration of the Local Plan (Part 2), the Issues and Options document, is being published for consultation starting in January 2017.

## The requirement to undertake Habitats Regulations Assessment of Development Plans

- 1.6 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in July 2007 and updated in 2010<sup>1</sup> and again in 2012<sup>2</sup>. Therefore when preparing the Local Plan (Part 2), Cannock Chase Council is required by law to carry out a Habitats Regulations Assessment although consultants can undertake the HRA on its behalf. The requirement for authorities to comply with the Habitats Regulations when preparing a Local Plan is explained in the online National Planning Practice Guidance (NPPG).
- 1.7 The HRA refers to the assessment of the potential effects of a development plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):
  - SPAs are classified under the European Council Directive 'on the conservation of wild birds' (79/409/EEC; 'Birds Directive') for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).

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<sup>1</sup> The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007. HMSO Statutory Instrument 2007 No. 1843. From 1 April 2010, these were consolidated and replaced by the Conservation of Habitats and Species Regulations 2010 (SI No. 2010/490). Note that no substantive changes to existing policies or procedures have been made in the new version.

<sup>2</sup> The Conservation of Habitats and Species (Amendment) Regulations 2012. Statutory Instrument 2012 No. 1927.

- SACs are designated under the Habitats Directive and target particular habitats (Annex 1) and/or species (Annex II) identified as being of European importance.
- 1.8 Potential SPAs (pSPAs)<sup>3</sup>, candidate SACs (cSACs)<sup>4</sup>, Sites of Community Importance (SCIs)<sup>5</sup> and Ramsar sites should also be included in the assessment.
- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).
- 1.9 For ease of reference during HRA, these designations can be collectively referred to as European sites<sup>6</sup> despite Ramsar designations being at the international level.
- 1.10 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or whole development plan, would adversely affect the integrity of the site in question either alone or in combination with other plans. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly, HRA is based on the precautionary principle meaning that where uncertainty or doubt remains, an adverse impact should be assumed.

## Stages of the Habitats Regulations Assessment

- 1.11 **Table 1.1** below summarises the stages involved in carrying out a full HRA, based on various guidance documents<sup>7,8</sup>.

**Table 1.1 Stages in HRA**

| Stage  | Task   | Outcome  |
|--|--|--|
| Stage 1: Screening (the 'Significance Test')           | Description of the plan.<br>Identification of potential effects on European sites.<br>Assessing the effects on European sites (taking into account potential mitigation provided by other policies in the plan).   | Where effects are unlikely, prepare a 'finding of no significant effect report'.<br>Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.  |
| Stage 2: Appropriate Assessment (the 'Integrity Test') | Gather information (plan and European sites).<br>Impact prediction.<br>Evaluation of impacts in view of conservation objectives.<br>Where impacts considered to affect qualifying features, identify alternative options.<br>Assess alternative options.<br>If no alternatives exist, define and evaluate mitigation measures where necessary. | Appropriate Assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided through, firstly, avoidance, and secondly, mitigation including the mechanisms and timescale for these mitigation measures.<br>If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3. |
| Stage 3: Assessment where no alternatives exist        | Identify and demonstrate 'imperative reasons of overriding   | This stage should be avoided if at all possible. The test of   |

<sup>3</sup> Potential SPAs are sites that have been approved by Government and are currently in the process of being classified as SPAs.

<sup>4</sup> Candidate SACs are sites that have been submitted to the European Commission, but not yet formally adopted.

<sup>5</sup> SCIs are sites that have been adopted by the European Commission but not yet formally designated as SACs by the Government.

<sup>6</sup> The term 'European site' is interchangeable with the term 'European site' in the context of HRA. The former is used throughout this report.

<sup>7</sup> *The HRA Handbook*. David Tyldesley & Associates, a subscription based online guidance document: <https://www.dtapublications.co.uk/handbook/European>

<sup>8</sup> *Planning for the Protection of European sites. Guidance for Regional Spatial Strategies and Local Development Documents*. Department for Communities and Local Government (DCLG), August 2006.

| Stage   | Task   | Outcome  |
|---|--|--|
| and adverse impacts remain taking into account mitigation | public interest' (IROPI).<br>Demonstrate no alternatives exist.<br>Identify potential compensatory measures. | IROPI and the requirements for compensation are extremely onerous. |

- 1.12 In assessing the effects of the Cannock Chase Local Plan (Part 2) in accordance with Regulation 102 of the Conservation of Habitats and Species Regulations 2012, there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed if necessary by an Appropriate Assessment which will inform the 'Integrity Test'. The relevant sequence of questions is as follows:
- Step 1: Under Reg. 102(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not –
  - Step 2: Under Reg. 102(1)(a) consider whether the plan is likely to have a significant effect on the site, either alone or in combination with other plans or projects (the 'Significance Test'). *[These two steps are undertaken as part of Stage 1: Screening shown in Table 1.1 above.]* If Yes –
  - Step 3: Under Reg. 102(1), make an Appropriate Assessment of the implications for the site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 102(2) to consult Natural England, and optional under Reg. 102(3) to take the opinion of the general public. *[This step is undertaken during Stage 2: Appropriate Assessment shown in Table 1.1 above.]*
  - Step 4: In accordance with Reg.102(4), but subject to Reg.103, give effect to the land use plan only after having ascertained that the plan will not adversely affect the integrity of the European site.
- 1.13 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the inclusion of mitigation measures designed to avoid, reduce or abate effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with both the Government and European Commission.
- 1.14 The HRA should be undertaken by the 'competent authority' - in this case Cannock Chase Council, and LUC has been commissioned to do this on its behalf. The HRA also requires close working with Natural England as the statutory nature conservation body<sup>9</sup> in order to obtain the necessary information and agree the process, outcomes and any mitigation proposals. Therefore, this HRA Scoping Report will be sent to Natural England for comment during the consultation on the Issues and Options for the Local Plan (Part 2). The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities.

## HRA work carried out previously for the Local Plan (Part 1)

- 1.15 The Local Plan (Part 2) is currently at an early stage in its development and as such, no HRA work has previously been undertaken. However, HRA was undertaken previously in relation to the Local Plan (Part 1).
- 1.16 The final HRA reports for the Local Plan (Part 1) were:
- HRA Report for the Draft Local Plan (Part 1) January 2013, prepared by Halcrow on behalf of Cannock Chase Council.

<sup>9</sup> Regulation 5 of *The Conservation of Habitats and Species Regulations 2010*. HMSO Statutory Instrument 2010 No. 490.



- HRA Addendum Report for the Proposed Submission Local Plan (Part 1) November 2013, prepared by CH2MHill on behalf of Cannock Chase Council.

1.17 Therefore, there is already a significant body of HRA work available relating to Cannock Chase District, which can be drawn on to inform the HRA of the Local Plan (Part 2). The purpose of this Scoping Report is to draw together that information and to update it as appropriate, in order to set the context for the HRA of the Local Plan (Part 2).

## Structure of this report

- 1.18 This chapter (**Chapter 1**) has described the background to the production of the Cannock Chase Local Plan (Part 2) and the requirement to undertake HRA. The remainder of the report is structured into the following sections:
- **Chapter 2** describes the European sites in and around Cannock Chase, drawing from the information gathered during the HRA of the Local Plan (Part 1).
  - **Chapter 3** details the approach that will be taken to the HRA of the Local Plan (Part 2), including the specific tasks that will be undertaken and the assumptions that will underpin the HRA judgements made.
  - **Chapter 4** describes the next steps that will be carried out in the HRA of the Local Plan (Part 2).

## 2 European Sites in and around Cannock Chase

2.1 During the HRA of the Local Plan (Part 1), an investigation was undertaken to identify the European sites within or adjacent to the Cannock Chase District boundary which may be affected by development. In the January 2013 HRA Report for the Draft Local Plan (Part 1) the following European sites were screened in for assessment:

- Cannock Chase SAC.
- Cannock Extension Canal SAC.
- West Midland Mosses SAC.

2.2 A number of other European sites, which were either within 20km of the District or had the potential to be hydrologically connected to Cannock Chase, had been subject to a pre-screening exercise and through that exercise were screened out of the HRA because of their distance from Cannock Chase or because their qualifying interest features were not considered to be significantly affected by policies in the Local Plan (Part 1). This was the case for the following European sites:

- Fens Pools SAC.
- Midland Meres and Mosses (Phases 1 and 2) Ramsar site.
- Motte Meadows SAC.
- Pasturefields Salt Marsh SAC.
- River Mease SAC.
- Humber Estuary SAC, SPA and Ramsar site.

2.3 The reasons for these sites being screened either in or out during the HRA of the Local Plan (Part 1) are set out in **Table 2.1** below.

**Table 2.1 European sites screened in and out of the HRA for the Local Plan (Part 1)**

| European site               | Screened in or out of the HRA for the Local Plan (Part 1)   |
|-----------------------------|---|
| Cannock Chase SAC           | <b>Screened in</b> - potential for likely significant effects on qualifying features were identified from atmospheric pollution, recreation disturbance and water abstraction.  |
| Cannock Extension Canal SAC | <b>Screened in</b> – potential for harm to floating water plantain from boat movements on the restoration of the Hatherton Canal. Water supply issues could also arise as there is a need to identify an alternative water source to supply the restored Hatherton Canal.<br><br>Another potential issue regarding water pollution via the highway drainage system was identified but has now been resolved (see <b>paragraph 3.23</b> of this HRA Report). |
| West Midland Mosses SAC     | <b>Screened in</b> - potential for recreational disturbance was identified.   |
| Fens Pools SAC              | <b>Screened out</b> - SAC is approximately 18km from Cannock Chase District boundary and its qualifying   |

| European site   | Screened in or out of the HRA for the Local Plan (Part 1)   |
|---|---|
|   | features would not be vulnerable to any impacts over this distance.   |
| Midland Meres and Mosses (Phases 1 and 2) Ramsar site | <b>Screened out</b> – Ramsar site Phases 1 and 2 are approximately 9km and 20km respectively from Cannock Chase District boundary and the qualifying features would not be vulnerable to any impacts over these distances.  |
| Mottey Meadows SAC                                    | <b>Screened out</b> - SAC is approximately 13km from Cannock Chase District boundary and its qualifying features would not be vulnerable to any impacts over this distance.   |
| Pasturefields Salt Marsh SAC                          | <b>Screened out</b> - SAC is approximately 8km from Cannock Chase District boundary and its qualifying features would not be vulnerable to any impacts over this distance.  |
| River Mease SAC                                       | <b>Screened out</b> - SAC is approximately 20km from Cannock Chase District boundary and its qualifying features would not be vulnerable to any impacts over this distance.   |
| Humber Estuary SAC, SPA and Ramsar site               | <b>Screened out</b> – sites are hydrologically connected to the rivers of Cannock Chase but the Local Plan contains no significant new pollution sources and any pollutants would likely be dispersed over this distance. No significant changes to river flows are expected as a result of the Local Plan. |




- 2.4 The HRA work undertaken for the Local Plan (Part 1) was subject to consultation with Natural England during the preparation of the document and the Local Plan (Part 1) was later found sound and adopted. Therefore, it is proposed that the same European sites are screened in and out of the HRA for the Local Plan (Part 2) as that document is being prepared within the context of the adopted Local Plan (Part 1). However, if information gathered during the HRA indicates that other European sites could be affected they will be considered in the assessment as appropriate.
- 2.5 The locations of the three European sites that have been screened into the HRA of the Local Plan (Part 2) are shown in **Figure 2.1** at the end of this section.
- 2.6 The attributes of these sites which contribute to and define their integrity have been described (see **Appendix 1**). In doing so, reference was made to the European site standard data forms published on the JNCC website<sup>10</sup>, the most recent conservation objectives published on the Natural England website (most were published in 2014)<sup>11</sup> and the Site Improvement Plans that have been prepared by Natural England. This analysis enabled European site interest features to be identified, along with the features of each site which determine site integrity and the specific sensitivities of the site. This information will allow an analysis of how the potential impacts of the Cannock Chase Local Plan (Part 2) may affect the integrity of each site.

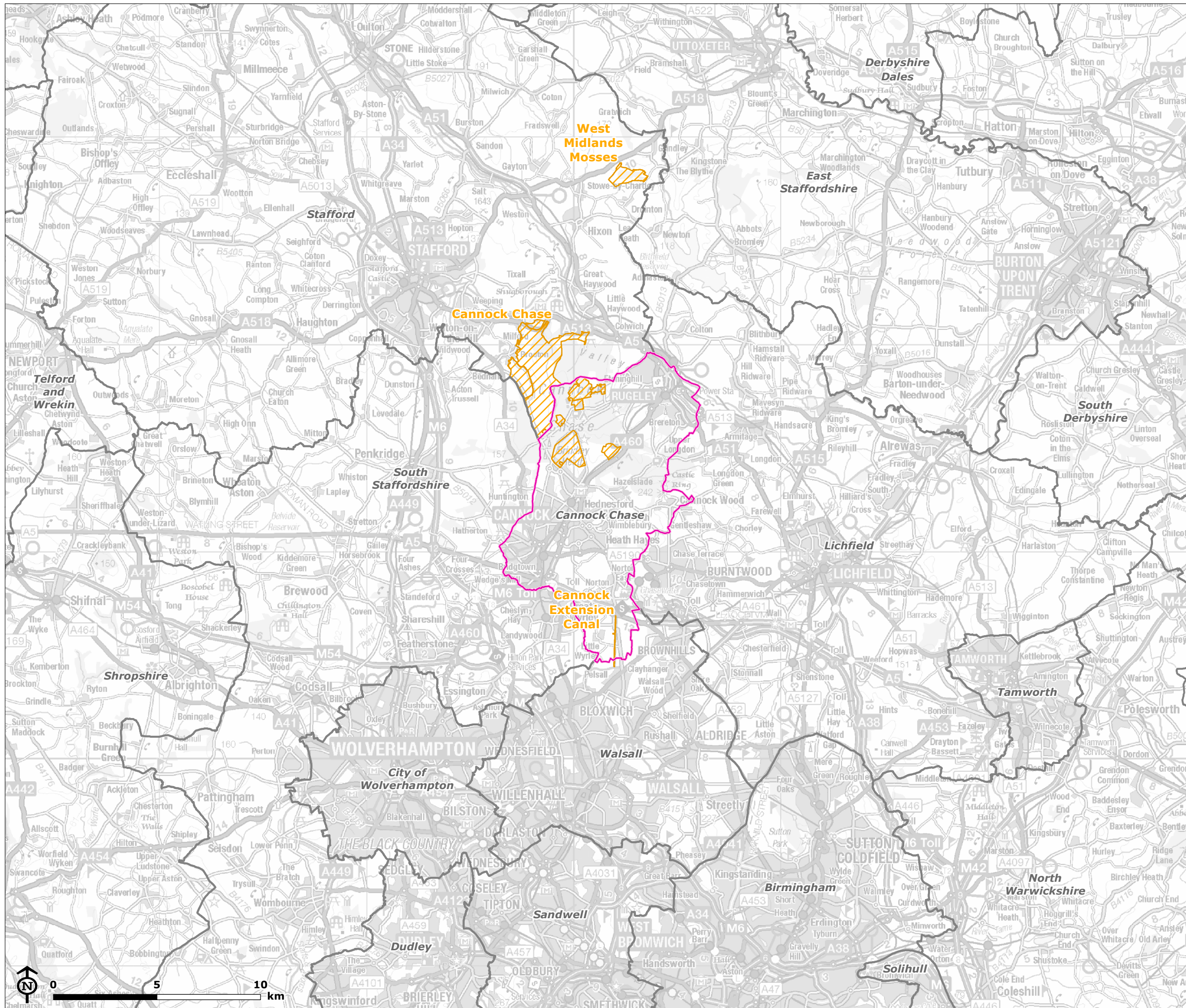
<sup>10</sup> [www.jncc.defra.gov.uk](http://www.jncc.defra.gov.uk)

<sup>11</sup> <http://publications.naturalengland.org.uk/category/6490068894089216>

**Integrated Impact Assessment: Cannock Chase Local Plan Part 2**

**Figure 2.1: European sites screened into the HRA of the Cannock Chase District Local Plan**

-  Cannock Chase District boundary
-  Surrounding local authorities
-  Special Areas of Conservation



Map Scale @ A3: 1:180,000



## 3 Approach to the HRA

- 3.1 This chapter describes the approach that will be taken to the HRA of the Cannock Chase Local Plan (Part 2) throughout its development, and demonstrates how the earlier HRA work that was carried out for the Local Plan (Part 1) will be drawn upon.

### Screening methodology

- 3.2 As required under Regulation 102 of the Conservation of Habitats and Species Regulations 2010<sup>12</sup> an assessment of the 'likely significant effects' of the Local Plan (Part 2) will be undertaken at the first full iteration of the Local Plan (Part 2), expected to be the Proposed Submission document.
- 3.3 A screening matrix will be prepared in order to assess which draft policies or proposed site allocations are likely to have a significant effect on European sites. The findings of the screening assessment will be presented in a detailed matrix as an appendix to the HRA report and will be summarised in the main body of the report. The proposed structure of the screening matrix is shown in **Table 3.1** below.

**Table 3.1 Proposed structure of the HRA screening matrix**

| Policy/site allocation | Likely activities (operations) to result as a consequence of the policy/site allocation | Likely effects if policy/site allocation is implemented | European site(s) potentially affected | Potential mitigation measures – if implemented could help to avoid likely significant effect | Could the policy/site allocation have likely significant effects on European sites (taking mitigation into account)? |
|------------------------|---|---|---------------------------------------|--|--|
|                        |   |   |                                       |  |  |
|                        |   |   |                                       |  |  |

- 3.4 A 'traffic light' approach will be used to record the likely impacts of the policies and site allocations on European sites and their qualifying habitats and species, using the colour categories shown below.

|       |  |
|-------|--|
| Red   | There are likely to be significant effects (Appropriate Assessment required).                        |
| Amber | There may be significant effects, but this is currently uncertain (Appropriate Assessment required). |
| Green | There are unlikely to be significant effects (Appropriate Assessment not required).                  |

- 3.5 A risk-based approach involving the application of the precautionary principle will be adopted in the assessment, such that a conclusion of 'no significant effect' will only be reached where it is considered very unlikely, based on current knowledge and the information available, that a policy or site allocation would have a significant effect on the integrity of a European site.

<sup>12</sup> SI No. 2010/490

## Screening assumptions

- 3.6 The screening stage of the HRA will take the approach of screening each policy or site allocation individually. For many of the types of impacts, screening for likely significant effects will be determined on a proximity basis, using GIS data to determine the proximity of potential development locations to the European sites that are the subject of the assessment. However, there are many uncertainties associated with using set distances as there are very few standards available as a guide to how far impacts will travel. Therefore, during the screening stage a number of assumptions will be applied in relation to assessing the likely significant effects on European sites that may result from the Local Plan (Part 2), as described below. These assumptions draw from the information gathered during the HRA of the Local Plan (Part 1) as appropriate, as well as the conclusions reached (see box below).

### Conclusions of the HRA Report for the Local Plan (Part 1)

#### Screening

Cannock Chase SAC was identified as potentially experiencing significant effects as a result of the Cannock Chase Local Plan (Part 1). Policies CP1 (Strategy), CP6 (Housing Land), CP8 (Employment Land), CP10 (Sustainable Transport) and CP11 (Centre Hierarchy) were assessed as having potential significant effects with regards to an increase in nitrogen oxides (NOx) deposition caused by traffic on roads, particularly the A513, A460 and A34. Policies CP1, CP6 and CP10 were also identified as potentially having significant effects with regards to increased recreational disturbance.

#### In-combination effects

Increased NOx deposition and recreational disturbance at Cannock Chase SAC were identified as potentially arising from the Cannock Chase Local Plan (Part 1) in-combination with development in the wider region, particularly Lichfield, Stafford and South Staffordshire.

#### Cannock Chase SAC

The HRA identified that air quality modelling is required to determine the increased traffic use on affected roads that is likely to arise as a result of the new housing policies. The HRA acknowledged that the Local Plan supports pollution control through monitoring outcomes and indicators, ensuring provision of key Physical and Green Infrastructure as identified in the Infrastructure Delivery Plan and preparing Supplementary Planning Documents to support delivery of the key policy areas related to this objective. The HRA gave a series of recommendations for policy wording of the plan to reduce impacts of air pollution on biodiversity. Many of these were included in the modifications to the Local Plan (Part 1).

The HRA also recommended inclusion of policy wording to ensure suitable provision of suitable alternative natural greenspace (SANGs) to help manage recreational impacts. Again, many of these were included in the modifications to the Local Plan (Part 1).

#### Cannock Extension Canal SAC

The HRA concluded that planned restoration of the Hatherton Branch Canal that avoids a connection into the Cannock Extension Canal SAC will avoid adverse effects on the integrity of this site. The HRA recommended monitoring of water quality in the SAC and monitoring of visitor numbers and visitor behaviour.

#### West Midland Mosses SAC

West Midland Mosses SAC was screened out on the basis of further information regarding recreational disturbance received by the Council from Natural England (12<sup>th</sup> May 2011). This stated that the main area of the SAC vulnerable to recreational pressures was Abbots Moss SSSI (approximately 64km from the Cannock Chase district). An orienteering event in 2005 appears to have been the last recreational activity of note on the site and difficulties in accessing the site appear to have stopped any major interest in the site for leisure activities. (The part of the site

nearest Cannock Chase District, Chartley Moss National Nature Reserve, can only be accessed at a few specially arranged events each year<sup>13</sup>.)

#### *Physical loss of habitat*

- 3.7 Any development resulting from the new Local Plan (Part 2) will be located within Cannock Chase District; therefore loss of habitat from within the boundaries of a European site will be able to be ruled out in relation to West Midland Mosses SAC, as this lies entirely outside of Cannock Chase. However, the potential for loss of habitat from within the boundaries of the European sites that lie partially within the district (Cannock Chase SAC and Cannock Extension Canal SAC) will need to be considered if Local Plan proposals could result in development coming forward in those areas.
- 3.8 All qualifying features for each site considered in this HRA are habitat types or plant species. As none of the qualifying features are mobile species, there is no scope for loss of functionally linked land.

#### *Noise, vibration and light pollution*

- 3.9 Noise and vibration effects, e.g. during the construction of new housing or other development, are most likely to disturb bird species and are thus a key consideration with respect to European sites where birds are the qualifying features, although such effects may also impact upon some mammals and fish species. Artificial lighting at night (e.g. from street lamps, flood lighting and security lights) is most likely to affect bat populations and some nocturnal bird species, and therefore have an adverse effect on the integrity of European sites where bats or nocturnal birds are a qualifying feature. As none of the sites in this HRA are designated for bird or bat species, noise, vibration and light pollution need not be considered in this assessment.

#### *Air pollution*

- 3.10 Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen availability that can then affect plant health, productivity and species composition.
- 3.11 In terms of vehicle traffic, nitrogen oxides (NO<sub>x</sub>, i.e. NO and NO<sub>2</sub>) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO<sub>x</sub> can cause eutrophication of soils and water.
- 3.12 In a letter to the Cannock Chase SAC Partnership in 2013, Natural England advised that an MSC report 'An investigation into the impact of nitrogen deposition from traffic emissions of NO<sub>2</sub> on the heathland in Cannock Chase, Staffordshire'<sup>14</sup> provides one component in the evidence base that the Cannock Chase SAC Partnership local planning authorities need to consider in relation to air quality issues during Habitat Regulations Assessment (HRA) of their Local Plans<sup>15</sup>. The MSC report acknowledges that NO<sub>2</sub> emissions from road traffic within Cannock Chase Country Park, which partially coincides with Cannock Chase SAC, are contributing to higher atmospheric NO<sub>2</sub> within 20m of the road. Furthermore, correlations were found between the highest roadside NO<sub>2</sub> concentrations and greatest measured traffic counts taken over the same time period. There is no evidence to indicate that this is contributing a significant amount of N<sub>R</sub> (reactive nitrogen, which supports growth) to the environment to change the abundance of plant species within the SAC. The study identifies that the higher pH of the soil near to the road combined with higher nitrate levels may be creating conditions less suitable to certain types of heathland vegetation (*Calluna* and *Vaccinium*), allowing other plants to compete and colonise.
- 3.13 Natural England has advised that there are two aspects of air pollution that should be considered within the HRA: long range/diffuse impacts and short range/local impacts.
- 3.14 Local impacts should be considered if there is any specific development identified in the plan that would cause aerial emissions (e.g. airports, power stations). Therefore, where employment development is proposed in the Cannock Chase Local Plan Part 2, consideration will be given to

<sup>13</sup> <https://www.gov.uk/government/publications/staffordshires-national-nature-reserves/staffordshires-national-nature-reserves#chartley-moss>

<sup>14</sup> Trish Matthews (2012) An investigation into the impact of nitrogen deposition from traffic emissions of NO<sub>2</sub> on the heathland in Cannock Chase, Staffordshire

<sup>15</sup> Natural England (2013) Letter from Natural England to Cannock Chase SAC Partnership, sent 10/04/2013

whether activities on the site could potentially result in effects on European sites as a result of increased air pollution from industry. Based on the Highways Agency Design Manual for Road and Bridges (DMRB) Volume 11, Section 3, Part 1<sup>16</sup> (which was produced to provide advice regarding the design, assessment and operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast due to increased housing, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts. As part of the work carried out by Footprint Ecology on behalf of the Cannock Chase SAC Partnership it has been estimated that approximately 30% of the SAC lies within 200m of a road.

- 3.15 The DMRB Guidance for the assessment of local air quality in relation to highways developments provides criteria that should be applied at the screening stage of an assessment of a plan or project, to ascertain whether there are likely to be significant impacts associated with routes or corridors. Based on the DMRB guidance, roads within 200m of European sites which should be assessed are those where:
- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more; or
  - Heavy duty vehicle (HDV) flows will change by 200 AADT or more; or
  - Daily average speed will change by 10 km/hr or more; or
  - Peak hour speed will change by 20 km/hr or more; or
  - Road alignment will change by 5 m or more.
- 3.16 Traffic forecast data (based on the planned level of growth) will therefore be needed to determine if increases in vehicle traffic in and around Cannock Chase are likely to be significant as a result of the policies and site allocations in the Local Plan (Part 2). An assessment will also be undertaken to identify which European sites lie within 200m of the strategic road network.
- 3.17 Natural England has advised that there are limitations in assessing a plan's long-range impacts. As such, Natural England advises that it should be checked that the plan contains policies that ensure that it minimises air quality impacts as far as is reasonable.

#### *Recreation and urban impacts*

- 3.18 Recreation activities and general human presence can have an adverse impact on the integrity of a European site as a result of physical disturbance, e.g. through erosion, arson and trampling. Where policies or site allocations in the Local Plan (Part 2) are likely to result in an increase in the local population, or where an increase in tourism is considered likely, the potential for an increase in visitor numbers and the associated impacts at sensitive European sites will be identified.
- 3.19 Consideration will be given to factors such as the characteristics and current use of the European sites and their accessibility from potential development areas (i.e. site allocations). Visitor survey work undertaken by Footprint Ecology<sup>17</sup> in partnership with local authorities of the Cannock Chase SAC Partnership (Stafford Borough, South Staffordshire, Lichfield, East Staffordshire, Walsall Metropolitan Borough Council, Wolverhampton City Council) (the 'Footprint Ecology' report) shows that the "in combination" impact of proposals involving a net increase of one or more dwellings within a 15 kilometre radius of the SAC could have an adverse effect on its integrity; with a significantly higher proportion of visitors coming from within 8km. Therefore, proposed site allocations within 15km of the Cannock Chase SAC will be highlighted as likely to have significant effects. This includes both visitor recreation impacts and air quality impacts (see above). Members of the Cannock Chase SAC Partnership formally acknowledge a 15km zone of influence, with financial contributions being sought in the 0-8km zone. Further information on this is given in the Cannock Chase SAC Guidance to Mitigate the Impact of New Residential Development<sup>18</sup>.

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<sup>16</sup> *Design Manual for Road and Bridges*. Highways Agency. <http://dft.gov.uk/ha/standards/dmrb/index.htm>

<sup>17</sup> Liley, D. (2012). Cannock Chase SAC Visitor Survey. Unpublished report, Footprint Ecology

<sup>18</sup> Cannock Chase District Council (date not available) Cannock Chase Special Area of Conservation (SAC) Guidance to Mitigate the Impact of New Residential Development (2015/16)



- 3.20 The nature of development proposed will also be taken into account, for example employment sites are considered less likely to result in increased recreation pressure than residential sites, as employees will be at work within the development site for the majority of the time.

#### *Water quantity and quality*

- 3.21 Consideration will be given to the potential for new development to result in increased demand for water abstraction and treatment. The HRA of the Local Plan (Part 1) screened out impacts relating to water abstraction, as an Evidence Base report by Footprint Ecology<sup>19</sup> determined that only housing growth in Stafford Borough could cause potential negative impacts on 'the SAC' (we assume this related to Cannock Chase SAC, as this is the only European site that was considered to have likely significant effects alone). Due to the time and new evidence available since production of this report, this issue has been revisited.
- 3.22 Water supply in Cannock Chase is managed by South Staffs Water (SSW). The latest Water Resources Management Plan (WRMP)<sup>20</sup> sets out the water company's plans to maintain a balance between supply and demand over 25 years to 2039. The WRMP states that South Staffs Water does not forecast a supply demand deficit within the plan period and therefore contains no proposals. SSW's latest Drought Plan was subject to HRA, which concluded that the plan would have no, or negligible effects on European sites. Whilst it was recognised that in-combination effects may arise, SSW agreed with Severn Trent Water and the Environment Agency that the responsibility for assessment, monitoring and mitigation of these will be addressed on a joint basis via the River Severn Drought Management Group. This is considered a separate issue to be dealt with through the channel of the Severn Drought Management Group, rather than this HRA.
- 3.23 Wastewater treatment in Cannock Chase is managed by Severn Trent Water (STWL). The Environmental Capacity in Cannock Chase District report<sup>21</sup> identified possible restrictions regarding capacity at Burntwood wastewater treatment works (WwTW), which discharges into Burntwood Brook. The report also highlighted that the Water Cycle Study recommends that before progressing with development within the Burntwood, Rugeley (Penkridge Bank) or Cannock WwTW catchments, that discussions with the Environment Agency and STWL take place, due to potential restrictions resulting from water quality in Burntwood Brook, the River Trent and Saredon Brook. These watercourses do not flow into any of the European sites. The River Trent flows into the Humber Estuary, which is a SAC, SPA and Ramsar site. The HRA of the Local Plan (Part 1) stated that as the Local Plan contains no significant new pollution sources and any pollutant would likely be dispersed over this distance, no significant effects on water quality are expected as a result of the Local Plan.
- 3.24 It should also be noted that there are established regulatory mechanisms over the treatment of waste water that take into account environmental impacts including likely significant effects on European sites, which should provide safeguards to ensure no adverse effects on integrity arise.
- 3.25 Natural England have confirmed that any road drainage reaching the Cannock Extension Canal SAC is off a very short stretch of the B4154 and that water quality issues at this site originate from Wyrley Common<sup>22</sup>.
- 3.26 Based on the above information, impacts on water quantity or water quality as a result of increased road transport or pressure on waste water treatment works are unlikely to arise from the Local Plan (Part 2).

#### **Interpretation of 'likely significant effect'**

- 3.27 Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan.
- 3.28 In the Waddenzee case<sup>23</sup>, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:

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<sup>19</sup> Footprint Ecology (2010) Evidence Base relating to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies.

<sup>20</sup> South Staffs Water (2014) Water Resources Management Plan 2014

<sup>21</sup> LUC (2013) Environmental Capacity in Cannock Chase District (2013)

<sup>22</sup> Letter from G J Walker at Natural England to Jon Morgan at Cannock Chase Council (Dated 17<sup>th</sup> November 2009)

<sup>23</sup> ECJ Case C-127/02 "Waddenzee" Jan 2004.

- An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44).
- An effect should be considered 'significant', "if it undermines the conservation objectives" (para 48).
- Where a plan or project has an effect on a site "but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned" (para 47).

3.29 A recent opinion delivered to the Court of Justice of the European Union<sup>24</sup> commented that:

*"The requirement that an effect in question be 'significant' exists in order to lay down a de minimus threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."*

3.30 This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or *de minimus*; referring to such cases as those "that have no appreciable effect on the site". In practice such effects could be screened out as having no likely significant effect; they would be 'insignificant'.

### **In-combination effects**

3.31 Regulation 102 of the Amended Habitats Regulations 2010 requires an Appropriate Assessment where "a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site". Therefore, it will be necessary to consider whether any impacts identified from the Cannock Chase Local Plan (Part 2) may combine with other plans or projects to give rise to significant effects in combination. This exercise will be carried out as part of the screening stage of the HRA.

3.32 The first stage in identifying 'in-combination' effects involves identifying which other plans and projects in addition to the Cannock Chase Local Plan (Part 2) may affect the European sites that will be the focus of this assessment. This exercise seeks to identify those components of nearby plans that could have an impact on the European sites within the Cannock Chase District boundary, e.g. areas or towns where additional housing or employment development is proposed near to the European sites (as there could be effects from the transport, water use, infrastructure and recreation pressures associated with the new developments). Plans for other local authorities of the Cannock Chase SAC Partnership have also been considered, as these are within 15km of Cannock Chase SAC and therefore have potential to lead to additional visitor pressure on this site. This includes all local authorities within which the European sites of concern lie.

3.33 There are a large number of potentially relevant plans; therefore the review has focussed on planned spatial growth within authorities adjacent to Cannock Chase as well as other authorities that are adjacent to the European sites included in this HRA. The findings of any associated HRA work for those plans have been reviewed where available.

3.34 **Appendix 2** presents the review of other plans, outlining the components of each plan that could have an impact on nearby European sites and considering the findings of the accompanying HRA work (where available). This information will be updated as appropriate as the HRA of the Local Plan (Part 2) progresses. The following authorities' plans and HRA work has been included:

### **Shared boundary with Cannock Chase District:**

- Stafford Borough
- Lichfield District
- Walsall Borough
- South Staffordshire District

<sup>24</sup> Advocate General's Opinion to CJEU in Case C-258/11 Sweetman and others v An Bord Pleanala 22nd Nov 2012.

### Other local authorities within Cannock Chase SAC Partnership:

- East Staffordshire Borough
- Wolverhampton City

- 3.35 In most cases, the current HRA work carried out for neighbouring Local Plans has concluded that the plans in question would not result in likely significant effects on European sites, and therefore in-combination effects with the Cannock Chase Local Plan (Part 2) can be ruled out, with the exception of those discussed in **paragraphs 3.36 to 3.37** below.
- 3.36 The HRA work for the South Staffordshire Site Allocations Document Preferred Options<sup>25</sup> (SAD) identified potential for likely significant effects on Cannock Chase SAC. A number of allocated and safeguarded sites in the SAD lie within 15km of Cannock Chase SAC. As the Footprint Ecology report found 75% of visitors to the SAC to come from within this distance, there is a possibility that such proposed and safeguarded sites could lead to increased recreational pressure on Cannock Chase SAC. **Therefore there is potential for the South Staffordshire Site Allocations Document and the Cannock Chase Local Plan (Part 2) to have significant in-combination effects regarding recreational pressure on the Cannock Chase SAC.**
- 3.37 In the case of the Lichfield District Local Plan Strategy 2008-2029, this was assessed in a joint HRA for Lichfield District and Tamworth Borough's Local Plans<sup>26</sup>. This involved Appropriate Assessment in relation to potential impacts on Cannock Chase SAC, which have been addressed through a policy included in the Lichfield District Local Plan: Strategy document. In relation to the River Mease SAC, it was concluded that further work will need to be undertaken to establish any specific mitigation required when allocations are made through the Lichfield District Local Plan Allocations document (this is also being subject to HRA as it is prepared although no work has yet been published). **Therefore, while significant effects in combination with the Cannock Chase Local Plan (Part 2) are not currently expected, this will need to be reconsidered during later stages of the HRA process when HRA findings in relation to the Lichfield Local Plan: Allocations document are available.**
- 3.38 The HRA for the Walsall Site Allocations Document (2016) explored the effects of the plan on the Cannock Chase SAC, Cannock Extension Canal SAC and the Humber Estuary SAC, SPA and Ramsar site. The HRA concluded that it was not possible to screen out likely significant effects to the Cannock Extension Canal SAC as a result of the plan, due to a lack of sufficient information. The HRA notes that the Site Allocations Document makes it clear that detailed HRA is required at the project stage. However, Natural England raised concerns in relation to the HRA of the Site Allocations Document and discussions between Walsall Council and Natural England are ongoing. **Therefore, it is not possible to rule out likely significant effects in combination with the Cannock Chase Local Plan (Part 2), until potential effects of the Walsall Site Allocations Document are clarified.**

### Mitigation

- 3.39 Some of the potential effects that may be identified during the HRA of the Local Plan (Part 2) may be able to be mitigated through the implementation of other policies in the Local Plan (Parts 1 and 2), for example any policies relating to the provision of improved sustainable transport links (which could help to mitigate potential increases in air pollution associated with increased vehicle traffic) and the provision of green infrastructure within new developments (which may help to relieve increases in visitor pressure at European sites). There may also be policies with the specific purpose of protecting and enhancing the environment, including biodiversity. Such potential mitigation will be taken into consideration during the screening stage of the HRA and will influence the screening conclusions as appropriate.

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<sup>25</sup> Atkins (2015) South Staffordshire Site Allocations Development Plan Document – Preferred Options Consultation (December 2015) Habitat Regulations Assessment Review

<sup>26</sup> Tamworth Borough Council and Lichfield District Council (2012) Habitat Regulations Assessment: Lichfield District & Tamworth Borough

## Appropriate Assessment

- 3.40 Should it not be possible at screening stage to conclude that there will be no significant effects on European sites as a result of the Local Plan (Part 2), it will be necessary to undertake Appropriate Assessment.
- 3.41 The Appropriate Assessment stage of the HRA focuses on those impacts judged likely at the screening stage to have a significant effect, and seeks to conclude whether they would result in an adverse effect on the on the integrity of the qualifying features of a European site(s), or where insufficient certainty regarding this remains. The integrity of a site depends on the site being able to sustain its 'qualifying features' across the whole of the site and ensure their continued viability.
- 3.42 An Appropriate Assessment will be prepared for each of these European sites where significant effects from the Local Plan (Part 2) could not be ruled out. The Appropriate Assessment would set out each European site's qualifying features and conservation objectives, standards and factors which are needed to maintain the site's integrity, existing trends and pressures at the site including the use of areas of off-site functional land (where data are available), as well as the conservation objectives, and the site vulnerabilities identified during the screening stage. For each European site and likely significant effect identified we would aim to distinguish between direct and indirect effects, short or long term effects, construction, operational or decommissioning effects, isolated, interactive or cumulative effects and permanent, intermittent or temporary effects. The impacts will vary, depending on the habitat or species in question for each site.
- 3.43 As stated in HRA Guidance<sup>27</sup>, assessing the effects on the site(s) integrity involves considering whether the predicted impacts of the Local Plan (Part 2) policies and site allocations (either alone or in combination) have the potential to:
- Cause delays to achieving the conservation objectives of the site.
  - Interrupt progress towards achieving the conservation objectives of the site.
  - Disrupt those factors that help to maintain favourable condition of the site.
  - Interfere with the balance, distribution and density of key species that are the indicators of favourable condition of the site.
  - Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem.
  - Change the dynamics of relationships that define the structure or function of the site (e.g. relationships between soil and water, or animals and plants).
  - Interfere with anticipated natural changes to the site.
  - Reduce the extent of key habitats or the population of key species.
  - Reduce the diversity of the site.
  - Result in disturbance that could affect the population, density or balance between key species.
  - Result in fragmentation.
  - Result in the loss of key features
- 3.44 The latest available data sources will be drawn on to inform the Appropriate Assessment as relevant. The results of this analysis should enable a conclusion to be reached regarding whether the integrity of any European site would be affected. If this were the case, an assessment of alternative solutions and mitigation would need to be undertaken. This would consider the extent to which such effects can be avoided through the examination of alternatives. In the context of the Local Plan (Part 2), such alternatives may include the clarification of policies to remove areas of uncertainty leading to predicted impacts or to include conditions or restrictions relating to their

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<sup>27</sup> *Assessment of plans and projects significantly affecting European sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.* European Commission Environment DG, November 2001.

implementation, the modification of policies to include alternative solutions or locations for particular developments or the omission of policies where no alternatives exist.

## 4 Next Steps

- 4.1 This Scoping Report has introduced the HRA process that will be undertaken in relation to the Cannock Chase Local Plan (Part 2) as it is prepared, and has presented the information that was gathered during the HRA of the Local Plan (Part 1) which will be drawn on for the HRA of the Local Plan (Part 2).
- 4.2 Once Cannock Chase Council has produced the first full iteration of the Local Plan (Part 2), expected to be the Proposed Submission document, it will be subject to HRA in line with the methodology presented in **Chapter 3** of this report.
- 4.3 The HRA report will be updated as required throughout the preparation of the Local Plan (Part 2), with the HRA report relating to each iteration of the Local Plan (Part 2) being published during consultation periods. Specific consultation will be undertaken with Natural England as the statutory consultation body for HRA on this Scoping Report and subsequent HRA Reports prepared by LUC as the Local Plan (Part 2) progresses.

LUC  
December 2016

## **Appendix 1**

### Attributes of European sites included in the HRA of Cannock Chase Local Plan (Part 2)

| Site name                   | Area (ha) | Location   | Qualifying features   | Key vulnerabilities and environmental conditions to support site integrity   |
|-----------------------------|-----------|--|---|--|
| Cannock Chase SAC           | 1,244.2ha | This SAC consists of a number of sites that lie both within and outside the District. These sites are to the north of Cannock and associates with areas of Cannock Chase Country Park. | <p><u>Annex I habitats that are a primary reason for selection of this site</u></p> <p>European dry heaths</p> <p><u>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site</u></p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i></p> | <ul style="list-style-type: none"> <li>The site requires grazing to diversify the physical structure of the heathland, but reintroduction of grazing has been stalled by the presence of <i>Phytophthora pseudosyringae</i>, a fungal disease of bilberry, which constitutes a major part of the heathland vegetation.</li> <li>The water supply, drainage and hydrological regime of the site requires further investigation, particularly as there has been a reduction in the extent of the valley mire.</li> <li>Air pollution is a pressure, as nitrogen deposition currently exceeds the relevant critical load.</li> <li>Accidental and deliberate fires have caused massive damage to the SAC in the past.</li> <li>A range of invasive species are present, which may damage dry and wet heath communities.</li> <li>The European data form<sup>28</sup> states that modification of cultivation practices and forest/plantation management are likely to have positive effects on the site.</li> </ul> |
| Cannock Extension Canal SAC | 5ha       | A large proportion of this SAC lies within the District. The SAC is located in the south of the  | <p><u>Annex II species that are a primary reason for selection of this site</u></p> <p>Floating water-plantain <i>Luronium</i></p>  | <ul style="list-style-type: none"> <li>There is a sediment load, albeit low, in the inflow water.</li> <li>Overgrazing of water plants by Canada</li> </ul>  |

<sup>28</sup> JNCC (2016) European Standard Data Form: Cannock Chase SAC



| Site name               | Area (ha) | Location   | Qualifying features  | Key vulnerabilities and environmental conditions to support site integrity  |
|-------------------------|-----------|--|--|---|
|                         |           | District and extends from the A5 south of Norton Canes to the north of Pelsall in Walsall. | <i>natans</i>  | <p>geese could affect the plan community and contribute additional nutrients to the water via excreta.</p> <ul style="list-style-type: none"> <li>Invasive species Water fern <i>Azolla filiculoides</i> and Water pennywort <i>Hydrocotyle ranunculoides</i> have been present in the recent past but controlled by the Canal and Rivers Trust.</li> <li>Air pollution is a pressure, as nitrogen deposition currently exceeds the relevant critical load. This could be exacerbated by major roads, industrial estates and farming.</li> </ul>  |
| West Midland Mosses SAC | 184.62ha  | This site is located just over 8km to the north of Cannock Chase, in Stafford.             | <p><u>Annex I habitats that are a primary reason for selection of this site</u></p> <p>Natural dystrophic lakes and ponds</p> <p>Transition mires and quaking bogs</p> | <ul style="list-style-type: none"> <li>This SAC is vulnerable to changes in water quality and nutrient enrichment, particularly from agriculture, forest nursery and residential uses in the catchments. Pools at Abbots Moss fail to meet their water quality objectives and those at Clarepool Moss require testing.</li> <li>The SAC is vulnerable to hydrological changes, including groundwater abstractions, artificial flooding and catchment drainage. Both surface water and groundwater are important supply mechanisms.</li> <li>Air pollution is a pressure as nitrogen deposition at the site exceeds the relevant critical loads.</li> <li>Inappropriate scrub control is identified as a pressure, as transition mire habitat experiences continual recolonization by scrub, which can increase the rate of</li> </ul> |

| Site name | Area (ha) | Location | Qualifying features | Key vulnerabilities and environmental conditions to support site integrity  |
|-----------|-----------|----------|---------------------|---|
|           |           |          |                     | <p>drying out and the addition of nutrients.</p> <ul style="list-style-type: none"> <li>• Game management is an issue as nutrient enrichment and disturbance to ground flora have been identified in the areas of pheasant pens at Clarepool and Chartley Mosses. Erosion may be caused by shoot activities and access restrictions due to shooting can restrict rewetting and conservation management.</li> <li>• Inappropriate woodland management could cause shade, nutrient enrichment, enhanced evapotranspiration and increase the seed stock for scrub encroachment. Improved forest/plantation management could have a positive effect on this SAC.</li> <li>• As the constituent sites of the SAC are small and geographically isolated, localised species extinction is a threat.</li> <li>• The European data form<sup>29</sup> identifies the mowing/cutting of grassland, grazing, modification of cultivation practices and improved access as potentially having positive effects on the site.</li> </ul> |

<sup>29</sup> JNCC (2016) European Standard Data Form: West Midland Mosses SAC

# Appendix 2

## Review of Potential for In-Combination Effects with other Local Authority Plans

## Local Plans

### The Plan for Stafford Borough (adopted June 2014)

#### Plan for Stafford Borough: Part 2 (April 2016)

Stafford lies to the North West of Cannock Chase.

The Plan for Stafford Borough contains a vision, spatial principles and specific policies to guide development across the Borough. Part 2 of the Plan for Stafford Borough sets out boundaries for a number of main settlements and for Recognised Industrial Estates, along with accompanying policies. Part 2 was submitted to the Secretary of State in April 2016 for Examination. The first set of Examination hearings took place between July and August 2016 and resulted in a number of proposed modifications.

#### Housing Development

Policy SP2 makes provision for the development of 500 homes per year over the Plan period, which totals 10,000 between 2011 and 2031. Policy SP4 specifies that this growth will be distributed as follows:

- Stafford – 70%
- Stone – 10%
- Key Service Villages – 12%
- Rest of Borough area – 8%

#### Employment Development

Policy SP2 makes provision for the development of 8ha of employment land per year over the Plan period, which totals 16,000ha between 2011 and 2031. Policy SP5 specifies that this growth will be distributed as follows:

- Stafford – 56%
- Stone – 12%
- Rest of Borough area – 32%

#### HRA Findings

The HRA Screening Report for the Plan for Stafford Borough reported the findings of an initial Screening exercise which concluded that implementing The Plan for Stafford Borough alongside other plans, policies and programmes will not result in likely significant effects on European sites in and around the Borough. A further Appropriate Assessment was carried out in relation to Cannock Chase SAC and that also concluded that the draft Plan would not have a significant effect on any sites of European importance if adequate mitigation is carried out to protect Cannock Chase Special Area of Conservation (SAC). An HRA Addendum was later produced to support the Main Modifications to the Plan that were proposed as a result of the Examination. The Addendum concluded that the proposed Main Modifications do not result in substantial changes to the strategy and the results of the assessment show that the modifications will not lead to any effects on local European sites.

Part 2 of the Plan for Stafford Borough was screened out of the HRA process, as it does not propose any significant new development in addition to existing permissions, the Plan for Stafford Borough or Neighbourhood Plans. Natural England agreed with this conclusion in a letter to Stafford Borough Council, dated 13 July 2015. **Therefore, likely significant effects in combination with the Cannock Chase Local Plan (Part 2) are not expected.**

### Lichfield District Local Plan Strategy 2008-2029 (adopted February 2015)

The Local Plan Allocations Document is currently being prepared.

Lichfield lies to the east of Cannock Chase.

#### Housing Development

Core Policy 1 specifies that a minimum of 10,030 new homes will be delivered between 2008 and 2029 with growth being focussed at the most accessible and sustainable locations as set out in the Settlement Hierarchy which distributes housing development as follows:

- Lichfield – 38%

## Local Plans

- Burntwood – 13%
- Rugeley – 11%
- Tamworth – 10%
- Fradley – 12%
- Fazeley, Shenstone and Armitage with Handsacre – 16%

### Employment Development

Core Policy 7 specifies that 79.1ha of employment land will be allocated including approximately 12ha within the Cricket Lane strategic development allocation. Around 10 additional hectares of land will be defined by the Local Plan Allocations document to ensure flexibility of provision.

### HRA Findings

The joint HRA Report for Lichfield and Tamworth Borough's Local Plans involved Appropriate Assessment in relation to potential impacts on Cannock Chase SAC and following this exercise it was concluded that the local authorities must include a policy to require financial contributions or other mitigation measures to alleviate impact on the SAC from the impacts of the Local Plans, and a policy has been included in the Lichfield District Local Plan: Strategy which seeks to achieve this. Therefore, no additional HRA work was considered to be required. In relation to the River Mease SAC, it was concluded that further work will need to be undertaken to establish any specific mitigation required when allocations are made through the Lichfield District Local Plan Allocations document (this is also being subject to HRA as it is prepared although no work has yet been published). **Therefore, while significant effects in combination with the Cannock Chase Local Plan (Part 2) are not currently expected, this will need to be reconsidered during later stages of the HRA process when HRA findings in relation to the Lichfield Local Plan: Allocations document are available**

## **Black Country Core Strategy (adopted February 2011)**

The four Black Country Local Authorities of Dudley, Sandwell, Walsall and Wolverhampton have prepared a Core Strategy for the Black Country which was adopted in February 2011. This forms the basis of Walsall's and Wolverhampton's Local Development Framework.

Walsall lies to the southeast of Cannock Chase and is one of the four Black Country Local Authorities.

The Black Country Core Strategy also applies to Wolverhampton, which is not adjacent to Cannock Chase but a significant part of it lies within 15km of Cannock Chase SAC. Wolverhampton lies southwest of Cannock Chase.

### Housing Development

Policy HOU1 specifies that at least 63,000 homes will be developed across the whole Plan area between 2006 and 2026. At least 95% of these homes will be developed on previously developed land. Of this total figure, 11,973 new homes will be located within Walsall Borough and 13,411 new homes will be located within Wolverhampton.

### Employment Development

Policy EMP1 specifies that 2,900ha of employment land will be provided across the whole Plan area between 2006 and 2026. Walsall is to provide a total of at least 611 ha employment land stock by 2026 and Wolverhampton is to provide at least 645 ha employment land stock by 2026. Policy EMP4 states that Walsall should have 46ha and Wolverhampton should have 41ha employment land readily available at any one time.

### HRA Findings

The HRA considered the Cannock Extension Canal SAC and Fens Pools SAC. The HRA for the Black Country Core Strategy reported the findings of an initial Screening exercise, which concluded 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. The HRA states that there is insufficient detail to decide on a site by site basis whether there may be an impact

## Local Plans

on Cannock Extension Canal SAC and that this should be assessed when each local authority prepares their more detailed Local Plan.

The HRA reviewed likely effects of other existing development plans in these areas, particularly the Wolverhampton Unitary Development Plan 2001-2011, policies of which have been saved until a new local plan is ready, and the Walsall Unitary Development Plan, which will be in force until the new local plan is adopted. The HRA concluded that development in both Walsall and Wolverhampton is unlikely to affect either SAC directly but may result in changes to traffic on the A5 and M6 toll, which could lead to cumulative effects on the SACs.

Since the preparation of the Black Country Core Strategy HRA, Natural England have confirmed that any road drainage reaching the Cannock Extension Canal SAC is off a very short stretch of the B4154 and that water quality issues at this site originate from a specific issue Wyrley Common<sup>30</sup> that will not be affected by the local planning process. **Therefore, likely significant effects in combination with the Cannock Chase Local Plan (Part 2) are not expected.**

### Walsall Site Allocation Document, Publication Draft Plan (November 2016)

Walsall lies to the southeast of Cannock Chase. The site allocations document adds further detail to the Black Country Core Strategy by allocating specific sites in Walsall.

#### Housing Development

The Site Allocation Document specifies that 11,973 new homes will be located within Walsall Borough. Policy HC1 affirms that each site allocation will achieve a density of at least 35 dwellings per hectare.

#### Employment Development

The Site Allocation Document specifies that a minimum of 46ha of employment land will be available at any one time within Walsall Borough, in line with the Black Country Core Strategy.

#### HRA Findings

The HRA for the Site Allocations Document (2016) explored the effects of the plan on the Cannock Chase SAC, Cannock Extension Canal SAC and the Humber Estuary SAC, SPA and Ramsar site. The HRA concluded that it was not possible to screen out likely significant effects to the Cannock Extension Canal SAC as a result of the plan, due to a lack of sufficient information. The HRA notes that the Site Allocations Document makes it clear that detailed HRA is required at the project stage. However, Natural England raised concerns in relation to the HRA of the Site Allocations Document and discussions between Walsall Council and Natural England are ongoing. **Therefore, it is not possible to rule out likely significant effects in combination with the Cannock Chase Local Plan (Part 2), until potential effects of the Walsall Site Allocations Document are clarified.**

### South Staffordshire Core Strategy (adopted December 2012)

South Staffordshire lies to the west of Cannock Chase.

#### Housing Development

Core Policy 6 specifies that a minimum of 3,850 homes will be delivered between 2006 and 2028. The Council will also ensure that a sufficient supply of deliverable/developable land is available to deliver 175 new homes each year informed by the District housing trajectory.

The balance of new housing development (1,606 homes rounded to 1,610) will be distributed as follows:

- Northern Area – 370 dwellings (23%)
- North Western Area – 129 dwellings (8%)
- North Eastern Area – 226 dwellings (14%)

<sup>30</sup> Letter from G J Walker at Natural England to Jon Morgan at Cannock Chase Council (Dated 17<sup>th</sup> November 2009)

## Local Plans

- Central Area – 515 dwellings (32%)
- Southern Area – 370 dwellings (23%)

### Employment Development

Core Policy 7 affirms that the Council will support measures to sustain and develop the local economy of South Staffordshire. This will focus on four freestanding strategic employment sites: i54, Hilton Cross, ROF Featherstone/Brinsford and Four Ashes.

### HRA Findings

The HRA Stage 1 Screening Report for South Staffordshire's Core Strategy reported the findings of an initial Screening exercise which concluded that none of the policies in the Core Strategy will lead to likely significant effects on Cannock Chase SAC and/or Cannock Extension Canal SAC. **Therefore, likely significant effects in combination with the Cannock Chase Local Plan (Part 2) are not expected.**

## South Staffordshire Site Allocations Document, Preferred Options (December 2015)

South Staffordshire lies to the west of Cannock Chase.

### Housing Development

The Site Allocations Document (SAD) reviewed existing permissions and housing development since the Core Strategy and concluded that the SAD needs to allocate a residual 993 dwellings. Policy SAD2 presents preferred option housing allocations that would provide a minimum of 1070 dwellings, distributed between the following settlements:

- Bilbrook
- Brewood
- Cheslyn Hay
- Codsall
- Coven
- Featherstone
- Great Wyrley
- Kinver
- Swindon
- Wheaton Aston
- Wombourne.

### Employment Development

Employment development must conform to the Core Strategy.

Policy SAD6 presents the preferred option employment land allocations, which proposed a 40ha extension to i54 and 12ha of additional employment land plus an additional 10ha employment land within the existing development boundary, totalling an additional 62ha employment land.

### HRA Findings

The HRA concluded that proposed site allocations and safeguarding land sites in Brewood, Cheslyn Hay, Great Wyrley and Featherstone could lead to likely significant effects on Cannock Chase SAC as a result of increased recreational pressure. An Appropriate Assessment has not yet been undertaken, which the HRA suggests will be undertaken at the Publication stage.

In addition, in response to the South Staffordshire Site Allocations Issues and Options document consultation, Natural England advised that an increase in visitor numbers on the scale expected is likely to have a significant effect. **Therefore, potential significant effects in combination with the Cannock Chase Local Plan (Part 2) cannot be ruled out at this stage.**

## Local Plans

### East Staffordshire Local Plan (adopted October 2015)

East Staffordshire lies to the northeast of Cannock Chase. It does not adjoin Cannock Chase but a significant part of it lies within 15km of Cannock Chase SAC.

#### Housing Development

Strategic Policy 3 makes provision for the development of 11,648 dwellings over the plan period of 2012-2031. The housing requirement will be delivered in accordance with the following indicative average annual rate:

- 466 dwellings per annum for 6 years (2012/2013-2017/2018)
- 682 dwellings per annum for 13 years (2018/2019-2030/2031)

#### Employment Development

Strategic Policy 3 makes provision for the development of 40 hectares of employment land which consists of 30 hectares of new provision B1, B2 and B8 employment land and a continuation of 10 hectares of B1, B2 and B8 employment land.

#### HRA Findings

The Local Plan Pre-Submission HRA Screening Report concluded that none of the policies in the Local Plan will lead to likely significant effects on Cannock Extension Canal SAC, Cannock Chase SAC and West Midlands Mosses Chartley Moss SAC. **Therefore, likely significant effects in combination with the Cannock Chase Local Plan (Part 2) are not expected.**



