



## Habitat Regulation Assessment (HRA)

### Screening Matrix and Appropriate Assessment Statement

**PLEASE NOTE:** Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

**This template is to be used only for Cannock Chase SAC Partnership Local Planning Authorities**

<b>Application Reference:</b>	TBC
<b>Application Address:</b>	Former Allens Centre, Hilton Road, Willenhall, WV12 5XB
<b>Application Description:</b>	Outline planning application for residential development of up to 59 dwellings, together with associated parking, landscaping and infrastructure (all matters reserved).
<b>Proximity to SAC (km):</b>	12km
<b>Accordance with the development plan:</b>	<p>The Site is covered by the following allocation, as identified within the Walsall Site Allocations Document (WSAD) and accompanying Policies Map:</p> <ul style="list-style-type: none"> <li>Policy HC1 allocates the eastern portion of the Site, based on the footprint of the former Allen's Centre, for residential development under reference HO124. An indicative capacity of 22 dwellings is noted.</li> </ul>

<b>STEP 1) - Scoping - Details of the Plan or Project</b>	
<b>European site potentially impacted by planning application, plan or project</b>	Cannock Chase SAC
<b>Is the planning application, project or plan directly connected with or necessary to the management of the site?</b>	No
<b>Are there any other projects or plans that together with the planning application/project being assessed could affect the site?</b>	Yes. The evidence base shows that all new development resulting in a net increase in residential dwellings within 15km of the Cannock Chase SAC will have an adverse, in combination effect on the integrity of the Cannock Chase SAC in the absence of mitigation.

**STEP 2) - HRA Stage 1, Screening Assessment, (likely significant effect?)**

**Test 1: the significance test - The Applicant is to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.**

The proposed development is within 15km of the Cannock Chase SAC. In accordance with advice from Natural England, The Cannock Chase SAC Partnerships evidence base and the evidence base which underpins the development plan, any development within 15km of the SAC which is likely to increase recreational disturbance of the area is likely to result in significant harm to the SACs reasons for designation.

Following the recent CJEU ruling (case C 323/17), LPAs can no longer consider any avoidance and mitigation measures as part of the application at this stage of HRA. For applications which may result in increases in recreational disturbance on Cannock Chase SAC, Natural England's advice is that such applications, without mitigation, are likely to significantly impact upon the reasons for designation of the SAC. Therefore, such applications will progress directly to Appropriate Assessment.

**STEP 3, PART 1) - HRA Stage 2, Appropriate Assessment (integrity test), Information Provided by the Applicant and Details of Proportional Mitigation**

**Appropriate Assessment under Regulation 63(1) - the integrity test - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.**

Development sites within the 15km zone of influence of the Cannock Chase SAC (both individually and in combination with other development within the zone of influence) will increase the human population within the zone and contribute to the creation of new paths, path widening, erosion and nutrient enrichment from visitor use and vehicle emissions. Further information regarding the impacts of increased recreation levels on the Cannock Chase SAC's integrity is set out in detail in the Impacts of Recreation to Cannock Chase SAC (2012) report.

The project being assessed would result in a net increase of residential dwellings within the 15km zone of influence. In line with the evidence base referenced earlier in this assessment, an adverse in combination effect on the integrity of the SAC would therefore be likely to result due to an increase in recreational disturbance as a result of the new development. As such, in order to lawfully be permitted, the effects resulting from the development will need to be avoided and mitigated through a package of suitable measures.

The Cannock Chase SAC Partnership has agreed a series of mitigation and avoidance measures with Natural England. These are referred to as Strategic Access Management and Monitoring Measures (SAMMM).

As set out in the SAMMM and the evidence base which supports it, the majority of visitors to the SAC from within the 0-15km zone of influence surrounding the Cannock Chase SAC. Therefore, the approach agreed through the SAMMM is to require mitigation payment per net residential dwelling from all new development within the 0-15km 'zone of payment'.

Furthermore, evidence indicates that the measures set out in the SAMMM can accommodate fluctuations in housing delivery from speculative growth (windfall), provided any fluctuations are within the parameters of currently adopted plans. This is set out in detail in the Cannock Chase SAC - Planning Evidence Base Review (2017).

Therefore, the Cannock Chase SAC - Planning Evidence Base Review (2017) suggests that any likely significant effects to the Cannock Chase SAC can be avoided or mitigated through the provision of a financial contribution per net residential dwelling proposed

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towards the measures outlined in the SAMMM. A legal agreement or CIL contribution will be necessary to secure the required payment. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. As long as such a legal agreement is secured, the proposed development would not lead to a likely significant effect on the Cannock Chase SAC.

Provided that the application proposes to secure a financial contribution per net residential dwelling through a satisfactory legal agreement, the proposed development would deliver sufficient mitigation and avoidance measures to prevent an adverse in combination effect on the integrity of the Cannock Chase SAC.

**STEP 3, PART 2)- Appropriate Assessment, Conclusion of the Competent Authority (LPA)**

The authority concludes that the application will have a significant effect in the absence of avoidance and mitigation measures on Cannock Chase SAC. This represents the authority's Appropriate Assessment as a Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity.

The authority has concluded that the adverse effects arising from the proposal are wholly consistent with the effects detailed in the Cannock Chase SAC evidence base referenced elsewhere in this assessment. The most up-to-date evidence suggests that these effects can be satisfactorily mitigated by the measures set out in the Strategic Access Management and Monitoring Measures agreed with Natural England.

As the development lies within the 0-15km zone of payment it is the authority's assessment that, subject to a satisfactory legal agreement or CIL contribution to secure the proportional financial contribution towards the SAMMMs, the application will deliver the required measures necessary to mitigate or avoid any likely significant effects. Therefore it can be concluded that there will be no adverse effect on the integrity of Cannock Chase SAC.

**Natural England Comments and Further Advice:**

Summary of Natural England's comments:

NATURAL ENGLAND INSERT TEXT HERE