

## Habitats Regulations Assessment

### **HRA addendum to Cannock Chase Council Local Plan regarding the Cannock Chase Special Area of Conservation and new residential development<sup>1</sup>.**

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Article 6(3) of the Habitats Directive requires that any plan or project, which is not directly connected with or necessary to the management of a European site, but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives. In light of the conclusions of that assessment, and subject to the provisions of Article 6(4) of the Habitats Directive, the Competent Authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, having obtained the opinion of the general public. Article 6(4) provides that if, in spite of a negative assessment of the implications for the site, and in the absence of alternative solutions, the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected.

Habitats Regulation Assessments can be seen as having a number of discrete stages:

- Stage 1 – Screening
- Stage 2 – Appropriate Assessment
- Stage 3 – Assessment of Alternatives
- Stage 4 – Assessment where no alternatives are available

This document forms part 2 of the Habitats Regulation Assessment (HRA) process setting out the outcomes from the Appropriate Assessment stage of HRA and provides a record of Cannock Chase Council's conclusion that the residential development allocated in the 8-15km zone will have no adverse effects on the integrity of the Cannock Chase SAC.

This conclusion has been reached following analysis of the evidence base by the SAC Partner competent authorities. The authorities have concluded that an adverse effect on the integrity of the SAC would arise from residential development within 15km of this European Site in the absence of mitigation. The Strategic Access Management and Monitoring Measures (SAMMM) provides mitigation ruling out adverse effects on the integrity of the SAC.

#### **1. Identification of European Site which may be affected**

The European Site to be considered in this screening opinion is Cannock Chase SAC. A detailed description is at Appendix A.

#### **2. Background**

In October 2005, a judgment the European Court of Justice required the UK to extend the requirements of Article 6(3) and (4) of the Habitats Directive to include the assessment of the potential effects of spatial and land use plans on European sites.

A Cannock Chase SAC Partnership was formed of relevant authorities and evidence commissioned by this Partnership suggests that the planned level of growth within a 15 kilometre radius of the Cannock Chase SAC (as set out in Map 1) is likely to have a significant effect on the designated site. The greater part of this effect would arise from

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<sup>1</sup> Cannock Chase Local Plan (Part 1) Habitat Regulations Assessment 2013 and Cannock Chase Local Plan (Part 1) Habitat Regulations Assessment Addendum Report 2013.

development within a 0-8km zone (as set out in Map 1) as it has been determined through research that this zone would contribute the most visitors to the SAC<sup>2</sup>. The effect of increased visitor numbers consists of additional damage from site use and vehicle emissions<sup>3</sup>.

In granting planning permissions the Local Planning Authorities must comply with their duty under the Habitats Regulations as Competent Authorities to ensure appropriate mitigation is delivered prior to developments being built and new visits generated.

The Cannock Chase SAC Partnership has developed and is implementing a developer contributions scheme to fund a package of access management measures<sup>4</sup> to offset the impact of 30,134 new houses identified within the Local Plan policies of the planning authorities within the 0-15km Zone of Influence. The SAC Partnership has determined to collect planning obligations up to the current value of £1.97 million to mitigate for this housing.

### **3. Project**

The developer contributions scheme has been conceived by the SAC Partnership whereby the total cost of the SAMMM has been divided between the Partner Authorities in proportion to the planned housing provision within 0-8km of Cannock Chase SAC (as shown in Map 1) during the relevant period. Based on the analysis of the visitor survey data (see footnote 2 on Page 2) and the cost of a proportionate suite of access management measures the Partnership has agreed to collect developer contributions from the 0-8km zone. This will deliver the £1.97 million required in order to mitigate for the impact of new housing within the whole 0-15km zone.

This authority only requires a financial contribution towards mitigation where a new residential property is within 0-8km of the boundary of Cannock Chase SAC. Research has shown that 75% of all visitors to the Cannock Chase SAC are from within a 15km radius of the SAC. The planned level of residential growth within a 15 kilometre radius from the edge of Cannock Chase SAC is likely to have a significant effect on the SAC in the absence of mitigation. The greater part of this effect would arise from development within a 0-8km zone as it has been determined through research that this zone would contribute the most visitors to the SAC. As such, funding is not sought from the 8-15km zone.

Other types of development and windfall housing sites not included in the calculations within the aforementioned Cannock Chase Council's adopted 'Cannock Chase Special Area of Conservation (SAC) Guidance to Mitigate the Impact of New Residential Development' have the potential to impact upon the SAC and these will need to be assessed and mitigation provided on an individual basis through discussions with Natural England and/or Cannock Chase Council as the relevant local authority. The estimated costings in the SAMMM will be monitored and may be reviewed and rates recalculated when the MOU is reviewed.

Participation in the developer contribution scheme is discretionary. The option remains for developers to undertake a Habitats Regulations screening assessment and where necessary provide the information required for a full appropriate assessment to be undertaken to demonstrate that a proposal will not either alone or in combination adversely affect the integrity of the Cannock Chase SAC.

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<sup>2</sup> Further Analysis of Cannock Visitor Survey Data to Consider Apportioning Costs between Zones – Durwyn Liley, 30<sup>th</sup> September 2013.

<sup>3</sup> NE advice letter to the partnership dated 10/04/2013 – Vehicle emission issues are dealt with outside the SAMMM and through the Local Plan or development process.

<sup>4</sup> Strategic Access Management and Monitoring Measures (SAMMM)

#### **4. Timescale**

The timescales over which the effects (both alone and in-combination) have been considered are the lifetime of the Project i.e. (the residential development forecast in the Zone of Influence within each of the Partnership Authorities' Local Plan periods) or the delivery of 30,134 houses within the 0-15km Zone of Influence. A review of the MOU and SAMMM will be triggered if the annual review indicates that either of these figures are being approached.

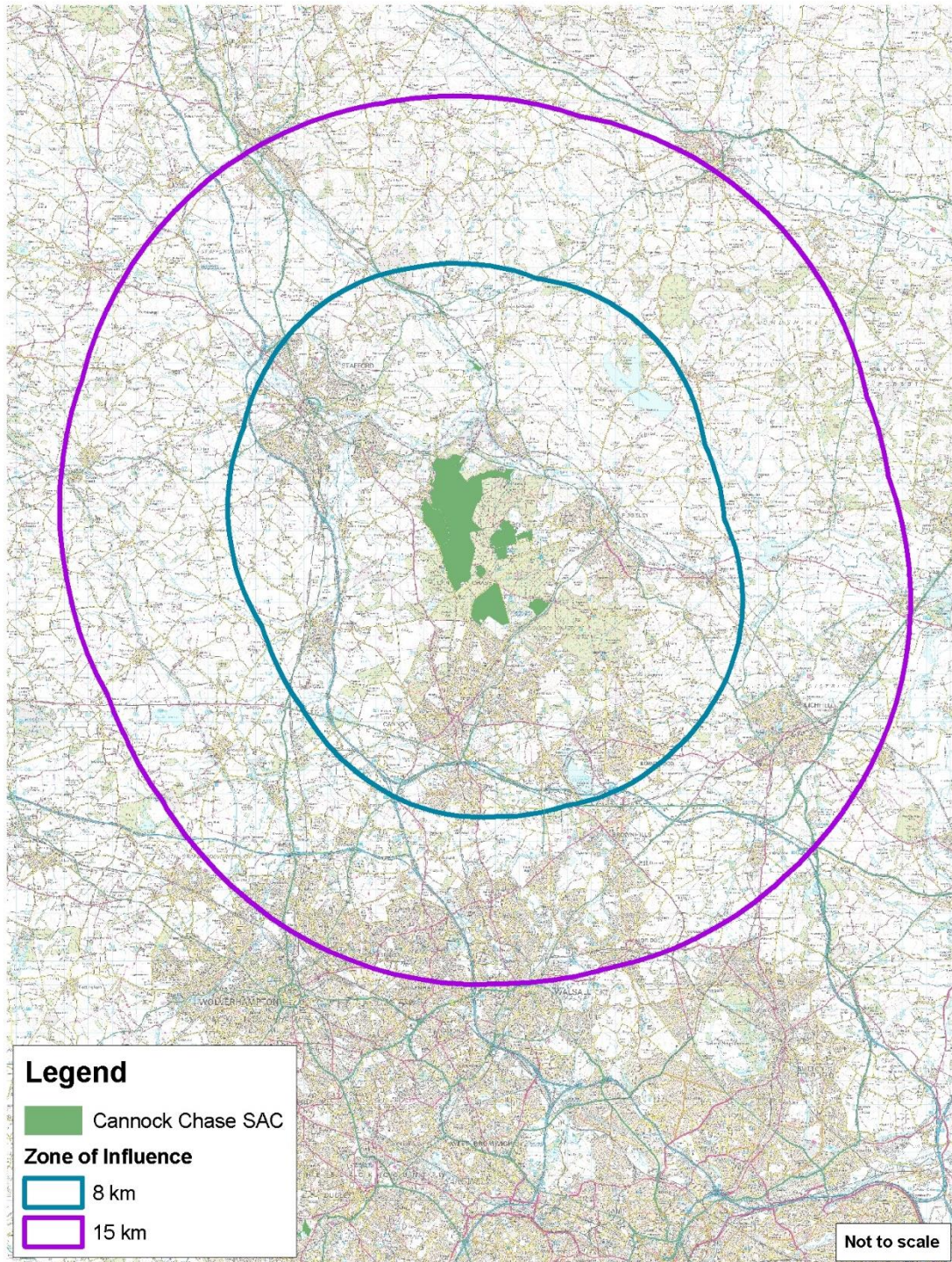
#### **5. Conclusion**

On the basis of the above, an adverse effect on the integrity of Cannock Chase SAC arising from the residential development set out in the adopted Cannock Chase Local Plan Part 1 can be ruled out. For those developments that do not form part of the adopted local plan reference should be made to 'Cannock Chase Special Area of Conservation (SAC) Guidance to Mitigate the Impact of New Residential Development.'



# Map 1

## Cannock Chase SAC Zones of Influence



## Appendix A

Details of European Site potentially affected	
<b>European Site Name</b>	Cannock Chase
<b>Designation Status</b>	Special Area of Conservation (SAC)
<b>Site Code</b>	UK0030107
<b>Date of Designation</b>	2005
<b>Qualifying Interests</b>	H4030. European dry heaths  H4010. Northern Atlantic wet heaths with <i>Erica tetralix</i> ; Wet heathland with cross-leaved heath
<b>Conservation Objectives</b>	<p><b>European Site Conservation Objectives for Cannock Chase Special Area of Conservation. Site Code: 0030107</b></p> <p>With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of qualifying natural habitats</li> <li>• The structure and function (including typical species) of qualifying natural habitats, and,</li> <li>• The supporting processes on which the qualifying natural habitats rely</li> </ul> <p>This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.</p> <p><b>Qualifying Features:</b> H4010. Northern Atlantic wet heaths with <i>Erica tetralix</i>; Wet heathland with cross-leaved heath H4030. European dry heaths</p> <p>Or Natural England's most up to date Conservation Objectives.</p>
<b>Site condition</b>	Unfavourable recovering
<b>Factors currently influencing the site</b>	The principal impact is visitor pressure leading to loss of the SAC dry heath vegetation to new paths, path expansion, associated erosion and eutrophication. The component of the SAC involved is the dwarf woody shrub community (e.g. heather and bilberry), rather than the extent of bare ground forming the paths and tracks. This

	means that visitors have an impact on a small proportion of a large habitat component of the site, rather than a large proportion of a more restricted feature. Current visitor use of the site is high.
<b>Is the housing allocation for Cannock Chase District within the 8-15km zone around Cannock Chase SAC directly connected with or necessary to the SAC qualifying features:</b>	No