

# Habitats Regulations Assessment of the Local Plan (Part 1) 2013

Prepared for  
**Cannock Chase District Council**

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# Abbreviations

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CCDC	Cannock Chase District Council
DPD	Development Plan Document
MBC	Metropolitan Borough Council
MENE	Monitor of Engagement with the Natural Environment
NPPF	National Planning Policy Framework
SA	Sustainability Appraisal
SAC	Special Area of Conservation, as designated by the EC Habitats Directive (92/43/EEC)
SANGS	Suitable Accessible Natural Greenspace
SEA	Strategic Environmental Assessment
SPD	Supplementary Planning Document
TNS BMRB	A social research company contracted by Natural England to undertake the 'MENE' survey

# 1 Introduction

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## 1.1 The Context of this Report

Cannock Chase District Council (CCDC) has produced its Local Plan to guide planning and development in the District to 2028. The Local Plan is a development plan document (DPD) that is required to be produced under the Planning and Compulsory Purchase Act 2004 (as amended). The Local Plan for Cannock Chase has been split into two parts; the Draft Proposed Submission Local Plan (Part 1) was submitted for examination in May 2013 and Part 2 will be issued at a later date.

The Draft Local Plan (Part 1) brings together the former emerging Core Strategy and Rugeley Town Centre Area Action Plan into one document. It provides the context and process for setting strategic and development management policy for the Cannock Chase District, with the second section providing the more detailed policy context for Rugeley town centre. Local Plan Part 2 will identify site specific allocations as well as the various standards to be applied in order to help deliver the strategic policy. Part 2 will also help address Birmingham's housing needs should this be necessary following further evidence gathering, either by identifying further capacity within the plan period or safeguarding land for development beyond the plan period. In addition, Part 2 will safeguard sites for potential development beyond the plan period to help meet future District needs. This will include a Green Belt Review. Local Plan policy will also be elaborated, where justified, by Supplementary Planning Documents (SPDs).

A Habitats Regulations Assessment (HRA) is required under the UK Habitats Regulations<sup>1</sup> in order to analyse the Local Plan and attempt to ascertain any potentially significant effects of the plan on internationally recognised sites of nature conservation interest (also known as 'Natura 2000' or European sites). These sites include Special Protection Areas (SPAs), designated under the Birds Directive<sup>2</sup>, Special Areas of Conservation (SACs) and candidate SACs designated under the Habitats Directive<sup>3</sup>, as well as wetland sites designated under the Ramsar Convention. An HRA (including Appropriate Assessment) Report of the draft Proposed Submission Local Plan (Part 1) February 2013 was prepared and submitted to CCDC alongside a Sustainability Appraisal (SA) in January 2013.

The draft Proposed Submission Local Plan (Part 1) was published for consultation by CCDC in February 2013, together with other "proposed submission documents", before its submission to the Planning Inspectorate for examination in May 2013. The examination hearing sessions ran from the 24<sup>th</sup> to 27<sup>th</sup> September.

This addendum should be read in conjunction with the main HRA Report, the Local Plan (Part 1) Proposed Submission (2013) and the Main and Additional Modifications to the Local Plan (Part 1)<sup>4</sup>. The main HRA Report provides a description of the HRA process, the assessment of the Local Plan (Part 1) under the Habitats Regulations and recommendations for mitigation and monitoring.

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<sup>1</sup> The Conservation of Habitats and Species Regulations 2010. Statutory Instrument No. 1927 (These have been appended by 2012 amendment regulations).

<sup>2</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (the codified version of Directive 79/409/EEC as amended).

<sup>3</sup> Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora

<sup>4</sup> *Schedule of Proposed Main Modifications to Local Plan (Part 1) – as at October 2013* and *Schedule of Proposed Additional Modifications to Local Plan (Part 1) – as at October 2013*

## 2 Local Plan (Part 1) Modifications that Relate to the HRA

### 2.1 Local Plan (Part 1) Main and Additional Modifications

As part of the examination process, the Inspector can recommend 'main modifications' (changes that materially affect the policies) to make a Draft Local Plan (Part 1) sound and legally compliant only if asked to do so by the local planning authority under section 20(7C) of the 2004 Planning and Compulsory Purchase Act as amended). The Council can also put forward 'additional modifications' of its own to deal with more minor matters. Since the examination in September 2013, the Council has made 'main modifications' and 'additional modifications' to its (Submission Version) Local Plan.

Inspectors require the local planning authority to consult upon all proposed main modifications. Depending on the scope of the modifications, further HRA work may also be required. The focus of the SA and HRA is the main modifications, since these are being proposed to address issues of 'soundness' and/or legal compliance. Additional modifications are for minor clarifications or corrections only, however they have been considered in the context of the main modifications for completeness.

### 2.2 How the Modifications Relate to the HRA

The main and additional modifications to the Local Plan (Part 1) do not alter the findings of the HRA submitted in January 2013. The addendum therefore focuses on the key changes to the evidence base information since the submission of the HRA Report in January 2013 (see Section 3). In fact, since the submission of the HRA, the Local Plan has incorporated the principal HRA recommendations into paragraph 4.89 of the Plan.

The Main Modifications that relate to mitigation for Cannock Chase SAC are shown in Table 2.1.

**Table 2.1 Main Modifications that Relate to Cannock Chase SAC**

Mitigation for Cannock Chase SAC – Main Modifications			
MM3.1 (Replaces M75)	70	Para 4.88	...Mitigation and Implementation Strategy. <b>A 15Km zone of influence from the SAC boundaries has been identified in the evidence base and agreed by Natural England. and Cannock Chase District lies completely within this.</b> Through implementation of the final Local Plan policies, supported by relevant Supplementary Planning Documents, suitable mitigation measures will be put in place <b>which may including</b> e the delivery of Suitable Alternative Natural Green Space (SANGS) to overcome possible adverse effects on the integrity of the SAC and the need to encourage sustainable travel to support a reduction in <del>greenhouse gas</del> <b>nitrogen</b> emissions.
MM3.2 (Replaces and amends M15)	71	Para 4.89	The HRA of the Local Plan makes <del>the following</del> recommendations with regard to Cannock Chase SAC with which the Council will aim to comply: <ul style="list-style-type: none"> <li>• Require air quality modelling for new housing which adds to traffic use on roads within 200m of the SAC</li> <li>• Encourage application of the Code for Sustainable Homes Level 6 standards within larger housing developments to help reduce air pollution <del>from new housing</del></li> <li>• Update the 2009 Air Quality Updating and Screening Assessment to produce an Air Quality Strategy for the District covering potential impacts on biodiversity (including impacts on European sites) <del>in addition to impacts</del> <b>and</b> on human health</li> <li>• Aim to site new developments in locations where commuting</li> </ul>

			<p>distances will be minimised with existing strong public transport links, walking and cycling opportunities (as recognised in Obj 5)</p> <ul style="list-style-type: none"> <li>• Aim to maximise provision of on-site facilities for major developments in order to reduce the need to travel, <del>These could include GP facilities, retail outlets, schools, community facilities and public open space,</del> an approach already taken within the adopted development brief for Land to the West of Pye Green Road</li> <li>• Seek submission of Travel Plans for all new developments <del>within the District</del> to show how public transport, walking and cycling opportunities will be maximised. S106 agreements may also be required in order for developers to assist in achieving air pollution reduction for their development, including a commitment to monitor its impact</li> <li>• Consider traffic calming and reduction in car parking as part of the management of the SAC <b>to reduce pressure on sensitive areas</b></li> <li>• <b>Avoid new housing development within 400m of SAC</b></li> <li>• <b>Aim to increase size of heathland and improve connectivity between different blocks with appropriate management practices and review of track, path and firebreak systems</b></li> <li>• <b>Aim to carry out a public consultation, education, awareness and information programme</b></li> <li>• <b>Seek to provide SANGS, including in locations around the SAC minimum size 30ha, in accordance with Natural England SANGS quality guidance</b></li> <li>• <b>Aim to undertake a biological, habitat condition and visitor monitoring programme.</b></li> </ul>
MM3.3 (Replaces M77 and incorporates M43 and M44 for clarity)	126	Policy CP13 2 <sup>nd</sup> para	<p>In order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within <del>any agreed zone of influence</del> <b>Cannock Chase District</b> (as identified by the evidence base and subject to further refinement) that leads to a net increase in dwellings which is likely to have an adverse impact on the SAC <b>should will be required to</b> mitigate for such adverse effects. in line with The ongoing work by the <b>relevant</b> partner authorities <del>to</del> <b>will</b> develop a Mitigation and Implementation Strategy (<b>SPD</b>).</p>
MM3.4 (Replaces M42)	126	Policy CP13 1 <sup>st</sup> paragraph	<p>'...adverse effect upon the <b>integrity of the</b> European site network...'</p>





## 3 Changes to the Evidence Base of the HRA

### 3.1 Introduction

Table 3.1 shows the principal changes to the evidence base that have occurred since the publication of the final HRA Report in January 2013. These documents were presented as part of the evidence base for the Local Plan (Part 1) Examination in Public in September 2013. A full list of the documents presented as part of the evidence base is available online.<sup>5</sup>

**Table 3.1 Changes to the Local Plan Evidence Base that have a Bearing on the HRA**

Evidence	Purpose	Implications for the HRA
Natural England. Cannock Chase SAC – Strategic Mitigation Strategy for New Residential Development. Letter to CCDC (23 <sup>rd</sup> September 2013).	<p>Further to a discussion regarding the strategic mitigation strategy and related SPD at the SAC Partnership meeting on 29 August 2013<sup>6</sup>, Natural England provides further advice to CCDC on the project in this letter.</p> <p>The letter provides advice on:</p> <ul style="list-style-type: none"> <li>• The zone of influence for disturbance to the SAC;</li> <li>• Current status of SAC interest features;</li> <li>• Establishing a baseline for future monitoring;</li> <li>• On-site and off-site mitigation measures;</li> <li>• Suggested approach for imminent plans and development projects awaiting approval.</li> </ul>	All of the key topics of discussion in the letter will need to be taken into account in any future HRAs and the SPD that will describe the mitigation requirements for Cannock Chase SAC.
CCDC. Examination into the Soundness of the Cannock Chase Local Plan – Local Plan (Part 1) Matter 7: Cannock Chase SAC. Statement submitted to the Hearing sessions 5a, August 2013	Paper provided evidence to the hearing Sessions relating to Policy CP13 (Cannock Chase SAC).	Summarises how the Council believes the policy and related matters, including the HRA, to be sound and legally compliant.
Interim Planning Policy on Planning Obligations Relating to Impact of New Residential Development on the Cannock Chase Special Area of Conservation (July 2013)	The purpose of the report was to seek Cabinet approval to adopt an interim planning policy. This policy would require all applications for residential development (involving a net increase of one or more dwellings) to include a planning obligation to support a programme of appropriate	All of the principal issues raised in the Interim Planning Policy will be discussed further in any future HRAs and the mitigation SPD.

<sup>5</sup> Source: [http://www.hwa.uk.com/site/wp-content/uploads/2013/03/Examination\\_Documents\\_List\\_22.10.2013.pdf](http://www.hwa.uk.com/site/wp-content/uploads/2013/03/Examination_Documents_List_22.10.2013.pdf)

<sup>6</sup> Minutes of this meeting have not been circulated at the time of preparing this addendum

	measures to mitigate the impact of additional visitor pressure/traffic arising from these developments on the Cannock Chase SAC.	
Cannock Chase SAC Partnership. Meeting Notes (10 <sup>th</sup> June 2013)	<p>The meeting notes describe;</p> <ul style="list-style-type: none"> <li>• Natural England's response to Lepus Consulting and Footprint Ecology's approaches to visitor data;</li> <li>• Viability of developer contribution obligations;</li> <li>• Interim policy guidance;</li> <li>• Suitable Accessible Natural Greenspace (SANGS);</li> <li>• Short term mitigation;</li> <li>• Awareness raising for Council staff.</li> </ul>	All of the principal issues raised in the Interim Planning Policy will require further consideration in any future HRAs and the mitigation SPD.
Cannock Chase Local Plan Part 1 Duty to Co-operate Statement Supplement – Further Co-operation Between Publication and Submission Stages (May 2013)	This statement includes Duty to Co-operate statements relating to discussions with English Heritage, the Environment Agency and Natural England. It also includes an update of the Cannock Chase SAC Partnership meeting in May 2013.	The Appendix to the Duty to Co-operate Statement contains a Statement of Common Ground signed by CCDC and Natural England. This confirms that Natural England considers the HRA of the Local Plan (Part 1) to be sound and legally compliant.
Natural England. Cannock Chase SAC Visitor Survey – Update and Advice to the SAC Partnership following receipt of the Lepus Report 'Analysis of Visit Frequency at Cannock Chase SAC. Letter to Cannock Chase SAC Partnership (24 <sup>th</sup> May 2013).	<p>The letter responds to the SAC Partnership's aim to conduct a peer review of the following reports;</p> <ul style="list-style-type: none"> <li>• Footprint Ecology. Cannock Chase SAC Visitor Survey</li> <li>• Footprint Ecology. Cannock Chase SAC Visitor Impact Mitigation</li> <li>• Lepus Consulting. Analysis of Visit Frequency at Cannock Chase Special Area of Conservation (2013)</li> </ul>	All of the principal issues raised in the letter require further consideration in any future HRAs and the SAC mitigation SPD
Bircham Dyson Bell LLP. Advice on Cannock Chase SAC (Report) (May 2013).	Bircham Dyson Bell LLP were asked to advise CCDC on the prospects of quickly adopting a robust interim planning policy to inform decision-making on all applications for housing development within the zones of influence identified by Footprint Ecology.	This report assisted the production of interim planning policy relating to Cannock Chase SAC.
Lepus Consulting. Report on the Analysis of Visit Frequency at Cannock Chase Special Area of Conservation (April 2013)	The report was prepared for the Black Country Authorities: Dudley MBC, Sandwell MBC, Wolverhampton City Council and Walsall MBC.	The report has a bearing on the recognised zone of influence for impacts on the Cannock Chase SAC and levels of developer contributions towards mitigation.

	<p>The purpose of the research was to analyse visitor survey data collected in conjunction with an AONB survey for Cannock Chase during 2010-2011. Specifically, the visitor frequency data was used to better understand the relationship between number of visits made to the SAC and AONB according to geographic source</p>	<p>Both the zone of influence and levels of developer contributions will be discussed further in the mitigation SPD</p>
<p>Natural England. Cannock Chase Local Plan – Proposed Submission 2013. Letter to CCDC (27th March 2013).</p>	<p>In this letter Natural England considered the plan to be sound and legally compliant. However, minor changes, primarily to improve the plans coverage of issues arising in relation to Cannock Chase SAC, were recommended.</p>	<p>This letter was superseded by the Duty to Co-operate Statement of May 2013, which demonstrated that Natural England was satisfied with the contents of the Local Plan (Part 1) and the HRA.</p>
<p>Natural England (2013) Monitor of Engagement with the Natural Environment (MENE): The national survey on people and the natural environment</p>	<p>In 2009 Natural England, Defra and the Forestry Commission commissioned TNS (see glossary) to undertake the MENE survey. In the four years since MENE was commissioned a wealth of information was collected regarding visits taken to the natural environment and related behaviours and attitudes.</p> <p>The survey was commissioned in order to:</p> <ul style="list-style-type: none"> <li>• Understand how people use, enjoy and are motivated to protect the natural environment.</li> <li>• Provide data that monitors changes in use and enjoyment of the natural environment over time, at a range of different spatial scales and for key groups within the population.</li> </ul>	<p>The MENE survey was referred to in Natural England's letter to CCDC (24<sup>th</sup> May 2013) with respect to visitor behaviour and the SAC visitor survey evidence base.</p>
<p>Matthews, T. An investigation into the impact of nitrogen deposition from traffic emissions of nitrogen dioxide (NO<sub>2</sub>) on the heathland in Cannock Chase (November 2012)</p>	<p>An extended report of fieldwork carried out for a final year project for Module SXE390 of a BSc (Hons) in Environmental Science with The Open University, Milton Keynes.</p> <p>Study attempts to establish whether the road traffic crossing is increasing nitrogen deposition in the adjacent heathland, whether it is changing the soil properties and to what extent these changes are impacting on the vegetation community.</p>	<p>The report adds to the evidence as to whether the changes caused by nitrogen deposition are likely to lead to an adverse effect on the site integrity of the Cannock Chase SAC. The results indicate that the NO<sub>2</sub> emissions from the traffic are not sufficient to impact on the abundance of heathland vegetation or affect the soil pH and nitrate concentrations. However, the soil pH and nitrate concentrations do appear to be related to <i>Calluna</i> and to a lesser degree <i>Vaccinium</i> abundance but further investigations are required to assess the drivers that are altering these variables</p>

# 4 Next Steps

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## 4.1 Introduction

This addendum will be placed on the Cannock Chase website for public consultation between 6<sup>th</sup> November and 18<sup>th</sup> December 2013.

## 4.2 Cannock Chase Local Plan (Part 2)

An HRA will be required for Part 2 of the Local Plan as Part 2 will include site allocations which could impact on European Sites and this will therefore have implications for mitigation requirements. An SPD will also be produced to describe the mitigation requirements for developers in relation to Cannock Chase SAC.