

Main Modifications of the Lichfield District Local Plan: Strategy Addendum to Habitat Regulations Assessment (January 2014)

Introduction

The Lichfield District Local Plan: Strategy sets out the vision, strategic priorities, spatial strategy, core policies and development management policies within Lichfield District. It makes some strategic allocations with further allocations of land for development and more detailed area based polices will be in a further plan entitled Lichfield District Local Plan Allocations.

This addendum to the Habitat Regulations Assessment (CD3-8) continues the audit of the Local Plan in respect of compliance with the Habitats Regulations. The Habitat Regulations Assessment: Lichfield District and Tamworth Borough July 2012 (CD3-8) and this January 2014 Addendum will together be the Habitat Regulations Assessment of the Lichfield District Local Plan: Strategy.

This report provides the screening of the main modifications which have arisen through the hearing sessions that explored the soundness of the submitted plan, the Inspector's initial findings and further engagement with key stakeholders. This report is not a stand alone document; it considers the main modifications with the background data still being presented in the Habitat Regulations Assessment for Lichfield District and Tamworth Borough (CD3-8).

Key Documents/ Evidence

In addition to the documents referenced in the Habitat Regulations Assessment for Lichfield District and Tamworth Borough (CD3-8), further information has been taken into account in producing this addendum. This further information relates to evidence submitted to support the Local Plan Examination in Public up until the close of the Hearing Sessions (10th July 2013). This includes evidence published subsequent to the Habitat Regulations Assessment for Lichfield District and Tamworth Borough and any Hearing Document submitted as part of the Examination process (referenced HD within the [Core Document List](#)). Key documents are as follows:

- Letter from the Inspector received by the District Council on 3rd September 2013. This contains an annex setting out the Inspector's initial findings (HD-64).
- River Mease SAC Water Quality Management Plan Developer Contribution Scheme (CD3-64)
- Frequency of Visit- Frequency at Cannock Chase Special Area of Conservation (SAC) (CD5-16)

- Letter from Natural England to Cannock Chase SAC Partnership 24th May 2013 (HD 51)
- Cannock SAC Partnership Note 10th June 2013 (HD-52)

Documents which currently do not form part of the evidence base already submitted to the Examination, which have a bearing on the HRA:

- [Inspector's Progress Check](#) (5th September 2013)
- Letter from Natural England to Lichfield District Council 16th December 2013. Commenting on proposed modifications to policy NR7 (Appendix A)
- Interim Planning Policy on Planning Obligations relating to Impact of New Residential Development on the Cannock Chase Special Area of Conservation (July 2013) (Appendix B)
- Letter from Natural England to Cannock Chase SAC Partnership 23rd September 2013. (Appendix C)
- Letter from Natural England to Lichfield District Council 28th January 2014. (Appendix E)
- Letter from Environment Agency to Lichfield District Council 29th January 2014. (Appendix F)

In addition, a review of the relevant plans, programmes and projects to be considered in combination listed in Section 3.2 of the Habitat Regulations Assessment (CD3-8) has been undertaken. A number of documents have been updated and the following are those which, in addition to the documents previously listed in Section 3.2, have been considered for in combination effects.

- **South Derbyshire District Draft Local Plan Part 1:** Increase of 13,500 additional homes between 2008-2035, 276 hectares of employment land and policies to protect and enhance the natural environment. The authority is a partner of the River Mease SAC Programme Board and Technical Group and utilises the River Mease Developer Contributions Scheme to mitigate for impact upon River Mease SAC.
- **North Warwickshire Core Strategy:** the Plan proposes to deliver 3,800 dwellings between 2006 and 2028 (including 500 to meet the needs of Tamworth Borough), an additional 31.05 hectares of employment land and policies to protect and enhance the natural environment. The Hearing Sessions are scheduled to commence on 7th January 2014.
- **Tamworth Local Plan 2006 saved policies July 2009 (the Tamworth Local Plan 2006-2028 was withdrawn in March 2013):** Where there

are no policies the NPPF will be the relevant planning policy document. The NPPF removes the presumption in favour of development where development requiring appropriate assessment under the Birds or Habitats Directive is being considered and states that planning authorities should aim to conserve and enhance biodiversity. The Tamworth Local Plan 2006-2028 had been subject to Habitat Regulations Assessment prior to its withdrawal. The Habitat Regulations was prepared as a joint HRA with Lichfield District Council and no significant effects were considered to arise in combination with the other plans and programmes appraised. The Tamworth Local Plan which is currently being prepared will require a new HRA at the appropriate time.

Methodology

The methodology described in the Habitat Regulations Assessment for Lichfield District and Tamworth Borough (CD3-8) is still the correct approach. With progression through each stage indicating whether the next stage is required. In addition where uncertainty exists as to the effects on the Natura 2000 site identified, the Authority has continued to assume that a significant effect is possible, in line with the precautionary principle, and the next stage in the Appropriate Assessment methodology will be followed.

Description of the Main Modifications

- Inclusion of potential need to have an early review of the Local Plan.
- Extension of the plan period by 1 year to 2029
- Increase in the provision of housing by 1,330 dwellings over the amended plan period
- Inclusion of sites identified as having greatest opportunity for wind energy on Policies Map.
- Changes to Policy NR7 Cannock Chase SAC.
- New/ revisions to strategic development allocations.

All of the main modifications have been screened for likely significant effects on European Sites. Natural England have engaged in informal discussions to agree revised wordings to Policy NR7, including engagement through Cannock Chase SAC Partnership meetings.

The screening matrix at Appendix D presents all main modifications, with comments on likely significant effects on European sites, and potential for in-combination effects.

Conclusions

There are no likely significant effects that would result from any of the proposed main modifications to the Lichfield District Local Plan: Strategy. The Plan seeks to protect and enhance and expand the quality and diversity of the natural environment and help realise the positive contributions which can be made to address climate change. The Plan contains policies which protect

European sites and enhance them where possible and there are specific policies in relation to Cannock Chase SAC (Policy NR7) and the River Mease SAC (Policy NR8).

Minor modifications have also been proposed; none of these are considered to have any significant effects either directly or in combination. For clarification there are minor modifications proposed which relate to the Cannock Extension Canal SAC. The modifications propose the safeguarding of a route for a heritage towpath trail utilising the line of the Lichfield Canal and identifies this on the maps contained within the Local Plan. As this is for a path and there is reference to the requirements for further studies to satisfy the requirements of the Habitat Regulations with regard to the construction/reinstatement and watering of a canal which would link to the Cannock Extension Canal, no likely significant effects upon the Cannock Extension Canal will arise from these changes.

In conclusion no further work as part of the compliance with the Habitat Regulations is required for the other Natura 2000 sites and Ramsar sites referred to as part of this assessment.

Date: 16 December 2013
Our ref: 106013
Your ref: MM9



Mr Neil Cox
Lichfield District Council

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Neil

Planning consultation: Lichfield District Local Plan Strategy:MM9 – Policy NR7 Cannock Chase SAC

Thank you for your consultation on the above dated 28 November 2013 which you provided as hard copy at the Cannock chase SAC Partnership meeting that day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have the following comments on the revised policy NR7:

The first line of the revised policy refers to the following new wording;

“..in itself or in combination with other development..”

We advise that the accepted phraseology in relation to the Habitats Regulations is ‘alone or in combination’.

Natural England welcomes the revised wording within the policy (paragraph 3) and supporting text (para 11.26) explaining the potential scope of the mitigation measures together with the supporting text reference to the visitor survey update and the ongoing dialogue within the partnership.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me on 0300 060 1640. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours sincerely

Antony Muller
Lead Adviser, Natural England Land use Operations Team

CANNOCK CHASE SPECIAL AREA OF CONSERVATION (SAC)

INTERIM GUIDANCE TO MITIGATE THE IMPACT OF NEW RESIDENTIAL DEVELOPMENT

Background

The Council has a duty as a responsible authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regs.) to ensure that the decisions it makes on planning applications do not result in adverse effects on the integrity of the Cannock Chase Special Area of Conservation (SAC), which has internationally protected status under the Regulations for its unique heathland habitat.

Evidence produced to inform the production of the Council's Local Plan by consultants Footprint Ecology, together with that of partner Local Planning Authorities in Staffordshire (Stafford Borough, Cannock Chase, South Staffordshire, East Staffordshire), 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 would have an adverse effect on its integrity; with a higher proportion of visitors coming from within 8km. The effects comprise additional damage from visitor use and vehicle emissions. So the LPAs would not be complying with their duty under the Habitat Regulations if planning permissions were granted without appropriate mitigation being secured prior to developments being built. It is the developer's responsibility on a case by case basis to propose mitigation which would avoid adverse effects.

A joint *Cannock Chase Special Area of Conservation (SAC): Supplementary Planning Document (SPD)* is to be produced by the partner LPAs to propose a system of developer contributions to outline mitigation, in order to support the emerging Local Plan Strategy policy NR7.

NR7 (proposed modification MM9) states:

Policy NR7: Cannock Chase Special Area of Conservation

Development will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the integrity of the Cannock Chase Special Area of Conservation.

All development that results in a net increase in dwellings within 15km of Cannock Chase SAC is likely to have an adverse impact upon the SAC and therefore suitable mitigation, proportionate to the significance of the effect, will be required in line with ongoing work by partner authorities to develop a Mitigation and Implementation strategy SPD.

The effective avoidance and/or mitigation of any identified adverse effects must be demonstrated and secured prior to approval of the development. Development proposals more than 15km from Cannock Chase SAC may be required to demonstrate that they will have no adverse effect on the integrity of the SAC.

(Identification of a 15km radius from Cannock Chase SAC on the Policies Map).

The Council must ensure that decisions made on planning applications, and policies in the Local Plan, will not have a negative impact on Cannock Chase SAC. If there are any potential negative impacts, the Council must either refuse development, or ensure there are appropriate mitigation measures in place. Given the evidence now available that one or more net dwellings will have an adverse impact, the Council has introduced Interim Guidance, as set out below, which includes a simple regime of financial contributions as an alternative to developers having to make their own assessments of impact on developments of 50 or fewer units. The Interim Guidance is a pragmatic approach until such time as the Cannock Chase SAC SPD has been agreed, rather than impose a moratorium on new housing development from now until adoption of the SPD to ensure the integrity of the SAC. This approach is being taken forward by all the Staffordshire Partnership authorities, and was approved by Cannock Chase District Council's Cabinet at its meeting on 25th July 2013; and a similar approach is being implemented in South Staffordshire District, Stafford Borough and East Staffordshire.

Briefly, the system of developer contributions for mitigation in both the Interim Guidance and the subsequent SPD will comprise bespoke solutions to mitigation on large developments by the provision of substantial areas of new open space and financial contributions to works and other measures to safeguard the integrity of the SAC itself. The SPD will be based on further statistical work to be carried out by Footprint Ecology. It is anticipated that the SPD will be adopted following consultation by the end of 2013.

Natural England supports the use of Interim Guidance to mitigate the impact of new residential development prior to the formal adoption of an SPD.

Permitted Development

Having determined in the evidence and the adopted Core Strategy policy that a net increase of one or more dwellings will have an adverse impact on the integrity of Cannock Chase SAC, the same principle applies to the exercise of "Permitted Development" rights to create additional dwellings. Please contact the Council for further information.

CANNOCK CHASE SAC INTERIM PLANNING GUIDANCE

Applications proposing a net increase in housing development of between 1 and 50 units will not need to include a site specific assessment of the impact of the proposed development on the SAC, provided that they are accompanied by a Unilateral Undertaking proposing a financial contribution to mitigate for the impact of the development on the SAC of:

- *£458 per dwelling in the 0-8 km zone, and*
- *£174 per dwelling in the 8-15 km zone (see map in Appendix 1).*

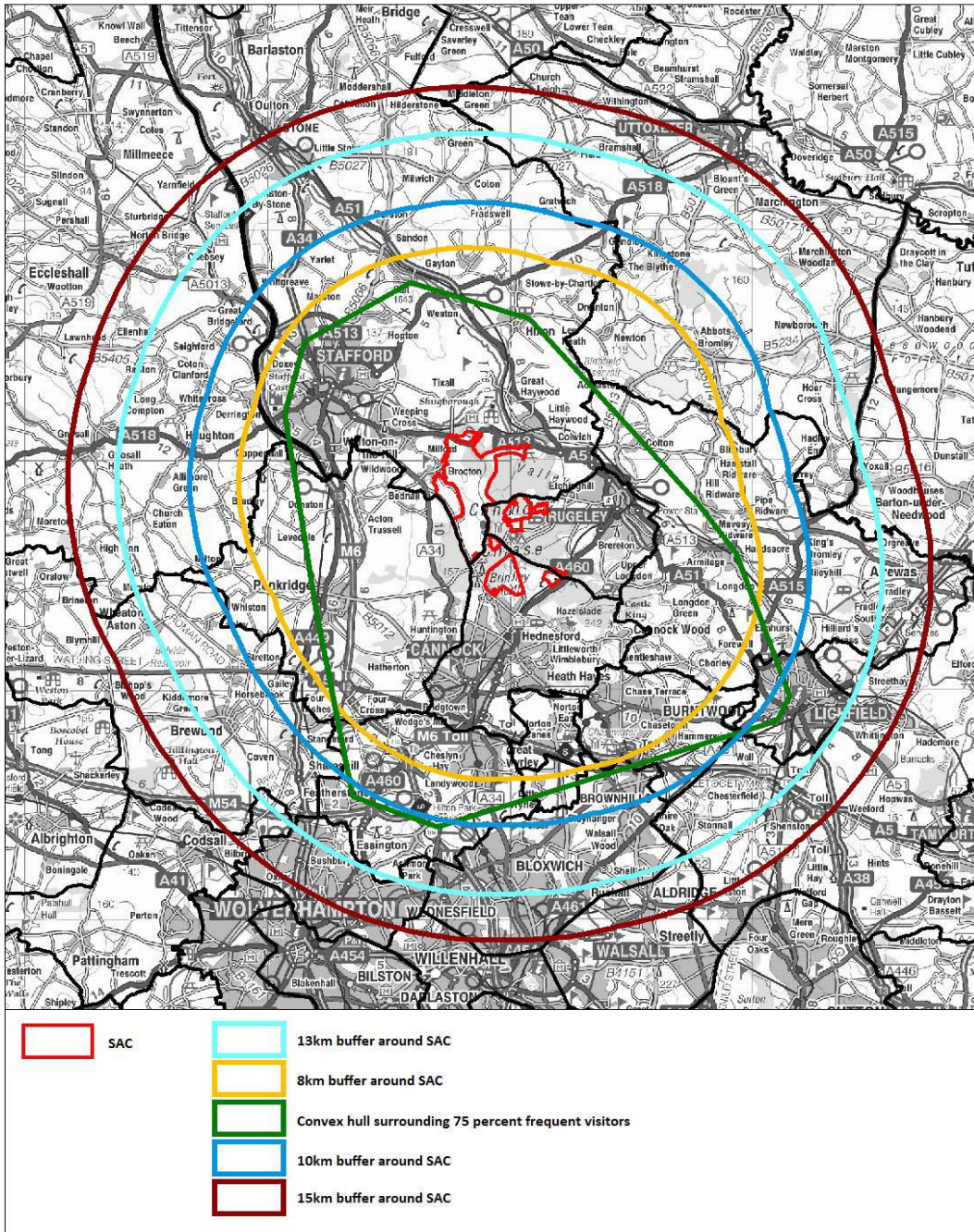
A standard form of Unilateral Undertaking to facilitate the process is appended below. These figures are exclusive of the Council's administrative costs and have been derived from an assessment of the amount of as yet uncommitted housing development in the published, submitted and adopted Local Plans of the Staffordshire LPAs (Cannock Chase, South Staffordshire, Stafford Borough, Lichfield and East Staffordshire) and are related to the costs of mitigation identified in the report produced by consultants Footprint Ecology. It is recognised that the report does not identify all potential costs of mitigation and further work will be carried out as part of the production of the SPD to be adopted after consultation, which may result in the contribution rates changing. Alternatively, if, based on evidence, applicants can demonstrate an alternative contribution, the Council will consider it as part of the application process.

If a planning obligation in the form of a S106 agreement is required for a development for other reasons e.g. transport, education, affordable housing, local open space/recreation contributions, then the SAC mitigation contribution can be dealt with as part of the wider agreement.

Applications for larger developments of more than 50 units will normally be required to provide bespoke solutions to mitigation and include the following information with their application in addition to the normal local validation requirements –

- *Distance from the nearest part of the SAC.*
- *An analysis of the scope for existing open spaces in the locality to contribute to mitigation, taking account of Natural England's quality standards for Suitable Alternative Natural Green Spaces (SANGS).*
- *The nature of the additional targeted open space or SANGS proposed, again taking account of Natural England's advice, including the means of securing their provision in perpetuity.*
- *Where provision of SANGS to the full standard is not deliverable, a commitment to make a pro-rata financial contribution in order to make an appropriate overall contribution to mitigation.*
- *The implementation of all the required mitigation measures in each case will be secured via a planning obligation.*

Appendix 1. Map of the zones around Cannock Chase SAC
 – 8km and 15km are the Partnership agreed zones



Map 3: Different distance bands/zones around SAC

Contains Ordnance Survey Data.
 ©Crown copyright and database right 2011.

Appendix 2. Initial Analysis of SAC Mitigation Costs

For this interim guidance, and based on the precautionary principle, the Staffordshire SAC Partnership members together with the support of Natural England, have resolved to use the upper costing figure of mitigation measures as per Appendix 1 of the Footprint Ecology Cannock Chase SAC Mitigation Report. This totals **£3,730,000**.

The Partnership has also agreed for the Projects Team at Lichfield District Council to project manage further Cannock Chase SAC work required to ensure that partnership authorities carry out their duties under the Habitats Regulations. This includes preparing an Implementation and Mitigation Strategy, and a subsequent Cannock Chase SAC Supplementary Planning Document (SPD). As per the Staffordshire Partnership agreement, this is 1.5FTE specialist officers over the plan period, which equates to **£1,275,000**.

The **total costs** as an interim measure therefore amount to **£5,005,000**.

Calculating the rates of developer contributions

Using the uncommitted housing figures produced for the Staffordshire Districts as at April 2013 rounded up or down to the nearest 100 gives:

- 9100 dwellings in the 0-8K radius
- 4800 dwellings in the 8-15K radius

Further refinement of the 2012 Visitor Survey, carried out by Footprint Ecology in September 2013 and attached as Appendix 3, demonstrates that there is a greater impact from dwellings in the 0-8k radius and an appropriate split within the two parts of the Zone of Influence is at a ratio of 5:1.

Breaking this down from the overall costs of **£5,005,000** gives a proportionate split of **£4,170,834** and **£834,166** for each zone.

This therefore equates to £458 per net dwelling in 0-8km, and £174 per net dwelling in 8-15km.

SAC Mitigation Interim Costs		
Upper costing of mitigation measures	£3,730,000	
Project Management costs	£1,275,000	£5,005,000
Appropriate Costing Split Ratio 5:1		
0-8K Zone 5/6 of overall costs	£4,170,833	
8-15K Zone 1/6 of overall costs	£834,167	£5,005,000
Calculating costs per dwelling		
0-8K Zone	£4,170,833/9100 dwellings	£458 per net dwelling
8-15K Zone	£834,167/4800 dwellings	£174 per net dwelling

Whether a development needed to provide the above contribution would be determined on a case by case basis as to whether there was an opportunity to provide any on site measures, including SANGS or Targeted Additional Open Spaces (TAOS).

List of initial mitigation projects to be financed through the Interim Planning Guidance

- Footpath/Bridleway Audit
- Literature Audit Review
- Car Parking Strategy

DATE:

20

NAME IN CAPS

UNILATERAL UNDERTAKING

TO

LICHFIELD DISTRICT COUNCIL

SECTION 106

TOWN AND COUNTRY PLANNING ACT 1990

RELATING TO:

Planning Application Ref:

Contents

1	PARTIES	1
2	DEFINITIONS	1
3	INTERPRETATION	2
4	INFORMATION	3
5	STATUTORY AUTHORITY AND LEGAL EFFECT	3
6	CONDITION PRECEDENT	4
7	OBLIGATIONS	5
8	COSTS	5
9	INVALIDITY	5
10	CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999	5
11	OTHER MATTERS	6
	SCHEDULE 1 – General Obligations	7
	SCHEDULE 2 – Cannock Chase Special Area of Conservation (SAC)	8
	SCHEDULE 3 – The Plan	9

THIS UNDERTAKING is made as a deed the day of 20

1. **PARTIES**

1.1 (“the Owner”)

TO

1.2 **LICHFIELD DISTRICT COUNCIL** of District Council House Frog Lane Lichfield WS13 6YU (“the Council”); and

2. **DEFINITIONS**

In this Undertaking (except where the context otherwise requires):

2.1 “the Act” means the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).

2.2 “the Application” means planning application number **xx/xxxxxx/xxx**.

2.3 “**Commencement of the Development**” means the earliest date upon which any material operations are begun in accordance with the provisions of Section 56(4) of the Act save for the purposes of this Undertaking none of the following operations shall constitute a material operation:

2.3.1 site preparation works;

2.3.2 archaeological investigations;

2.3.3 site investigation works (including environmental investigations);

2.3.4 works of demolition;

2.3.5 remedial work in respect of contamination or other adverse ground conditions;

2.3.6 diversion and laying of services;

2.3.7 erection of any temporary means of enclosure;

and “**Commence the Development**” shall be construed accordingly.

2.4 “the Development” means the development authorised by the Planning Permission.

2.5 “**Dwellings**” means all houses, maisonettes, flats, bungalows and all other varieties of accommodation which may be built or are intended to be built on the Land to be used as individual units of accommodation for independent occupation by one or more people.

- 2.6 **“the Head of Planning Services”** means the person the Council shall appoint as the Head of the Department responsible for Planning Services for the time being.
- 2.7 **“the Land”** means the Land shown for the purposes of identification only edged red on the Plan known as **xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx**.
- 2.8 **“Occupation of the Development”** means beneficial occupation of any part of the Development for any purpose other than the carrying out of the Development and “Occupy the Development” shall be construed accordingly.
- 2.9 **“Plan Number”** means the plan annexed to this Undertaking of that number.
- 2.10 **“Planning Permission”** means the planning permission to be granted by the Council pursuant to the Application in substantially the form of the draft annexed to this Undertaking.

3. **INTERPRETATION**

- 3.1 References to the masculine, feminine and neuter genders shall include the other genders.
- 3.2 References to the singular include the plural and vice versa unless the contrary intention is expressed.
- 3.3 References to natural persons are to include corporations and vice versa.
- 3.4 Headings in this Undertaking are for reference purposes only and shall not be taken into account in its construction or interpretation.
- 3.5 The expressions “the Owner” the Developer, the Chargee and “the Council” shall include their respective successors in title and assigns.
- 3.6 A reference to a Clause, Paragraph or Schedule is (unless the context otherwise requires) a reference to a Clause, Paragraph or Schedule of this Undertaking.
- 3.7 Words denoting an obligation on a party to do any act or thing include an obligation to procure that it be done and words placing a party under a restriction include an obligation not to cause, permit or suffer any infringement of such restriction.
- 3.8 Where in this Undertaking a party includes more than one person any obligations of that party shall be joint and several.
- 3.9 Any reference in this Undertaking to any statute, or to any section of a statute, includes any statutory re-enactment or modification of it and any reference to

any statutory instrument includes any amendment or consolidation of it from time to time and for the time being in force.

4. INFORMATION

4.1 The Developer owns the freehold interest in the part of the Land edged red on the Plan and is registered as proprietor of it with Title Absolute at H M Land Registry free from incumbrances other than those matters contained or referred to in the Property and Charges Registers of Title Number at the date of this Undertaking.

4.2 The Council is the local planning authority for the purposes of the Act for the Land.

4.3 The Council is satisfied that the Development is such as may be approved by the Council under the Act and planning permission granted (subject to conditions) subject to the Owner covenanting in the terms of this Undertaking.

4.4 Staffordshire County Council is the Responsible Authority and considers that the development will necessitate the obligations contained in this Undertaking.

5. STATUTORY AUTHORITY AND LEGAL EFFECT

5.1 This Undertaking shall constitute a planning obligation for the purposes of and made pursuant to Section 106 of the Act.

5.2 The obligations of the Owner in this Undertaking are planning obligations for the purposes of Section 106 of the Act and are enforceable by the Council as local planning authority

5.3 Subject to clause 5.4, the Owner covenants with the Council to the intent that this Undertaking shall be enforceable without limit of time (other than as expressly mentioned in this Undertaking) against the Owner and the Developer and any person deriving title through or under it to the Land or any part or parts of it as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by that person.

5.4 No person shall be bound by any obligations, rights and duties contained in this Undertaking and/or be liable for any breach of a covenant and/or obligation contained in this Undertaking after they shall have parted with all interest in the Land or the part in respect of which such obligation relates or

such breach occurs PROVIDED THAT they shall remain liable for any subsisting breach of covenant prior to parting with their interest.

- 5.5 No statutory undertaker shall be bound by any obligations, rights and duties contained in this Undertaking and/or be liable for any breach of a covenant and/or obligation contained in this Undertaking in respect of any site used only as an electricity substation, gas governor or pumping station.
- 5.6 No owner-occupier of the Dwellings shall be bound by any obligations, rights and duties contained in this Undertaking and/or be liable for any breach of covenant and/or be liable for any breach of a covenant and/or an obligation contained in this Undertaking.
- 5.7 If the Planning Permission is not granted, expires (within the meaning of Sections 91, 92 or 93 of the Act) or is revoked or otherwise withdrawn before Commencement of the Development, this Undertaking shall forthwith determine and cease to have effect.
- 5.8 Nothing in this Undertaking shall be construed as prohibiting or limiting any right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Undertaking.
- 5.9 Nothing in this Undertaking shall be construed as restricting the exercise by the Council of any powers exercisable by it under the Act or under any other Act or any statutory instrument, order or byelaw in the exercise of their functions as a local authority.

6. **CONDITION PRECEDENT**

The planning obligations contained in this Undertaking shall not be enforceable by the Council until the grant of the Planning Permission by the Council.

7. **OBLIGATIONS**

The Owner further covenants, agrees and declares in respect of the Land as set out in the Schedules.

8. **COSTS**

The Owner agrees to pay to the Council on the signing of this Undertaking the Council's reasonable costs and disbursements of and incidental to the approval of this Undertaking.

9. **INVALIDITY**

It is agreed and declared that if any clause or sub-clause of this Undertaking shall be deemed to be unenforceable or ultra vires the remainder of this Undertaking shall remain in full force and effect provided severance from this Undertaking is possible.

10. **CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

Nothing contained in this Undertaking shall give, or be construed as giving, any rights, privileges, powers or enforceability other than to the Council and to the specific person executing this Undertaking as the Owner and its successors (if any) as defined in this Undertaking and the provisions of the Contracts (Rights of Third Parties) Act 1999 and any benefits or rights which could arise from it are expressly excluded to the intent that no other third party within the meaning of that Act shall have any rights of enforcement in respect of any matter contained in this Undertaking.

11. **OTHER MATTERS**

11.1 The Developer shall indemnify the Council and the Owner for any expenses or liability arising to them in respect of breach by the Developer of any obligations contained in this Undertaking.

11.2 The Owner shall indemnify the Council for any expenses or liability arising to it in respect of breach by the Owner of any obligations contained in this Undertaking.

11.3 The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval to be served under or in connection with this Undertaking and any such notice or approval shall be in writing and shall specifically refer to the name, date and parties to this Undertaking and shall cite the number and clause of this Undertaking to which it relates.

11.4 Payment of any money under this Undertaking shall be made by the Owner sending the full amount payable in the form of a Banker's Draft or Solicitors' client account cheque within the time specified in this Undertaking together with a letter specifically referring the name, date and parties to this Undertaking and citing the number and clause of this Undertaking to which the relevant sum relates and identifying which portion of the amount relates to any sum calculated to take account of Index Linking.

11.5 This Undertaking shall be registered as a Local Land Charge.

IN WITNESS of which the Parties have executed this Undertaking as a deed and have delivered it upon dating the day and year first before written.

SCHEDULE 1
General Obligations

The Owner and the Developer covenant with the Council with the intent that these are planning obligations for the purposes of Section 106 of the Act:

1. To permit the Head of Planning Services and any person or persons authorised by him access to the Land or any part of it at all reasonable times, on reasonable notice and in compliance with the Developer's reasonable requirements, and to permit him or them to inspect the Development and all materials intended for use in it.
2. To give the Council notice in writing no later than 7 days prior to the anticipated Commencement of the Development.
3. To give the Council notice in writing of the Commencement of the Development within 7 days of Commencement of the Development.
4. To give the Council notice in writing no later than 7 days prior to the anticipated Occupation of the Development.
5. To give the Council notice in writing of the Occupation of the Development within 7 days of Occupation of the Development.

SCHEDULE 2

CANNOCK CHASE SPECIAL AREA OF CONSERVATION (SAC)

- 1.1 A contribution towards the provision of education interpretation and management associated to Cannock Chase Special Area of Conservation “SAC” in the sum of xxx.

2. Planning Obligations

The owner consents and undertakes with the Council and the County with the intent that these are Planning Obligations for the purposes of 106 of the Act.

- (i) Not to commence any part of the development until the SAC Contribution has been paid to Lichfield District Council and
- (ii) to notify the Council that such payment has been made within 7 days of payment.

SCHEDULE 3

The Plan

EXECUTED as a deed by affixing
THE COMMON SEAL OF)
THE OWNERS but this Deed shall be)
Deemed not to have been delivered)
Until the date first before written)
In the presence of:)

Director

Director/Secretary

Further analysis of Cannock Visitor Survey Data to Consider Apportioning Costs between Zones

Durwyn Liley, 30th September 2013

Introduction

This short report was commissioned by the Cannock Chase SAC Partnership and relates to previous analysis undertaken by Footprint Ecology. Previous work has established a 'zone of influence' around the SAC and a series of mitigation measures that will resolve impacts arising from new development within the zone of influence. Following that work the Partnership would now like to ascertain what would be a robust and justifiable way to calculate contributions from new dwellings towards the mitigation measures.

The recommended 'zone of influence' extends out to 15km from the SAC and is split into two: an inner zone from 0-8km and an outer zone from 8-15km. The key issue for this short report is how to apportion costs between the two zones.

Options for calculation contributions

Following discussions with colleagues and a review of the visitor data we have identified the following options:

- Calculation based on visit rate
- Calculation based on number of interview postcodes
- Calculation based on mitigation measures

These are now considered below.

Calculation based on visit rate

Figure 8 in the visitor report shows the number of interviews conducted per property in relation to distance from the SAC. This essentially shows how visit frequency (for example visits per property) declines with distance, such that people living near the SAC visit more than those living further away. One option for determining costs is therefore to use this plot and apportion costs according to frequency of visit.

The figure is reproduced (Figure 1) here and I have added a line of best fit. Comparison of the data for the 0-8km distances and the 8-15km distances would suggest that the people living within the 8km band would tend to visit around 5 times as frequently as those in the outer distance bands. In other words any contribution towards mitigation costs should be 5 times as high for development within 8km compared to development within 8-15km.

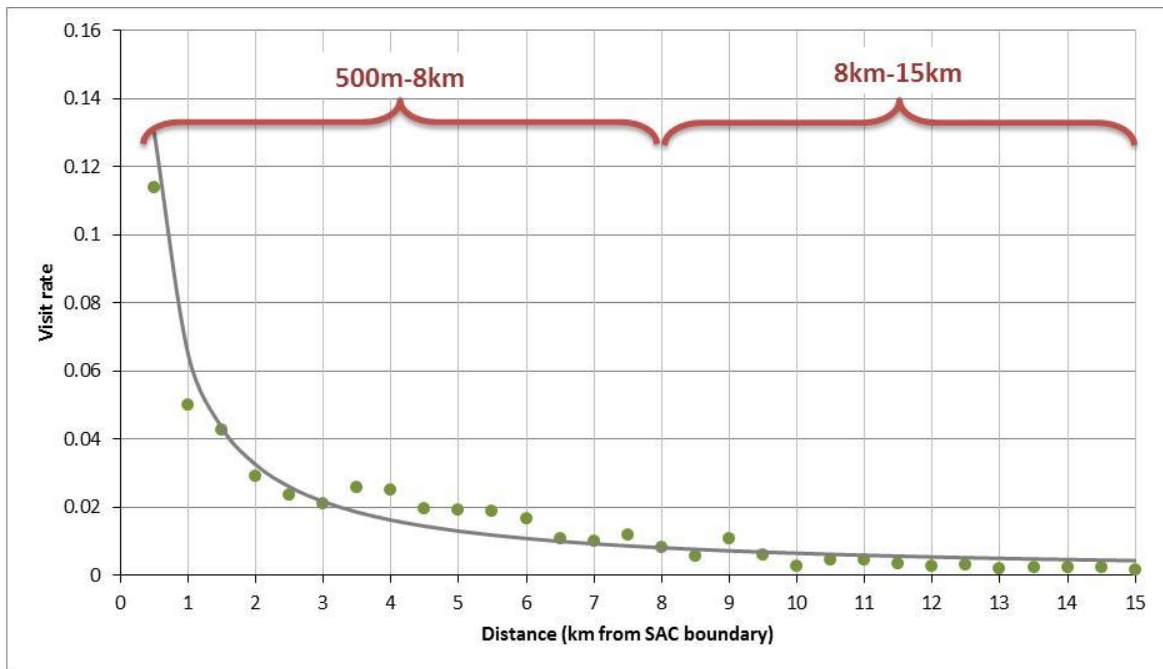


Figure 1: 'Visit rate' in relation to distance. 'Visit Rate' is the number of interviewees postcodes at a given distance band divided by the number of residential properties in the band. Grey line is manually fitted ($y=0.065x^{-1.00}$; $r^2=0.95$).

The value of 5 is based on the average predictions for the two distance bands. Alternative approaches using the data could use the median (the mid point of the range) and the actual data (dots in Figure 1) could also be used rather than the predictions (the grey line in Figure 1). Checks of these alternatives does suggest that a factor of 5 is appropriate to use.

Scrutiny of Figure 1 indicates that within the 500m-8km band there is a marked decline in visit rate with distance whereas in the outer band the visit rate is consistently much lower (declining more gradually). If all new development within the inner band where to take place close to the SAC (for example within 1-2km) then this approach would not be so fair, as the visit frequency at such close distances is particularly high.

The advantage of the above approach is that it accounts for frequency of visit and therefore – at least to some extent – apportions costs in relation to amount of visits to the SAC likely to originate from each dwelling.

Calculation based on postcodes

The visitor survey generated a total of 3206 postcodes. One way of apportioning costs would be to determine how many postcodes fell within 8km and how many fell within 8-15km, and use the ratio of the two values. These data are provided below:

		%
Total Number Postcodes	3206	100
Postcodes within 8km from SAC	2169	68
Postcodes 8-15km from SAC	389	12
Ratio	5.6	

It can be seen that there were 5.6 times as many postcodes within the 8km band as the 15km band (2169 divided by 389 = 5.57). This is broadly similar to the value from the previous method. The advantages of this approach are the simplicity, but the disadvantage is that the ration will be based

on current visitor patterns and therefore the current distribution of housing. If new housing is broadly in the same locations as current housing then this should not be a problem.

Calculation based on mitigation measures

The visitor data (Liley 2013) shows that those interviewees living within the closer distance bands typically visited frequently and were undertaking activities such as dog walking and jogging. At bigger distances individuals are less likely to visit frequently – more occasional visitors undertaking activities such as walking and mountain biking, potentially more focused at the weekends. It should therefore be possible to review the package of mitigation measures and assign (at least some of them) to particular distance bands.

A list of possible mitigation measures was set out in the mitigation work previously undertaken by Footprint Ecology (Underhill-Day & Liley 2013). Reviewing that list we would suggest that most measures apply across the 0-15km distance range, however, some measures would apply in particular to the 0-8km zone and these would include (text taken from mitigation report):

Walkers and Dog walkers

Set up regular liaison with dog walkers and consider

- establishing volunteer dog wardens from dog walkers
- reviewing web sites to promote dog friendly areas and acceptable behaviour
- Production of leaflets on dog control and picking up
- Setting up secure areas for dog training and encourage involvement of professional trainers
- Improve wardening of dog walkers
- Approaching professional dog walkers and gun dog trainers to encourage these uses in less sensitive areas

Off-site measures

Research the establishment of four SANGS of 30-35 ha around SAC with two targeted at pedestrian visitors from Brocton and Cannock

The following measures would potentially be best linked solely to development within the 8km-15km:

Cycling

Establish regular contact with cycling groups

Improve communication with cyclists including production of literature, attending events etc.

Discuss need for scoping study with Sustrans

Discuss with partners alternative facilities off the SAC and reduce promotion of SAC routes

Communications and liaison

Maintain close contact with specialist activity groups

Off-site measures

Research potential use of bike parks, adventure courses to divert visitors away from SAC

If the SAC Partnership were able to finalise a package of mitigation measures and agree these with Natural England, it would be possible to apportion the costs such that they related to the required mitigation. While this approach would directly link the cost of mitigation to the impacts, it is reliant on being able to accurately cost measures, and there are clearly some mitigation measures (such as changes to parking) that would be difficult to split between the two zones.

Final thoughts

We recommend using a value of 5, and this is supported by two of the approaches described above. This would mean that the same development within the 8km zone would need to contribute five times as much towards mitigation compared to development within the 8-15km zone. In order to work out a per dwelling cost for each zone it is now necessary to calculate the total number of houses that may come forward and the total cost of mitigation measures. It is also necessary to consider whether there should be a range of figures for properties with different numbers of bedrooms. The charge could be adjusted for bedroom size – perhaps particularly within the inner zone – but this would add complexity.

References

Liley, D. (2013) Cannock Chase SAC Visitor Survey. Footprint Ecology, Wareham, Dorset.

Underhill-Day, J. & Liley, D. (2013) Cannock Chase SAC Visitor Impacts Mitigation Report. Footprint Ecology, Wareham, Dorset.

Date: 23 September 2013
Our ref: Case 5912

The logo for Natural England, featuring the words "NATURAL" and "ENGLAND" stacked vertically in a bold, sans-serif font. The text is white and set against a solid yellow rectangular background.

The Cannock Chase SAC Partnership

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Partner

Cannock Chase SAC – Strategic Mitigation Strategy for New Residential Development

Further to the discussion regarding the strategic mitigation strategy and related Supplementary Planning Document at our most recent SAC Partnership meeting on 29 August 2013 Natural England provides the following advice on the project.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

It is estimated that housing development will increase the number of visitors on Cannock Chase SAC by fifteen percent. Natural England considers that a change on this scale is likely to have a significant effect on the SAC. Thus we welcome the positive approach taken by the partnership in recognition of the potential for new growth to significantly affect Cannock Chase SAC. The commitment to evidence and information gathering is supported and it is apparent that cross boundary working and a plan led approach to ensuring that the SAC is not adversely affected by new growth is the most appropriate and constructive way forward. This view reflects the scale and distribution of the issue, which is a cumulative and in-combination risk from development in a number of LPAs *and* because the most effective impact management measures are unlikely to be deliverable by individual developments. In addition this cross-boundary/plan led approach should lead to fair, consistent and proportionate outcomes.

The information gathered to date, including various reports and studies over the last four years, provides a big step forward in laying the foundations of a strategic approach. At this stage, as individual authorities within the Partnership are now working towards local plan Examinations where policies relating to the strategic approach will be tested, Natural England suggests that it is now important to take stock of the information available and what gaps remain, before a particular approach is finalised and set in policy. Natural England seeks an evidence based and robust approach, which will protect the SAC, yet minimise burdens on planning authorities and developers.

Our advice is that some uncertainties and information gaps remain, particularly in relation to the need to minimise burdens on planning authorities and developers, and also that there are some further options to explore before any strategic approach is finalised.

Zone of Influence

Natural England has advised the Partnership on the Lepus report¹ in our letter dated 24 May 2013. We accept the evidence indicating that 75% of visitors to the SAC come from within 15km and that therefore there is reason to apply planning measures to residential development within this zone in particular. However, it is possible that a significant proportion of the impact comes from farther than this, for example because of the intrinsic attractiveness of Cannock Chase for mountain bikers. Thus further consideration should perhaps be given to how best a zoned approach can be used.

Current status of SAC interest features

The key messages from the Footprint Ecology report 'Impacts of Recreation to Cannock Chase SAC' (2012) state that visitor pressure is having a range of effects, foremost amongst which are:

- trampling and vegetation wear, including a shift away from typical heather to grass-dominated vegetation
- widening of paths with damage to path-side vegetation
- erosion of vegetation cover or soils
- eutrophication from dog waste and horse dung, again causing a shift away from typical heathland plants to those indicating higher nutrient status

The SAC and SSSI are currently the subject of a Higher Level Stewardship agreement which includes management prescriptions to deliver:

- Restoration of heathland from neglected sites
- Restoration of forestry areas to lowland heathland

In recognition of this agreement the SSSI has most recently been assessed (2011) as being in an 'unfavourable recovering' condition. Recreation pressure is identified as a risk to the site's condition, rather than as having already had a damaging impact. We intend to give further consideration to the condition of the site, because it may shed light on current trends in recreational access and the capacity of the site to absorb higher visitor numbers.

Whilst we are seeking to provide as much information as possible relating to current condition, it should be noted that any uncertainty which may exist over current status of SAC interest features does not mean that measures to avoid/mitigate for future growth may not be necessary. The evidence indicates that there will be a 15% increase in visitors, and there isn't enough information at this stage to demonstrate that the site can absorb this growth without adversely affecting site interest features.

Establishing a Baseline for Future Monitoring

Monitoring is an important part of any strategic approach for Cannock Chase SAC and Natural England fully supports the establishment of a baseline accordingly. The 'baseline' is in part the quick establishment of the current status of interest features, as above, but also needs to be at a more detailed level in order to pick up current trends and put in place a consistent monitoring programme for the duration of the strategy. This will help to inform adjustments to the chosen mitigation measures where necessary. However, monitoring should not be necessary in itself to demonstrate the success of avoidance measures, as Competent Authorities must be sure of this from the outset, if they are relying upon it for avoidance of significant effect.

¹ "Analysis of Visit Frequency at Cannock Chase Special Area of Conservation (SAC)" April 2013

On Site Measures – their Role

The significant cost of Suitable Alternative Natural Greenspace (SANGs), being the majority of the predicted cost of the avoidance and mitigation package proposed by Footprint Ecology², means that their inclusion in the package must be a) properly justified and b) taken forward in the least onerous way. This would first require consideration of the role of on-site measures as a means of avoiding and mitigating for impacts. Natural England recommends that the on-site measures are given further consideration as a matter of urgency, as it may be possible to strengthen their role in the overall mitigation package, helping to lessen the cost of the package of measures overall. Natural England recommends consideration of the following in order to improve the robustness of the strategy:

- Is it possible to determine what proportion of the increased visitor numbers would be accommodated by the suite of on-site access management measures?
- Can the full 15% increase be accommodated by on-site access management (bearing in mind the need for a precautionary approach and certainty of adequate mitigation)?
- Are there any further opportunities for on-site access management other than those identified by Footprint Ecology?
- What on-site measures can be delivered by land managers without additional cost/with minimal additional cost, and what measures are over and above their ability to deliver?

Through these questions the Partnership will be able to form a view on the extent to which on-site measures can be relied upon to prevent significant effect, and on the on-site measures for which it would be appropriate to seek developer funding.

Off site Measures

Our developing understanding of visitor patterns suggests that SANGS may not be effective for all visitor categories, for example, mountain bikers. Thus there is a question both of their necessity, over and above on site measures and of their precise function. At this stage Natural England's advice is that the approach to SANGS should not be made rigid. Our expectation is that, for the sake of minimising burden on developers and planning authorities, SANGS should be relied upon only to the extent that they are essential as avoidance measures over and above measures on the SAC and adjoining land. It may therefore be best to phase consideration of SANGS, perhaps with an early pilot phase, but only to establish SANGS as a core response if the early stages of the avoidance strategy show them to be necessary and effective on this site.

Similar issues will apply in respect of targeted additional open space (TAOS). The Footprint Ecology reports provide a basis for the Partners to consider the provision of TAOS. It will be essential for the Partners to determine the circumstances where TAOS may be either a) required as essential and/or b) form a logical, proportionate and integral part of the design of larger residential developments. The TAOS requirement should then be specifically referred to in any plan based allocations, site master-planning, greenspace strategies etc.

² 'Appendix 1 Indicative Costings' - Cannock Chase SAC Visitor Impacts Mitigation report - Footprint Ecology, 2012

Suggested approach for imminent plans and development projects awaiting approval

Natural England acknowledges that there are applications which need to be determined before policy is in place. We advise that case by case consideration will need to be given to these, and we will support this approach as far as we can through our advice.

Whilst the extent of reliance upon SANGS is not yet clear, experience from elsewhere suggests SANGS to be the most expensive of the avoidance options. To this extent (though we are not in a position to evaluate the SANGS costings which have been made), full reliance on SANGS could be regarded as a worst case scenario in cost terms. Thus we advise that if the LPA Partners were to base an interim tariff on the realistic costs of SANGS delivery, then you could be confident that this would provide the funding necessary for avoidance, even if the SANGS approach did not turn out to be selected

Should there be a possibility that avoidance measures will be less costly than thought at the time of setting the tariff, it may be appropriate for the LPA Partners to put in place a mechanism for reimbursing developers.

For any queries relating to the specific advice in this letter only please contact me on 0300 060 1640.

Yours sincerely

Antony Muller
Lead Adviser, Natural England Land-use Operations Team

Modification No.	Document Page no.	Policy/ Paragraph	Summary of Modification	Any likely significant effects on European Sites?	In- combination effects
MM1	27	4.5	Lichfield District Council will work collaboratively with Birmingham and other authorities and with GBSLEP to establish, objectively, the level of long term growth through a joint commissioning of a further housing assessment and work to establish the scale and distribution of any emerging housing shortfall. In the event that the work identifies that further provision is needed in Lichfield District, an early review of the Lichfield District Local Plan will be brought forward to address this.	No. The text refers to an early review of the Local Plan should further housing provision be needed in Lichfield District to accommodate Birmingham's housing needs. If this situation arises a full HRA will be undertaken at the time.	No. The text refers to an early review of the Local Plan should further housing provision be needed in Lichfield District to accommodate Birmingham's housing needs. If this situation arises a full HRA will be undertaken at the time.
MM2	24, 50, 52, 115	Core Policy 1, Core Policy 6, 8.2, Policy Rural 1	Express housing requirement as 'a minimum'	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM3	38/39 and Policies Map	SC2, Map 5.1 and Policies Map	Clarify that the areas identified are those as having the greatest 'opportunity' for wind energy development shown on the Policies Map. Identification of these areas on the Policies Map.	No.	None
MM4	51	Core Policy 6	Delete phasing of housing sites contained within Policy CP6 to significantly boost housing supply in the short term.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and

					policies.
MM5	160	C.11 and Table C1	Amend likely delivery timescales for South of Lichfield SDA	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM6	166	D.9 and Table D1	Amend likely delivery timescales for East of Lichfield (Streethay) SDA	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM7	182	G.10 and Table G1	Amend likely delivery timescales for East of Rugeley SDA	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM8	177	F.10 and Table F1	Amend likely delivery timescales for East of Burntwood Bypass SDA	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM9	85	NR7, 11.27, 11.28, Policies Map	Reworded Policy to ensure that before development is permitted it must be demonstrated that alone or in combination with other development it will not have an adverse effect, whether direct or indirect, upon the integrity of the Cannock Chase Special Area of Conservation (SAC) having regard to avoidance or mitigation measures. In particular, any development that results in a	No. The policy safeguards the SAC and requires mitigation to be delivered to ensure no likely significant effects.	No. The policy safeguards the SAC and requires mitigation to be delivered to ensure no likely significant effects, alone or in combination with other plans and policies.

			<p>net increase in dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact upon the Cannock Chase SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.</p> <p>The ongoing work by relevant partner authorities will develop a Mitigation and Implementation Strategy.</p>		
MM10	6, 18, 23, 24, 27, 29, 43, 50, 52, 53, 56, 59, 63, 70, 97, 99, 100, 101, 103, 111, 112, 115, 118, 125, 154,187	1.13, 1.14, 3.1, Vision, 4.1, Core Policy 1, 4.3, 4.15, 6.6, 8.1, Core Policy 6, 8.2, 8.8, Policy H1, 8.16, Core Policy 7, 9.19, 10.9, Vision for Lichfield City, Policy Lichfield 3,13.8, Policy Lichfield 4, Policy Lichfield 5, Policy Lichfield 6, Policy Burntwood 4, Policy Burntwood 5, Policy North of Tamworth, Policy East of Rugeley, Policy Frad4, Appendix B, Glossary	Change Local Plan period from 2008-2028 to 2008-2029	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM11	24, 29, 50, 52, 56, 154	Core Policy 1, 4.13, Core Policy 6, 8.2, 8.15, Appendix B	Amend Housing Requirement to a minimum of 10,030 for the Plan Period 2008-2029. This equates to an amended average annual housing requirement of 478 (submitted plan provided for 435 per annum).	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM12	50	Core Policy 6, Policies Map, Map	Identification of new Strategic Development Allocation: South Lichfield (Cricket Lane) for 450	No. Mitigation written into Local Plan Policy	No. Mitigation written into Local Plan Policy NR7

		4.1, Map 13.2	homes.	NR7 ensures there are no likely significant effects.	ensures there are no likely significant effects alone or in combination with other plans and policies.
MM13	50	Core Policy 6, Policies Map, Map 4.1, Map 13.2	Identification of new Strategic Development Allocation: South Lichfield (Deans Slade Farm) for 450 homes.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM14	50	Core Policy 6	Amendment to Fradley Strategic Development Allocation to increase the number of planned homes from 1,000 to 1,250.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM15	103	Policy Lichfield 6	Amendments to the policy to reflect the new Strategic Development Allocations identified to south of Lichfield.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM16	125	Policy Frad4	Amendments to the policy to reflect changes to the Fradley Strategic Development Allocations.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM17	125	Policy Frad3	Amendments to the policy to reflect changes to the Fradley Strategic Development Allocations.	No	None
MM18	59	Core Policy 7, Policy Lichfield 3	Identification of approximately 12 hectares of land for employment uses within the South Lichfield (Cricket Lane) Strategic Development Allocation and removal of reference 'to serve	No	None

			Lichfield City' from CP7.		
MM19	25	Core Policy 1, 4.15, Policies Map, Map 4.1	The Cricket Lane SDA and the built element of the Deans Slade Farm SDA will be removed from the Green Belt. The Deans Slade Farm SDA will include a country park to the south of the site where the contours of the land begin to rise, and the Green Belt will be realigned to reflect this new, clear and defensible boundary, retaining the open space within the Green Belt. Longer-term development needs beyond 2029 will be considered through the Local Plan Allocations document.	No. The text refers to longer term development needs being considered in the Allocations Document. This document will require a full HRA at the time.	None. The text refers to longer term development needs being considered in the Allocations Document. This document will require a full HRA at the time.
MM20	51	Table 8.1, 8.3, Policy Lichfield 4,13.15, Policy Burntwood 4, 16.2, Policy East of Rugeley, Policy Rural 1	Amend housing distribution and delivery to reflect MM12, MM13 and MM14 and updated Strategic Housing Land Availability Assessment.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM21	26	Table 4.1	Amend proposed settlement hierarchy to reflect MM12, MM13 and MM14 and updated Strategic Housing Land Availability Assessment.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM22	-	-	Inclusion of South of Lichfield: Deans Slade Farm SDA Concept Statement as a new Appendix to set out key design principles and infrastructure requirements.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.
MM23	-	-	Inclusion of South of Lichfield: Cricket Lane SDA Concept Statement as a new Appendix to set out key design principles and infrastructure requirements.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and

					policies.
MM24	167	Appendix E	Inclusion of amended Fradley Concept Statement as a new Appendix to set out key design principles and infrastructure requirements.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects.	No. Mitigation written into Local Plan Policy NR7 ensures there are no likely significant effects alone or in combination with other plans and policies.

Date: 28 January 2014
Our ref: 109070
Your ref: None

The logo for Natural England, featuring the words "NATURAL" and "ENGLAND" stacked vertically in a bold, sans-serif font. The text is white and set against a solid yellow rectangular background.

Heidi Hollins
Senior Development Plans Officer
Lichfield District Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Ms Hollins

**Main Modifications of the Lichfield District Local Plan: Our Strategy
Addendum to Habitat Regulations Assessment (January 2014)**

Thank you for your consultation on the above dated 09 January 2014 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Conservation of Habitats & Species Regulations 2010 as amended (the 'Habitats Regulations')

Natural England has reviewed the submitted addendum document and agrees with the conclusion that the main modifications to the Local Plan are not likely to have a significant effect on European Sites.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Hayley Fleming on 0300 060 1594. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Hayley Fleming
Land Use Operations (Development Plans Network)

Mrs Heidi Hollins
Lichfield District Council
Planning Policy
PO Box 66
Lichfield
Staffordshire
WS13 6QB

Our ref: UT/2007/101798/OR-
02/PO1-L01
Your ref: HRA of Mods
Date: 29 January 2014

Dear Mrs Hollins

PROPOSED ADDENDUM TO THE LICHFIELD DISTRICT COUNCIL HABITAT REGULATIONS ASSESSMENT OF THE MODIFICATIONS TO THE LICHFIELD DISTRICT STRATEGY

Thank you for referring the above consultation which was received on 09 January 2014.

The Environment Agency has carefully reviewed the information submitted in relation to the habitat regulations assessment and the modifications to the local plan.

We are satisfied with your Authorities approach to the screening of the main modifications, and we welcome the precautionary approach taken to safeguard if the European sites including Cannock Chase SAC and the River Mease SAC with specific planning polices.

We agree with your conclusions that there are 'no likely significant effects' that would result from the main modifications to the Lichfield Plan.

With reference to the minor modifications proposed which relate to the Cannock Extension Canal SAC, your addendum highlights that that the modifications propose the safeguarding of the route for a heritage towpath. You specify that this relates to a path only, and we are satisfied that your Authority will ensure that the requirements for further studies to satisfy the requirements of the habitat regulations should further reinstatement of the historic canal be proposed.

Yours sincerely

Mrs Becky Clarke
Panning Specialist, Sustainable Places Team

Direct dial 01543 404945
Direct fax 01543 444161
Direct e-mail becky.clarke@environment-agency.gov.uk

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.environment-agency.gov.uk
End