

Habitats Regulations Assessment

HRA addendum to Lichfield District Council Local Plan regarding the relationship of the Community Infrastructure Levy to the Cannock Chase Special Area of Conservation and new residential development¹.

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 Lichfield District Council's conclusion that the residential development within the 0-8km Zone of Influence but outwith the CIL Charging Schedule 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 Lichfield District Council as a competent authority. 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 from competent 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

¹ Habitat Regulations Assessment : Lichfield District and Tamworth Borough (May 2012) and Main Modifications of the Lichfield District Local Plan: Strategy, Addendum to Habitat Regulations Assessment (January 2014)

effect on the designated site. The greater part of this effect would arise from 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 SAC². The effect of increased visitor numbers consists of additional damage from site use and vehicle emissions³.

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 measures⁴ to offset the impact of 78,000 new houses identified within the Local Plan policies of the planning authorities within the 0-15km Zone of Influence (ZOI). 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

Research commissioned by the SAC Partnership 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.

A 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 the 0-8km ZOI 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 agreed to collect developer contributions from the 0-8km ZOI to deliver the £1.97 million required in order to mitigate for the impact of new housing within the whole 0-15km zone. It is at the discretion of each authority within the 0-8km ZOI how to deliver their individual total mitigation monies required to the SAC Partnership.

Following the adoption of Lichfield District Council's Community Infrastructure Levy (CIL) Charging Schedule by Full Council on Tuesday 19th April 2016, the CIL Charging Schedule came into effect on 13th June 2016. A CIL charge will apply to all relevant applications determined on or after this date.

Regulation 123 of the CIL Regulations sets out the need for local authorities to produce a list of 'relevant infrastructure' which will be funded in whole or part by the CIL. Lichfield District Council's Regulation 123 list in its current form, includes the measures for preventing harm to the Cannock Chase Special Area of Conservation (CCSAC) as agreed by the Cannock Chase SAC Partnership. As such CIL will fund the mitigation for new residential development which forms part of the adopted Local Plan Strategy within the 0-15km zone including those types of residential development which do not incur a CIL charge ie those not on the CIL Charging Schedule or exempt.

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

³ 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.

⁴ Strategic Access Management and Monitoring Measures (SAMMM)

The CIL Governance arrangements provide a framework for the allocation of the CIL monies levied and were agreed at Full Council on 12th July 2016. The agreed Governance states that the Council will ‘ring fence’ CIL monies for the Cannock Chase SAC based on the proportion of planned housing provision within 0-8km of Cannock Chase SAC. To ensure Habitats Regulations are met, CIL funds will be allocated biannually to mitigate for residential development (as contained within the Local Plan Strategy) before any CIL is allocated to other strategic and/or local infrastructure.

Other types of development and windfall housing sites not included in the calculations below 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 Lichfield District Council as the competent local authority. The estimated costings in the SAMMM will be monitored and may be reviewed and recalculated when the MOU is reviewed.

Local Authority in 0-8km Zone of Cannock Chase SAC	Housing numbers proposed in 0-8km zone	Percentage (%) of total housing delivery within the 0-8km zone	Proportion of SAMMM cost requirement per authority (over housing related plan period)
Lichfield District Council	1715	20.2	£397,710

4. Timescale

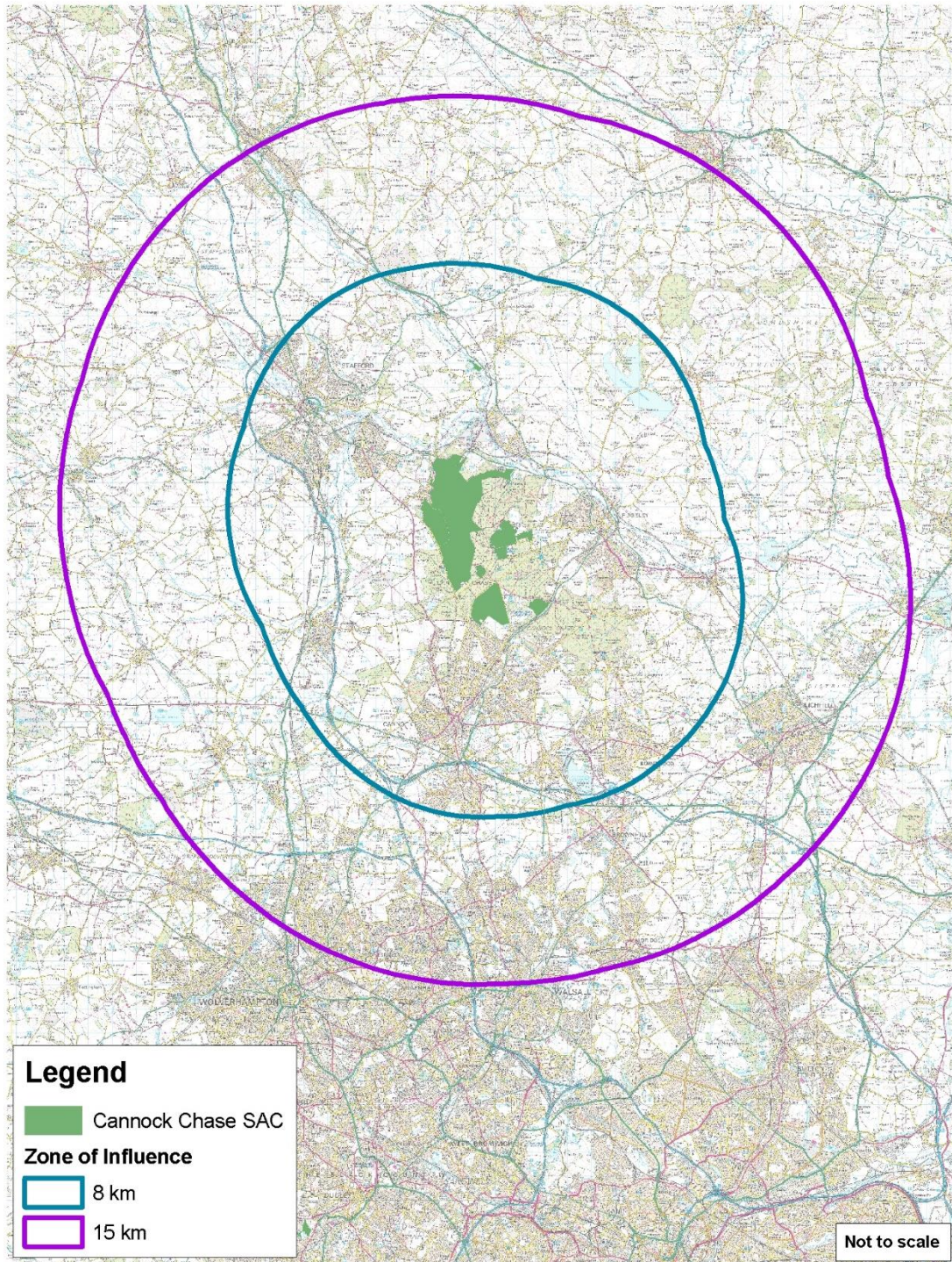
The timescales over which the effects (both alone and in-combination) have been considered are the lifetime of the Project i.e. (the residential development forecast in the Zone of Influence within each of the Partnership Authorities’ Local Plan periods) or the delivery of 78,000 houses within the 0-15km 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 Lichfield District Local Plan Strategy can be ruled out. For those developments that do not form part of the adopted Local Plan, these will need to be assessed and mitigation provided on an individual basis through discussions with Natural England and/or Lichfield District Council as the competent local authority.

Map 1

Cannock Chase SAC Zones of Influence



Appendix A

Details of European Site potentially affected	
European Site Name	Cannock Chase
Designation Status	Special Area of Conservation (SAC)
Site Code	UK0030107
Date of Designation	2005
Qualifying Interests	H4030. European dry heaths H4010. Northern Atlantic wet heaths with <i>Erica tetralix</i> ; Wet heathland with cross-leaved heath
Conservation Objectives	<p>European Site Conservation Objectives for Cannock Chase Special Area of Conservation. Site Code: 0030107</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"> • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and, • The supporting processes on which the qualifying natural habitats rely <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>Qualifying Features: 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>
Site condition	Unfavourable recovering
Factors currently influencing the site	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.
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