



# Habitats Regulations Assessment of the South Staffordshire Local Plan Review 2018-2038 (Publication Plan, Regulation 19)

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## Summary

The Conservation of Habitats and Species Regulations 2017 (as amended) require local authorities to assess the impact of their local plan on the internationally important sites for biodiversity in and around their administrative areas. Together, these Special Protection Areas, Special Areas of Conservation and Ramsar sites are known as European sites. The task is achieved by means of a Habitats Regulations Assessment (HRA).

An HRA asks very specific questions of a plan. Firstly, it 'screens' the plan to identify if there is a risk that certain policies or allocations may have a 'likely significant effect' on a European site, alone or (if necessary) in-combination with other plans and projects. If the risk of likely significant effects can be ruled out, then the plan may be adopted but if they cannot, the plan must be subjected to the greater scrutiny of an 'appropriate assessment' to find out if the plan will have an 'adverse effect on the integrity' of the European sites.

Following an appropriate assessment, a Plan may only be adopted if an adverse effect on the integrity of the site can be ruled out. If necessary, a plan should be amended to avoid or mitigate any likely conflicts. This usually means that some policies or allocations will need to be modified or, more unusually, may have to be removed altogether.

This document is the HRA report for the South Staffordshire Local Plan Review at the Publication Stage.

As a result of the screening, we identify likely significant effects from recreation (Cannock Chase SAC, Motte Meadows SAC), water issues (Cannock Chase SAC, Motte Meadows SAC, West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar and Midlands Meres & Mosses Phase 2 Ramsar) and air quality (Cannock Chase SAC, Cannock Extension Canal SAC, Motte Meadows SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar and Midlands Meres & Mosses Phase 2 Ramsar). These issues and sites were taken to appropriate assessment.

At the appropriate assessment stage adverse effects on integrity from recreation and water issues were ruled out, alone or in-combination.

It is not however possible to rule out adverse effects on integrity relating to air quality as a result of increased traffic associated with the overall quantum of growth, strategic allocations, housing and employment allocations. Traffic data are needed to complete the HRA. These need to show current traffic flows (Average Annual Daily Traffic 'AADT' for all traffic and for Heavy Duty Vehicles 'HDVs') and flows at the end of the Plan period (with and without development across the Plan and other Local Plans), for each of the roads within 200m of the European sites. If these data show increases of more than 1,000 AADT or 200 HGV, then air quality assessment may be required to determine the level of pollutant deposition likely to occur at the SACs and then ecological assessment would also be needed to understand the sensitivity of the habitats within 200m of the roads to this level of deposition. Traffic data are

being collected by a partnership of local authorities and the HRA will require further update at submission.

This HRA will continue to be updated with any further changes to the Plan and as any new evidence emerges.

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# 1. Introduction

## Overview

- 1.1 This report is the Habitats Regulations Assessment (HRA) of the South Staffordshire Local Plan Review ('the Plan') and has been prepared by Footprint Ecology on behalf of South Staffordshire Council. A HRA assesses the implications of a plan for legally protected European sites.
- 1.2 The HRA has been updated at each stage of the Local Plan review. This HRA report accompanies the Publication version of the Plan and builds on the HRA reports produced by the Council at the earlier stages of Plan making.

## The South Staffordshire Local Plan Review

- 1.3 South Staffordshire is a rural district to the north-west of the West Midlands conurbation. The District has no cities or towns and no single dominant settlement and is comprised of 27 parishes with a dispersed settlement pattern of small hamlets and villages. South Staffordshire adjoins the Major Urban Area of the West Midlands Conurbation and is close to the Black Country towns of Dudley and Walsall and the City of Wolverhampton.
- 1.4 The currently adopted Local Plan for South Staffordshire consists of the Core Strategy (adopted in 2012) and the Site Allocations Document (adopted in 2018). The new Local Plan will set out how much development is required in South Staffordshire up until 2038. This will include residential (including Gypsy, Traveller and Travelling Showpeople accommodation) and employment uses. The Local Plan will allocate the sites required to deliver the identified level of development needed and set out the policies that will guide the determination of planning applications.
- 1.5 This HRA report has been produced alongside the Publication version of the Plan, which follows from Preferred Options (consultation October – December 2021) which were accompanied by an earlier iteration of the HRA. The preferred options were selected following evidence gathering, a consultation on the Issues and Options (October 2018) and a further consultation on the Spatial Housing Strategy and Infrastructure Delivery (October 2019).

## Habitats Regulations Assessment process

- 1.6 The designation, protection and restoration of European wildlife sites is embedded in the Conservation of Habitats and Species Regulations 2017, as amended, which are commonly referred to as the 'Habitats Regulations'. Importantly, the most recent amendments (the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019<sup>1</sup>) take account of the UK's departure from the EU.
- 1.7 Regulation 105 *et seq* addresses the assessment of local plans and determines the scope of this HRA alongside recent Government Guidance on the interpretation and application of the Regulations<sup>2</sup>.

### European sites

- 1.8 'European sites' are the cornerstone of UK nature conservation policy. Each forms part of a 'national network' of sites that are afforded the highest degree of protection in domestic policy and law. They comprise Special Protection Areas (SPA) classified under the 1979 Birds Directive, and Special Areas of Conservation (SAC) designated under the 1992 Habitats Directive. As a matter of policy, potential SPAs (pSPAs), possible SACs (pSACs) and those providing formal compensation for losses to European sites, are also given the same protection<sup>3</sup>.
- 1.9 The network comprises safeguards for the most valuable and threatened habitats and species across the country and Europe. Prior to Brexit, this

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<sup>1</sup> The amending regulations generally seek to retain the requirements of the 2017 Regulations but with adjustments for the UK's exit from the European Union. See Regulation 4, which also confirms that the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day, shall continue to do so.

<sup>2</sup> Habitats regulations assessments: protecting a European site. Defra and Natural England. 24 February 2021. <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site> (accessed 17th August 2022)

<sup>3</sup> For the avoidance of doubt, the list of statutory European sites also comprises: A site submitted by the UK to the European Commission (EC) before Exit Day (a candidate SAC or cSAC) as eligible for selection as a Site of Community Importance (SCI) but not yet entered on the EC's list of SCI, until such time as the Appropriate Authority has designated the site or it has notified the statutory nature conservation body that it does not intend to designate the site. After Exit Day, no further cSACs will be submitted to the EU. Statutory European sites also include SCI included on a list of such sites by the European Commission from cSACs submitted by the UK before the UK left the EU, until such time as the UK designates the site when it will become a fully designated SAC.



formed part of the EU-wide Natura 2000 network of SPAs and SACs to form the largest, coordinated network of protected areas in the world.

- 1.10 The designations made under the European Directives still apply and the term, 'European site' remains in use. According to long-established Government policy<sup>4</sup>, European sites also comprise 'Wetlands of International Importance' (or Ramsar sites) although these do not form part of the national network.
- 1.11 The overarching objectives of the national network are to maintain, or where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a Favourable Conservation Status, and contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.
- 1.12 The appropriate authorities must have regard to the importance of protected sites, coherence of the national site network and threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

### *Role of the competent authority*

- 1.13 Although this HRA has been prepared to help the Council discharge its duties under the Habitats Regulations, the Council is the competent authority, and it must decide whether to accept this report or otherwise. Further, it should be noted that this HRA has been prepared for the purposes of preparing and examining the Plan. Individual allocations will need to be reviewed when they become the subject of an individual planning application, to ensure that if further assessment under the Habitats Regulations is necessary, it is undertaken in accordance with the requirements of appropriate assessment.

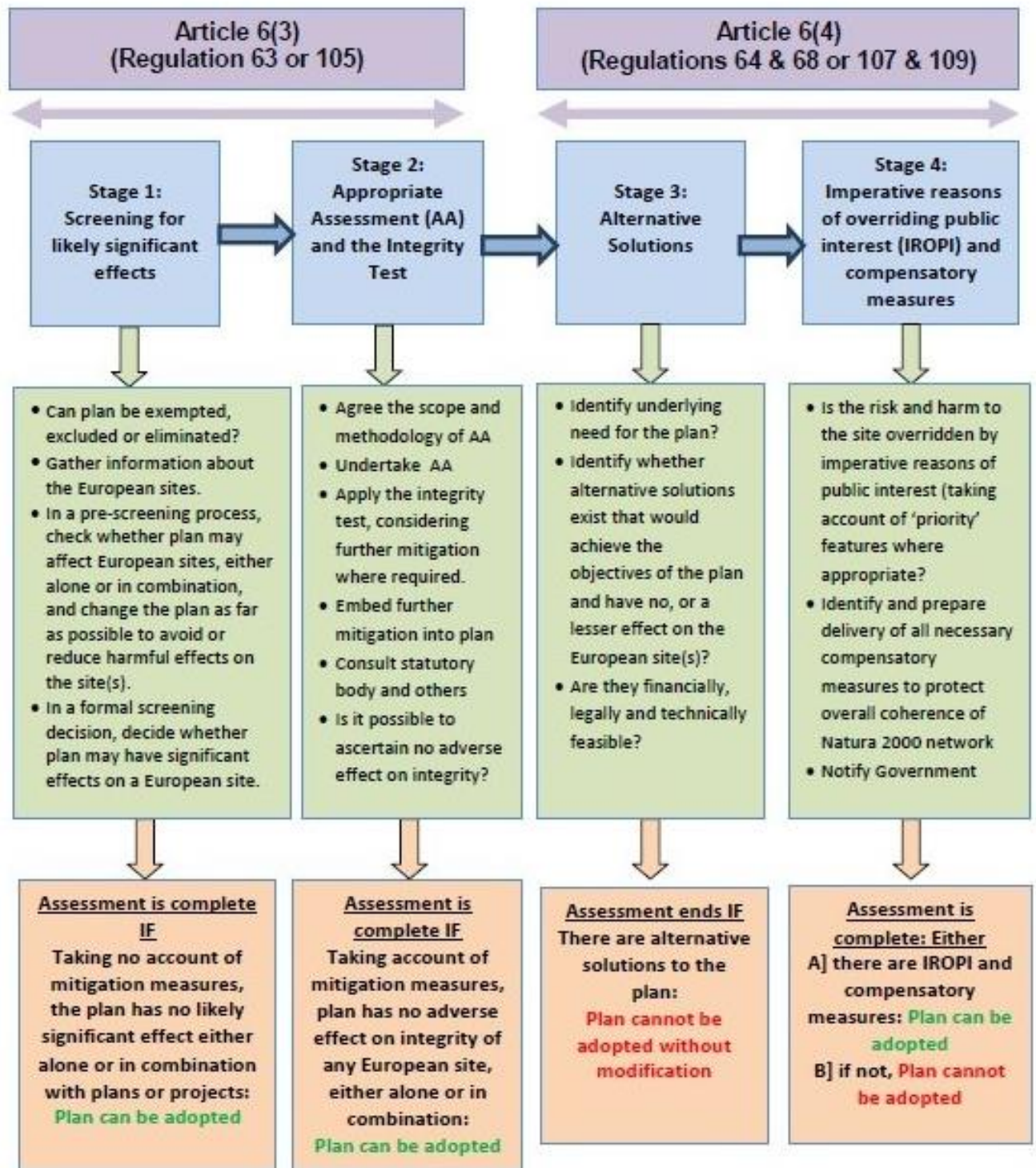
### *Process*

- 1.14 The step-by-step process of HRA is summarised in Figure 1. Though dated prior to the latest amendments to the Regulations, the same tests still apply and it remains valid.

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<sup>4</sup> ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (16 August 2005), to be read in conjunction with the current NPPF, other Government guidance and the current version of the Habitats Regulations.

Outline of the four-stage approach to the assessment of plans under the Habitats Regulations



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Figure 1: Outline of the assessment of plans under the Habitat Regulations

- 1.15 Throughout all stages, there is a continual consideration of the options available to avoid and mitigate any identified potential impacts. A competent authority may consider that there is a need to undertake further levels of evidence gathering and evaluation at the appropriate assessment stage in order to provide the necessary certainty. At this point the competent authority may identify the need to add to or modify the plan in order to adequately protect the European site, and these mitigation measures may be added through the imposition of particular restrictions and conditions.
- 1.16 For plans, the stages of HRA are often quite fluid, with the plan normally being prepared by the competent authority itself. This gives the competent authority the opportunity to repeatedly explore options to prevent impacts, refine the plan and rescreen it to demonstrate that all potential risks to European sites have been successfully dealt with.
- 1.17 When preparing a plan, a competent authority may therefore go through a continued assessment as the plan develops, enabling the assessment to inform the development of the plan. For example, a competent authority may choose to pursue an amended or different option where impacts can be avoided, rather than continue to assess an option that has the potential to significantly affect European site interest features.
- 1.18 After completing an assessment, a competent authority should only adopt a plan where it can be ascertained that there will not be an adverse effect on the integrity of the European site(s) in question. In order to reach this conclusion, the competent authority may have made changes to the plan, or modified the project with restrictions or conditions, in light of their appropriate assessment findings.
- 1.19 Where adverse effects cannot be ruled out, further exceptional tests are set out in Regulation 107. In exceptional cases, this allows a plan to be taken forward where there are no 'alternative solutions', where 'imperative reasons of overriding public interest' apply and where compensation can be delivered. It should be noted that meeting these tests is a rare last resort and ordinarily, competent authorities seek to ensure that a plan or project is fully mitigated for, or it does not proceed.
- 1.20 In such circumstances where a competent authority considers that a plan should proceed under Regulations 107, they must notify the relevant Secretary of State. Normally, planning decisions and competent authority duties are then transferred, becoming the responsibility of the Secretary of State, unless on considering the information, the planning authority is

directed by the Secretary of State to make their own decision on the plan or project at the local level. The decision maker, whether the Secretary of State or the planning authority, should give full consideration to any proposed 'overriding reasons' for which a plan or project should proceed despite being unable to rule out adverse effects on European site interest features, and ensure that those reasons are in the public interest and are such that they override the potential harm. The decision maker will also need to secure any necessary compensatory measures, to ensure the continued overall coherence of the European site network if such a plan or project is allowed to proceed.

### *Definitions, references to case law and guidance*

- 1.21 This HRA follows principles of case law, both UK and EU. It also refers as appropriate to the Habitats Regulations Assessment Handbook (Tyldesley & Chapman, 2021), to which Footprint Ecology subscribes. We also follow relevant government guidance.
- 1.22 Drawing on the Handbook, other relevant guidance and case law, we clarify the following terms used in the flow chart (Figure 1):
- 1.23 In Stage 1, A '**likely significant effect**' following Waddenzee<sup>5</sup>, is a '*possible significant effect; one whose occurrence cannot be excluded on the basis of objective information*'. It is a low threshold and simply means that there is a risk or doubt regarding such an effect. The screening stage is a preliminary examination, sometimes described as a coarse filter, or following Sweetman<sup>6</sup>, as '*a trigger for the obligation to carry out an appropriate assessment*'. There should however be credible evidence to show that there is a real rather than a hypothetical risk of effects that could undermine a site's conservation objectives. This was amplified in the Bagmoor Wind<sup>7</sup> case where '*if the absence of risk... can only be demonstrated after a detailed investigation, or expert opinion, [then] the authority must move from preliminary examination to appropriate assessment*'.

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<sup>5</sup> Waddenzee: European Courts C-127/02 Waddenzee 7<sup>th</sup> September 2004, reference for a preliminary ruling from the Raad van State.

<sup>6</sup> Sweetman: European Court C – 258/11 Sweetman 11<sup>th</sup> April 2013, reference for a preliminary ruling from the Supreme Court of Ireland

<sup>7</sup> Bagmoor Wind: UK courts Bagmoor Wind v The Scottish Ministers, Court of Session [2012] CSIH 93

- 1.24 Following the People Over Wind judgement<sup>8</sup>, when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures.
- 1.25 Stage 2 involves the **appropriate assessment and integrity test**. Here a plan can only be adopted if the competent authority can demonstrate that it will not adversely affect the integrity of the European site. This is precautionary approach and means it is necessary to show the absence of harm.
- 1.26 Following Champion<sup>9</sup> **'appropriate'** is not a technical term but simply indicates that the assessment needs to be appropriate to the task in hand.
- 1.27 The **integrity** of a European site has been described as the 'coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified<sup>10</sup>. An alternative definition, after Sweetman<sup>11</sup>, is 'the lasting preservation of the constitutive characteristics of the site'.
- 1.28 In terms of the burden of proof, the HRA of development plans was first made a requirement in the UK following a ruling by the European Court of Justice in EC v UK<sup>12</sup>. However, the judgement<sup>13</sup> recognised that any assessment had to reflect the actual stage in the strategic planning process and the level of evidence that might or might not be available. This was given expression in the High Court (Feeney)<sup>14</sup> which stated: "*Each ... assessment ... cannot do more than the level of detail of the strategy at that stage permits*".
- 1.29 The need to consider possible **in-combination** effects arises at stage 1 – the screening and also at stage 2 – the appropriate assessment and integrity test. The effects of the plan in-combination with other plans or projects are the cumulative effects which will or might arise from the addition of the

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<sup>8</sup> *People Over Wind and Sweetman v Coillte Teoranta* (323-17) [2018] PTSR 1668

<sup>9</sup> *R (on the application of Champion v North Norfolk District Council* [2015] 1 WLR 3170 at para 41

<sup>10</sup> Para 20 of the ODPM Circ. 06/2005

<sup>11</sup> *Sweetman v An Bord Pleanála* (C-258-11) [2014] PTSR 1092 at paragraph 39

<sup>12</sup> *Commission v UK* (C-6/04) [2005] ECR I-9017

<sup>13</sup> *Commission of the European Communities v UK* Opinion of Advocate General Kokott

<sup>14</sup> *Feeney v Oxford City Council* [2011] EWHC 2699 Admin at paragraph 92

effects of other relevant plans or projects alongside the plan under consideration. If during the stage 1 screening it is found the subject plan would have no likely effect alone, but might have such an effect in-combination then the appropriate assessment at stage 2 will proceed to consider cumulative effects. Where a plan is screened as having a likely significant effect alone, the appropriate assessment should initially concentrate on its effects alone. Exceptionally, the Wealden decision<sup>15</sup> requires the impacts of air pollution to be considered alone and in-combination.

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<sup>15</sup> Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and the South Downs National Park Authority (Defendants) and Natural England (Interested Party) [2017] EWHC 351 (Admin).

## 2. European sites in and around South Staffordshire

### Overview of potentially relevant European sites

- 2.1 We have used 20km from the District boundary as an initial area of search (20km providing a reasonable area of search within which policies could reasonably be considered to generate measurable effects). This same area of search was used in the HRA that accompanied the previous iterations of the HRA was also used in the Core Strategy HRA in 2012 and Site Allocations Document HRA in 2018. Air quality impacts at plan level are typically considered to relate to a 10km distance (Chapman & Kite, 2021) while generic analysis of Footprint Ecology visitor data to countryside sites in the UK (Weitowitz et al., 2019) indicates that the majority of visitors originate within a 12.6km radius. The choice of 20km is therefore precautionary.
- 2.2 European sites within 20km are shown in Map 1 (SACs) and Map 2 (Ramsar sites). There are no SPA sites within 20km. It can be seen that the only European site that is within the District Boundary is the Motte Meadows SAC, while Cannock Chase SAC abuts the boundary. There are a further 4 European sites within the 20km radius. There are 2 Ramsar sites within 20km. European sites within 20km are listed in Table 1.

**Table 1: European Sites within a 20km radius**

SAC	Ramsar
Cannock Chase	Midland Meres and Mosses Phase 1 <sup>16</sup>
Cannock Extension Canal	Midland Meres and Mosses Phase 2 <sup>17</sup>
Fens Pools	
Motte Meadows	
Pasturefields Salt Marsh	
West Midlands Mosses <sup>18</sup>	

<sup>16</sup> This Ramsar contains a range of component sites. It is Chartley Moss SSSI that is relevant to this assessment.

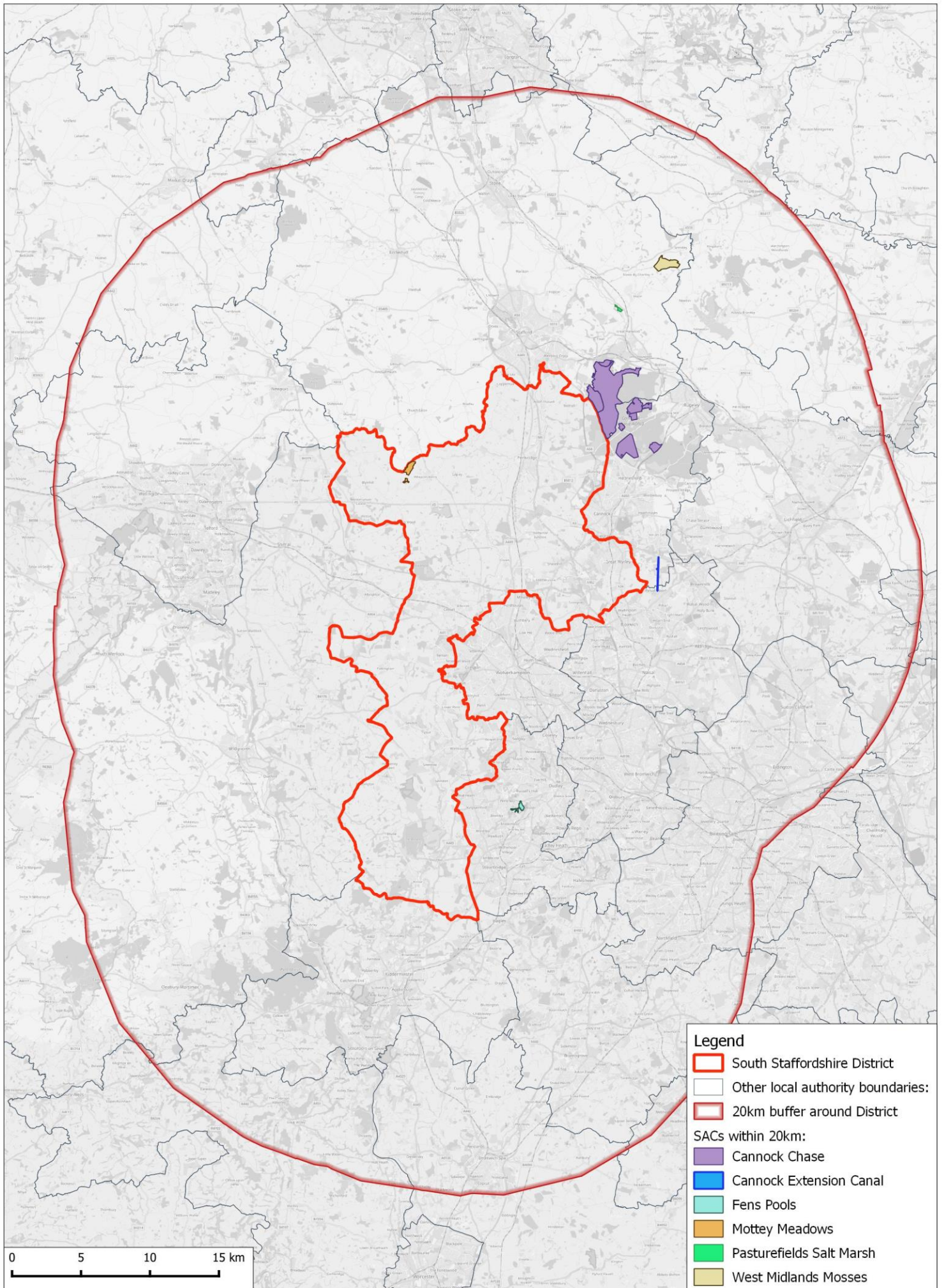
<sup>17</sup> This Ramsar contains a range of component sites. It is Aqualate Mere SSSI and Cop Mere SSSI that are relevant to this assessment.

<sup>18</sup> This SAC contains a range of component sites. It is Chartley Moss SSSI that is relevant to this assessment.

2.3 For the avoidance of doubt, it should be noted that although far distant, parts of the District do drain into the Severn Estuary and the Humber Estuary, both of which are European sites and were identified in the Issues and Options HRA as relevant. However, the closest part of the Severn Estuary SAC lies approximately 74km distant, as the crow flies while the Humber Estuary SAC is nearly 130km away. At such a distance, the only possible impact is provided by wastewater discharges. However, given the dilution effect provided by the distance, river volume and that wastewater treatment plants have to meet strict water quality standards by law, it is considered inconceivable that any credible or appreciable effects will arise. Consequently, these sites are eliminated from any further consideration in this HRA.



Map 1: SACs within 20km of South Staffordshire District

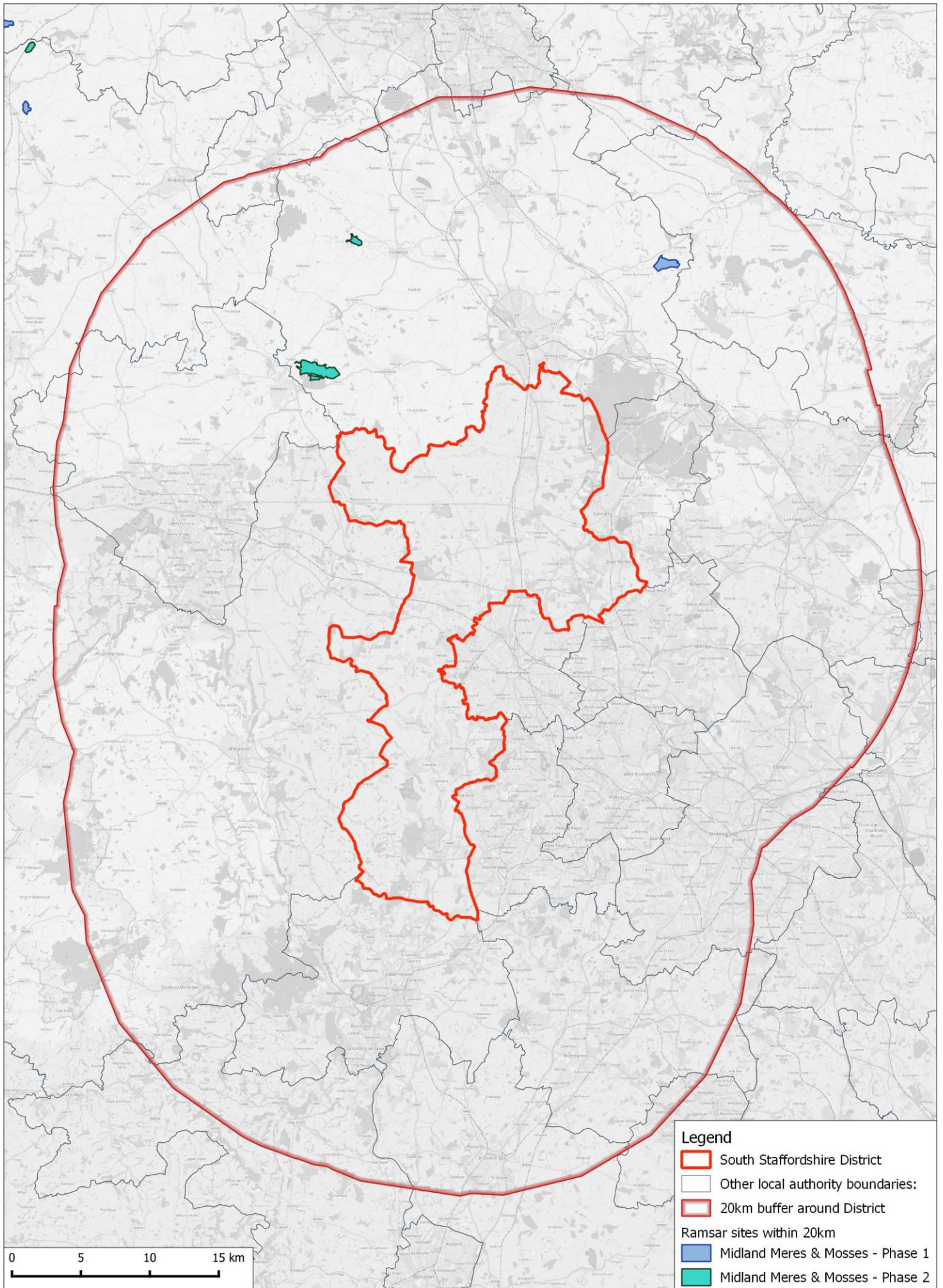


**Legend**

- South Staffordshire District
- Other local authority boundaries:
- 20km buffer around District
- SACs within 20km:
  - Cannock Chase
  - Cannock Extension Canal
  - Fens Pools
  - Mottey Meadows
  - Pasturefields Salt Marsh
  - West Midlands Mosses



Map 2: Ramsar sites within 20km of South Staffordshire District



- 2.4 In assessing the implications of any plan or project on European sites, it is essential to fully understand the ecology and sensitivity of the sites, in order to identify how they may be affected. Appendix 1 summarises the generic conservation objectives for European sites and Appendix 2 provides detail of the relevant sites (as listed in Table 1), listing their qualifying features, describing the sites and providing links to the relevant detailed conservation advice from Natural England.

### **European sites to be considered in the screening of the plan and relevant impact pathways**

- 2.5 Drawing on previous HRA work and the relative sensitivities of the European sites we can identify the European sites and possible impact pathways that could be relevant in the screening. These are set out in Table 2.

**Table 2: Summary of European sites within 20km, potentially relevant impact pathways for those sites and those that can be eliminated from further consideration (grey shading). Mottey Meadows SAC row has no figure in the distance column as the site is within the South Staffordshire District boundary.**

European site	Approx .distance (km) from District	Recreation	Water issues	Air quality	Notes and for grey shaded rows, reasons for elimination from rest of plan
<b>SACs</b>					
Cannock Chase SAC	0	✓	✓	✓	On plateau above the District and so upstream of proposed allocations, therefore only hydrological links relate to groundwater and abstraction. Recreation a long-standing issue. Site has roads within 200m.
Cannock Extension Canal SAC	0.75			✓	Boat traffic can be an issue but recreation eliminated as boat use carefully monitored by the Canals and Rivers Trust and regular dredging ensures water doesn't become turbid. Site has roads within 200m. Water quality highlighted in Site Improvement Plan (SIP) and supplementary advice but no hydrological links to District as Canal fed from Chasewater Reservoir (which is in Lichfield).
Fens Pools SAC	3.6				Freshwater site in the heart of the Dudley urban area. Outside the District boundary and no hydrological links. Qualifies as an SAC for Great-crested Newt population and no credible risks likely from development within S. Staffordshire.
Mottey Meadows SAC		✓	✓		Qualifies as an SAC for its hay meadows; grassland communities could be affected by water availability and water quality (run-off). No major roads nearby. No formal public access. Only conceivable risks from recreation likely to relate to development in close proximity.
Pasturefield Salt Marsh SAC	6.1			✓	Site managed by Staffordshire WT and lies between the River Trent and the Canal. Limited public access (only allowed outside bird breeding season and any visitors have to climb a locked gate), and no parking on site so no recreation concerns. Site spring-fed from deep underground. There is also surface run-off but from limited area and site is upstream from South Stafford – given location no hydrological links to District. Site has roads within 200m.
West Midlands Mosses SAC	10.2		✓	✓	Relevant component is Chartley Moss. Freshwater site outside District boundary. Site improvement plan confirms small catchment for surface water and that site is also ground water

European site	Approx. distance (km) from District	Recreation	Water issues	Air quality	Notes and for grey shaded rows, reasons for elimination from rest of plan
					fed, so abstraction only risk with respect to hydrology. However, air quality a concern and identified in SIP as an issue. Site has roads within 200m.
<b><u>Ramsar</u></b>					
Midland Meres and Mosses Ph. 1 Ramsar	10.2		✓	✓	As for West Midlands Mosses SAC
Midland Meres and Mosses Ph. 2 Ramsar	4.4		✓		Relevant component site is Aqualate Mere (Cop Mere is 13.4km from the edge of the District and no hydrological links are relevant to this part of the Ramsar). Aqualate Mere is fed by streams such as the Back Brook which run from the south and include parts of S. Staffordshire District. There are no roads within 200m of Aqualate Mere. The site is a National Nature Reserve but public access is limited, with a single small car park at the eastern end and two public rights of way, plus access to a bird hide. Given the habitats present, site layout and distance from the District, recreation is not a major concern. No major roads within 200m.



## Recreation

- 2.6 Harmful ecological effects from recreational pressure relate to increased numbers of people living nearby and using sites for recreation. Issues relate to a range of activities including dog walking and mountain biking and impacts include trampling, vegetation wear, erosion, increased fire risk (barbeques etc), dog fouling and litter.
- 2.7 The most popular destinations can draw in visitors in great numbers from considerable distances. Less popular sites, or those with fewer facilities, have a smaller catchment, fewer visitors and the issue is typically less problematic. Alternatively, some sites managed specifically to encourage large numbers of visitors may be able to tolerate these pressures without experiencing significant harm.
- 2.8 Importantly, whilst individual allocations, unless large and in close proximity to a fragile European site, rarely result in likely significant effects alone from recreation, a number may have a cumulative effect that can result in likely significant effects in-combination. The issues from recreation pressure at Cannock Chase SAC have long been recognised and are set out in a range of studies (Liley, D et al., 2009; White et al., 2012). A strategic mitigation scheme has been established<sup>19</sup> and has applied a zone of 15km used to identify where cumulative effects from housing growth are relevant.
- 2.9 Motte Meadows has very limited public access but there are two footpaths from Wheaton Aston village that cross the SAC. The site is a National Nature Reserve but access away from public rights of way is restricted to permit holders and guided walks only. As such, the only credible risks at Motte Meadows SAC would relate to development in close proximity to the site which could result in increased use of local footpaths and demand for access. Under the recreation impacts pathway we would include impacts such as challenges to land management, fly tipping, damage and vandalism that are all linked to access and can occur when urban areas are in close proximity to conservation sites.

## Water Issues

- 2.10 Water issues include water quality and water quantity (i.e. water availability), and flood management. Run-off, outflow from sewage treatments and overflow from septic tanks can result in increased nutrient loads and

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<sup>19</sup> See [S. Staffordshire Council website](#) for details (accessed 25<sup>th</sup> August 2021)

contamination of water courses. Abstraction and land management can influence water flow and quantity, resulting in reduced water availability at certain periods or changes in the flow. Such impacts particularly relate to aquatic and wetland habitats.

- 2.11 Water issues are relevant for Cannock Chase SAC, Motte Meadows SAC, the West Midlands Meres and Mosses SAC/ Midland Meres and Mosses Phase 1 Ramsar and the Midland Meres and Mosses Phase 2 Ramsar. Water pollution, hydrological change and water abstraction are all identified as current pressures or potential threats for Motte Meadows SAC in Natural England's site improvement plan for the site<sup>20</sup>. Within the Midland Meres and Mosses Phase 2 Ramsar, Aqualate Mere SSSI is fed by streams from the south that flow through parts of South Staffordshire District. For the West Midlands Meres and Mosses SAC/ Midland Meres and Mosses Phase 1 Ramsar there are no hydrological links in terms of run-off or the catchment for Chartley Moss, however abstraction could influence ground water. Cannock Chase SAC is on a plateau above, and outside, South Staffordshire and therefore there are no risks with respect to surface water, however the wet heath feature of the site is linked to groundwater as the mires are spring fed and so abstraction could be relevant. Water issues are not relevant for Cannock Chase Extension Canal as the Canal is fed by Chasewater Reservoir that is a SSSI and lies 8km to the north-east of the SAC. Pasturefields Saltmarsh SAC is spring fed from deep underground, and as such there are no hydrological links with South Staffordshire.

### *Air pollution*

- 2.12 Development is typically associated with increased traffic and emissions which can increase the airborne concentration of nitrogen oxides (NO<sub>x</sub>) and ammonia (NH<sub>3</sub>), and the subsequent rate of nitrogen deposition from the atmosphere. This can lead to the nutrient enrichment and acidification of soils, encouraging more tolerant ruderal species at the expense of sensitive plant, lower plant and invertebrate communities. In high concentrations, ammonia can result in direct toxic effects on vegetation, a factor which may also be true of NO<sub>x</sub>. Furthermore, it can exacerbate the effects of other factors such as climate change or pathogens, for example. In contrast, larger animals, such as small mammals and birds are considered immune to direct effects but can be vulnerable to change in their supporting habitats.

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<sup>20</sup> See <http://publications.naturalengland.org.uk/file/5135117454409728>

- 2.13 However, levels of nitrogen deposition fall quickly in the first few metres from the roadside before gradually levelling out; beyond 200m, they become difficult to distinguish from background levels. In other words, impacts at 10m, 50m or 200m can be very different from those at the roadside.
- 2.14 It can be seen, therefore, that the additional contributions that might arise from increased traffic are only likely to be significant where a European site lies within 200m of a road which is expected to experience an increase of traffic, and where a feature is known to be sensitive to such effects. Such relatively simple tests essentially represent the scope of a screening assessment leaving more detailed analysis and its relationship to the ecological characteristics of the European sites at risk to the appropriate assessment, should any European sites fall into the above categories. European sites where there are roads within 200m and where increased traffic could result in risks are: Cannock Chase SAC, Cannock Chase Extension Canal SAC, Pasturefield Saltmarsh SAC, and the West Midlands Meres and Mosses SAC/Midland Meres and Mosses Phase 1 Ramsar.
- 2.15 Importantly, and building on case law in Sussex (the Wealden case)<sup>21</sup>, the assessment of air pollution must be undertaken in-combination with plans and projects in neighbouring authorities and further afield.

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<sup>21</sup> Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and the South Downs National Park Authority (Defendants) and Natural England (Interested Party) [2017] EWHC 351 (Admin).



### 3. Screening the Local Plan for Likely Significant Effects

- 3.1 This section documents the screening stage of HRA (stage 1 of the 4 stage process), where the plan is screened for likely significant effects.
- 3.2 The screening for likely significant effects of a plan involves checking all aspects of the plan and identifying any areas of potential concern, which are then examined in more detail in the appropriate assessment (stage 2) of the HRA. The check for likely significant effects provides an initial test of the plan. It is undertaken to enable the plan maker as competent authority to do two things. Firstly, it narrows down and highlights those elements of the plan that may pose a risk to European sites. Secondly, where an option poses a risk but is a desired element of the plan, the screening exercise identifies where further assessment is necessary in order to determine the nature and magnitude of potential impacts on European sites and what could be done to avoid, cancel, reduce or eliminate those risks. Further assessment and evidence gathering after early screening may include, for example, the commissioning of additional survey work, modelling, researching scientific literature or setting out justifications in accordance with expert opinion.

#### What constitutes a likely significant effect?

- 3.3 Where the screening identifies risks that cannot be avoided with simple clarifications, corrections or instructions for project level HRA, a more detailed assessment is undertaken to gather more information about the likely significant effects and give the necessary scrutiny to potential mitigation measures. This is the appropriate assessment stage of HRA.
- 3.4 A likely significant effect could be concluded on the basis of clear evidence of risk to European site interest, or there could be a scientific and plausible justification for concluding that a risk is present, even in the absence of direct evidence. The latter is an example of the precautionary approach, which is embedded through the HRA process. The precautionary principle should be applied at all stages in the HRA process and follows the principles established in domestic and EU case law.

- 3.5 The screening in this report looks at policies prior to any avoidance/reduction/mitigation measures in line with People Over Wind<sup>22</sup>; mitigation can only be considered at Appropriate Assessment stage. People Over Wind clarified the need to carefully explain actions taken at each HRA stage, particularly at the screening for likely significant effects stage. The Judgment highlights the need for clear distinction between the stages of HRA, and good practice in recognising the function of each. The screening for likely significant effects stage should function as a screening or checking stage (regardless of avoidance, reduction/mitigation measures), to determine whether further assessment is required. Assessing the nature and extent of potential impacts on European site interest features, and the robustness of mitigation options, should be done at the appropriate assessment stage.

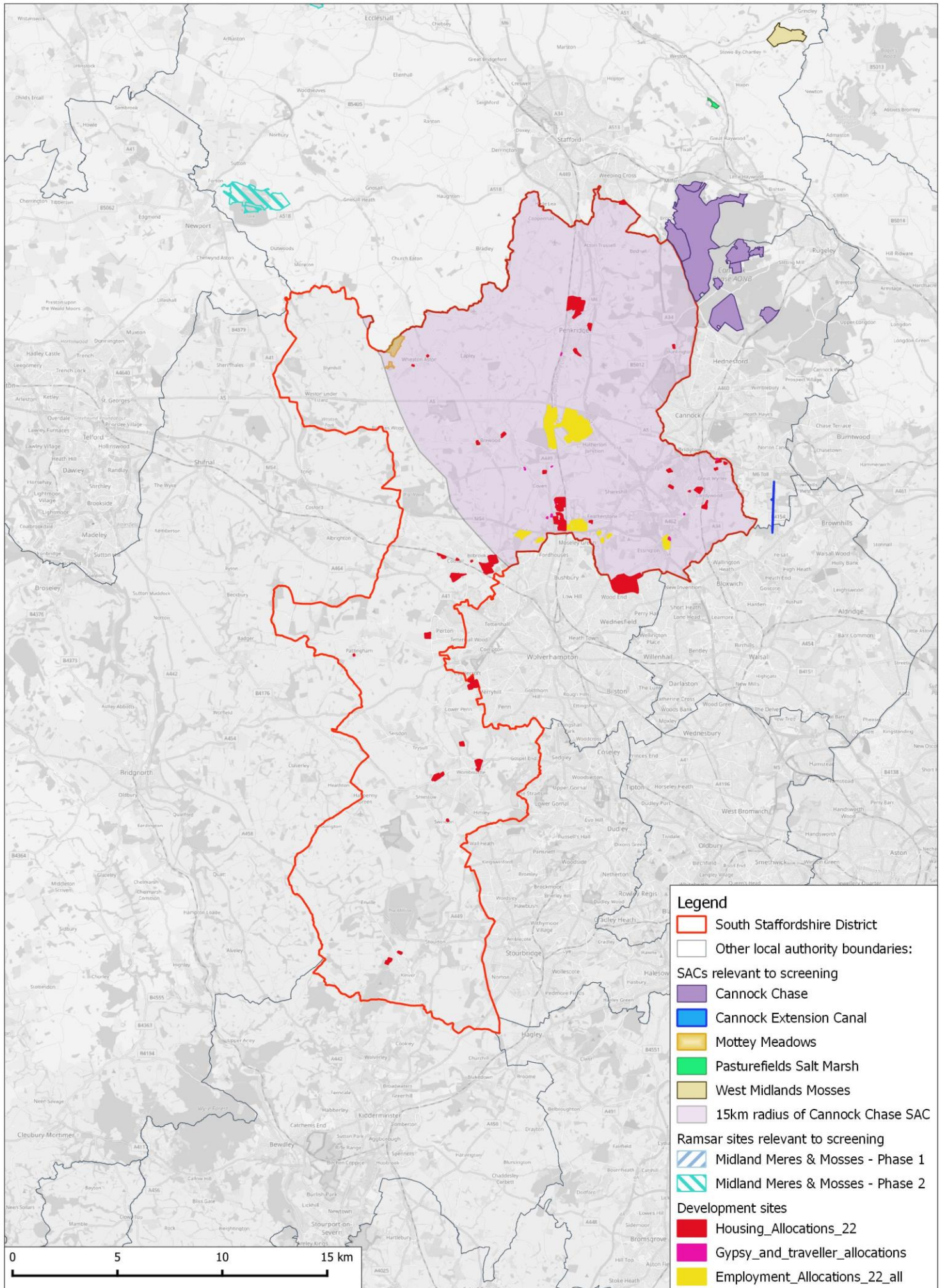
## The screening

- 3.6 Map 3 shows key elements of the Plan, including housing and allocations sites. Key zones are highlighted on the Map, showing the extent of the 15km zone of influence for recreation and Cannock Chase SAC.
- 3.7 The screening for likely significant effects is set out in Appendix 3 and provides the complete screening assessment of the whole plan. Where risks are highlighted and there is a possibility of significant effects on European sites, further and more detailed appropriate assessment is required. Inevitably there will be precaution in screening elements of the plan, as the purpose of screening for likely significant effects is to identify where there is either no possibility of an effect, or where there are uncertainties.
- 3.8 Appendix 4 further summarises the distances from each of the allocation sites to each of the European sites. This gives further context.

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<sup>22</sup> People Over Wind: European Court Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta 12 April 2018

### Map 3: Housing and Employment sites



## Screening conclusions

- 3.9 The screening for likely significant effects (in Appendix 3) has identified a number of risks in terms of additional recreation pressure (Cannock Chase SAC, Motte Meadows SAC), water issues (Cannock Chase SAC, Motte Meadows SAC, the West Midlands Meres and Mosses SAC/ Midland Meres and Mosses Phase 1 Ramsar and the Midland Meres and Mosses Phase 2 Ramsar) and air quality (Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefields Salt Marsh SAC, West Midlands Meres and Mosses SAC/Midlands Meres and Mosses Phase 1 Ramsar). The policies where likely significant effects were identified are summarised in Table 3 and these issues are therefore taken forward to appropriate assessment.



**Table 3: Summary of screening conclusions: policies where likely significant effects identified**

	Recreation	Water issues	Air Quality	Comments
DS4: Development needs	Alone: Cannock Chase SAC Mottey Meadows SAC	Alone: Mottey Meadows SAC Cannock Chase SAC West Midlands Meres and Mosses SAC/ Midland Meres and Mosses Phase 1 Ramsar Midland Meres and Mosses Phase 2 Ramsar	In-combination: Cannock Chase SAC Cannock Extension Canal SAC Pasturefield Saltmarsh SAC West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar Mottey Meadows SAC Midlands Meres & Mosses Phase 2	Overall quantum of growth and relevant to recreation, water and air quality pathways.
Policy DS5: the Spatial Strategy to 2038	Alone: Cannock Chase SAC Mottey Meadows SAC	Alone: Mottey Meadows SAC Cannock Chase SAC West Midlands Meres and Mosses SAC/ Midland Meres and Mosses Phase 1 Ramsar Midland Meres and Mosses Phase 2 Ramsar	In-combination: Cannock Chase SAC Cannock Extension Canal SAC Pasturefield Saltmarsh SAC West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar Mottey Meadows SAC Midlands Meres & Mosses Phase 2	Overall quantum of growth and relevant to recreation, water and air quality pathways.
Policy SA1: Strategic development location: land east of Bilbrook	Alone: Cannock Chase SAC	In-combination: Mottey Meadows SAC Cannock Chase SAC West Midlands Meres and Mosses SAC/ Midland Meres and Mosses Phase 1 Ramsar Midland Meres and Mosses Phase 2 Ramsar.	In-combination: Cannock Chase SAC Cannock Extension Canal SAC Pasturefield Saltmarsh SAC West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar Mottey Meadows SAC Midlands Meres & Mosses Phase 2	Location just touches the Cannock Chase SAC 15km zone and at is least 10km from any other European site. Taken to appropriate assessment for air quality on a precautionary basis
Policy SA2: Strategic development location: Land at Cross Green	Alone: Cannock Chase SAC	In-combination: Mottey Meadows SAC Cannock Chase SAC West Midlands Meres and Mosses SAC/ Midland Meres and Mosses Phase 1 Ramsar	In-combination: Cannock Chase SAC Cannock Extension Canal SAC Pasturefield Saltmarsh SAC	Site is within the Cannock Chase 15km zone and is around 9.8km from Cannock Chase Extension Canal. At least 10km from any other European site. Taken to appropriate assessment for air quality on a precautionary basis.

South Staffordshire Local Plan HRA, Publication Version

	Recreation	Water issues	Air Quality	Comments
		Midland Meres and Mosses Phase 2 Ramsar.	West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar Motte Meadows SAC Midlands Meres & Mosses Phase 2	
Policy SA3: Strategic development location: Land north of Linthouse Lane	Alone: Cannock Chase SAC	In-combination: Motte Meadows SAC Cannock Chase SAC West Midlands Meres and Mosses SAC/ Midland Meres and Mosses Phase 1 Ramsar Midland Meres and Mosses Phase 2 Ramsar.	In-combination: Cannock Chase SAC Cannock Extension Canal SAC Pasturefield Saltmarsh SAC West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar Motte Meadows SAC Midlands Meres & Mosses Phase 2	Total dwellings potentially 1976, with 1200 by 2038. Site is within the Cannock Chase 15km zone and is around 6.5km from Cannock Chase Extension Canal. At least 10km from any other European site. Taken to appropriate assessment for air quality on a precautionary basis.
Policy SA4: Strategic development location: Land north of Penkridge	Alone: Cannock Chase SAC	In-combination: Motte Meadows SAC Cannock Chase SAC West Midlands Meres and Mosses SAC/ Midland Meres and Mosses Phase 1 Ramsar Midland Meres and Mosses Phase 2 Ramsar.	In-combination: Cannock Chase SAC Cannock Extension Canal SAC Pasturefield Saltmarsh SAC West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar Motte Meadows SAC Midlands Meres & Mosses Phase 2	Site is within the Cannock Chase 15km zone (around 5.0km at its closest) and is at least 10km from any other European site. Taken to appropriate assessment for air quality on a precautionary basis
Policy SA5: Housing Allocations	Alone: Cannock Chase SAC Motte Meadows SAC	Alone: Motte Meadows SAC Midland Meres and Mosses Phase 2 Ramsar In-combination: Cannock Chase SAC West Midlands Meres and Mosses SAC/ Midland Meres and Mosses Phase 1 Ramsar	In-combination: Cannock Chase SAC Cannock Extension Canal SAC Pasturefield Saltmarsh SAC West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar Motte Meadows SAC Midlands Meres & Mosses Phase 2	Distribution of growth such that Midlands Meres and Mosses Phase 2 Ramsar can be screened out for water issues as the catchment for this site is only the north-western part of the District, around Blymhill.

South Staffordshire Local Plan HRA, Publication Version

	Recreation	Water issues	Air Quality	Comments
SA6: Gypsy and Travellers Allocations	Alone: Cannock Chase SAC	In-combination: Mottey Meadows SAC Cannock Chase SAC West Midlands Meres and Mosses SAC/ Midland Meres and Mosses Phase 1 Ramsar Midland Meres and Mosses Phase 2 Ramsar.	In-combination: Cannock Chase SAC Cannock Extension Canal SAC Pasturefield Saltmarsh SAC West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar Mottey Meadows SAC Midlands Meres & Mosses Phase 2	
Policy NB3: Cannock Chase SAC	Cannock Chase SAC			Specific mitigation requirements relating to recreation impacts and Cannock Chase SAC and therefore screened in accordance with <u>People vs Wind</u> .

## 4. Appropriate assessment: Recreation

### Relevant policies and sites identified in the screening for likely significant effects

- 4.1 Screening identified likely significant effects for Cannock Chase SAC for the following policies alone:
- DS4: Development needs
  - Policy DS5: the Spatial Strategy to 2038
  - Policy SA1: Strategic development location: land east of Bilbrook
  - Policy SA2: Policy SA2: Strategic development location: Land at Cross Green
  - Policy SA3: Strategic development location: Land north of Linthouse Lane
  - Policy SA4: Strategic development location: Land north of Penkridge
  - Policy SA5: Housing Allocations
  - SA6: Gypsy and Travellers Allocations
- 4.2 Policy NB3 is intended to avoid or reduce harmful effects on Cannock Chase SAC. As this provides protection for Cannock Chase SAC, following People Over Wind it cannot be taken into account in the screening and the mitigation proposed needs to be considered as part of the appropriate assessment.
- 4.3 Screening identified likely significant effects for Motte Meadows SAC for the following policies alone:
- DS4: Development needs
  - Policy DS5: the Spatial Strategy to 2038
  - Policy SA5: Housing Allocations

### Cannock Chase SAC

- 4.4 Cannock Chase SAC is an area of lowland heathland of around 1,244ha which lies entirely within the Cannock Chase Area of Outstanding Natural Beauty (AONB). Situated on a high sandstone plateau with deeply incised valleys, the site is comprised of acidic soils that support a range of heathland, valley mire, ancient



woodland and scrub types. It is designated as an SAC<sup>23</sup> for the following qualifying features:

- Northern Atlantic wet heaths with *Erica tetralix* (Wet heathland with cross-leaved heath);
- European dry heaths

- 4.5 The valley mire/wet heath communities are rare, threatened vegetation types, being some of the most floristically-rich and representative examples of their type in central England. Within Cannock Chase they are found in the stream valley systems, and around pools and depressions.
- 4.6 The area of lowland dry heathland at Cannock Chase is the most extensive in the Midlands. Its special interest also reflects an unusual floristic character, intermediate between heathlands of northern and upland England and Wales, and those of southern counties. The hybrid bilberry *Vaccinium intermedium* has its main UK stronghold at Cannock Chase. The hot, dry soil conditions found in bare ground in early successional habitats across the dry heathland is important for invertebrates such as mining bees, ants and wasps.

## Impacts of recreation

- 4.7 There are a range of current pressures and threats on the SAC<sup>24</sup> and one area of particular concern relates to increased visitor pressure and the cumulative impacts of recreation. Impacts from recreation on the nature conservation interest are summarised in a range of sources (Liley et al., 2009; White et al., 2012) and include:
- Disturbance to wildlife;
  - Trampling, leading to path widening, vegetation wear, erosion & soil compaction;
  - Trampling of invertebrate nest sites;
  - Fragmentation of habitats from new desire lines & paths;
  - Damage to tree roots where paths pass close to veteran trees;
  - Increased risk of wildfire;
  - Eutrophication (dog fouling);
  - Spread of disease (Phytophthora);
  - Contamination (e.g. dogs in water courses, litter)
  - Vandalism;
  - Challenges to achieving necessary management (e.g. grazing, spraying, scrub clearance)

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<sup>23</sup> <http://publications.naturalengland.org.uk/publication/6687924741472256> for detail about the qualifying features and the conservation objectives for the SAC

<sup>24</sup> See the <http://publications.naturalengland.org.uk/publication/4957799888977920> for overview

- Resources drawn away from conservation management to deal with recreation.

4.8 Visitor surveys (Liley, 2012; Liley & Lake, 2012; Panter & Liley, 2019) show the main activities as dog walking, walking (without a dog), cycling/mountain biking and jogging. Data derived from the 2010/11 Visitor survey showed that visitors to Cannock Chase appeared to originate from a wider area than those for many similar sites across the UK, with half of all visitors living within 8km of the SAC and 75% within 15km. The range of the 75th percentile was used to establish a 'Zone of Influence' for assessment of impacts of new housing development, encompassing land within the boundary of seven different Local Planning Authorities.

## Levels of growth and scale of change linked to the Plan

- 4.9 As of 2020<sup>25</sup>, postcode data indicates that there were around 47,433 residential delivery points in the whole of Stafford South Staffordshire. Around 23,673 (i.e. 50%) of these were within 15km of Cannock Chase SAC. Looking more widely, within the entire 15km zone there were 231,266 delivery points, indicating that residential properties within South Staffordshire District account for around 10% of the housing within the 15km zone of influence.
- 4.10 Policy 1, the development strategy, sets provision for 9,089 new homes between 2018 and 2039).
- 4.11 The 15km zone is shown on Map 3. It can be seen that it encompasses many of the allocations. Those allocations within the 15km are highlighted in Appendix 4 and total around 7147. The level of housing growth potentially provided for within the Plan within 15km of Cannock Chase SAC is around 4455. This is very approximate but potentially means something around an increase of 2% in the amount of housing within 15km of Cannock Chase SAC, as of 2020. Assuming recreation use to be proportionate to the amount of housing growth this would therefore suggest an increase in visitor use of around 2% from South Stafford District alone as a result of the Plan.

## The Cannock SAC Partnership

- 4.12 In response to the evidence of significant impact to Cannock Chase SAC linked to increasing recreational pressures, the Cannock Chase SAC Partnership (composed of 6 Local Planning Authorities, Staffordshire County Council, Natural England, and

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<sup>25</sup> We have used data from 2020 and it is intended as a guide only. The Plan covers the period from 2018 but the mitigation approach was updated in 2021 (the Planning Evidence Base Review).

a number of key stakeholders) was formalized under a Memorandum of Understanding (MOU) in 2016. As Competent Authorities, local planning authorities have to ensure that policies in their Local Plans for new development does not lead to harm to the SAC. As such the SAC Partnership brings the planning authorities together, with other key stakeholders, to fulfil their duties to the SAC through a collaborative and coordinated approach. The MOU ran for 5 years (i.e. to 2021) after which it has been reviewed and it is now extended to cover the period to 2040.

- 4.13 A suite of Strategic Access Management and Monitoring Measures ('SAMMM') were identified which would be funded through financial contributions from new housing developments within 8km of the SAC (the zone within which most frequent visitors originated).
- 4.14 In 2017 the Cannock Chase SAC stage 1 planning evidence base review was undertaken (Hoskin & Liley, 2017) to act as a 'health check' upon the SAMMM, to review the current situation, check if the SAMMM was still fit for purpose, and act as a platform for further work going forward. The 2017 review concluded that, in the short term, the SAMMM remained fit for purpose, with the scale of works within it sufficient to mitigate the current level and rate of housing growth within the zone of influence. However, it was recognised that in the medium to long term the SAMMM (if not reviewed and expanded) was unlikely to remain a robust approach to the mitigation of growing visitor impact due to a number of factors greatly increasing the scale and rate at which housing development was likely to grow within the zone of influence.

### *2021 Review*

- 4.15 Since the 2017 review, a further evidence base review has been undertaken – the Planning Evidence Base Review. This identifies that the 15km zone is still appropriate and is supported by more recent visitor survey data (Panter & Liley, 2019).
- 4.16 Using data from surrounding local authorities, pooled by the SAC Partnership, the review sets out the potential future housing growth around the SAC through to 2040. This indicates a likely scale of growth of around 14% within 0-15km of the SAC, with a total of 42,529 new houses anticipated. While these figures are necessarily indicative they do relate to all local authority boundaries that clip the 15km and therefore provide an indication of the scale of the in-combination effects of growth across authority boundaries.

- 4.17 In light of this growth, the review sets out the necessary mitigation required and draws in particular on the detailed implementation plans (relating to car-parking and to site-users) which were commissioned by the SAC Partnership. The review summarises the costs and sets out the mitigation measures necessary, providing the detail to allow adverse effects on integrity to be ruled out for in-combination effects of recreation on Cannock Chase SAC.

### *Policy NB3*

- 4.18 Policy NB3 clearly sets out the need for mitigation and cross references to guidance and the latest MOU. The Policy is clear that the mitigation approach is cross-boundary and strategic, and therefore addresses in-combination effects. The strategic approach to mitigation at Cannock Chase SAC is well established, has worked well, and the work to date ensures that the approach can continue and has been brought up to date. The approach accords with other long established strategic mitigation approaches, such as the Dorset Heaths and the Thames Basin Heaths.

### *Conclusions: Cannock Chase SAC and recreation*

- 4.19 The long-standing strategic approach to mitigation provides the mechanism to ensure that adverse effects on integrity can be ruled out for recreation impacts on Cannock Chase SAC, alone or in-combination with other plans or projects. The strategy is currently in place and is well established. A review of the strategy has considered the extent of new housing growth in relevant local authority plans (to 2040) and the necessary mitigation and sets out further mitigation requirements to ensure effectiveness.

## **Motley Meadows SAC**

- 4.20 Motley Meadows consists of a series of agriculturally unimproved and seasonally inundated meadows (approximately 40ha) near the village of Wheaton Aston. The meadows have been managed for hay making for many centuries. The site contains damp species-rich grassland with limited influence of agricultural intensification and there are valuable transitions to other dry and wet grassland types. The site is important for a range of rare meadow species.
- 4.21 The qualifying feature of the SAC is Lowland Hay Meadows. The supplementary conservation advice sets targets for the SAC and highlights the role of active and ongoing conservation management to protect and maintain the site for the Lowland Hay Meadows feature. Such meadows require continuation of traditional management, and the conservation advice highlights the need for grazing, cutting,

scrub management, weed control and recreation/visitor management. In addition, retention of suitable land use/infrastructure patterns are necessary to enable site management (e.g. pastoral livestock farming). The site has consistently been managed by a regime of hay-making with aftermath grazing with cattle. Recently sheep have been used to graze the aftermath and the conservation advice highlights that this needs monitoring and may not therefore be the ideal long-term management.

4.22 Risks from recreation will relate to development in close proximity. There are limited public rights of way that cross the site and otherwise access is by permit or from guided walks only. The site is in a rural location and recreation is not identified in Natural England's site improvement plan<sup>26</sup> as a current pressure or even a risk. However, the site improvement plan does identify that changes in land management are a threat to the site.

4.23 Risks from nearby development could result in impacts from recreation through:

- Pressure for increased access (and therefore additional infrastructure) from local residents, aware of the National Nature Reserve and attractive meadows on their doorstep;
- People straying from footpaths, trampling the hay meadows (e.g. not walking in single file, picnics etc.);
- Risks that the hay cut is contaminated through dog fouling;
- Litter and fly tipping;
- Risks that long-term management (grazing) is compromised and no longer possible due to recreation (e.g. from dog attacks, gates left open), possibly exacerbated through the loss of adjacent fields (through development) meaning farming systems no longer viable or effective.

4.24 It is clearly only development in close proximity that are of concern and the Plan includes two allocations in the neighbouring village of Wheaton Aston (see Map 4). There are no other villages or settlements in close proximity. Relevant allocations within the Plan are therefore:

- Site ref 426a: approximately 15 dwellings;
- SAD Site 379: approximately 18 dwellings.

4.25 This gives a combined total for the village of around 33 dwellings. Postcode data (from 2021) indicates around 883 residential delivery points in Wheaton Aston, and the allocations combined therefore represent a growth of around 4%. Around 30% of households in the UK have been estimated to own a dog (e.g. Murray et al.,

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<sup>26</sup> See <http://publications.naturalengland.org.uk/publication/6519033218203648>

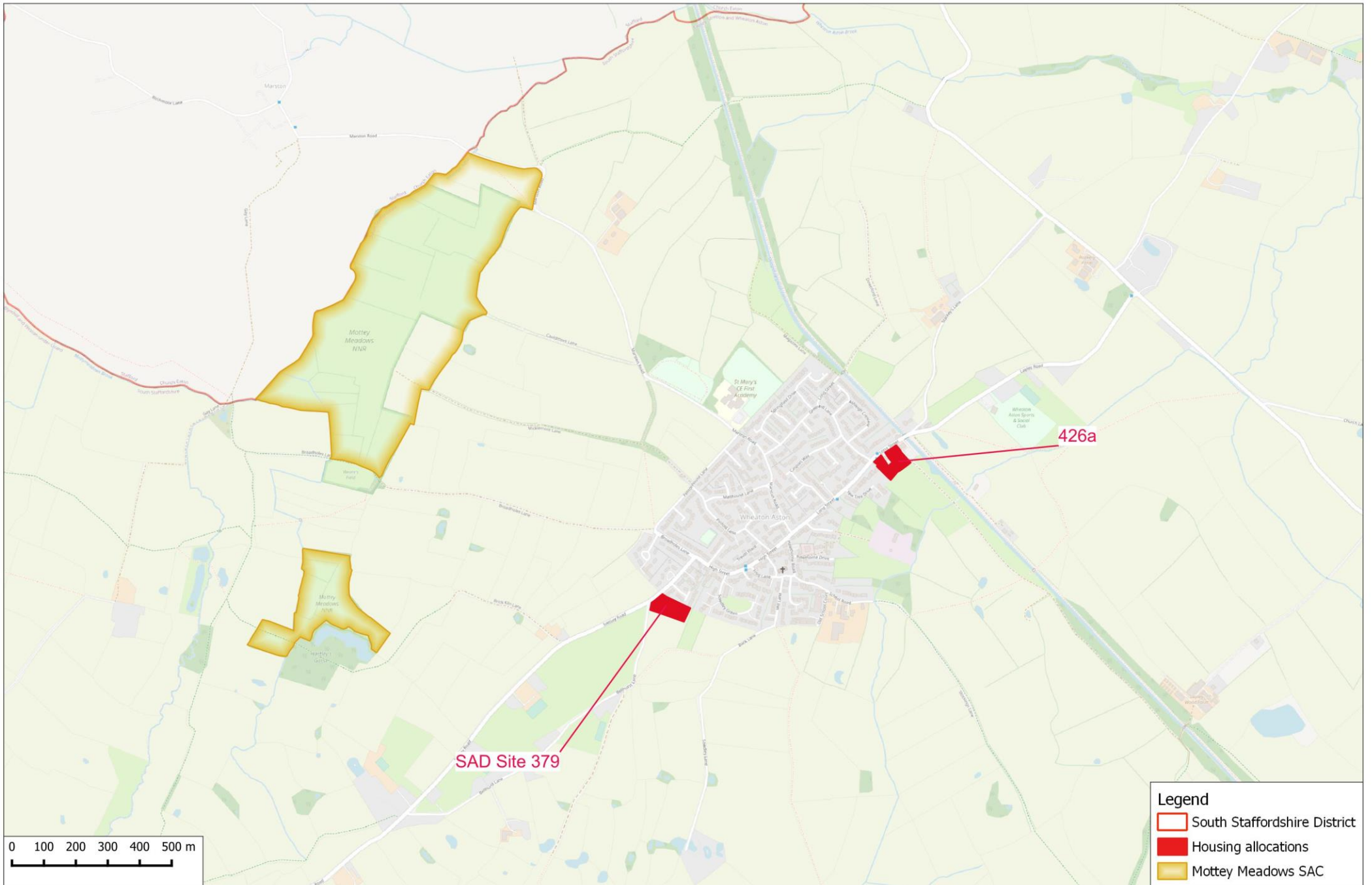
2015). This could be an increase of around 11 households with dogs in the village. As Map 4 shows, the sites are relatively far set back from the SAC with the closest (site 379) is around 800m from the SAC (as the crow flies), and this would put the site beyond the typical short dog walk.

### *Conclusions: Motte Meadows SAC and recreation*

- 4.26 Given the very low proportional increase in housing, scale of growth and the distance from the SAC, risks are low and potentially negligible. Adverse effects on integrity from recreation can be ruled out from the Plan alone. Given the very localised nature of the issues and isolation of Motte Meadows, in-combination assessment would not change the conclusion. There are no allocations, settlements or sites in the emerging Stafford Local Plan (which is the only other local authority in close proximity to Motte Meadows) that are in close proximity.
- 4.27 Project-level HRA can be relied on to check for adverse effects on integrity and ensure that adequate mitigation, if required, is secured. Given the very localised issues recreation patterns may be influenced to some extent on the site design, layout etc. and as such project level HRA will need to assess recreation impacts for both Wheaton Aston allocations. Given the low risk, signage (to ensure people stay on public footpaths), barriers to access (such as gates and hedges) and restrictions to parking near footpaths could be potential mitigation measures but may not be necessary. Suitable wording could be added to the site proformas to highlight the need to check recreation issues at project level, and this would give greater confidence to these conclusions, however Policy NB1 ensures lower tier assessment and compliance with the Habitat Regulations.



# Map 4: Wheaton Aston Sites



## 5. Appropriate assessment: Water Issues

5.1 Screening identified likely significant effects from the following policies:

- DS4: Development needs
- Policy DS5: the Spatial Strategy to 2038
- Policy SA1: Strategic development location: land east of Bilbrook
- Policy SA2 – Strategic development location: Land at Cross Green
- Policy SA3 – Strategic development location: Land north of Linthouse Lane
- Policy SA4 – Strategic development location: Land north of Penkridge
- Policy SA5: Housing Allocations
- SA6: Gypsy and Travellers Allocations
- SA7: Employment Allocations

5.2 And the following European sites:

- Cannock Chase SAC: potential risks from water quantity only with risks alone for the overall quantum of growth (DS4 and DS5) and in-combination for other policies.
- West Midlands Meres and Mosses SAC/Midland Meres and Mosses Phase 1 Ramsar: potential risks to Chartley Moss from water quantity only, with risks alone for the overall quantum of growth (DS4 and DS5) and in-combination for other policies.
- Motte Meadows SAC: potential risks from water quantity and water quality with risks alone from Policy DS4, DS5 and SA5 due to the overall quantum of growth and/or nearby allocations (at Wheaton Ashton) with direct hydrological links, policies SA1, SA2, SA3 and SA4 with risks in-combination due to water quantity.
- Midland Meres and Mosses Phase 2 Ramsar (Aqualate Mere): potential risks from water quantity and water quality. Risks alone from Policy DS4, DS5 and SA5 due to the overall quantum of growth on water quantity.

5.3 The local utility companies (Severn Trent Water and South Staffs Water) have legal duties to provide drinking water and wastewater treatment for most new dwellings. Severn Trent Water cover the whole Local Plan area for sewage and part of the area for drinking water while South Staffs Water<sup>27</sup> provide drinking water for the remaining area. The Environment Agency regulates such activities and also private solutions such as septic tanks and abstraction licences. Development that is carried out without the necessary infrastructure in place or that fails to meet

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<sup>27</sup> See <https://www.south-staffs-water.co.uk/media/2167/south-staffs-water-area-of-supply.pdf> for catchment



established standards could compromise the conservation objectives of European sites.

- 5.4 Decisions are informed by a range of studies including the River Basin Management Plans (RBMPs), Water Resource Management Plans (WRMPs), Drought Plans, Water Cycle Studies and Drainage and Wastewater Management plans (DWMPs) as appropriate.
- 5.5 Where relevant, these are subjected to HRA which explore the potential impact not only on 'water dependent' European sites as indicated in the Water Framework Directive but also take account of 'non-water dependent' sites to account for unintended consequences.

## European site objectives and threats

- 5.6 Relevant details of each of the European sites listed above are described below.

### *Cannock Chase SAC*

- 5.7 Cannock Chase SAC supports the most extensive lowland heathland in the Midlands. Natural England's 'supplementary advice' complements the high level objectives and state the following:

*'Restore the overall extent, quality and function of any supporting features within the local landscape which provide a critical functional connection with the site',*

*'Restore surface water and/or ground water quality and quantity to a standard which provides the necessary conditions to support and restore the ... wet heath feature', and*

*'Restore the natural hydrological regime at the catchment level to provide the conditions necessary to sustain the ... wet heath feature within the site'.*

- 5.8 Furthermore, the SIP<sup>28</sup> identifies 'drainage' and 'hydrological changes' as important pressures on this site.

### *Midland Meres and Mosses Phase 2 Ramsar*

- 5.9 Aqualate Mere is one of the eighteen components of the Midland Meres and Mosses Phase 2 Ramsar site, listed for its range of wetland habitats notably its extensive open water and reedswamp communities, wet woodland and fen pasture. As it is not designated as a SAC or classified as an SPA it lacks formal

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<sup>28</sup> <http://publications.naturalengland.org.uk/publication/4957799888977920>

conservation objectives and a Site Improvement Plan (SIP) but given that the qualifying features are largely dependent on a favourable hydrological regime, it can be considered vulnerable to declines in water quality and availability.

### Chartley Moss

5.10 Chartley Moss is one the four components of the West Midland Mosses SAC and one of the eighteen components of the Midland Meres and Mosses Phase 1 Ramsar site, listed for its basin fen and mire habitats and, notably, its associated transition mire and quaking bog (or schwingmoor) communities.

5.11 Natural England's 'supplementary advice'<sup>29</sup> complements the high level objectives and state the following:

*'At a site, unit and/or catchment level restore natural hydrological processes to provide the conditions necessary to sustain the [basin mire] feature and associated species', and*

*'Restore the surface water and groundwater supplies supporting the hydrology of the component sites of the SAC to a natural, low-nutrient status'.*

5.12 Furthermore, the SIP identifies 'water pollution' and 'hydrological changes' as the two primary pressures affecting this site.

### Mottey Meadows SAC

5.13 Mottey Meadows is designated on account of the Lowland hay meadow community which includes flood-plain grassland. Natural England's 'supplementary conservation advice' notes that surface water from the catchment is enriched by diffuse pollution sourced mainly from agriculture, with most of the water directed through the site by a system of ditches and drains. Spring-lines are thought to arise along the gentle slope to higher ground along the eastern edge of the SAC. It seems that more work is needed to better understand the eco-hydrology of the site and the interactions between surface and ground water.

5.14 The 'supplementary advice'<sup>30</sup> complements the high level objectives and state the following:

*'Restore water quality and quantity to a standard which provides the necessary conditions to support the [lowland hay meadow qualifying] feature'.*

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<sup>29</sup> <http://publications.naturalengland.org.uk/publication/6449667604742144>

<sup>30</sup> <http://publications.naturalengland.org.uk/publication/5720449535180800>

*'Restore a hydrological regime which provides a consistently near-surface water table ...'*

*'Restore a hydrological regime which provides a cumulative duration of annual surface flooding ...'*

*'At a site, unit and/or catchment level (as necessary) restore natural hydrological processes to provide the necessary conditions to support the [lowland hay meadow qualifying] feature'*

- 5.15 Furthermore, the SIP identifies 'water pollution' as the primary pressure or threat followed immediately by 'hydrological changes' and 'water abstraction'.

## Water resources

### *River Basin Management Plans (RBMPs)*

- 5.16 Water abstraction is managed through a licensing system originally introduced by the Water Resources Act 1963. The Environment Agency is the competent authority for the Water Framework Directive, and it oversees the publication of River Basin Management Plans (RBMPs). These plans set out how the management of water bodies will be undertaken, the roles of relevant bodies and the steps undertaken to ensure environmental targets are met.
- 5.17 The first RBMPs were produced in 2009 and then updated in 2015. In the more recent second cycle river basin management plans, the Environment Agency has committed to ensure abstraction licensing strategies and actions fully incorporate all environmental objectives and align with river basin management plans. The Agency will assess all licence applications and only issue licences that adequately protect and improve the environment; where necessary each should be subject to an individual HRA. The Agency will only grant replacement licences where the abstraction is environmentally sustainable, and abstractors can demonstrate they have a continued need for the water, and it will be used efficiently. In addition, for existing licences, the Agency will prioritise actions to protect and improve European sites and address the most seriously damaging abstractions during this plan period. All abstractors in surface water and groundwater bodies where serious damage is occurring or could occur without action should expect that their licences will be constrained over the next 6 years.
- 5.18 The relevant RBMPs for South Staffordshire are the Humber and the Trent. These are further divided into catchments, with relevant catchments within the Humber Basin being Trent Valley and the Tame, Anker and Mease. The relevant Severn catchments are the Severn Middle Worcestershire and Severn Middle Shropshire.

- 5.19 The current RBMPs for the Humber Basin and the Severn Basin were produced in 2015 and accompanied by an HRA. Overall, both found '... the range of potential mitigation options available allow a conclusion that the RBMP is not likely to have any significant effects on any European sites, alone or in combination with other plans or projects.'
- 5.20 These RBMPs took account of predicted growth in the area and, therefore, it can be concluded that in terms of the RBMP, adverse effects on the integrity of the European sites at risk can be ruled out alone or in-combination.
- 5.21 In stating this, it is acknowledged the HRA was completed prior to the People Over Wind decision when, unlike after the Court's ruling, the benefits of mitigation were allowed to be considered at the screening stage. However, it is considered there are no reasons to suggest that its outcomes cannot be relied upon to inform this Local Plan.
- 5.22 RBMPs are reviewed periodically, and the current 2015 editions will remain in force until a replacement is adopted; a report on the consultation exercise for its emerging replacement is due later in 2022. The Council should take full account of the outcomes as they are expected to emerge during the strategic planning process and adapt the Local Plan as necessary.

### *Water Resource Management Plans (WRMP)*

- 5.23 It is a statutory requirement that every five years water companies produce and publish a WRMP. This should demonstrate that there are long-term plans in place to accommodate the impacts of population growth, drought, environmental obligations and climate change uncertainty in order to balance supply and demand. Severn Trent Water's current WRMP was published in 2019<sup>31</sup>. This was accompanied by an HRA. Taking account of predicted growth, climate change and water supply and demand forecasts, amongst others, this found that unless measures were taken, a significant deficit would develop between supply and demand over the medium term. Actions proposed included a range of 'demand-side' (e.g. leakage reduction and promoting water efficiency amongst its customers) and 'supply-side' interventions (e.g. reducing abstraction, improving the flexibility of the network and land management). With these interventions in place, the WRMP indicates there is sufficient surplus of water with no need to increase abstraction beyond that provided for by existing licences.

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<sup>31</sup> <https://www.severntrent.com/about-us/our-plans/>

- 5.24 The HRA found that the demand management solutions typically comprised small-scale and temporary activities largely concentrated in the urban environment far distant from any European site, and that impacts would be confined to the point of delivery. Consequently, likely significant effects alone or in-combination could be ruled out. Similarly, supply-side solutions were found to not result in likely significant effects on any European site. Whilst there was one exception to the latter, this was located in North Nottinghamshire far beyond the influence of the Local Plan allowing likely significant effects to be ruled out.
- 5.25 South Staffs WRMP was published in 2019<sup>32</sup> and found that the baseline supply/demand balance under the continuation of existing policies indicated that there would not be enough water to meet demand plus target headroom by 2024 under average conditions and by 2023 for peak conditions. The WRMP sets out measures that mean the company expects to be able to balance supply and demand up to and beyond 2045. The HRA for the WRMP found that there were no likely significant effects on any European site.
- 5.26 These predictions take into account abstraction licence changes and renewals, including information provided by the Environment Agency on actions that companies need to undertake to contribute towards meeting environmental obligations, including any required changes to abstraction licences. Consequently, there are no reasons to suggest that its outcomes cannot be relied upon to inform this Local Plan.
- 5.27 Therefore, it can be concluded that in terms of the WRMPs, adverse effects on the integrity of the European sites at risk can be ruled out alone or in-combination.
- 5.28 However, given the reliance of the WRMPs on interventions to reduce water consumption, it would be reasonable and appropriate for the Local Plan to emphasise the need for future development to incorporate water-saving measures, in accordance with Severn Trent Water advice.

### *Drought Plans*

- 5.29 Drought plans describe how a water company will manage the effects of a drought. Severn Trent's Drought Plan<sup>33</sup> and South Staffs Water's Plan<sup>34</sup> were both completed in 2022 and were accompanied by HRA. The appropriate assessment for South Staffs Drought Plan indicates that, with avoidance and mitigation

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<sup>32</sup> <https://www.south-staffs-water.co.uk/media/2676/final-wrmp-2019-south-staffs-water.pdf>

<sup>33</sup> <https://www.severntrent.com/about-us/our-plans/>

<sup>34</sup> <https://www.south-staffs-water.co.uk/media/4050/ssw-final-drought-plan-2022.pdf>

measures in place no adverse impacts would be observed either alone or in combination with other plans or projects.

## Water quality

- 5.30 Wastewater or sewage can be very damaging to water bodies as it can contain large amounts of nutrients (such as phosphorus and nitrates), ammonia, bacteria, harmful chemicals and other damaging substances. Issues arise where sewage treatment technology to adequately reduce levels of phosphorus and harmful chemicals is not in place, where leakages occur from privately owned septic tanks and, in wet weather, storm overflows can discharge untreated sewage. Poorly installed domestic washing machines and even washing cars at home can, in places, also add to the pollution load. Outcomes can include increased turbidity, algal blooms, reduced dissolved oxygen and an overall increase in the nutrient status of receiving waterbodies. Simply, increases in housing increases pressure on the sewage network and the volume of wastewater.
- 5.31 The pollution of inland and coastal waters has received greater recognition in recent years and the significance of such potential impacts and the need to mitigate has been given emphasis by Natural England's demands that new development affecting vulnerable water bodies must achieve 'nutrient neutrality', i.e. avoid any net increase in nitrate and phosphate pollution. Whilst this relates primarily to the disposal of foul water, run-off from hard surfaces can also be a factor. This reflects contemporary case law (the Dutch case) which makes clear that where water quality targets of European sites are not being met, further inputs of pollutants should not be allowed.
- 5.32 For the avoidance of doubt, none of the European sites potentially at risk are currently subject to these measures, but a range of other statutory and policy drivers still apply.
- 5.33 The RBMPs also provide the framework for protecting and enhancing the water environment and set out statutory objectives for protected areas and a programme of measures to achieve those objectives.
- 5.34 Severn Trent Water provides wastewater treatment for new development which it typically delivers by ensuring there is adequate capacity or headroom within the wastewater treatment system. Whilst it should be expected that all existing wastewater treatment works that lie within the catchment of these European sites operate within their licensed conditions and that all have capacity to accommodate predicted levels of growth, this is not known to the Council for certain. On the other hand, licenses for all wastewater treatment works and any changes to these

would have been subjected to project-level HRAs and would not be permitted to operate if adverse effects could not be ruled out.

- 5.35 South Staffordshire District Council have engaged with Severn Trent Water through the plan making process to date and the latter has confirmed, based on an initial assessment, that the scale and location of proposed allocations does not highlight any insurmountable sewerage infrastructure or surface water risks. The Infrastructure Delivery Plan includes an appendix with site-by-site checks of potential impacts on sewage infrastructure and surface water and all sites are assessed as either Low or in some cases Medium impact. In relation to the potential impact of surface water on sewerage infrastructure, suitable mitigation measures will be secured at the planning application stage (such as the use of SUDs) to ensure there is no unacceptable impact on sewerage infrastructure.
- 5.36 Furthermore, Severn Trent Water has recently prepared its first Drainage and Wastewater Management Plan (DWMP)<sup>35</sup>. These high-level documents provide the basis for integrated long-term planning relating to drainage, flooding and protection of the environment. The DWMP acknowledges the potential for harm and as one of its strategic outcomes aims to 'Deliver sewer overflow improvements to remove harm in 100% of Defra outlined priority areas [e.g. European sites] within our region [by 2045].'
- 5.37 This will be accompanied by a Strategic Environmental Assessment (SEA). Consultation is currently underway and will conclude in the near future. As the DWMP lacks concrete proposals the SEA will effectively scope the work required before funding is determined in the next Price Review in 2024 ('PR24').
- 5.38 Feedback from both the DWMP and SEA will inform production of the final DWMP by the end of March 2023. Funding will be applied for, but this will only be known in December 2024. It is then intended to undertake an HRA on the final, more detailed proposals. This compromises how the Council will capture and use the merging information. The Local Plan should be complete before the DWMP and its HRA are finalised. Therefore, the findings from the DWMP cannot at this stage be relied on in this HRA.

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<sup>35</sup> <https://www.severntrent.com/about-us/our-plans/>

### *Mottey Meadows SAC*

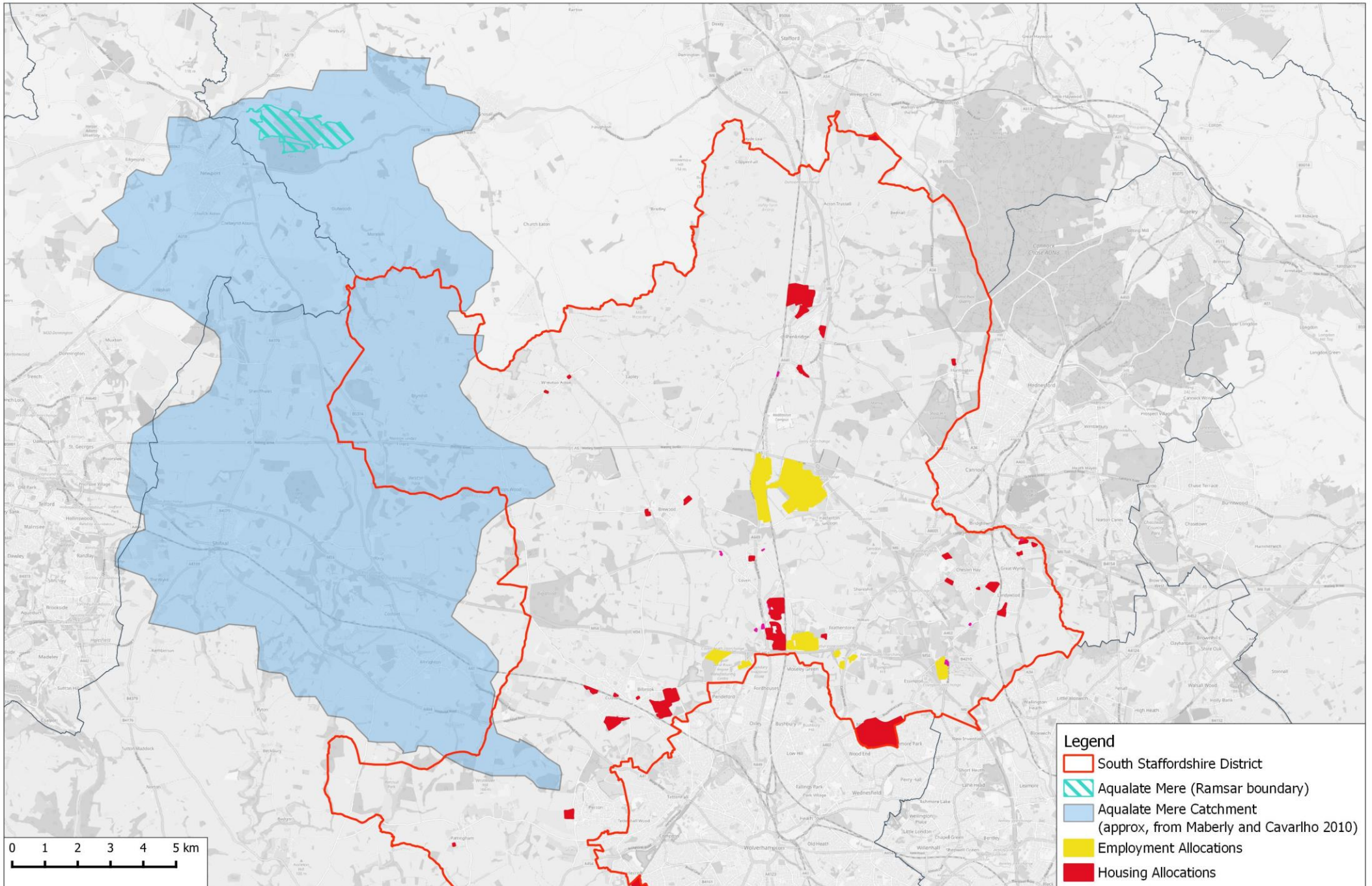
- 5.39 There are two allocations in close proximity to the SAC (see Map 4) and these are:
- Site ref 426a: approximately 15 dwellings;
  - SAD Site 379: approximately 18 dwellings.
- 5.40 These are all separated from the SAC by agricultural land and site 426a is also screened from the SAC by the village of Wheaton Aston. Nonetheless both sites are uphill from the SAC and within 1.5km of the SAC and there could be direct hydrological links between the allocations and the SAC. There are potential risks that the sites might have direct run-off onto the SAC (e.g. diffuse pollution, surface run-off via ditches etc.) or could disrupt the springs and hydrology of the SAC. The risks are however relatively low and can be addressed at project level through site design and the incorporation of Sustainable Urban Drainage Systems (SuDS). Policy NB1 ensures general compliance with the Habitat Regulations and Policy NB7 provides the necessary confidence that development can only proceed where water quality issues have been addressed including appropriate consideration given to sources of pollution and appropriate SuDS measures.

### *Aqualate Mere (Midlands Meres and Mosses Phase 2 Ramsar)*

- 5.41 The catchment is mapped by Maberly and Carvalho (2010) and shown in Map 5. It can be seen that none of the allocations within the Plan fall within the catchment and risks to the site in terms of run-off and pollution from surface water will relate solely to windfall. Policy NB1 ensures general compliance with the Habitat Regulations and ensures and Policy NB7 provides the necessary confidence that development can only proceed where water quality issues have been addressed including appropriate consideration given to sources of pollution and appropriate SuDS measures.



## Map 5: Aqualate Mere Catchment



## Conclusions

- 5.43 The outcomes of the RBMP and WRMP HRAs and other relevant sources provide confidence that adverse effects on the integrity of the European sites potentially at risk from hydrological issues (ie water resources and water quality) can be avoided.
- 5.44 However, we highlight that strategic assessments of the DWMP are yet to be completed. Should emerging analysis carried out for DWMP indicate that adverse effects on the integrity of these European sites cannot be avoided, mitigation, typically in the form of increased capacity and capability, often provided by new infrastructure, may be required. Severn Trent Water has a legal duty to provide this, but it can take time to implement. Policy NB1 ensures general compliance with the Habitat Regulations and Policy NB7 provides the necessary confidence that development can only proceed where water supply and quality issues have been addressed and as such, should any new information become available this can be incorporated at project level assessment and development stopped or phased so as to avoid adverse effects. It seems clear that the Council should liaise closely with Severn Trent and Natural England so that any emerging issues are identified and incorporated into any further Plan Reviews.

## 6. Appropriate assessment: Air Quality

### Relevant policies from LSE screening

- 6.1 Screening identified likely significant effects in-combination for Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar, Motte Meadows SAC and Midlands Meres & Mosses Phase 2 from the following policies:
- Policy DS3 – the Spatial Strategy to 2038
  - Policy SA1: Strategic development location: land east of Bilbrook
  - Policy SA2 – Strategic development location: Land at Cross Green
  - Policy SA3 – Strategic development location: Land north of Linthouse Lane
  - Policy SA4 – Strategic development location: Land north of Penkridge
  - Policy SA5: Housing Allocations
  - Policy SA7: Employment Allocations

### Air pollution from roads

- 6.2 Natural England provides screening criteria to assess the impact of air pollution on European sites (Natural England, 2018). Essentially, this provides a stepwise process that first explores whether any European sites lie within 200 m of a busy road that is anticipated to carry increased traffic, prior to determining whether vulnerable qualifying features live within the affected area. If they do, detailed traffic analysis is required to determine if the level of traffic is anticipated to exceed a standard threshold of 1,000 Annual Average Daily Traffic (flows) (AADT) for all vehicles or 200 Heavy Duty Vehicles (HDVs). If these thresholds are exceeded, air quality analysis is required.
- 6.3 Specific impacts are assessed by calculating the relative contribution of the local plan (and, bearing in mind the Wealden decision, in-combination with other plans or projects) in relation to the relevant critical levels for NO<sub>x</sub> and ammonia, and the critical loads for nitrogen deposition.
- 6.4 The critical level for NO<sub>x</sub> is 30 µg m<sup>-3</sup>. It is a precautionary threshold below which there is confidence that adverse effects on vegetation communities will not arise. The critical level for ammonia is set at 3 µg m<sup>-3</sup> unless bryophytes or lichens form part of the qualifying features in which case it falls to 1 µg m<sup>-3</sup> (as in the case of Chartley Moss and Cannock Chase). The critical loads for nitrogen deposition are specific to each individual feature or habitat and are expressed in kilograms of nitrogen per hectare per year (or kgNha<sup>-1</sup>yr<sup>-1</sup>). These are presented as a range of

values, e.g. 5-10 kgNha<sup>-1</sup>yr<sup>-1</sup>, (as at Chartley Moss) and, as a precautionary approach, only the lowest values in the range are typically used. Critical levels and loads are drawn from the Air Pollution Information Service (or APIS)<sup>36</sup>.

- 6.5 Drawing on best practice (Holman et al., 2019) where existing background levels of these pollutants fall below the relevant critical levels or loads, emissions are considered to avoid harm where the contribution of the local plan (alone and in-combination) would not exceed the same thresholds. However, this is rare in lowland England. Indeed, where background levels already exceed these thresholds, it is considered that adverse effects will be avoided only if the increase is less than 1% of the critical levels or loads. The 1% threshold has been widely adopted in established guidance as, in practice, it is barely discernible from natural background fluctuations. Set at two orders of magnitude below the critical level or load, this threshold is considered suitably precautionary. Furthermore, whilst exceedance of the 1% threshold means that adverse effects cannot be ruled out, it does not necessarily mean that harm would arise.
- 6.6 It can be seen, therefore, that the additional contributions that might arise from increased traffic are only likely to be significant where a European site lies within 200m of a road which is expected to experience a marked increase in traffic, and where a feature is known to be sensitive to such effects.

### European site objectives, relevant roads and threats

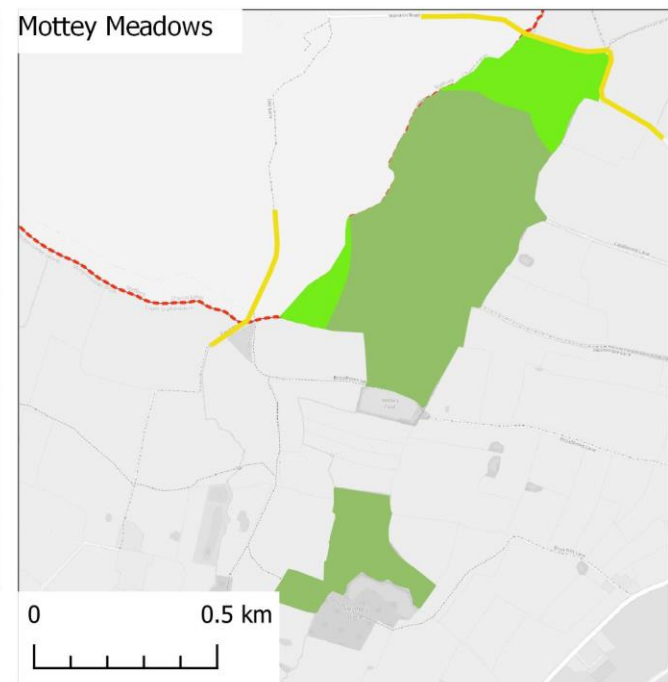
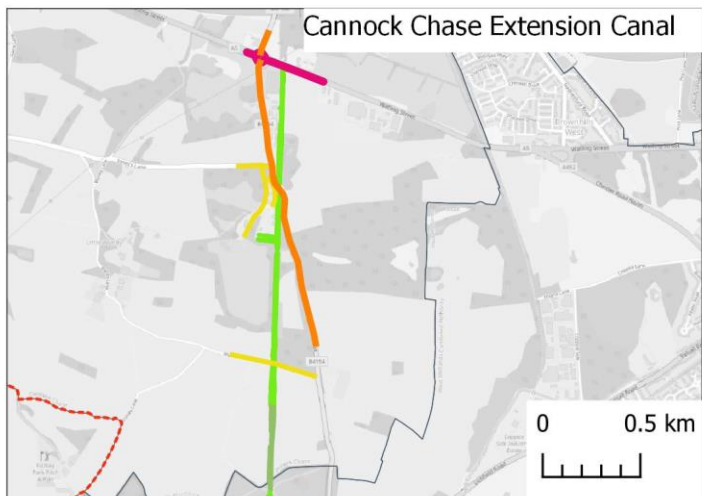
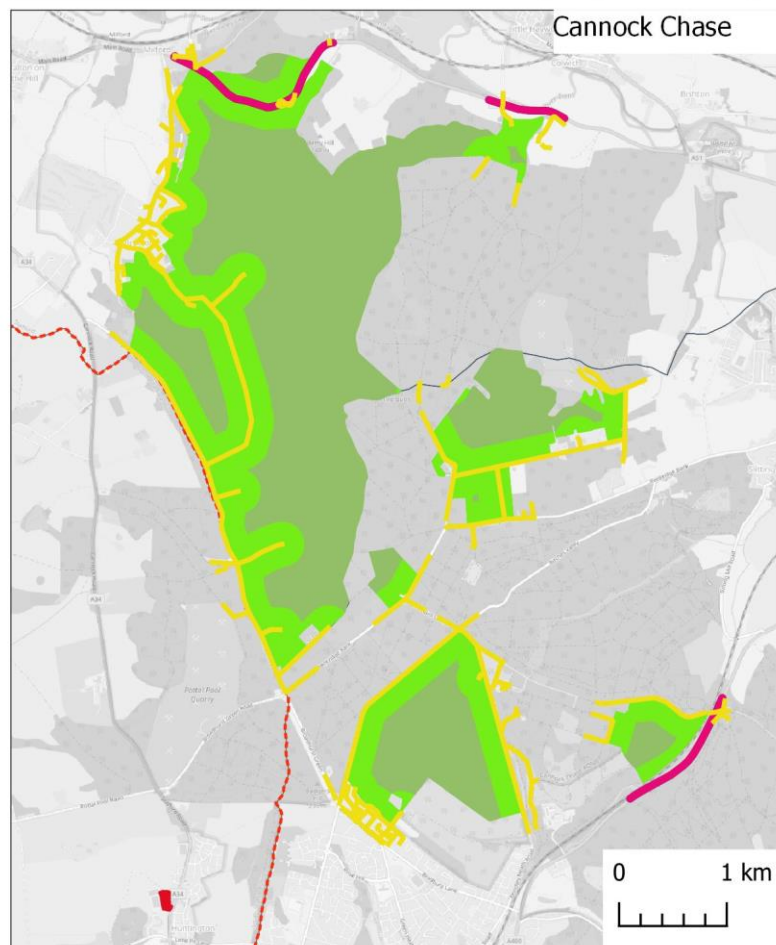
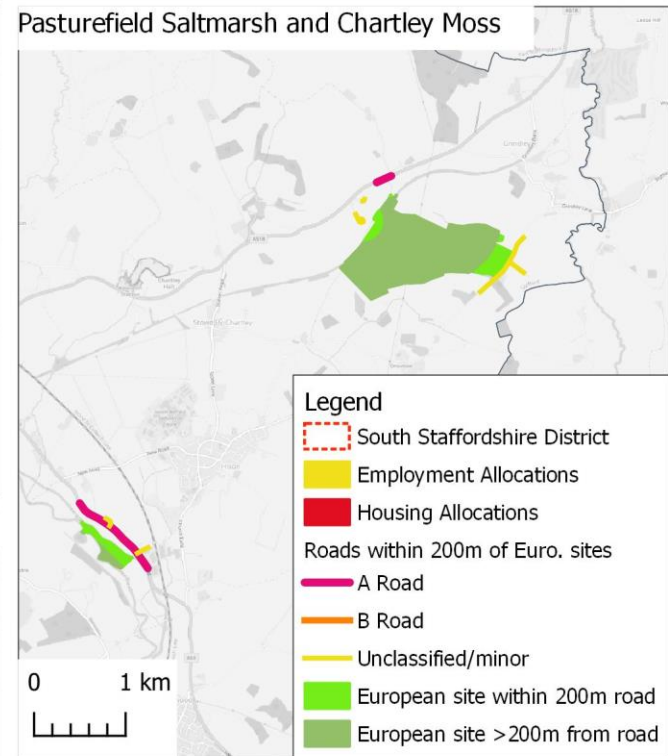
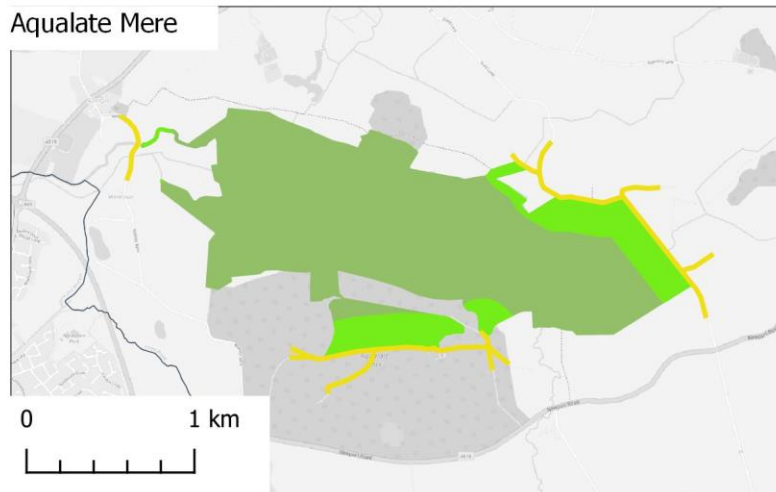
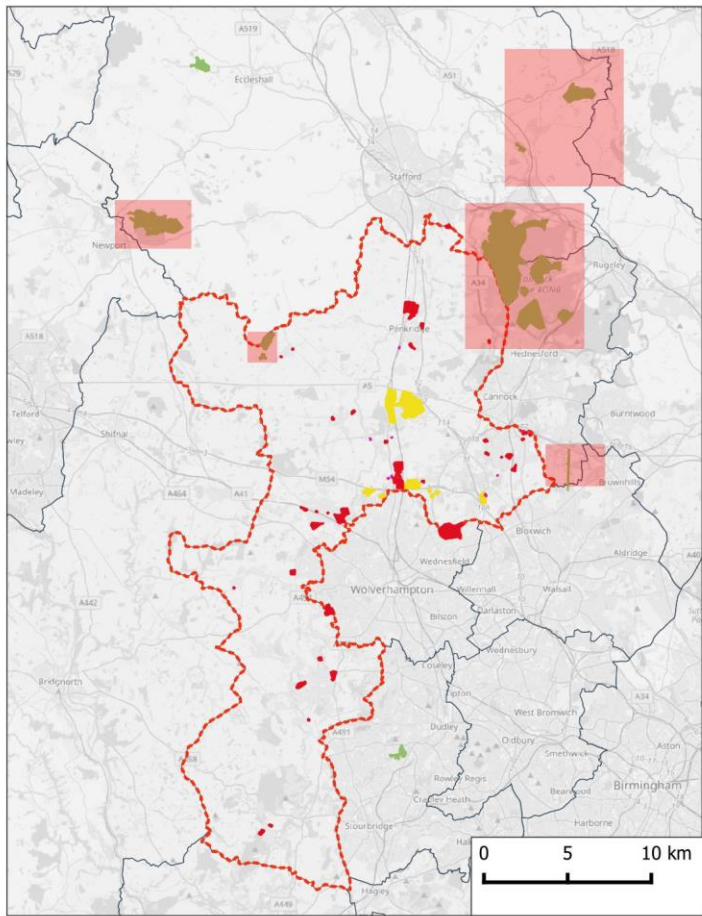
- 6.7 Map 6 shows the roads within 200m of European sites. The brighter green shading indicates parts of the European site that are within 200m of any road. The map includes allocations and therefore allows an opportunity to visualise the locations of development in relation to the European sites and road network.
- 6.8 Traffic modelling is not available to inform this version of the HRA and therefore all potentially relevant sites have been screened in and are considered below and shown on the Map. The HRA can be further updated at submission as further data become available.

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<sup>36</sup> Air Pollution Information Service available at <https://www.apis.ac.uk/>



# Map 6: Roads



### Cannock Chase SAC

6.9 Cannock Chase has 2 different A roads within 200m: the A460 in the south and A513 in the north. The A513 bisects part of the SAC with around 1.3km of its length directly adjacent to the SAC. Around 1.3km of the A460 lies within 200m, here the road is 70-115m from the SAC, with woodland and a railway line separating the two. There are also numerous minor roads around the SAC, including Chase Road which bisects the SAC.

6.10 Cannock Chase SAC supports the most extensive lowland heathland in the Midlands. Natural England's 'supplementary advice'<sup>37</sup> complements the high level objectives and states the following:

*'Restore the concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values given for the [wet and dry heath qualifying features] ...'*

6.11 Furthermore, the SIP identifies 'air pollution: impact of atmospheric nitrogen deposition' as an important pressure on this site.

### Cannock Extension Canal SAC

6.12 Both the A5 dual carriageway (to the north) and the B4154 (which runs alongside and crosses the canal) lie with 200m of the Cannock Chase Extension Canal SAC.

6.13 This canal is designated as an SAC as it supports a very large population of floating water-plantain set amongst a diverse aquatic flora and invertebrate fauna, a reflection of the high water quality.

6.14 Natural England's 'supplementary advice'<sup>38</sup> complements the high level objectives and states the following:

*'Restore as necessary the concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values given for the [floating water-plantain qualifying feature] ...'*

6.15 Furthermore, the SIP identifies 'air pollution: impact of atmospheric nitrogen deposition' as an important pressure on this site.

### Chartley Moss

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<sup>37</sup> <http://publications.naturalengland.org.uk/publication/6687924741472256>

<sup>38</sup> <http://publications.naturalengland.org.uk/publication/5063623810482176>

- 6.16 The A518 lies to the north and just within 200m of the northern end of Chartley Moss (West Midlands Mosses SAC/Midlands Mere and Mosses Phase 1 Ramsar) has just 170m of the A518 within 200m and at its closest the SAC is around 180m away, with the very northern tip of the site within 200m of a major road. The SAC is 10.2km from the District boundary and this is beyond the distance typically considered relevant (Chapman & Kite, 2021 suggest that the consideration of impacts of traffic from local plans should extend to a maximum of 10km from the plan boundary). It is included on a precautionary basis and the mapping and distances would suggest that risks from the Plan are likely to be relatively low.
- 6.17 Chartley Moss is one of four components of the West Midland Mosses SAC and one of the eighteen components of the Midland Meres and Mosses Phase 1 Ramsar site, listed for its basin fen and mire habitats and, notably, its associated transition mire and quaking bog (or schwingmoor) communities.
- 6.18 Natural England's 'supplementary advice'<sup>39</sup> complements the high-level objectives and state the following:
- 'Restore as necessary the concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values given for the Transition mires and quaking bogs qualifying feature]' ...'*
- 6.19 Furthermore, the SIP identifies 'air pollution: impact of atmospheric nitrogen deposition' as one of the primary pressures affecting this site.

### *Pasturefields Salt Marsh SAC*

- 6.20 The A51 runs along, and lies within the 200m of, the north-eastern edge of Pasturefield Salt Marsh SAC. The road is mostly around 100m distance from the SAC (with pasture and a canal in between).
- 6.21 Lying in the floodplain of the River Trent, the site is designated as a remnant of the once more extensive saltmarshes fed by naturally saline springs and described as the only known remaining example in the UK of a natural spring with inland saltmarsh vegetation. Natural England's 'supplementary advice'<sup>40</sup> complements the high level objectives and state the following:
- 'Maintain the concentrations and deposition of air pollutants within the site-relevant Critical Load or Level values given for the inland salt meadow qualifying feature]' ...'*

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<sup>39</sup> <http://publications.naturalengland.org.uk/publication/6449667604742144>

<sup>40</sup> <http://publications.naturalengland.org.uk/publication/6292877810335744>



- 6.22 In contrast, the SIP does not identify any issues affecting the qualifying features of this SAC but does describe it as ‘... one of only two known extant brine marshes in the country. Inland salt meadows area a ‘priority feature’ which restricts compensation only to where matters of human health and safety are at risk.

### *West Midlands Mere and Mosses Phase 2 Ramsar*

- 6.23 Aqualate Mere (Midlands Mere and Mosses Phase 2 Ramsar) has very minor, local roads within 200m and the risks are likely to therefore be very low. It is included on a precautionary basis. The site is not an SAC or SPA and therefore there is no supplementary conservation advice or site improvement plans to refer to.
- 6.24 This site was not screened in for air quality impacts in the previous iteration of the HRA (at Regulation 18), however following consultation with Natural England it has been screened in due to the minor roads directly adjacent to the site.
- 6.25 The APIS website<sup>41</sup> indicates that site critical loads are close to the maximum for Nitrogen and Ammonia (using Nitrogen deposition figures for short vegetation and using the thresholds for fen vegetation).

### *Motley Meadows SAC*

- 6.26 Motley Meadows SAC has very minor, local roads within 200m and the risks are likely to therefore be very low. It is included on a precautionary basis.
- 6.27 This site was not screened in for air quality impacts in the previous iteration of the HRA (at Regulation 18), however following consultation with Natural England it has been screened in due to the minor roads directly adjacent to the site and nearby (albeit small) development.
- 6.28 Natural England’s supplementary advice<sup>42</sup> sets a target to ‘Restore as necessary the concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values’. It further notes that ‘the SAC is currently exceeding the Critical Load/Level thresholds for ammonia and nitrogen. The website measures Motley against the neutral grassland threshold. It should be noted that MG4 is wet grassland with affinities and ecohydrological characteristics of fen and mire. At Motley this is evident in the occurrence of vegetation that has affinities to M22 and M24. Rich fen is given a

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<sup>41</sup> <https://www.apis.ac.uk/app>

<sup>42</sup> <http://publications.naturalengland.org.uk/publication/5720449535180800>

*threshold of 15-30kg N/ha/yr, which would suggest the risk for exceedance is higher than suggested by treating the SAC as neutral grassland.'*

## Conclusion

- 6.29 Importantly, a target to 'restore' rather than to 'maintain' (see conservation objectives above) reflects that existing background concentrations and/or rates of deposition already exceed critical levels or loads, respectively. In turn, this highlights the greater challenge of achieving the conservation objectives.
- 6.30 It is not possible to rule out adverse effects on integrity relating to air quality as a result of increased traffic associated with Policies Policy DS3 - the Spatial Strategy to 2038; Policy SA1: Strategic development location: land east of Billbrook; Policy SA2 - Strategic development location: Land at Cross Green; Policy SA3 - Strategic development location: Land north of Linthouse Lane; Policy SA4 - Strategic development location: Land north of Penkridge; Policy SA5: Housing Allocations; Policy SA7: Employment Allocations.
- 6.31 Relevant European sites are: Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar, Motte Meadows SAC.
- 6.32 It is the overall effect of the levels of growth in the Plan in-combination (e.g. with growth in neighbouring authorities) that need to be understood and assessed strategically, ensuring adequate mitigation is in place where required.
- 6.33 Traffic data are therefore needed to complete the HRA. These need to show current traffic flows (Average Annual Daily Traffic 'AADT' for all traffic and for Heavy Duty Vehicles 'HDVs') and flows at the end of the Plan period (with and without development across the Plan and other Local Plans), for each of the roads within 200m of the European sites. If these data show increases of more than 1,000 AADT or 200 HGV, then air quality assessment may be required to determine the level of pollutant deposition likely to occur at the SACs and then ecological assessment would also be needed to understand the sensitivity of the habitats within 200m of the roads to this level of deposition. Without these data is not currently possible to rule out adverse effects on the integrity of the relevant European sites.
- 6.34 Traffic data are being collected by a partnership of local authorities and the HRA will therefore require further update at submission. The partnership has commissioned separate work to determine likely traffic growth on key roads within

200m of 8 different European sites<sup>43</sup> as a result of the proposed site allocations in the various local plans, alone and in-combination. Where the determined traffic growth could result in a possible significant impact to a European site the atmospheric deposition of Nitrogen (via increased NO<sub>x</sub> and NH<sub>3</sub>) and potential for increased acidification (arising from Nitrogen in combination with SO<sub>2</sub>) will be modelled; alone and in-combination. Should the deposition of atmospheric pollutants exceed site-specific critical levels a full assessment of likely impacts upon the integrity of the European Site can then be undertaken. Where it is concluded that adoption of the Local Plan/s would result in a significant impact upon the integrity of one of more European sites, methods of delivering and securing proportionate mitigation will be outlined which can form the bases of a future strategic mitigation scheme.

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<sup>43</sup> Cannock Chase SAC, Pasturefields Salt Marsh SAC, West Midlands Mosses SAC, Midlands Meres and Mosses Ramsar Site, Midlands Meres and Mosses Phase 2 Ramsar Site, Mottey Meadows SAC, Cannock Extension Canal SAC and Fens Pools SAC

## 7. Integrity Test

- 7.1 The South Staffordshire Local Plan Review Publication Stage has been subjected to an appropriate assessment and integrity test according to the statutory provisions laid out in the Habitats Regulations 2017 as amended.
- 7.2 The long-standing strategic approach to mitigation provides the mechanism to ensure that adverse effects on integrity can be ruled out for recreation impacts on Cannock Chase SAC, alone or in-combination with other plans or projects. The strategy is currently in place and is well established. A review of the strategy has considered the extent of new housing growth in relevant local authority plans (to 2040) and the necessary mitigation, and sets out further mitigation requirements to ensure effectiveness. Dedicated policy NB3 in the Plan secures mitigation and conforms with the strategic approach adopted by neighbouring authorities within the 15km zone of influence. With the mitigation secured strategically adverse effects on integrity are eliminated and there is no need for in-combination assessment.
- 7.3 Likely significant effects were also identified from recreation Motte Meadows SAC as a result of development in and around Wheaton Aston (2 allocations, 33 dwellings in total). Given the very low proportional increase in housing, scale of growth and the distance from the SAC, risks are low and potentially negligible. Recreation patterns may be influenced to some extent by the site design, layout etc. and as such project level HRA will need to assess recreation impacts for both Wheaton Aston allocations. Lower tier, project-level assessment can be relied on to check for issues and ensure that adequate mitigation, if required, is secured. Adverse effects on integrity at Plan-level from recreation can therefore be ruled out, alone. Given the very localised nature of the issues and isolation of Motte Meadows, in-combination assessment would not change the conclusion. There are no allocations, settlements or sites in the emerging Stafford Local Plan (which is the only other local authority in close proximity to Motte Meadows) that are in close proximity.
- 7.4 Likely significant effects from water issues (relating to water quantity and quality) were triggered for Motte Meadows SAC, Cannock Chase SAC, West Midlands Meres and Mosses SAC/Midland Meres and Mosses Phase 1 Ramsar (Chartley Moss) and Midland Meres and Mosses Phase 2 Ramsar (Aqualate Mere). The appropriate assessment defers to conclusions from other competent authorities (the Environment Agency) and the relevant plans produced by the utility companies (which have been subject to HRA). Furthermore, Policy NB1 ensures general compliance with the Habitat Regulations and Policy NB7 provides the

necessary confidence that development can only proceed where water quality and supply issues have been addressed. As such adverse effects on integrity can be ruled out alone or in-combination.

- 7.5 We highlight that strategic assessments of Severn Trent Water's Drainage and Wastewater Management Plan (DWMP) are yet to be completed and are not anticipated to be ready before submission of the Plan. These are new high-level documents that provide the basis for integrated long-term planning relating to drainage, flooding and protection of the environment. Should emerging analysis carried out for DWMP provide new evidence that adverse effects on the integrity of these European sites cannot be avoided, mitigation, typically in the form of increased capacity and capability, often provided by new infrastructure, may be required. Severn Trent Water has a legal duty to provide this, but it can take time to implement. It seems clear that the Council should liaise closely with Severn Trent and Natural England so that any emerging issues are identified and incorporated into any further Plan Reviews
- 7.6 It is not possible to rule out adverse effects on integrity relating to air quality as a result of increased traffic associated with the overall quantum of growth, strategic allocations, housing and employment allocations. Relevant European sites are: Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC/Midlands Meres & Mosses Phase 1 Ramsar, Mottey Meadows SAC. This is due to the lack of available evidence on traffic flows (and potentially air quality impacts) to inform the HRA.
- 7.7 Traffic data are needed to complete the HRA. These need to show current traffic flows (AADT for all traffic and for HGVs) and flows at the end of the Plan period (with and without Plan development), for each of the roads within 200m of the European sites. If these data show increases of more than 1,000 AADT or 200 HGV, then air quality assessment may be required to determine the level of pollutant deposition likely to occur at the SACs and then ecological assessment would also be needed to understand the sensitivity of the habitats within 200m of the roads to this level of deposition. Traffic data are being collected by a partnership of local authorities and the HRA will require further update at submission.

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## Appendix 1: Appendix 1: European Site Conservation Objectives

As required by the Directives, 'Conservation Objectives' have been established by Natural England and these define the required ecologically robust state for each European site interest feature. All sites should be meeting their conservation objectives.

When being fully met, each site will be adequately contributing to the overall favourable conservation status of the species or habitat interest feature across its natural range. Where conservation objectives are not being met at a site level, and the interest feature is therefore not contributing to overall favourable conservation status of the species or habitat, plans should be in place for adequate restoration.

Natural England has embarked on a project to renew all European site Conservation Objectives, in order to ensure that they are up to date, comprehensive and easier for developers and consultants to use to inform project level Habitats Regulations Assessments in a consistent way. In 2012, Natural England issued a set of generic European site Conservation Objectives, which should be applied to each interest feature of each European site.

The generic Conservation Objectives for each European site include an overarching objective, followed by a list of attributes that are essential for the achievement of the overarching objective. Whilst the generic objectives are standardised, they are to be applied to each interest feature of each European site, and the application and achievement of those objectives will therefore be site specific and dependant on the nature and characteristics of the site. The more detailed site-specific information to underpin these generic objectives, provides much more site-specific information, and this detail plays a fundamental role in informing HRA, and importantly gives greater clarity to what might constitute an adverse effect on a site interest feature.

For SPAs the overarching objective is to:

'Avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.'

This is achieved by, subject to natural change, maintaining and restoring:

- The extent and distribution of the habitats of the qualifying features.
- The structure and function of the habitats of the qualifying features.
- The supporting processes on which the habitats of the qualifying features rely.
- The populations of the qualifying features.
- The distribution of the qualifying features within the site.

For SACs the overarching objective is to:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site

Conservation objectives inform any HRA of a plan or project, by identifying what the interest features for the site should be achieving, and what impacts may be significant for the site in terms of undermining the site's ability to meet its conservation objectives.

## Appendix 2: Conservation Interest of European Sites

Links in the table cross-reference to the Natural England website and the relevant page with the site’s conservation objectives. In the qualifying features column, for SPAs NB denotes non-breeding and B breeding features. For SACs, # denotes features for which the UK has a special responsibility. The descriptive text is adapted from Natural England’s SIP. For Ramsar sites, the qualifying features and taken from the Natural England designated site view for the relevant site<sup>44</sup>, and the link cross-references to the relevant Ramsar site information page.

Site	Reason for designation (# denotes UK special responsibility)	Pressures and threats (from relevant SIP)	
<a href="#">Cannock Chase SAC</a>	H4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> H4030 European dry heaths	Undergrazing, drainage, hydrological changes, disease, air pollution (risk of atmospheric nitrogen deposition), wildfire/arson, invasive species.	Cannock Chase is a large, diverse area of semi-natural vegetation comprising the most extensive area of lowland heathland in the Midlands with alder woodland, oak wood pasture and valley mires. The character of the vegetation is intermediate between the upland or northern heaths of England and Wales and those of southern counties. It is home to breeding Nightjar, Woodlark, occasionally Dartford warbler and a diverse invertebrate fauna.

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<sup>44</sup> <https://designatedsites.naturalengland.org.uk/>

Site	Reason for designation (# denotes UK special responsibility)	Pressures and threats (from relevant SIP)	
<a href="#">Cannock Extension Canal SAC</a>	S1831 <i>Luronium natans</i> : Floating water-plantain	Water pollution, invasive species, air pollution (risk of atmospheric nitrogen deposition).	Cannock Extension Canal SAC supports the largest known population of Floating Water-plantain <i>Luronium natans</i> in Staffordshire. Floating water-plantain is a rare, small white-flowered water plant only found in Europe. In the UK it is considered a nationally scarce plant. It is found in Wales, and central England, growing in lakes, reservoirs, ponds, slow-flowing rivers and canals. Floating water-plantain occurs as two forms: in shallow water with floating oval leaves; in deep water with submerged rosettes of narrow leaves. The assemblage of 34 aquatic plant species places this site in the top 20% of British canals. The site also has a good dragonfly assemblage.
<a href="#">Fens Pools SAC</a>	S1166 <i>Triturus cristatus</i> : Great crested newt	Overgrazing, inappropriate scrub control, disease, water pollution, habitat fragmentation.	Fens Pool is located in the heart of the Dudley urban area. It is an SAC for its assemblage of Great Crested Newts and a SSSI for open and standing water as well as Amphibian populations. The Great Crested Newts are under constant pressure from activities including: fly tipping; off road vehicles; unlicensed grazing and under-management of areas including the pools, woodland and scrub areas.
<a href="#">Mottey Meadows SAC</a>	H6510 Lowland hay meadows ( <i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i> )	Water pollution, hydrological change, water abstraction, change in land management.	This site is an outstanding floristically-diverse mesotrophic grassland where traditional late hay cutting and aftermath grazing has been perpetuated, largely unaffected by modern agricultural practices. The site is important because of its large size, variety of grassland community types and presence of rare species. Furthermore it contains an extensive example of an alluvial flood meadow.

Site	Reason for designation (# denotes UK special responsibility)	Pressures and threats (from relevant SIP)	
<a href="#">Pasturefields Salt Marsh SAC</a>	H1340# Inland salt meadows	None.	Pasturefields Salt Marsh SAC is in the River Trent floodplain and is one of only two known extant brine marshes in the country. This extremely rare habitat contains a number of halophytic plants and is locally important for breeding waders including snipe, redshank and lapwing.
<a href="#">West Midlands Mosses SAC</a> (note this SAC is comprised of four SSSIs, of which Chartley Moss SSSI is the only one within 20km of South Staffordshire District)	H3160 Natural dystrophic lakes and ponds (note this habitat is not present at Chartley Moss) H7140 Transition mires and quaking bogs	Water pollution, hydrological change, air pollution (risk of atmospheric nitrogen deposition), inappropriate scrub control, game management (pheasant rearing), forestry and woodland management, habitat fragmentation.	The West Midlands Mosses comprises four sites: Clarepool Moss, Abbots Moss, Chartley Moss and Wybunbury Moss. These support large basin mires which have developed as quaking bogs, known as Schwingmoors, together with a variety of associated hollows and pools showing various types and stages of mire development. This complexity of habitats gives rise to a diverse assemblage of associated plants and invertebrates of national significance.
Chartley Moss also lies within the <a href="#">Midlands Meres and Mosses Phase I Ramsar</a>	Open water transition fen ('mere'), lowland raised bog ('moss') and associated habitats Wetland invertebrate assemblage Wetland plant assemblage		
Aqualate Mere SSSI lies within the <a href="#">Midland Meres and Mosses Phase 2 Ramsar</a>	Open water transition fen ('mere'), lowland raised bog ('moss') and associated habitats Wetland invertebrate assemblage Wetland plant assemblage		



## Appendix 3: Screening for Likely Significant Effects

Screening for the publication version of the South Staffordshire Local Plan Review for likely significant effects (LSE). Red shaded rows indicate likely significant effects. Bold text indicates section headings within the Plan, with grey shading reflecting the main headings.

Plan section/policy	Description	LSE screening	Potential risks	Comments
<b>PART A: CONTEXT AND DEVELOPMENT STRATEGY</b>				
<b>1: Introduction</b>	Introductory text on role of Local Plan	No LSE, administrative text.		
<b>2: South Staffordshire: Setting the scene</b>	Background and context	No LSE, administrative text and context.		
<b>3: What does the Local Plan need to consider?</b>	Summary of key issues providing context and background	No LSE, administrative text and context.		
<b>4 Vision and Strategic Objectives</b>	Sets an overall vision and 13 strategic objectives	No LSE, general statements too vague to have a significant effect on a particular site.		
<b>5 Development Strategy</b>				
Green Belt	Introduces Policy DS1	No LSE. Introductory text.		
Policy DS1: Green Belt	Protective policy for Green Belt plus boundary alterations in relation to certain developments	No LSE, general policy that could not have any conceivable adverse effect on a site.		Policy relates to the green belt boundary rather than any growth or development in particular locations.
Green Belt compensatory improvements	Introduces Policy DS2	No LSE. Introductory text.		

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Plan section/policy	Description	LSE screening	Potential risks	Comments
Policy DS2: Green Belt compensatory improvements	Policy ensuring adequate compensation for Green Belt release	No LSE, general policy that could not have any conceivable adverse effect on a site.		
Open Countryside	Introduces Policy DS2	No LSE. Introductory text.		
Policy DS3: Open Countryside	Policy for the Open Countryside setting criteria for development	No LSE, general plan-wide environmental protection.		
Housing	Context and justification for later housing policies. Sets target of 9,089 dwellings (2018-2038) and sets broad distribution	No LSE, general statements, context and justification for Policy DS3		Section is scene setting and details are set (and assessed) in later policy
Gypsies and Travellers	Sets out context and justification for later policies relating to Gypsies and Travellers	No LSE, general statements, context and justification for Policy DS3		Section is scene setting and details are set (and assessed) in later policy
Employment	Provides background and context to estimates of necessary employment provision (99ha) and need for updated Economic Development Needs Assessment (EDNA)	No LSE, general statements, context and justification for Policy DS3		Section is scene setting and details are set (and assessed) in later policy
Development Needs and Spatial Strategy to 2038	Introductory text for Policy DS3	No LSE. Introductory text.		
Policy DS4: Development Needs	Sets the overall quantum of growth (9,089 dwellings), 99ha of employment land and 37 Gypsy and Traveller pitches	LSE policy which may have a significant effect on a European site alone	Recreation (LSE triggered alone for and Cannock Chase SAC and Mottey Meadows SAC) Water issues (LSE triggered alone for Mottey Meadows SAC) Air Quality	Overall quantum of growth and relevant to recreation, water and air quality pathways. Midlands Meres and Mosses Phase 2 Ramsar screened out for water issues– see DS5.

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Plan section/policy	Description	LSE screening	Potential risks	Comments
			(LSE triggered alone for Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC and Midlands Meres & Mosses Phase 1 Ramsar).	
Policy DS5: the Spatial Strategy to 2038	Determines the distribution of growth and settlement tiers	LSE policy which may have a significant effect on a European site alone	Recreation (LSE triggered alone for and Cannock Chase SAC and Mottey Meadows SAC) Water issues (LSE triggered alone for Mottey Meadows SAC) Air Quality (LSE triggered alone for Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC and Midlands Meres & Mosses Phase 1 Ramsar).	Overall quantum of growth and distribution taken to appropriate assessment and relevant to recreation, water and air quality pathways. Distribution of growth such that Midlands Meres and Mosses Phase 2 Ramsar can be screened out for water issues as the catchment for this site is only the north-western part of the District, around Blymhill.
Longer term growth aspirations for a new settlement	Introductory text to policy DS4	No LSE. Introductory text.		
Policy DS6: Longer term growth aspirations for a new settlement	A criteria based policy setting longer term aspiration of the Council to explore potential options for a new settlement	No LSE, policy listing general criteria and aspiration. Policy relates to exploring options for future plan making.		The area of search does lie within the Cannock Chase 15km zone of influence. Policy does highlight potential for good quality green and blue infrastructure and recreation opportunities. Potential for options to provide alternative destinations to Cannock Chase and good for these to be considered at an early stage.

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Plan section/policy	Description	LSE screening	Potential risks	Comments
<b>PART B: SITE ALLOCATIONS</b>				
<b>6 Site Allocations</b>				
Housing	Introductory text and context	No LSE. General policy that could not have any conceivable adverse effect on a site. Policy simply requires master plan rather than sets any specific details for allocations.		While not mentioned in the Policy, Master Plans could contribute to European site mitigation by ensuring high quality green infrastructure that deflects access away from European sites
Strategic Master Plan Locations	Introductory text for MA1 and Policies SA1-SA4	No LSE. Introductory text.		
Policy MA1: Master planning Strategic Sites	Requires a comprehensive and deliverable site-wide Strategic Master Plan (SMP) for each of the strategic sites set out in Policies SA1-SA4	No - LSE		
Land East of Bilbrook	Introductory text for strategic site	No LSE. Introductory text.		
Policy SA1: Strategic development location: land east of Bilbrook	Identifies a strategic site for major housing growth (minimum of 848 dwellings), new school, on-site retail etc.	LSE.	Recreation (LSE triggered alone for Cannock Chase SAC) Air Quality (LSE triggered alone for Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC and Midlands Meres & Mosses Phase 1 Ramsar).	Location just touches the Cannock Chase SAC 15km zone and at is least 10km from any other European site. Taken to appropriate assessment for air quality on a precautionary basis.

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Plan section/policy	Description	LSE screening	Potential risks	Comments
Land at Cross Green	Introductory text for strategic site	No LSE. Introductory text.		
Policy SA2: Strategic development location: Land at Cross Green	Identifies a strategic site for major housing growth (1200 dwellings), new school, on-site retail etc.	LSE.	Recreation (LSE triggered in-combination for Cannock Chase SAC) Air Quality (LSE triggered alone for Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC and Midlands Meres & Mosses Phase 1 Ramsar).	Site is within the Cannock Chase 15km zone and is around 9.8km from Cannock Chase Extension Canal. At least 10km from any other European site. Taken to appropriate assessment for air quality on a precautionary basis.
Land North of Linthouse Lane	Introductory text for strategic site	No LSE. Introductory text.		
Policy SA3: Strategic development location: Land north of Linthouse Lane	Identifies a strategic site for major housing growth (1200 dwellings), new school, on-site retail etc. .	LSE.	Recreation (LSE triggered alone for Cannock Chase SAC) Air Quality (LSE triggered alone for Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC and Midlands Meres & Mosses Phase 1 Ramsar).	Total dwellings potentially 1976, with 1200 by 2038. Site is within the Cannock Chase 15km zone and is around 6.5km from Cannock Chase Extension Canal. At least 10km from any other European site. Taken to appropriate assessment for air quality on a precautionary basis.
Land North of Penkrigde	Introductory text for strategic site	No LSE. Introductory text.		
Policy SA4: Strategic development location: Land north of Penkrigde	Identifies a strategic site for major housing growth (1129 dwellings), new school, on-site retail etc.	LSE.	Recreation (LSE triggered alone for Cannock Chase SAC ) Air Quality	Site is within the Cannock Chase 15km zone (around 5.0km at its closest) and is at least 10km from any other European site. Taken to

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Plan section/policy	Description	LSE screening	Potential risks	Comments
			(LSE triggered alone for Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC and Midlands Meres & Mosses Phase 1 Ramsar).	appropriate assessment for air quality on a precautionary basis.
Housing allocations	Introductory text for SA5	No LSE. Introductory text.		
Policy SA5: Housing Allocations	32 different housing allocations totalling around 2717 dwellings.	LSE policy which may have a significant effect on a European site alone	<p>Recreation (LSE triggered alone for Cannock Chase SAC and Mottey Meadows SAC)</p> <p>Water issues (LSE triggered alone for Mottey Meadows SAC)</p> <p>Air Quality (LSE triggered alone for Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC and Midlands Meres &amp; Mosses Phase 1 Ramsar).</p>	Distribution of growth such that Midlands Meres and Mosses Phase 2 Ramsar can be screened out for water issues as the catchment for this site is only the north-western part of the District, around Blymhill.
Gypsy and Travellers	Introductory text for SA6	No LSE. Introductory text.		
SA6: Gypsy and Travellers Allocations	Allocates 37 pitches across 12 sites	LSE policy which may have a significant effect on a European site alone	<p>Recreation (LSE triggered alone for Cannock Chase SAC)</p> <p>Air Quality (LSE triggered in-combination for Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands</p>	While relatively small increase in accommodation, all sites are within the Cannock Chase 15km zone.



Plan section/policy	Description	LSE screening	Potential risks	Comments
			Mosses SAC and Midlands Meres & Mosses Phase 1 Ramsar).	
Employment	Introductory text for SA6	No LSE. Introductory text.		
SA7: Employment allocation s	Text listing employment sites and supply, A total of 362.1ha allocated for employment across 6 sites, including the West Midlands Interchange	LSE. Employment sites might be likely to have a significant effect in combination	Air Quality (LSE triggered alone for Cannock Chase SAC, Cannock Extension Canal SAC, Pasturefield Saltmarsh SAC, West Midlands Mosses SAC and Midlands Meres & Mosses Phase 1 Ramsar).	WMI is a Nationally Significant Infrastructure Project. A <a href="#">Development Consent Order</a> granted permission for the WMI in 2020. The Inspector's report confirms that an HRA was undertaken for the WMI and there were no likely significant effects identified.
<b>PART C: HOMES AND COMMUNITIES</b>				
<b>7 Delivering the right homes</b>				
Policy HC1: Housing Mix	Policy sets out requirements for property sizes and mix of affordable housing	No LSE, policy that cannot lead to development or other change		
Policy HC2: Housing density	Policy sets a minimum density (35 dwellings per ha) and where this applies	No LSE, policy that cannot lead to development or other change		
Policy HC3: Affordable housing	Policy sets proportion of affordable housing for major residential development and other aspects relating to affordable housing	No LSE, policy that cannot lead to development or other change		
Policy HC4: Homes for older people and others with special housing requirements	Policy will set requirements relating to meeting the needs of ageing population	No LSE, policy that cannot lead to development or other change		

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Plan section/policy	Description	LSE screening	Potential risks	Comments
Policy HC5: Specialist housing schemes	Policy gives support for proposals for specialist housing and resist loss of specialist accommodation	No LSE, policy that cannot lead to development or other change		
Policy HC6: Rural exception sites	Policy will support sites that lie adjacent to villages in tiers 1-4 of settlement hierarchy and other aspects relating to rural exception sites	No LSE, policy that cannot lead to development or other change		
Policy HC7: First Homes Exception Sites	Policy with criteria whereby small exception sites of primarily First Homes will be supported.	No LSE, policy that cannot lead to development or other change		
Policy HC8: Self & Custom Build Housing	Policy provides support for self-build and custom housebuilding	No LSE, policy that cannot lead to development or other change		
Policy HC9 - Gypsy, traveller and travelling showpeople	Policy sets criteria where proposals for Gypsy and Traveller pitches will be supported	No LSE, policy that cannot lead to development or other change		
<b>8 Design and space standards</b>				
Policy HC10: Design requirements	Policy sets requirements to ensure high quality design	No LSE, policy that cannot lead to development or other change		
Policy HC11: Protecting residential amenity	Policy sets general principles relating to local amenity, addressing privacy, noise and disturbance and pollution.	No LSE, policy that cannot lead to development or other change		
Policy HC12: Space about dwellings and internal space standards	Policy s external space about dwellings and set requirements to meet the governments Nationally Described Space Standard	No LSE, policy that cannot lead to development or other change		
Policy HC13: Parking standards	Policy sets parking standards as in the adopted core strategy and	No LSE, policy that cannot lead to development or other change		

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Plan section/policy	Description	LSE screening	Potential risks	Comments
	introduce additional standards relating to electric vehicle charging			
<b>9 Promoting successful and sustainable communities</b>				
Policy HC14: Health Infrastructure	Policy protects existing healthcare infrastructure and ensures capacity of healthcare facilities in relation to major residential developments	No LSE, policy that cannot lead to development or other change		
Policy HC15 - Education	Policy provides support for expansion and/or improvement of educational facilities or construction of new schools to meet demand from children in new development. Policy also protects existing education infrastructure and cross-references to the latest Staffordshire Education Infrastructure Contributions Policy	No LSE, policy that cannot lead to development or other change		
Policy HC16: South Staffordshire College (Rodbaston)	Policy supports proposals for new development associated with South Staffordshire College	No LSE, policy that could not have any conceivable adverse effect on a site		Site is an established agricultural college south of Penkridge (Rodbaston). Policy does not set any specific details for growth and development at the site.
Policy HC17: Open Space	Policy protects existing open spaces and require 0.006ha of multi-functional open space per dwelling	No LSE, policy that cannot lead to development or other change		Green space provision could play a role in mitigation for recreation impacts and Cannock Chase but any such mitigation would be above and beyond the requirements in this policy. This policy will relate to general open space provision and is not mitigation.

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Plan section/policy	Description	LSE screening	Potential risks	Comments
Policy HC18: Sports facilities and playing pitches	Policy protects existing sports facilities and pitches and require further provision from major developments	No LSE, policy that cannot lead to development or other change		
Policy HC19: Green Infrastructure	Policy supports the protection, maintenance and enhancement of a network of interconnected, multi-functional and accessible green and blue spaces.	No LSE, policy that cannot lead to development or other change		Scope for the SPD to play a role in mitigation for Cannock Chase and recreation.
<b>PART D: ECONOMIC VIBRANCY</b>				
<b>10 Building a strong local economy</b>				
Policy EC1: Sustainable economic growth	Policy ensures sufficient supply of employment land, with growth focussed at currently identified employment areas.	No LSE, policy that cannot lead to development or other change		
Policy EC2: Retention of employment sites	Policy protects existing designated employment areas	No LSE, policy that cannot lead to development or other change		
Policy EC3: Employment and skills	Policy ensures future development should provide employment and training for residents and requires larger sites to provide an Employment and Skills Plan (ESP).	No LSE, policy that cannot lead to development or other change		
Policy EC3: Inclusive Growth	Policy will require applicants (developments of 100 or more residential units or 5000sqm of commercial floorspace) to submit an Employment and Skills Plan	No LSE, policy that cannot lead to development or other change		
Policy EC4: Rural Economy	Policy provides support for rural businesses while protecting rural	No LSE, policy that cannot lead to development or other change		

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Plan section/policy	Description	LSE screening	Potential risks	Comments
	character and the natural environment			
Policy EC5: Tourist accommodation	Policy supports tourist development that conforms with range of criteria	No LSE, policy that cannot lead to development or other change		Increased tourism could be linked to increased recreation at European sites, however there is no specific growth or sites promoted and policy is simply a very general and criteria based approach.
Policy EC6: Rural workers dwellings	Criteria based policy setting out where new isolated dwellings in the countryside for rural workers will be permitted	No LSE, policy that cannot lead to development or other change		Policy does not promote development or sites.
Policy EC7: Equine related development	Policy with criteria relating to horse related facilities	No LSE, policy that cannot lead to development or other change		Equine-related development close to Cannock Chase SAC could have particular risks and this would need to be checked at project-level HRA.
<b>11 Community services, facilities and infrastructure</b>				
Policy EC8: Retail	Policy sets out a 3 tier hierarchy, sets Impact Test threshold and ensures residential development doesn't result in the loss of essential services or facilities	No LSE, policy that cannot lead to development or other change		
Policy EC9: Protecting community services and facilities	Policy supports the provision of new services and facilities and seek to protect against loss.	No LSE, policy that cannot lead to development or other change		
Policy EC10: Wolverhampton Halfpenny Green Airport	Policy supports development proposals related to general aviation and existing businesses at	No LSE, policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either		Airport currently used for private flights, tuition etc. While there is a risk of development perhaps leading to increased flights or

Plan section/policy	Description	LSE screening	Potential risks	Comments
	the site (in line with EV13 in the adopted core strategy)	alone or in-combination with other policies in this plan or other plans and projects).		<p>traffic, there is no link to any European site. Policy EC10 simply supports development including replacement of existing outdated and unsustainable buildings and high-quality infill development. Policy is specific highly strategic and there is no detail to assess as to the potential for increased traffic or flights. Air quality impacts at ground level from aviation relate to planes flying low to the ground (landing and take-off) as clarified by Lee <i>et al</i> (2013); see also the APIS website<sup>45</sup>. The airport is therefore located too far from any European site (e.g. around 28km from Cannock Chase SAC, around 23.5km from Cannock Chase Extension Canal SAC and 21km from Motte Meadows SAC). The Policy is clear that development proposals should be consistent with other Local Plan policies which ensures that Policy NB1 also applies.</p>
Policy EC11: Infrastructure	Policy ensures planning permission will only be granted for proposals that have made suitable arrangements for the improvement	No LSE, policy that cannot lead to development or other change		

<sup>45</sup> <https://www.apis.ac.uk/srcl/modelling-emissions>

Plan section/policy	Description	LSE screening	Potential risks	Comments
	or provision of necessary infrastructure			
Policy EC12: Sustainable transport	Policy maximises opportunities for sustainable travel and sets criteria for new development	No LSE, policy that cannot lead to development or other change		Policy could play an incidental role in reducing air quality impacts to European sites, however it is not included in the Plan as mitigation and as such does not need be screened in for further consideration as part of appropriate assessment (following <i>People over Wind</i> )
Policy EC13: Broadband	Policy requires provision of fast and reliable broadband with new development	No LSE, policy that cannot lead to development or other change		
Policy EC14: Developer contributions	Policy will retain commitment to use S106 payments to fund all types of infrastructure	No LSE, policy that cannot lead to development or other change		
<b>PART E: THE NATURAL AND BUILT ENVIRONMENT</b>				
Policy NB1: Protecting, enhancing and expanding natural assets	Policy ensures the protection, enhancement and restoration of the natural environment	No LSE, general plan-wide environmental protection/site safeguarding policy		Policy wording ensures protection for international sites and highlights the requirements of the Habitats Regulations in a general manner. Wording is not specific in terms of mitigation requirements and therefore does not need be screened in for further consideration as part of appropriate assessment (following <i>People over Wind</i> )



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Plan section/policy	Description	LSE screening	Potential risks	Comments
Policy NB2: Biodiversity	Policy requires new development proposals to consider biodiversity and secures biodiversity net gain	No LSE, general plan-wide environmental protection/site safeguarding policy		General policy with benefits for biodiversity.
Policy NB3: Cannock Chase SAC	Specific mitigation requirements relating to recreation impacts and Cannock Chase SAC	Bespoke policy intended to avoid or reduce harmful effects on a European site. Screened in for further consideration as part of appropriate assessment.	Recreation Cannock Chase SAC	Policy sets specific mitigation requirements relating to the SAC and therefore taken to appropriate assessment (following <i>People over Wind</i> ).
Policy NB4 Landscape Character	Policy protects and enhance landscapes.	No LSE, general plan-wide environmental protection policy		
<b>13 Climate change and sustainable development</b>				
Policy NB5: Renewable and low carbon energy generation	Policy indicates general in-principle support for renewable or sustainable energy schemes and sets criteria for such proposals	No LSE, policy that cannot lead to development or other change		Policy does not promote any specific sites or locations.
Policy NB6: Sustainable construction	Policy sets requirements for net zero carbon emissions etc	No LSE, general plan-wide environmental protection policy		
Policy NB7: Managing flood risk, Sustainable drainage systems & water quality	Policy sets requirements for sustainable drainage and water quality	No LSE, general plan-wide environmental protection policy		Potentially beneficial for European sites. Wording is not specific in terms of mitigation requirements or European sites and therefore does not need be screened in for further consideration as part of appropriate assessment (following <i>People over Wind</i> )
<b>14 Enhancing the Historic Environment</b>				
Policy NB8: Protection and enhancement of the historic environment and heritage assets	Policy to promote the conservation and enhancement of the historic environment through the positive	No LSE, general plan-wide protection policy		

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Plan section/policy	Description	LSE screening	Potential risks	Comments
	management of development proposals and the safeguarding of heritage assets and their setting.			
Policy NB9: Canal network	Policy sets criteria for new canal-side development	No LSE, general plan-wide environmental protection policy		Cannock Extension Canal SAC is a European site but lies just outside the Local Plan area, as such it will not be affected by this policy. Policy highlights the importance of Canals for recreation and promotion of the Canal network for recreation may help deflect recreation pressure from more sensitive sites. )
<b>PART F: MONITORING</b>				
Appendices	List of evidence base, maps for individual sites/proformas and glossary	No LSE, general administrative text and additional information		

## Appendix 4: Housing allocations and distances to European sites

Summary of distances (km) from the closest part of each allocation to each of the relevant SAC sites. Grey shading in the column for Cannock Chase SAC indicates locations within 15km (the zone of influence for recreation impacts).

Site ref	Description	Location	Approx. no. dwellings	Policy ref	Distance (km) to nearest part						
					Cannock Chase SAC	Cannock Extension Canal SAC	Midland Meres & Mosses - Phase 1 Ramsar	Midland Meres & Mosses - Phase 2 Ramsar	Mottey Meadows SAC	Pasturefields Salt Marsh SAC	West Midlands Mosses SAC
5	Land off Cherrybrook Drive	Penkridge Y	88	SA5	4.9	11.3	15.8	15.3	8.7	11.8	15.8
10	Land at Lower Drayton Farm	Penkridge Y	750	SA4	5.1	12.6	15.2	14.4	8.3	11.1	15.2
16	Pear Tree Farm, Huntington	Huntington Y	39	SA5	2.0	7.9	15.0	19.4	12.7	11.4	15.0
79	Land south of Kiddemore Green Road	Brewood Y	43	SA5	12.3	14.1	23.4	14.4	5.2	19.4	23.4
82	Land between A449 Stafford Rd & School Lane	Coven	48	SA5	10.4	10.8	22.9	17.5	8.6	19.1	22.9
136	Land at Upper Landywood Lane (same as 13, 14, 16)	Great Wyrley Y	109	SA5	7.5	3.4	21.3	23.6	15.4	18.1	21.3
224	Land adjacent to 44 Station Road, Codsall	Codsall Y	85	SA5	16.7	15.5	28.9	18.0	9.0	24.9	28.9
239	west Wrottesley Park Rd south Safeguarded	Perton Y	150	SA5	19.8	16.9	32.3	21.3	12.7	28.4	32.3
251	Hall End Farm	Pattingham	17	SA5	23.1	20.7	30.5	21.4	13.7	31.1	35.1

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Site ref	Description	Location	Approx. no. dwellings	Policy ref	Distance (km) to nearest part						
					Cannock Chase SAC	Cannock Extension Canal SAC	Midland Meres & Mosses - Phase 1 Ramsar	Midland Meres & Mosses - Phase 2 Ramsar	Mottey Meadows SAC	Pasturefields Salt Marsh SAC	West Midlands Mosses SAC
274	Land south of White Hill, Kinver	Kinver Y	120	SA5	33.7	27.2	38.5	36.0	28.1	43.3	47.1
284	Land off Gilbert Lane	Wombourne Y	223	SA5	23.7	17.8	37.1	28.2	19.4	33.4	37.1
285	Land off Poolhouse Road	Wombourne Y	223	SA5	25.0	19.7	36.1	27.9	19.5	34.5	38.2
313	Land off Himley Lane	Swindon	22	SA5	26.5	20.6	37.5	30.1	21.6	36.2	39.9
397	Land adjacent Brinsford Lodge, Brookhouse Lodge	Featherstone Y	35	SA5	10.8	8.6	24.2	20.8	11.8	20.5	24.2
416	Land off Orton Lane (rear Strathmore Crescent)	Wombourne Y	79	SA5	23.0	17.8	36.3	26.8	18.1	32.5	36.3
420	Land north of Penkridge off A449 (east)	Penkridge Y	29	SA4	5.6	12.2	15.9	14.5	8.0	11.9	15.9
459	Land off Poolhouse Road (2), Wombourne	Wombourne Y	97	SA5	24.9	19.6	36.1	27.9	19.4	34.3	38.1
463	Land between Billy Buns Lane and Smallbrook Lane	Wombourne	179	SA5	23.3	17.5	36.7	27.8	19.1	33.0	36.7
519	Plan Land East of Bilbrook	Bilbrook	581	SA1	15.0	13.1	27.6	19.2	10.0	23.7	27.6
523	Wolverhampton Road Part 1	Cheslyn Hay	49	SA5	7.7	4.7	21.4	22.5	14.2	18.1	21.4
576	Land west of Hyde Lane	Kinver	44	SA5	33.2	26.6	38.8	35.8	27.8	42.9	46.6
582	land off Langley Road	West of Black Country	390	SA5	20.1	15.7	33.2	24.0	15.1	29.4	33.2
584	Land North of Penkridge	Penkridge Y	350	SA4	5.4	12.4	15.6	14.5	8.1	11.6	15.6

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Site ref	Description	Location	Approx. no. dwellings	Policy ref	Distance (km) to nearest part						
					Cannock Chase SAC	Cannock Extension Canal SAC	Midland Meres & Mosses - Phase 1 Ramsar	Midland Meres & Mosses - Phase 2 Ramsar	Mottey Meadows SAC	Pasturefields Salt Marsh SAC	West Midlands Mosses SAC
617		Brewood	63	SA5	11.0	12.9	22.4	14.9	6.0	18.4	22.4
638	Loades PLc	Great Wyrley	29	SA5	8.1	3.0	21.8	24.3	16.1	18.7	21.8
704	Norton Lane	Great Wyrley	31	SA5	6.2	2.4	19.9	24.0	16.3	16.8	19.9
036c	Land South of Stafford	South of Stafford	81	SA5	2.1	14.9	10.2	15.7	11.9	6.1	10.2
119a	Land of Saredon Road Part A	Cheslyn Hay	60	SA5	6.9	4.8	20.7	21.9	13.8	17.3	20.7
419 a&b	Land at Keepers Lane (Safeguarded Land)	Bilbrook Y	317	SA5	16.6	14.7	29.1	19.1	10.1	25.2	29.1
426a	Bridge Farm	Wheaton Aston Y	15	SA5	12.6	17.5	22.0	9.7	1.3	17.9	22.0
486c	Land off Blackhalve Lane	North of Black Country	1200	SA3	12.1	6.5	25.9	23.6	14.5	22.4	25.9
536a		Great Wyrley	84	SA5	8.3	3.1	22.0	24.3	16.0	18.9	22.0
562/415	North of Pool House Road Part 1	Wombourne	38	SA5	24.7	19.3	36.3	27.9	19.4	34.2	37.9
646 a&b	Land to the West of ROF Featherstone	Coven Heath/ROF Featherstone	1200	SA2	10.7	9.8	23.6	18.9	9.9	19.9	23.6
SAD Site 136	Landywood	Great Wyrley	155	SA5	7.5	3.3	21.3	23.6	15.5	18.1	21.3
SAD Site 139	Pool View, Churchbridge	Great Wyrley	46	SA5	6.1	2.7	19.8	23.7	15.9	16.7	19.8
SAD Site 141	154a Walsall Road	Great Wyrley	31	SA5	6.5	2.7	20.2	23.8	15.9	17.1	20.2

Site ref	Description	Location	Approx. no. dwellings	Policy ref	Distance (km) to nearest part						
					Cannock Chase SAC	Cannock Extension Canal SAC	Midland Meres & Mosses - Phase 1 Ramsar	Midland Meres & Mosses - Phase 2 Ramsar	Mottey Meadows SAC	Pasturefields Salt Marsh SAC	West Midlands Mosses SAC
SAD Site 228	Adult Training Centre off Histons Hill	Codsall	29	SA5	16.4	14.9	28.6	18.6	9.5	24.7	28.6
SAD Site 379	Land east of Ivetsey Road	Wheaton Aston	18	SA5	13.4	18.0	22.8	9.6	0.8	18.8	22.8