

**Cannock Chase
Special Area of Conservation (SAC) Partnership Project**



**Strategic Access Management and Monitoring Measures
'Frequently Asked Questions'**

Date issued: 18 July 2023

SAC Team
Marquis Drive
Cannock Chase
Staffordshire
WS12 4PW

T 07971 031493

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

T 0300 060 3900

The following questions and answers illustrate a number of scenarios or issues that have arisen since the strategic mitigation project began. They are not intended to represent an exhaustive list but rather to provide a supplement to the information provided in the relevant local planning authority's (LPA) published document '[Cannock Chase SAC – Guidance to mitigate the impact of residential development](#)', which is available via this web-link.

Stafford Borough Council (SBC) will require a payment for all relevant planning consents within 15km of Cannock Chase SAC. The figure is Index Linked in line with the All Items Group (Item reference CHAW) of the Retail Prices Index published by HM Government Office for National Statistics. Please click on the web-page link below for the current 'Set Developer Contribution Fee':

[Cannock Chase Special Area of Conservation \(SAC\) | Stafford Borough Council \(staffordbc.gov.uk\)](#)

To assist applicants through the planning application process a Statement of Willingness may be required at the validation stage, a Unilateral Undertaking (UU) or Section 106 agreement must be completed to secure the contribution, and an Implementation Notice may be required once development commences. In order to ensure an efficient system, templates for these documents can be sourced from the 'Cannock Chase SAC – Guidance to mitigation the impact of residential development'. No payments will be accepted without the required documentation.

Additionally, planning support to the LPAs of the Cannock Chase SAC Partnership is provided by the SAC Team's Project Officer. For any questions not covered below or if you would like to request a formal consultation response on any planning application please contact the Project Officer directly.

· **Does mitigation need to be provided for replacement dwellings?**

Where the new replacement dwelling is similar in size and scale then no developer contribution is needed. LPA planning officers - If in doubt where a replacement dwelling significantly alters the original's scale then please refer to your Guidance to mitigate document and if necessary seek advice from Natural England (NE). NB Refer applicant to Natural England's Discretionary Advice Service (DAS) where appropriate.

Developers and their agents – please refer to our DAS information page link

<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

and complete our request form;

<https://www.gov.uk/government/publications/charged-environmental-advice-service-request-form>

- **Do proposals for care homes need to provide mitigation?**

Development proposals whereby all new and future occupiers would be evidently less able to make use of recreation opportunities in the countryside, at a site like the Cannock Chase SAC / Country Park can be excluded from the developer contribution. These developments will generally tend to provide onsite, tailored outdoor space for their residents as an integral part of the development scheme. The developments that can be excluded are Class C2 hospital/nursing homes and residential care homes.

It must also be noted that C3 housing schemes coming forward aimed at those able to retire early, e.g. will attract people who are likely to still be physically active and thus possess more interest in utilising the open spaces within protected sites such as Cannock Chase SAC. These developments should be treated as residential development and thus be required to contribute to the mitigation.

There may be other development proposals which can be excluded but these will need to be assessed on a case-by-case basis and the Applicant maybe required to provide evidence to support any exclusion from the developer contribution.

- **Do proposals for Gypsy and Traveller sites need to provide mitigation?**

Permanent pitches are regarded as residential development for the purposes of the Habitats Regulations and so the LPA guidance on developer contributions applies here also.

- **Do ‘reserved matters’ applications need to provide for mitigation?**

Provided that an outline application has taken account of the most up to date Cannock Chase SAC evidence base information and a suitable developer contribution has been secured in line with the LPA’s guidance, reserved matters applications will not normally need to re-consider developer contributions.

In some cases however, where the [Habitats Regulation Assessment \(HRA\)](#) process may have been omitted previously or new information material to the SAC project and SAMMM has become available since grant of outline approval, the LPA may need to carry out further HRA and/or apply any revised developer contribution tariff. This approach is supported by legal opinion.

- **Housing in multiple occupation (HMOs)**

Only a very small proportion of development in the zone of influence around the SAC is classed as HMOs. If the HMO is within the 15km payment zone each separate unit within the building should be treated as a separate dwelling when determining the level of developer contribution required.

- **Major housing development proposals outside the 0-15km zone of influence**

The LPA will need to carry out an HRA taking into account the nature, scale and location of such developments. This assessment should consider all relevant European sites by applying the ‘source-pathway-receptor’ approach.

When considering such a development proposal's potential impacts on Cannock Chase SAC in particular, developers and competent authorities (Local Planning Authorities) should take account of the strategic project evidence base and identify ecological pathways that might reasonably link the application site with the SAC. This approach will help to ensure the LPA has suitable information to allow an HRA to be carried out.

Depending on the scale of such developments and their location in terms of ease of access to the SAC by road then design measures may be advisable to mitigate potential recreation impacts on the SAC. The evidence base and SAMMM provide further information on the nature of recreation impacts and existing measures to manage and/or mitigate these.

· **Do Hotels, Holiday lets, Camping Sites, Caravan Sites need to Provide Mitigation?**

Class C1 developments and those considered *sui generis* need to undertake HRA if they occur within 15km of Cannock Chase SAC and they could result in increased tourism or visitor use.

To allow the LPA to undertake HRA the developer will need to provide information to the authority which details: recognition of impacts; likely occupancy rates per annum during the developments operational phase; and suggestion of mitigation proportional to the recognised scale of impact.

Additionally a developer contribution to the SAMMM to allow for physical improvement to the visitor infrastructure of Cannock Chase proportional to the impacts of the developments can now be provided instead of the developer delivering their own mitigation scheme. To calculate the correct sum the following formula should be used.

$$\frac{(\text{number of rooms/tent/caravan pitches} \times \text{LPA contribution rate})}{\text{Occupancy rate per annum.}}$$

This contribution should be secured via a UU (use Standardised Cannock Chase SAC UU template) prior to the granting of planning approval and the developer contribution must be provided to the LPA prior to the commencement of any planning application.

· **When to Consider the negative impacts of air pollution**

The habitat which Cannock Chase SAC is designated for (European Lowland Heathland) is sensitive to air pollution (including Nitrogen Oxide (NOx), ammonia and nitrogen deposition). A number of different types of development can increase the levels of air pollution on Cannock Chase SAC; both directly (via increasing industrial emissions or agricultural emissions) or indirectly (via increasing traffic usage on main roads that run within 200m of the boundary of the SAC).

If an application is required to undertake an Environmental Impact Assessment (EIA), a HRA should also be undertaken to determine if it could cause harm to Cannock Chase SAC via significantly increasing the level of air pollution (directly or indirectly, alone or in combination with other developments). Please note that some non EIA applications may also require a HRA to assess air pollutants.

If it is determined that the application will cause harm to the SAC then the developer will need to propose mitigation to avoid harm or else the application will need to be refused.

· **New Stables, Trekking Centres and Equine Apparatus**

Planning applications within 15km of Cannock Chase SAC for a stable, suitable for a small number of horses, on a field which has existing equine usage does not need to provide a developer contribution. The cumulative impact of these types of development is already accounted for in the SAMMM and so covered by the existing contribution scheme.

Planning applications for new horse trekking centres, livery yards or significant extensions to existing ones within 15km of Cannock Chase SAC must undergo HRA. These will be bespoke HRA's (use the standardised form) and the scale of their impacts and what constitutes proportional mitigation will need to be determined on a case by case basis.

· **Do Prior Approval applications need to go through HRA and provide mitigation?**

Yes, applications made under The Town and Country Planning (General Permitted Development) (England) Order of 2015 still need to undergo HRA and provide mitigation if they could potentially impact the SAC, these developments will include the type of development which our evidence base shows is likely to harm Cannock Chase SAC. These types of development include (but are not limited to), conversion of offices and farm buildings into new dwellings, and temporary camping and caravan sites or holiday lets.

Under Reg 75 & 77 Of the Conservation of Habitat and Species Regulations (2017 as amended) should the permitted development application be considered to 1) be likely to result in a negative impact, 2) not be directly connected with the sites management it cannot continue until the Local Authority has completed HRA

The need for HRA comes from regulation 77 which states:

(6) ... the local planning authority must, taking account of any representations made by the appropriate nature conservation body, make an appropriate assessment of the implications of the development for the European site or European offshore marine site in view of that site's conservation objectives.

(7) In the light of the conclusions of the assessment the local planning authority may approve the development only after having ascertained that it will not adversely affect the integrity of the site.

As such the whole process of HRA process (including consultation with NE) needs to be completed prior to determining if an application is permitted development, to display that the LPA can be satisfied that the development will not adversely affect the integrity of the site.

The only way that the applicant can avoid having their Permitted Development undertake HRA is if they can provide the council (at the time of submitting their application) a letter from Natural England stating that they do not think that negative impacts to the European Site in question are likely. This process is detailed in Regulation 77.

Regulation 75 also requires that any Prior Approval application where HRA is undertaken and mitigation for impacts is found to be required must ensure that:

- **“Development must not be begun until the developer has received written notification of the approval of the local planning authority”**

Please refer to the local guidance or speak to planning officers at the relevant authority for further detail in order to meet these requirements as part of the planning consent / approval process.

An example of the process for meeting the Habitat Regulations for the Cannock Chase SAC through the planning approval process / General Permitted Development Order (GPDO) is summarised as:

1. Receive GPDO planning application
2. Complete standardized HRA + AA form (usually the standardised form) and send to N.E.
3. Inform developer of their need to make proportionate financial contribution
4. Secure contribution via Section 106 agreement / UU (use Standardised Cannock Chase SAC UU template)
5. GPDO granted (assuming other GPDO criteria met). Approval needs to include the Reg 75 planning condition
6. Developer provides contribution to LPA
7. LPA provide developer written notification of approval 8. Developer commences development