

**Cannock Chase
Special Area of Conservation Partnership Project**



**Cannock Chase SAC Planning Applications
'Frequently Asked Questions'**

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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'. You can find a copy of this on the LPA planning website under Local Plan 'evidence base'.

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 replacement dwelling significantly alters the original's scale then please refer to your Guidance to mitigate document and if necessary seek advice from 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 falling into Use class C3 are treated as residential development. A number of schemes for 'over 55s' have come forward within the SAC zone of influence in recent years and these have been treated as normal residential development. This is because of our aging society i.e. while people may choose to retire at 55 their interest in recreation is likely to be as great if not greater than residents of a younger age e.g. on account of available time and disposable income. We therefore need to ensure that these developments contribute to the SAMMM.

In contrast Use Class C2 deals with care homes for the elderly (65+) and is generally acknowledged as catering for residents with appreciably less ability than the average to make use of recreation opportunities at a site

like the Cannock chase SAC / Country Park. Such developments will generally tend to provide on site, tailored outdoor space for their residents as an integral part of the development scheme. As a result where Use Class C2 is demonstrated no developer contribution is required.

· **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 HRA and/or developer contributions.

In some cases however, where the 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 8km payment zone each separate unit within the building should be treated as a separate dwelling when determining the level of developer contribution required.

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

The LPA will need to carry out an HRA screening taking into account the nature, scale and location of such developments. This screening 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.

Alternatively 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 Atmospheric Nitrogen Deposition (NO_x)**

The habitat which Cannock Chase SAC is designated for (European Lowland Heathland) is also known to be harmed by increases in the level of atmospheric deposition of Nitrogen Oxide, Nitrite & Nitrate (collectively referred to as NO_x). A number of different types of development can increase the levels of NO_x deposition on Cannock Chase SAC; both directly (via increasing industrial emissions) or indirectly (via increasing traffic usage on main roads than run within 200m of the boundary of the SAC).

If an application is required to undertake an Environmental Impact Assessment a HRA should also be undertaken to determine if it could cause harm to Cannock Chase SAC via significantly increasing the level of NO_x deposition (directly or indirectly, alone or in combination with other developments).

If it is determined that the application will cause harm to the SAC then the developer will need to reduce their impact and/or provide mitigation proportional to their harm or else the application will need to be refused. Where NO_x deposition is determined to be an issue further detailed guidance in how to complete this bespoke HRA will be provided by the SAC Team to the DM officer considering the application.

· **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 Green 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 are for a 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 can not continue until the Local Authority has completed HRA

The need for HRA comes from regulation 77 (6) 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 reg 77(4).

Regulation 75 also requires that any Prior Approval application where HRA is undertaken and mitigation for impacts is found to be required must include the following Planning Condition:

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

As such the process for Cannock Chase SAC and GPDO is summarised as:

1. Receive GPDO application
2. Inform developer of their need to make proportionate financial contribution
3. Secure contribution via UU (use Standardised Cannock Chase SAC UU template)
4. Complete standardized HRA + AA form (usually the purple form) and send to N.E.
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