

Habitat Regulations Assessment

Open Space and Playing Pitch Supplementary Planning Document

January 2019

Introduction

- 1.1 This Habitat Regulations Assessment has been prepared to support the adoption of the Open Space and Playing Pitch Supplementary Planning Document (SPD).
- 2.1 The SPD sets out the Borough Council's approach to securing open space and playing pitches associated with new residential development, and the mechanism for securing financial contributions for improving and maintaining open space and sports pitches.
- 3.1 The aim of the SPD is to *promote and encourage health and wellbeing in East Staffordshire through appropriate and sustainable outdoor sport and recreation provision.*
- 4.1 The SPD when adopted will replace the Open Space SPD adopted in 2010, and provides further detail and guidance to the East Staffordshire Local Plan 2012 - 2031, adopted in October 2015, in particular the following policies:
 - SP23 Green Infrastructure
 - SP26 National Forest
 - SP32 Outdoor Sports and Open Space
 - SP33 Indoor Sports
 - SP34 Health and Well being
- 5.1 The SPD provides further detail and guidance on the Council's quantitative, qualitative and accessibility standards for children's play space, outdoor sport, and informal open space for new developments. It also provides clear guidance on how to calculate the requirements of individual developments, and the steps that applicants and officers will need to go through during the planning application process.
- 6.1 The SPD also includes guidance on how to calculate off site contributions, including contributions for future maintenance. Where sites are expected to be taken on by a management company, the process for this is also set out.
- 7.1 The SPD sets out in general terms the role of the planning and decision making in the delivery of the East Staffordshire Playing Pitch Strategy.

8.1 It is expected that in most cases, open spaces will be delivered on developments sites. Where appropriate, a financial contribution will be sought to improve the quality of a nearby space, with the aim of also improving the value of such spaces. The Local Plan, and SPD identifies the following 5 sports hubs where formal sports are focused:

- Shobnall Leisure Complex
- Burton Rugby Club, Tatenhill
- Holland Sports, Barton Under Needwood
- Oldfields Sports Hall, Uttoxeter
- Uttoxeter Quarry

Background to HRA

9.1 Habitats Regulation Assessment (HRA) is required by Regulation 61 the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitat Regulations) for all plans and projects which may have likely significant effects on a European site and are not directly connected with or necessary to the management of the European site.

10.1 European sites include Special Areas of Conservation, Special Protection Areas and listed Wetlands of International Importance (Ramsar sites). HRA is also required, as a matter of UK Government policy for potential SPAs, candidate SACs and proposed Ramsar sites for the purposes of considering plans and projects, which may affect them. Hereafter all of the above designated nature conservation sites are referred to as 'international sites'.

11.1 The stages of HRA process are:

- Stage 1 – Screening: To test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an international site;
- Stage 2 – Appropriate Assessment: To determine whether, in view of an international site's conservation objectives, the plan (either alone or in combination with other projects and plans) would have an adverse effect (or risk of this) on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed;
- Stage 3 – Assessment of alternative solutions: Where a plan is assessed as having an adverse impact (or risk of this) on the integrity of an international site, there should be an examination of alternatives (e.g. alternative locations and designs of development); and,
- Stage 4 – Assessment where no alternative solutions remain and where adverse impacts remain: In exceptional circumstance (e.g. where there are

imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

This report comprises the Stage 1.

Previous HRA Work

12.1 An HRA Screening Report produced for the Submission Local Plan. It is available to view at

<http://www.eaststaffsbc.gov.uk/sites/default/files/docs/planning/planningpolicy/examination/c/C23FinalHRAreportOctober2013.pdf>

The Screening Report considered impacts on the following sites:

- Midland Meres and Mosses Phase 1 RAMSAR
- Peak District Moors (South Pennine Moors Phase 1) SPA
- South Pennine Moors SAC
- Cannock Chase SAC
- Cannock Extension Canal SAC
- Pasturefields Salt Marsh SAC
- Peak District Dales SAC
- River Mease SAC
- West Midlands Mosses SAC
- Gang Mine SAC
- Bees Nest and Green Clay Pits SAC

13.1 The Screening Report concluded the following:

The principle potential effects identified and reviewed are related to additional households and employment development and how this may increase traffic within close proximity to European Sites or result in additional recreational pressure. More specifically the potential for an impact on air quality from industrial and manufacturing processes has also been considered. It has been concluded that the Local Plan Pre-Submission would not result in any significant effects to the qualifying ecological features of interest of the Natura 2000 or Ramsar sites referred to.

It is however acknowledged that the Plan may have a minor impact on cumulative effects to the Cannock Chase SAC, as a result of an increase in recreational pressure in combination with neighbouring plans. The Local Plan Pre-Submission includes a policy relating to European Sites with a focus on Cannock Chase SAC. This policy reflects work and evidence gathered by the Cannock Chase SAC Partnership. It will be important that monitoring of the implementation of the policy is carried out to ensure the requirements of the Habitat Regulations Assessment are met and individual projects do not have a negative impact on the SAC.

In addition it can be concluded that the no further work as part of the requirement to comply with the Habitats Regulations is required for Natura 2000 and Ramsar sites

referred to as part of this assessment, subject to further Partnership working with the Cannock Chase Special Area of Conservation Partnership. Should further changes be made to the development strategy, strategic sites and policies be made, a revised screening opinion or note will be produced to set out if further assessment is required.

- 14.1 In assessing the likely impact arising from implementing this SPD, consideration has been given to the two recent court judgements, namely *People Over Wind and Sweetman v Coillte Teoranta*, which rules out from consideration at the HRA screening stage any measures embedded in a plan or project designed to avoid or mitigate potentially harmful impacts on the site and *Wealden v SSCLG*, whereby cumulative impacts, particularly air quality should be given careful consideration.

Assessment and Conclusion

- 15.1 Whilst for some particular sports people may travel from outside the area to access sport and leisure facilities, it is expected that new provision will mostly cater for the needs of the current population and the expected population as a result of the development strategy.
- 16.1 It is unlikely that as a direct result of implementing this SPD that there will be an increase in visitors to any of the European Sites listed above, nor will there be additional vehicle movements on the road networks adjacent to any of the European Sites, with most journeys being short local car journeys.
- 17.1 Consideration has been given to adjacent authority Development Plan Documents which also aim to deliver services and facilities near to existing populations, reducing the need to travel. In line with the assessment of those Plans there will be no likely significant effects alone or in combination on any of the international sites caused by the SPD. Therefore an Appropriate Assessment is not required.