



Statement of Common Ground between  
Cannock Chase District Council and Natural  
England

Cannock Chase Local Plan (2018-2040)

October 2024

# Statement of Common Ground (SoCG) between Cannock Chase District Council (CCDC) and Natural England (NE)

## Introduction

1. This Statement of Common Ground (SoCG) has been prepared by Cannock Chase District Council (CCDC) and Natural England, hereafter referred to as “the parties” to inform the submission of the Cannock Chase Local Plan (2018-2040).
2. This SoCG has been prepared in accordance with national guidance and is intended to cover matters of strategic importance relevant to the parties. It documents those matters agreed by the parties with regard to the Cannock Chase Local Plan and any areas which remain subject to further discussion. This Statement of Common Ground covers the following matters:
  - Air Quality;
  - Minor wording changes
  - Habitats Regulation Assessment
3. Cannock Chase District Council published consultation material and invited comments relating to its Local Plan process at the following stages:

<b>Stage</b>	<b>Timeframe</b>
Issues and Scope	2 <sup>nd</sup> July - 28 <sup>th</sup> August 2018
Issues and Options	13 <sup>th</sup> May - 8 <sup>th</sup> July 2019
Preferred Options (Regulation 18)	19 <sup>th</sup> March -30 <sup>th</sup> April 2021
Pre-Submission (Regulation 19)	5 <sup>th</sup> February - 18 <sup>th</sup> March 2024

4. Natural England were consulted at each stage and responded as they considered appropriate.

## Geography covered by Statement of Common Ground

5. This SoCG covers the Local Authority area of Cannock Chase District Council.

## Key Strategic Matters

6. The parties have had on-going dialogue on cross-boundary planning issues over the course of many years, discussing a broad range of planning issues including strategic matters.

7. The following issues outlined below are considered to be the key strategic matters with regards to on-going plan making. Both authorities are committed to further dialogue moving forward, not just limited to the periods of plan preparation.

## Air Quality

8. In their representation made on the Reg 19. Local Plan, Natural England have expressed that they consider the pre-submission Plan in its current form is not sound or legally compliant as the Local Plan's Habitat Regulations Assessment cannot rule out adverse effects on integrity in relation to air quality from vehicles at the following internationally designated sites (Appendix 1):
  - Cannock Chase Special Area of Conservation (SAC),
  - Cannock Extension Canal SAC,
  - Pasture fields Salt Marsh SAC,
  - West Midlands Mosses SAC
  - Midlands Meres and Mosses Ramsar Phase 1 site.
9. Cannock Chase District Council recognises that this issue requires resolution and has been working collaboratively with Natural England and other relevant parties for many years to determine the impact of air pollution on the designated sites listed above. An overview of work to date is set out below.

## Background

10. The interest features of a number of European Sites in the local area are recognised as being sensitive to air pollution.
11. A new development could increase air pollution on these European Sites directly or indirectly. The two main ways this can occur are:
  - By emissions arising directly from the development during its operational life (i.e. industrial units, livestock housing units, energy generation, etc.)
  - By indirectly resulting in a significant increase in the scale of vehicular movements on roads within 200m of the SAC (this increase in vehicular movement may occur both in the construction and operational phases of the development)
12. Since being made aware of the potential issue in 2019, the Cannock Chase SAC Partnership<sup>1</sup> has undertaken a number of actions to ascertain the impact

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<sup>1</sup> 14. The SAC Partnership is a partnership between organisations who have legal responsibilities in relation to the Cannock Chase Special Area of Conservation (SAC). The purpose of the partnership is to ensure that the ecological integrity of the SAC is maintained and all legal obligations in relation to the SAC are met.

of NOx emissions and their contribution to nutrient nitrogen deposition on the SAC designation to 2050.

13. In May 2020, the SAC Partnership proposed a strategic solution to the nitrogen issue; 'A road map to mitigation scheme'. Natural England was supportive of the measures the Partnership proposed, however could not provide an assurance that they would not object to any plans and projects for the 3 year 'grace' period needed to implement the 'road map' where increased nitrogen deposition resulted in an adverse effects on the integrity of a European site.
14. The SAC Partnership agreed to commission evidence in the form of an air quality assessment to determine the likely scale of air pollution from vehicle movements on 6 Natura 2000 sites over a 20-year period (2020 to 2040). Work was due to commence in early 2020 but this was slightly delayed due to the Covid Pandemic. Data on NOx concentrations at appropriate locations was collected using diffusion tubes from October 2020 and ammonia monitoring commenced in 2021. Monitoring of both pollutants continues to date.
15. Natural England reviewed the data collected (alongside modelling predictions on the Air Pollution Information System) and were content that the NOx concentrations shown at the air quality collection points were below the threshold for concern. However, monitored ammonia concentrations were alarmingly higher than modelling predictions. In addition modelling predictions indicated that all six sites were receiving nitrogen deposition inputs above their critical loads.
16. It was necessary to establish if NOx emissions would remain under threshold once the proposed allocations in competent authority plans are factored in alongside proposals with consent or allocation in adopted local plans based on the precautionary principle, and whether the local plans would worsen the impacts of ammonia and nitrogen deposition.
17. In October of 2022, Middlemarch Environmental was instructed by South Staffordshire District Council (SSDC) to prepare a brief to provide a detailed step by step methodology of how SSDC and one or more partnership Local Planning Authorities could establish a scientific and robust evidence base to determine the likely air pollution impacts (via increased traffic generation) on several European sites should emerging Local Plan/s be adopted.
18. In August 2023 Sweco Ltd were appointed to undertake this work collating data from all participant local authorities on sites for development (committed and planned) in their area. The initial schedule would have meant the evidence was available in May 2024. Some delays have occurred as a result of reconsideration of the appropriate model to calculate ammonia emissions which has resulted in an additional cost but is necessary to ensure the

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The Partnership is funded by mitigation contributions collected by seven local authorities from new housing development within 15km of Cannock Chase. These contributions fund both the Partnership and a series of works which mitigate the increase in recreational activity arising from new development.

analysis is robust. This work is still in progress, with the traffic and transport modelling to be completed in June 2024 and the air quality modelling completed at the beginning of August 2024.

### **Summary**

19. Cannock Chase District Council has undertaken all available actions in partnership with relevant authorities and Natural England, to ascertain the impact of development proposed in the Local Plan on air quality and are committed to developing an appropriate mitigation strategy, if required.
20. The Council has sought to take a pragmatic approach to ensure that the plan could be progressed and the latest Local Plan timetable could be followed in tandem with the work on air quality. A meeting was held between CCDC and NE during the Reg 19 consultation, to acknowledge the issues identified in the HRA, and to discuss the approach towards submission and examination.
21. With the results of the evidence not available in full until August, it is recognised that NE and CCDC will need to work together on agreeing an appropriate approach to enable the plan to be submitted and examined. It is recognised that the Strategic allocations within the Local Plan are not anticipated to commence until 2028 based on the Council's housing trajectory allowing time for the road map to be implemented and appropriate mitigation to be developed (should it be needed) by the partnership is part of this consideration. Both parties are committed to finding an approach to allow the Local Plan to progress to adoption having regard to this issue.

### **Next steps**

22. The parties are reviewing the results of the evidence on traffic and air quality modelling following completion in August. A series of meetings of the SAC Partnership have taken place to discuss the implications of the findings. This will culminate in a collective Statement of Common Ground of the SAC Partnership where agreement will be reached regarding the implications of the work on air quality and any further actions that are required.
23. Any strategic mitigation strategy (if required) will need to be agreed with authorities and other members of the SAC Partnership. It is not known what timeframe this could take and it is imperative that it is properly considered. As such, it is likely that CCDC and NE will have to consider an interim approach.
24. Ultimately the solution is dependent on the results of the study, which are being analysed. Options could include bespoke mitigation strategies for strategic allocations in the Local Plan, if there is deemed to be a significant impact arising from emissions related to those sites. This was the case for the planning application for the former Rugeley Power Station site (Allocation SM1).
25. The text of proposed Policy SO7.3 does ensure that the 'case by case' approach will be implemented through the Local Plan. It states:

26. 'Where it is possible that a development may result in harm to Cannock Chase SAC via significantly increasing the atmospheric concentrations of NOx or NH3 (directly or indirectly, alone or in combination with other developments) then the Council will be required to conduct a Habitats Regulations Assessment prior to determining the application. If it is determined that the application could cause harm to the SAC then the developer will need to avoid their impact and/or provide mitigation to reduce the impact sufficiently, or else the application will need to be refused. Guidance will be provided by the Council to the developer on a case by case basis where NOx or NH3 concentrations are determined to be an issue.'

### HRA

27. The Council proposes to produce an addendum to the HRA following completion of the evidence. The Reg 19 representation from Natural England also requests that the text should also acknowledge that there may be effects at other European sites besides Cannock Chase SAC and Cannock Extension Canal SAC. They have also specifically requested that the effects of ammonia are assessed and that this should be added to the identified pollutants in the policy text. The Council agree and will ensure that the updated HRA covers these points.
28. For all other matters, Natural England confirm in their representation that they agree with the conclusions in the HRA regarding adverse effects on the integrity of European sites being ruled out relating to physical loss of habitat, recreation pressure and water quantity/quality, due to safeguards provided within Local Plan policies.

### Minor wording amendments

29. Natural England requested amendments or additions to some of the wording in the Local Plan. The following proposed amendments to text in the Local Plan have been prepared to resolve any outstanding issues and should be considered through the examination as potential modifications to the plan.

Policy/Page	NE recommendation	Proposed amendment
SO4.4, pg. 85	Recommend that the supporting text refers to the mitigation for Cannock Chase Special Area of Conservation. This could be by cross reference to policy SO7.3 Habitats Sites.	Add new paragraph after 6.143 <u>The policy should be read alongside policy SO7.3 Habitats Sites which sets out how any development which will increase tourism and visitor use of Cannock Chase SAC is subject to a mitigation charge.</u>
SO7.1 pg. 119-122	Advise that the Midland's Heathland Heartland project should be added to Strategic	Policy SO7.1 - Insert new paragraph after second paragraph:  <u>New development should support habitat connectivity and should</u>

	<p>Objective 7 as an initiative that will receive particular support.</p>	<p><u>avoid habitat fragmentation by consideration of ecological linkages between existing and new habitats. Proposals to restore heathland corridors between Cannock Chase SAC and Sutton Park will be supported.</u></p> <p>Modify Paragraph 6.280 as follows:</p> <p><u>The Midlands Heathland Heartlands project aims to better manage, protect, expand and enhance lowland heathland and associated habitats to improve biodiversity through a partnership approach from Cannock Chase to Sutton Park. The project will link and buffer existing sites while creating a network of further complementary habitats, while also providing new public access and recreational opportunities and health benefits.</u><del>There have been long term projects to connect Cannock Chase to Sutton Park and</del> †The future Nature Recovery Network Strategy will assist in identifying cross boundary corridors for long term protection.</p>
<p>Policy SO7.2, pg. 124-125</p>	<p>The BNG policy should make it clear that biodiversity net gain is not applied to irreplaceable habitats, and that any mitigation and/or compensation requirements for Habitats sites should be dealt with separately from biodiversity net gain provision.</p> <p>The policy should also set out how biodiversity net gain will be delivered and managed through the lifetime of the scheme and including monitoring requirements. This should include indicators to demonstrate the amount and type of gain provided through development. The indicators should be as specific as possible to help build an evidence base to take forward for future reviews of the plan, for example the total number</p>	<p>Policy SO7.2 Biodiversity Net Gain -</p> <ol style="list-style-type: none"> <li>1. Insert new wording to first paragraph: This policy applies unless, and until, subsequently superseded, in whole or part, by national regulations or Government policy associated with the delivery of mandatory biodiversity net gain arising from the Environment Act 2021. Where conflict between the policy below and the provisions of Government regulations or national policy arises, then the latter should prevail. <u>This policy does not apply to irreplaceable habitats set out in the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024.</u></li> <li>2. Add wording to final paragraph:</li> </ol>

	<p>and type of biodiversity units created, the number of developments achieving biodiversity net gains and a record of on-site and off-site contributions.</p> <p>Please note that the <a href="#">Statutory Biodiversity Metric</a> is now available and replaces all previous versions. We would advise updating the policy accordingly.</p>	<p>All qualifying development schemes will provide for the long term management of biodiversity features retained and enhanced within the development site and of those features created off site to compensate for development impacts. <u>This will be monitored in accordance with the legal agreement and, where applicable, a habitat management and monitoring plan.</u></p>
<p>Policy SO7.3: Habitat Sites</p>	<p>NE have suggested track changes to the wording in commentary on the draft SoCG for accuracy</p>	<p>Amend wording of fourth paragraph of Policy SO7.3</p> <p>'Where it is possible that a development may result in harm to Cannock Chase SAC via significantly increasing the atmospheric concentrations of NO<sub>x</sub>, <del>or</del> NH<sub>3</sub> <u>or nitrogen deposition</u> (directly or indirectly, alone or in combination with other developments) then the Council will be required to conduct a Habitats Regulations Assessment prior to determining the application. If it is determined that the application could cause harm to the SAC then the developer will need to avoid their impact and/or provide mitigation <del>to reduce the impact sufficiently</del> <u>for the full impact</u>, or else the application will need to be refused. Guidance will be provided by the Council to the developer on a case by case basis where NO<sub>x</sub>, <del>or</del> NH<sub>3</sub> <u>or nitrogen deposition</u> concentrations are determined to be an issue.'</p>
<p>Strategic Site Allocations pg. 156-191</p>	<p>We have particular concerns regarding the Green Belt allocations within the zone of influence of the Cannock Chase SAC and in close proximity to the Cannock Extension Canal SAC. We recommend the addition of a cross reference to policy SO7.3, to</p>	<p>For all strategic site allocations requiring Green Belt release within proximity to Cannock Chase (Policies SH1, SH2, SE1, SE2 the following words could be added at an appropriate part of the policy:</p> <p>'In line with Policy SO7.3, the proposal will be subject to screening</p>



	<p>ensure the delivery of suitable mitigation for Cannock Chase SAC and the Cannock Extension Canal SAC.</p>	<p>to determine whether it is likely to have a significant effect on the conservation objectives of a designated site. An Appropriate Assessment may be required.’</p>
<p>Policy SO8.5, pg. 150</p>	<p>There is no definition of best and most versatile (BMV) agricultural land nor high quality agricultural land within the Plan, and this should be rectified.</p>	<p>SO8.5 - Supporting text (page 150): add paragraph below 6.378:</p> <p><u>The policy seeks to safeguard the best and most versatile agricultural land (BMV) and therefore avoid unnecessary losses of the highest grade land (grades 1-3a). The agricultural land use for site allocations in the Local Plan has been considered and has factored into site assessment and the Sustainability Appraisal. For all other applications any loss of BMV will be deemed a material consideration.</u></p> <p>Add definition to the Glossary table, page 241</p> <p><u>Best and most versatile agricultural land - Land in grades 1, 2 and 3a of the Agricultural Land Classification.</u></p>

## Signatures

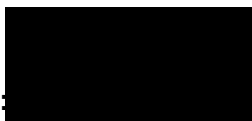
We confirm that the information in this Statement of Common Ground reflects the joint working to address identified strategic matters that has been undertaken between Cannock Chase District Council and Natural England. The parties will continue to work together to address cross-boundary and strategic issues.

### **Cannock Chase District Council**

**Name: Dean Piper**

**Position: Head of Economic Development and Planning**

**Signature:**



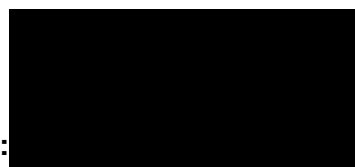
**Date: 11 November 2024**

### **Natural England**

**Name: Emma Johnson**

**Position: Deputy Director West Midlands**

**Signature:**



**Date: 18 November 2024**

Appendix 1 Map of SAC's subject to air quality assessment (source: Stafford Borough Council)

