

## **Habitats Regulations Assessment of the Black Country Core Strategy**

For  
Black Country Local Authorities and Cannock Chase  
District Council

November 2008

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# 1 INTRODUCTION AND BACKGROUND

This report is part of a series which have been prepared to provide information to the Black Country Local Authorities and Cannock Chase District Council on the implications of the Black Country Core Strategy and Cannock Chase Core Strategy on Fens Pools SAC and Cannock Extension Canal SAC. It has been prepared in accordance with Regulation 48 of the Conservation (Natural Habitats etc) Regulations 1994, as the possibility of a significant impact on the European sites has been identified.

## 1.1 Black Country Core Strategy

### 1.1.1 Purpose

The purpose of the Black Country Core Strategy is to set out the development framework for the Black Country, supported by a range of other more detailed documents such as Area Action Plans and Supplementary Planning Documents.

### 1.1.2 Description

The following text is taken from the introduction to the Black Country Core Strategy:

*“The Joint Black Country Core Strategy (the Core Strategy) will be the key document in the LDF portfolio of planning documents for each local authority. It will be a spatial planning document that will set out the vision, objectives and detailed spatial strategy for future development in the Black Country up to 2026 and specific strategic policies and targets. The document will not just consider land use, but also a comprehensive range of environmental, economic and social issues.*

*The Joint Black Country Core Strategy will progress work already undertaken by the four Black Country Boroughs and the Black Country Consortium, through the Black Country Study, which has been looking at how to effect comprehensive environmental, economic and social transformation in the Black Country. The Black Country Study provided the basis for the Phase 1 Revision of the West Midlands Regional Spatial Strategy (RSS). The aim of the Core Strategy is to produce positive, local policies which will help to change the Black Country into a place where people want to live, work and invest.”*

## 1.2 Habitats Regulations Assessment Process

### 1.2.1 Requirement for Habitats Regulations Assessment

EU Directive 92/43/EC on the Conservation of Natural Habitats and Wild Fauna and Flora, known more commonly as the Habitats Directive, provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of community interest through the establishment and conservation of an EU wide network of sites known as Natura 2000. Natura 2000 sites include Special Areas of Conservation (SACs), designated under the Habitats Directive, and Special Protection Areas (SPAs), designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive establish a requirement for competent authorities to undertake Appropriate Assessment of any plan or project likely to have a significant effect upon Natura 2000 sites. The assessment is termed ‘Appropriate Assessment’ because the assessment should be appropriate to its purpose under the Habitats Directive prescribed in Articles 6(3) and (4); to assess the implications of the plan in respect of the site’s ‘conservation objectives’.

In the light of the conclusions of the Appropriate Assessment the competent authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and where the plan cannot pass further stringent tests described in Article 6(4).

The Habitats Directive is implemented in the UK via the Conservation (Natural Habitats, &c.) Regulations 1994. Amendments to the Conservation (Natural Habitats, &c.) Regulations 1994 came into force in August 2007. These include a requirement for Appropriate Assessments to be undertaken for land use plans when such plans are likely to have a significant effect on a European site and are not directly connected with or necessary to the management of the site in accordance with its conservation objectives.

### 1.2.2 *Habitats Regulations Assessment at the Plan Level*

Habitats Regulations Assessment is an assessment of the potential effects of a proposed plan on one or more Natura 2000 sites. The process of investigating the potential effects of a plan or project on European Sites is known as Habitats Regulations Assessment, to distinguish it from the term Appropriate Assessment as referred to in the Conservation (Natural Habitats, &c.) Regulations 1994, which actually means a statement from the competent authority (in this case the relevant local authority) which identifies whether the plan does, or does not affect the integrity of Natura 2000 site(s).

The purpose of Habitats Regulations Assessment of plans is to ensure that the protection of European sites is part of the planning process at both a regional and local level.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. Firstly the plan should aim to *avoid* any negative impacts on Natura 2000 sites by identifying possible impacts early in the plan-making process and writing the plan in order to avoid such impacts. Secondly *mitigation measures* should be applied during the process to the point where no adverse impacts on the site(s) remain.

If the plan is still likely to result in adverse effects and no further practicable mitigation is possible then it should not be taken forward. Under such a scenario the plan may have to undergo an assessment of alternative solutions. Then *compensatory measures* are required for any remaining adverse effects but they are permitted only if (a) there are no alternative solutions and (b) the plan is required for imperative reasons of overriding public interest.

### 1.2.3 *Habitats Regulations Assessment Guidance*

The Habitats Regulations Assessment process undertaken by WYGE has been developed in accordance with the following guidance:

- The Conservation (Natural Habitats, &c.) Regulations 1994, as amended
- EU Directive 92/43/EC on the Conservation of Natural Habitats and Wild Fauna and Flora
- DCLG (2006) Planning for the Protection of European Sites: Appropriate Assessment (Consultation Document)
- EC (2001) Assessment of plans and projects significantly affecting Natura 2000 sites: methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC
- Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants (2006) Appropriate Assessment of Plans.

### 1.2.4 *Habitats Regulations Assessment Stages*

The Habitats Regulations Assessment process involves the following tasks split according to the DCLG (2006) guidance stages. Tasks 2 and 3 are not always required, as they are dependent on the outcome of Task 1.

Table 1: Habitats Regulations Assessment stages

<b>Task 1</b>	<b>Likely significant effects (Screening)</b>
	Collect information on Natura 2000 sites Consult with Natural England Determine whether the plan has potential to have a significant effect on Natura 2000 sites Identify plans and projects likely to have in-combination effects
<b>Task 2</b>	<b>Appropriate Assessment and ascertaining the effect on site integrity</b>
	Determine whether, in view of the sites' nature conservation objectives, the plan would have an adverse effect on the integrity of the sites Take account of the plan's effects "in combination" with other plans and projects
<b>Task 3</b>	<b>Mitigation measures and alternative solutions</b>
	Identify mitigation measures and/or alternatives to ensure that there are no adverse effects on the integrity of the sites

### 1.3 Relationship with Habitats Regulations Assessment of the West Midlands Regional Spatial Strategy

The West Midlands Regional Spatial Strategy (WMRSS) is the umbrella document covering regional policies and issues for the West Midlands. The Black Country Core Strategy is effectively a subsidiary document of the WMRSS and draws directly on it to provide guidance as to how the regional policies are to be implemented in the Black Country, in the same way that the Black Country Core Strategy provides district-wide guidance which is then implemented in more detailed sub-documents for specific issues.

Habitats Regulations Assessments of Phases 1 and 2 of the review of the West Midlands Regional Spatial Strategy have recently been prepared by URSUS and Treweek Environmental Consultants.

Owing to the relationship between the WMRSS and the Black Country Core Strategy, the Habitats Regulations Assessment of the Black Country Core Strategy can be considered subsidiary to the Habitats Regulations Assessment of the WMRSS, and the findings of the URSUS/Treweek report will be taken into account in this study.

### 1.4 Information used in the Assessment

Information used in the assessment is presented in the following baseline reports:

- WYGE (2007) Cannock Extension Canal SAC Baseline Report
- WYGE (2007) Fens Pools SAC Baseline Report

### 1.5 Professional judgment

Professional judgment has been used throughout this study. This is particularly relevant to decisions made in relation to potential impacts, since the amount of detail available on the construction and operation of the developments proposed in the plan is necessarily limited. Therefore, the approach has been to identify risks as far as practicable.

The reliability of professional judgment can be quantified to some extent by reference to the experience of the professional concerned. This report was authored by Gail Quartly-Bishop with technical direction and review from Duncan Watson.

*Duncan Watson MIEEM CEnv  
Associate Director*

Duncan has been a professional ecologist for over 12 years and has extensive experience in directing, managing and undertaking a wide range of ecological projects. He has undertaken a number of projects within and adjacent to European protected sites, several of which have involved Appropriate Assessment under regulation 48 of the Habitats Directive.

*Gail Quartly-Bishop MIEEM CEnv  
Senior Ecologist*

Gail has been a professional ecologist since 1998 and has a particular interest in Habitats Regulations Assessment including Appropriate Assessment. She has been involved in assessments of a number of projects and plans with complex technical and legal issues and as such has a good understanding of the legislative framework, prevailing guidance and process of Appropriate Assessment.

## **1.6 Purpose and scope of this report**

This report covers Task 1: Screening, as follows:

- Collect information on Natura 2000 sites by reference to the Baseline Reports
- Consult with Natural England
- Determine whether the plan has potential to have a significant effect on Natura 2000 sites
- Identify plans and projects likely to have in-combination effects

This second issue of the screening report reflects discussions with Black Country Local Authorities regarding suggested amendments to the Core Strategy arising from Issue 1 of the report in November 2007.

## 2 NATURA 2000 SITES

### 2.1 Introduction

The first task in the Habitats Regulations Assessment process involves *evidence gathering* to enable the potential for significant effects upon Natura 2000 sites to be determined.

### 2.2 Natura 2000 sites considered in this report

There are two Natura 2000 sites within the Black Country administrative area:

- Cannock Extension Canal SAC (SK019044 to SK020069) – a canal supporting floating water-plantain
- Fens Pools SAC (SO920888) – designated for its great crested newt population

Several other Natura 2000 sites were identified within approximately 20km of the boundaries of the Black Country:

- Cannock Chase SAC (SJ990180) – an area of lowland heath
- West Midlands Mosses SAC & Ramsar (Chartley Moss; SK027283) – quaking bog and natural pool
- Motte Meadows SAC (SJ840134) - lowland hay meadow
- River Mease SAC (SK360144 – SK195148) - river habitat and aquatic fauna
- West Midlands Ramsar<sup>1</sup> (Aqualate Mere; SJ770205) – habitats, invertebrates, breeding and passage birds

The scope of the Habitats Regulations Assessment has been set by the Black Country local authorities in tender documentation dated 5<sup>th</sup> February 2007. The brief states that the scope of the assessment for the Black Country Core Strategy includes Cannock Extension Canal SAC and Fens Pools SAC only.

This is broadly in line with current guidance, as the majority of the sites outside the Black Country are designated for their habitats, which are most unlikely to be affected by activity in the Black Country. Brief comment on each site is given below:

- Cannock Chase SAC

The impact of activity in Cannock Chase District on this site is to be fully considered by a joint Habitats Regulations Assessment for this site commissioned separately by Cannock Chase District and Staffordshire County Council. The assessment includes an investigation of potential in-combination effects of other local authority plans such as the Black Country Core Strategy.

- West Midlands Mosses SAC & Ramsar (Chartley Moss)

This site is designated for its wetland habitats, which are highly dependent on local hydrology and water quality. Since Chartley Moss is separated from the Black Country by the River Trent, it is in a wholly different catchment and there is no obvious pathway whereby activity in the Black Country could affect the site (air quality has been considered at regional level by the RSS HRA).

- Motte Meadows SAC

This site is in the valley of the River Penk, which joins the Trent east of Stafford. Since the site is designated for lowland hay meadow, there is no obvious impact pathway to consider at county/district level.

- River Mease SAC

This river is separated from the Black Country by several other tributaries of the Trent and so there is no obvious impact pathway by which development in the Black Country could affect the site.

- West Midlands Ramsar (Aqualate Mere)

This site is close to Chartley Moss and the same comments apply.

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<sup>1</sup> In accordance with PPS9, Ramsar sites are treated as Natura 2000 sites for planning purposes, although strictly speaking they are not protected under the Habitats Regulations.

### 2.3 Evidence gathering

In order to determine the likely effects of the Black Country Core Strategy, information has been collected to determine:

- The characteristics of the Natura 2000 sites;
- The reasons why the sites have been designated (the qualifying interest features);
- The environmental factors required to sustain the qualifying interest features and site integrity; and
- The nature conservation objectives of the Natura 2000 sites.

The following data and information has been collected:

- Latest Natural England condition surveys of the sites;
- Recent surveys of the sites undertaken by or on behalf of the local authorities or other relevant bodies;
- Species and habitat data for the sites; and
- Other relevant data held by Natural England including conservation objectives.

The compiled information for the sites is presented in the following reports and summarised below.

- WYGE (2007) Cannock Extension Canal SAC Baseline Report
- WYGE (2007) Fens Pools SAC Baseline Report

Cannock Extension Canal SAC is designated for one qualifying feature, its population of floating water-plantain *Luronium natans*, an aquatic plant. Floating water-plantain is protected across Europe and in the UK via the Habitats Regulations (it is a “European protected species”). The most recent condition assessment for the SSSI (August 2003) records that the site is in unfavourable condition with no change. The reason given is “water pollution – agriculture/run off”. However, the latest surveys for floating water-plantain show that it is still present at the site.

Fens Pools SAC is designated for one qualifying feature, its population of great crested newts. The great crested newt is a European protected species for which the UK has international responsibility. The site is considered to be in favourable condition and the last survey recorded high numbers of great crested newts.

### **3 SCREENING METHODOLOGY FOR LIKELY SIGNIFICANT EFFECTS**

#### **3.1 Introduction**

Stage 1 of the Appropriate Assessment (AA) process (covered by this report) identifies whether a plan is likely to have a significant effect on a Natura 2000 site.

#### **3.2 Review of the Habitats Regulations Assessments of the Phase 1 and 2 revisions to the West Midlands Regional Spatial Strategy**

The reports of the above assessments were reviewed to determine whether any potential impacts on Cannock Extension Canal SAC and/or Fens Pools SAC had been screened out at regional level.

#### **3.3 Detailed Screening Methodology**

The Black Country Core Strategy Issues and Options have been screened in detail to determine the potential impact of the Core Strategy on Cannock Extension Canal SAC and Fens Pools SAC, since both sites are within the administrative boundary.

For each option it has been determined whether the option could have a positive, neutral (no effect) or adverse effect upon the SAC. This is illustrated through the use of symbols in the tables in Appendix A. Commentary has been provided in each table to explain the likely effects that have been identified.

The assessment considers the following impacts:

*Direct impacts* – represent a straight route between an action or event and a resultant effect on the ecological interest feature. For example, development that removes habitat for which the SAC was designated.

*Indirect impacts* – do not arise directly from the plan but instead occur away from the original effect or as a result of a complex pathway. For example, development which alters the hydrology of a catchment area, which in turn affects the movement of groundwater to a site and the qualifying features which rely on the maintenance of water levels.

*Induced impacts* – are secondary actions which may result from the actions set out in the plan, so those impacts arising from development which promotes further development or change which, in turn, affects the integrity of European sites. These are non ecological impacts in the first instance but could result in ecological impacts later in the pathway of effects. For example, the building of a ring road around a town which may encourage infilling with new homes between the existing town and the road and increase the size of the town with consequent impacts on site integrity.

It should be noted that the precautionary principle has been used when assessing whether effects may be significant. In cases where information is not available or where there is doubt and further research is needed Stage 2 should be undertaken.

The following factors identified as having potential to affect Cannock Extension Canal have been considered:

- Boat traffic – too much or too little
- Silt removal/dredging
- Direct loss of habitat supporting floating water-plantain
- Management of vegetation e.g. clearance for fishing access
- Water quality – point sources – including road drains, and runoff from Little Wyrley Common caused by illegal off-road activity
- Bottom feeding fish
- Invasive plants e.g. *Azolla*
- Routine canal maintenance activities

- Water quality – agricultural runoff – nutrients
- Water quality – agricultural runoff – herbicides etc
- Water quality – agricultural activity – siltation e.g. due to ploughing
- Management of water levels
- Invasive animals e.g. signal crayfish

The above factors are taken from WYGE (2007) Cannock Extension Canal SAC Baseline Report.

The following factors were identified as having potential to affect Fens Pools SAC (taken from the Baseline Report):

- Development of land adjacent to the SAC – particularly where the land supports great crested newts, as these are considered by Natural England to form part of the same metapopulation as those animals breeding within the SAC
- Infill of greenspace – this could affect habitat linkages and thus dispersal of great crested newts to/from areas beyond the SAC itself
- Local hydrology – though this is poorly understood
- Risk of accidental spillages entering the SAC from local factories, etc
- Recreational pressure, principally angling
- Adverse water quality changes arising from existing contamination on site (for example, as a result of maintenance works on site)

## 4 SCREENING RESULTS

### 4.1 Review of Habitats Regulations Assessments of the West Midlands Regional Spatial Strategy

#### 4.1.1 Phase 1 of the West Midlands Regional Spatial Strategy

The Habitats Regulations Assessment did not identify any possible likely significant effects or in-combination effects on Cannock Extension Canal SAC.

In respect of Fens Pools, recreational pressure and land use change leading to impacts on protected species outside the protected area were identified as possible likely significant impacts arising from the Phase 1 revisions.

In relation to land use change, the HRA recommended changes to the RSS in Phase One, as summarised below:

*“This includes a policy stating that “The Brierley Hill and Dudley Area Action Plan will define a Northern Limit to development and land use at Brierley Hill which lies south of the SSSI surrounding the SAC Fens Pools”. The Phase One AA Report also recommends that subsequent AAs undertaken for LDDs or for specific developments in the area take into account the importance of supporting terrestrial habitat to the integrity of the site.”*

#### 4.1.2 Phase 2 of the West Midlands Regional Spatial Strategy

The Habitats Regulations Assessment considered the following potential effects of the WMRSS on Cannock Extension Canal SAC:

- Recreational pressure and disturbance
- Water quantity
- Water quality
- Air pollution
- Invasive species

Of these, water quantity, air pollution and invasive species were screened out as unlikely to result in significant impact.

Recreational pressure was identified as a likely significant impact of the WMRSS as a result of population growth in Walsall and Cannock in combination with the effects of other plans and policies relating to tourism in the area. An increase in boat traffic could have implications for the qualifying feature due to direct disturbance, effects on water clarity and possible effects on chemical water quality.

A possible likely significant effect was identified in relation to water quality, since road runoff is currently believed to be an issue at the site and the WMRSS could result in increased traffic in the local area, particularly on the A5(T).

The site is to be taken forward for examination in Stage 2 of the Habitats Regulations Assessment of the WMRSS in relation to recreational pressure and water quality.

As a result of the assessment of the WMRSS, this study will not consider the issues of water quantity, air pollution and invasive species, which have been screened out at regional level. This study will focus on identifying district and local level impacts, with particular reference to recreational pressure and water quality.

The Habitats Regulations Assessment considered the following potential effects of the WMRSS on Fens Pools SAC:

- Land take/land use change
- Recreational pressure and disturbance

- Water quality

Of these, water quality was screened out as unlikely to be affected by RSS policies. Possible likely significant impacts were identified in relation to land use change and recreational pressure. These issues were also raised in respect of the Phase 1 proposed revisions and are discussed above. All of these issues could potentially be affected by the Core Strategy and so all are considered in this report.

## **4.2 Screening outcome**

The tables in Appendix A show the results in full of the screening process for each policy contained within the Core Strategy. The tables overleaf summarise the results.

A number of issues have been dealt with by amending parts of the Core Strategy document to ensure that an appropriate level of emphasis on nature conservation protection is contained within each relevant policy area (see section 4.3).

The amended Core Strategy is now considered to have no likely significant effects on Fens Pools SAC, and some of the potential impacts on Cannock Extension Canal SAC identified in Issue 1 of the screening report have also been discounted.

It can be seen that there is one major area where possible significant effect has been identified that cannot be addressed through relatively minor amendments to parts of the Core Strategy document. This is the likely increase in traffic on the A5, M6 Toll and other local roads as a result of developments promoted by the Core Strategy and other adjacent local and regional authorities, which could have effects on water quality in Cannock Extension Canal SAC

This issue is to be investigated at Stage 2 (see section 4.3 for details).

Table 2: Summary of effects on Cannock Extension Canal SAC

Impact pathway	Potential effect of Core Strategy on Cannock Extension Canal SAC	Likely significant effect?
Boat traffic	No specific canal restoration or recreation or transport policies included in Core Strategy. However, promotion of housing in canalside locations would be expected to also promote recreational use of the canal. In particular, one of the Regeneration Areas is just 1km from the site. The Core Strategy has been amended to ensure that such developments take account of and fully mitigate for any potential effects.	No
Silt removal/dredging	No proposals likely to result in silt removal/dredging other than as an increased requirement for maintenance of the canal. The amendment of the Core Strategy, as above, should ensure that this is not necessary.	No
Direct loss of habitat supporting floating water-plantain	None.	No
Management of vegetation e.g. clearance for fishing platforms	Promotion of the canal as a recreational site could result in increased unofficial use of the site by anglers. Increased angling activity could be detrimental to the floating water-plantain through removal of vegetation. However, angling would not be promoted directly by actions arising from the Core Strategy and an increased budget for visitor promotions could be used in part to deter angling here in favour of more suitable sites elsewhere.	No
Water quality from point sources e.g. road drains	<p>The Core Strategy promotes developments of all kinds which are likely to be situated both in the area local to the SAC and throughout the District. The SAC is located close to the A5 and M6 Toll, both major routes. Increases in traffic on these routes could potentially result in deterioration of water quality within the SAC, although it is unclear whether a direct pathway exists between the road drains and the site.</p> <p>Development in the area local to the SAC could result in increased traffic on local roads, particularly the B4154 which runs alongside and over the SAC for most of its length. Again, deterioration of water quality from road run-off could result.</p>	Yes
Bottom feeding fish	Promotion of the canal as a recreational site could result in increased unofficial use of the site by anglers. Increased angling activity could be detrimental to the floating water-plantain through the introduction or promotion of bottom-feeding fish such as carp species, which create conditions unfavourable for floating water-plantain by disturbing the bottom sediments. However, angling would not be promoted directly by actions arising from the Core Strategy and an increased budget for visitor promotions could be used in part to deter angling here in favour of more suitable sites elsewhere.	No
Invasive plants	Canal restoration for recreational or transport purposes would result in increased boat traffic and the potential for invasive plants to be more readily transported into or within the SAC. However, the most likely species to be transported in this manner would be <i>Azolla</i> , which is already present at the site.	No

Impact pathway	Potential effect of Core Strategy on Cannock Extension Canal SAC	Likely significant effect?
Routine canal maintenance	At present, canal maintenance by British Waterways is minimal. Should the canal be restored for recreational and/or transport purposes, this would increase the requirement for maintenance activities (other than dredging, which is discussed above). Such activities may include repairs to the canal walls, etc. Amendment of the Core Strategy, as discussed above, should ensure that this is not the case.	No
Agricultural run-off	The Core Strategy promotes the selection of urban and/or brownfield sites over those in the green belt which are most likely to be agricultural. As the SAC is in the green belt, is it unlikely that the Core Strategy would have any effect on agricultural run-off in the local area.	No
Management of water levels	Water levels in the canal are managed by British Waterways. As noted under "Routine canal maintenance", British Waterways are aware that nature conservation is a major consideration in management of canal sites and would be unlikely to undertake water level management to the detriment of the floating water-plantain. However, should canal restoration be undertaken, it is possible that this could require future management of water levels which could have unavoidable adverse effects on floating water-plantain. Amendment of the Core Strategy regarding recreational activities on the Canal should reduce this impact to unlikely.	No
Invasive animal species e.g. signal crayfish	It is most unlikely that developments and/or activities promoted by the Core Strategy would have any effect on the presence or otherwise of invasive animal species in the SAC.	No

**In relation to the current draft of the Core Strategy Issues and Options paper, therefore, it is not possible to state without reasonable scientific doubt that the Core Strategy will not result in significant impacts on Cannock Extension Canal SAC.**

Table 3: Summary of effects on Fens Pools SAC

Impact pathway	Potential effect of Core Strategy on Fens Pools SAC	Likely significant effect?
Development of land adjacent to the SAC	The SAC is located in a regeneration area and employment land focus area, as well as being close to Brierley Hill, so this area will be a focus of future development and development of land adjacent to the SAC is a possibility, although it is acknowledged that much of this area is designated at local and/or national level for nature conservation, which offers a degree of protection. The Core Strategy is to be amended to make clear that the area around the SAC utilised by great crested newts is to be protected from development.	No
Infill of greenspace	The SAC is located in a regeneration area and employment land focus area, as well as being close to Brierley Hill, so this area will be a focus of future development and infill of greenspace which is not designated for nature conservation reasons is highly likely. However, no greenspace infill is expected in the area around the SAC.	No
Local hydrology	In principle, development of land adjacent to the SAC could affect local hydrology. The Core Strategy is to be amended to make clear that the area around the SAC is to be protected from development.	No
Risk of accidental spillages entering the SAC from local factories, etc	See above with respect to effects on hydrology	No
Recreational pressure, principally angling	The SAC is located in a regeneration area and is within 5km of Brierley Hill and additional regeneration areas. It is highly likely that this will lead to increased population and increased recreational pressure. However, the large lakes (which do not contain great crested newts) are the visitor hotspots at Fens Pools and it is not thought that visitor pressure in the area supporting the newts is likely to increase to the extent that there would be significant effects on the newt population (Paul Hancox, site manager, pers.comm).	No
Adverse water quality changes arising from existing contamination on site (for example, as a result of maintenance works on site)	This is a maintenance issue for the site but could also be triggered by development adjacent to the site. However, the existence of contamination on the site is known and no development is likely to proceed without proper remediation to protect the environment	No

**In relation to the current draft of the Core Strategy Issues and Options paper combined with the amendments, therefore, it is considered that the Core Strategy will not result in likely significant impacts on Fens Pools SAC.**

## **4.3 Next steps and mitigation**

### *4.3.1 Approach*

The Core Strategy sets out principles for development control decisions. It does not set out individual proposals, so there is insufficient detail to decide on a site by site basis whether there may be an impact on Fens Pools SAC or Cannock Extension Canal SAC. Subsidiary documents based on the principles in the Core Strategy will provide this level of detail during the course of preparation, for example site allocations, and may require Habitats Regulations Assessment in their own right.

The relationship of the Core Strategy to subsidiary documents such as the site allocations paper is important in demonstrating how the Core Strategy will comply with the Habitats Regulations. Current guidance on Habitats Regulations Assessment of plans indicates that all plans are to be considered independently; that is, it is not acceptable for the Habitats Regulations Assessment of the Core Strategy to refer the issue downwards by stating, for instance, that the assessment would be dealt with at site allocations stage. A clear statement of effects on Natura 2000 sites, if any, must be produced for each plan assessed.

Since all of the subsidiary documents in the LDF need to be produced in accordance with the Core Strategy, the key issue in terms of compliance with the Regulations is to ensure that the principles set out in the Core Strategy, particularly those relating to nature conservation and site selection criteria, are worded such that it is not possible for subsidiary documents complying with these principles to result in significant adverse impacts on Natura 2000 sites.

This is likely to result in a degree of overlap between the Core Strategy and Development Control Policies document in the area of protection of Natura 2000 sites. However, because they are treated independently in terms of Habitats Regulations Assessment, a clear statement of how protection of Natura 2000 sites will be achieved is required in both documents.

The sections below discuss amendments to the Core Strategy which have been designed to avoid some of the adverse effects identified in the original draft of the Issues and Options paper.

### *4.3.2 Recreational activity on Cannock Extension Canal*

The identification of Bloxwich – Birchills – Bescot as a regeneration area, in particular the potential for canalside housing, has been identified as possibly promoting recreational use of Cannock Extension Canal SAC, including angling. However, this could be mitigated by careful design of new developments and promotion of visitor activities which are unlikely to affect the qualifying feature (e.g. walking) rather than activities with potential for adverse impacts (e.g. boating). If promoting canalside housing and development, the Core Strategy needs to acknowledge that impacts are possible and include a commitment to careful design and visitor management. The Core Strategy should also mention Cannock Extension Canal SAC in the context of this regeneration area.

### *4.3.3 Tackling the potential effects of road run-off on Cannock Extension Canal SAC*

Changes in the quality of road run-off as a result of increased traffic reflect the cumulative impact of all developments and activities within the Black Country and surrounding region. Although some developments may have a greater impact than others on traffic levels (e.g. logistics), road run-off is not an issue which can be effectively dealt with at the site allocation or project level. This issue requires further assessment at Stage 2 to determine the following:

- What is the relationship, if any, between road drains serving the A5 and M6 Toll and the SAC?

If it can be demonstrated that there is no pathway for road run-off from the A5 and M6 Toll to reach the SAC, the potential for a likely significant effect from increased traffic on these roads can be discounted. Conversely, if a likely pathway is found, water protection measures may need to be identified for implementation at District level to prevent impacts. This will require working with the Highways Agency and Environment Agency to obtain and analyse information, and could be influenced by the outcome of any further relevant work on the Regional Spatial Strategy.

- What is the relationship, if any, between the SAC and road drains serving the local roads in the catchment of the SAC?

This investigation aims to identify particular local roads which may be causing water quality issues at present or have the potential to do so in future if traffic levels increase. The purpose of this is to provide guidance on when development proposals in the local area should trigger a traffic and transport assessment providing information on predicted traffic changes and how this information on traffic changes should be used to identify when improvements in drainage arrangements should be required as part of the infrastructure provided with the development. This will require working with the District's Highways Department, Planning Department and Environment Agency to obtain and analyse information.

#### 4.3.4 *Recreational activity on Fens Pools SAC*

Issue 1 of this report considered that increased population in the local area could result in increased recreational use of Fens Pools Nature Reserve and that a significant impact on the site was therefore possible due to the increase in related activities such as illegal fish stocking and littering which may affect newt populations. Following discussions on this topic with the Black Country local authorities and the site manager, it emerged that although Brierley Hill, in particular, is thought to be undersupplied with public greenspace, the current pattern of visitor activity is that the large fishing lakes are the hotspot, with few visitors straying from this area into the northern part of the site where the majority of newt ponds are situated. Consequently, increase in visitor numbers would, in actual fact, not be likely to have a significant impact on newt populations. In order to support this, the Core Strategy will contain a statement regarding continued support for the management of Fens Pools Nature Reserve for nature conservation and public enjoyment.

#### 4.3.5 *Development near Fens Pools SAC and great crested newt metapopulations*

Issue 1 of this report considered that infill of greenspace adjacent to the SAC and in the wider area had the potential for likely significant impacts due to loss of habitat and loss of habitat connectivity.

Following discussions on this subject with the Black Country local authorities, it has been agreed that the Core Strategy will be amended to state that land adjacent to the SAC comprising Fens Pools Nature Reserve, the SSSI and locally designated wildlife site would be protected from development. This reflects current planning policy for the area which is intended to be continued through the LDF process. This means that the possibility of a significant impact arising from development adjacent to the SAC is completely removed.

The population of great crested newts at Barrow Hill predates a recent introduction of great crested newts into this area (Robert Duff, Natural England, *pers. comm*). This suggests that existing habitat connectivity is possible between the two populations, although the main road represents a substantial barrier to great crested newt movement. In actual fact, there are aspirations to create improved habitat linkages in future through the Environmental Transformation scheme. Although development in the Barrow Hill area has the potential to affect the local great crested newt population (depending on the extent of development), if this were the case, the strict legal protection for great crested newts would ensure that no scheme with the potential to affect the favourable conservation status of great crested newts in the local area would receive consent. Infill of greenspace in the Barrow Hill area would not generate a likely significant impact on the SAC.

#### 4.3.6 *Minerals and waste development*

Minerals and waste development poses particular problems in considering the potential impact on the SACs, because both sites are within areas of mineral reserves. The Core Strategy needs to demonstrate that the required minerals can be obtained without forcing sites close to Fens Pools and Cannock Extension Canal to be worked in an unsustainable way. The majority of impacts can be mitigated at project level and the amendment of the Core Strategy to protect land around Fens Pools is sufficient that significant impacts are not likely for either site.

#### 4.3.7 *Effect of the mitigation*

The effect of the mitigation suggested above would be to prevent potential adverse impacts on Natura 2000 sites arising from the application of the principles in the Core Strategy to other land use plans and development control decisions.

Further investigation at Stage 2 is required to identify measures which can be taken to prevent water quality impacts on Cannock Extension Canal SAC arising from traffic increases caused by developments across the District.

Finally, further investigation of potential in-combination effects is also required at Stage 2 (see next chapter).

## 5 POTENTIAL IN-COMBINATION EFFECTS WITH OTHER PLANS OR PROJECTS

### 5.1 Identifying other plans and projects with potential in-combination effects

Other plans for areas within 15km of Cannock Extension Canal and Fens Pools SAC have been considered. This is in line with the current consensus on approach based on that set out in Scott Wilson *et al* (2006), which involves considering plans at a similar level to the one being assessed. In this case, this is district and county level plans.

Typically, only those plans or projects which have not yet been implemented but for which full details are available can be considered. Therefore, plans for which the preferred options report, submitted draft or adopted plan is available at the time of writing can be considered. Plans at the issues and options stage are not sufficiently complete to allow consideration, although if more detailed information becomes available prior to adoption of the Black Country Core Strategy, these should be revisited.

The second criterion for selecting plans for consideration is whether they are likely to have ecological effects. Plans dealing with, for example, design quality of buildings, or business opening hours, are clearly unlikely to have significant ecological impacts and can be removed from the study. Similarly, plans which have already been assessed as having no impact at all on the European sites can be removed from consideration, although plans assessed as having less than significant adverse impacts need to be included.

Finally, plans which do not have clear spatial expression cannot reasonably be assessed for their in-combination effects.

The table in Appendix B summarises the process of identifying plans for consideration.

The following plans will be taken forward for consideration:

- Staffordshire & Stoke-on-Trent Structure Plan 1996 - 2011
- Staffordshire Local Transport Plan
- Warwickshire Local Transport Plan 2006 - 2011
- Shropshire Local Transport Plan
- Worcestershire Local Transport Plan 2006 – 2011
- Cannock Chase Local Plan
- Wolverhampton Unitary Development Plan 2001 - 2011
- Walsall Unitary Development Plan
- Sandwell Unitary Development Plan
- Dudley Unitary Development Plan
- Lichfield Local Plan
- South Staffordshire Adopted Local Plan
- North Warwickshire Local Plan
- Wyre Forest District Local Plan
- Bromsgrove District Local Plan 2004
- Bromsgrove Local Development Framework
- Bridgnorth District Local Plan
- Bridgnorth Local Development Framework

The potential for an in-combination effect relates to the identified potential effect of increased traffic on the A5 and M6 Toll on Cannock Extension Canal SAC, which is to be investigated at Stage 2.

**APPENDIX A**

**SCREENING TABLE**

**Key**



Option is considered to have a likely significant adverse effect (no mitigation possible)



Option is considered to have a likely significant adverse effect (mitigation possible)



Option is considered to have a minor adverse effect (mitigation possible)



Neutral: Option is considered to have no effect



Option is considered likely to have a minor beneficial effect



Option is considered likely to have a major beneficial effect

### Core Strategy Objectives

Core Strategy Objective	Potential Effect on Natura 2000 sites		Next Steps / Mitigation
<p>To reverse out-migration: Accommodating within the Black Country all locally generated household growth from 2011 Meeting at least the levels of housing provision identified in the RSS</p>	~	<p>Promotes new development. However, this objective is non-specific about quality and location of housing and there are no indications that it would be impossible to meet RSS requirements without using housing sites likely to result in significant impacts on either SAC.</p>	n/a
<p>To raise income levels: Raising demand and household incomes (average earnings, GDP per head and reducing unemployment) to the UK average by 2033</p>	~	<p>Very general and so unlikely to produce identifiable impacts on Natura 2000 sites.</p>	n/a
<p>To create an inclusive and cohesive society: Removing barriers to opportunity Changing the socio-economic mix by increasing the proportion of social grades A and B to match the national profile by 2033</p>	~	<p>Increasing the proportion of A and B grades will require the provision of high quality housing, which is currently considered to be lacking in the Black Country. This objective is non-specific and impacts of housing are dealt with in more detail below.</p>	n/a
<p>To transform the Black Country environment: Protecting and enhancing the sub-region's environmental and heritage assets and biodiversity Implementing the Black Country as Urban Park concept</p>	✓	<p>Likely to have a beneficial effect overall. Although the commitment to protect and enhance heritage assets could be construed as promoting canal restoration/increased use, the overall commitment to enhancing environmental capital means that actual adverse impacts are unlikely and that both sites would benefit.</p>	n/a

## Key Spatial Options

Key Spatial Option	Potential Effect on Natura 2000 sites	Next Steps / Mitigation
<b>Regeneration Corridors</b>		
Pendeford – Fordhouses	~ This site is over 10km from both SACs under consideration. Direct impacts from regeneration in this area are therefore unlikely.	n/a
Stafford Road	~ This site is over 10km from both SACs under consideration. Direct impacts from regeneration in this area are therefore unlikely.	n/a
South of Wolverhampton City Centre	~ This is over 10km from Cannock Extension Canal SAC and in a different catchment from Fens Pools SAC. Direct impacts from regeneration in this area are therefore unlikely.	n/a
Bilston Corridor	~ This is approximately 10km from both SACs under consideration. Direct impacts from regeneration in this area are therefore unlikely.	n/a
Loxdale – Moxley	~ This is approximately 10km from both SACs under consideration. Direct impacts from regeneration in this area are therefore unlikely.	n/a
Darlaston – Willenhall – Wednesfield	~ This is over 10km from Fens Pools and separated from Cannock Extension Canal by built development including the M6. There is a link from Darlaston to Cannock Extension Canal via the Wyrley and Essington Canal, which runs through Darlaston Strategic Development Area. This is a proposed large employment site, so it is unlikely that the development would generate increased recreational (boat) use which could have a knock-on effect on Cannock Extension Canal.	n/a
Bloxwich – Birchills – Bescot	✘ This is sufficiently far away from Fens Pools for no direct impacts to be anticipated. However, the town of Bloxwich is less than 1km from the junction of the Cannock Extension Canal and the Wyrley and Essington Canal, which runs through part of the regeneration corridor. The Core Strategy Issues and Options paper specifically mentions canalside locations being preferred for new housing. Such developments have the potential to indirectly promote recreational activity on the Cannock Extension Canal, with the potential for impacts on the qualifying feature caused by increased angling, boating or other aquatic activities. However, these impacts could be mitigated by careful design of new developments and promotion of visitor activities which are unlikely to affect the qualifying feature (e.g. walking) rather than activities with potential for adverse impacts (e.g. boating).	Text on this regeneration corridor should include mention of the nearby Cannock Extension Canal SAC and note that any proposals involving recreational activity on the canal will need to be designed such that there is no risk of an increase in potentially damaging activities on Cannock Extension Canal.

Key Spatial Option	Potential Effect on Natura 2000 sites	Next Steps / Mitigation
<b>Regeneration Corridors</b>		
Hill Top, Sandwell	<p style="text-align: center;">~</p> <p>This is at a distance of 10km plus from both sites, so no direct impacts from this particular site can be anticipated.</p>	n/a
Tipton – Dudley Port – Brades Village	<p style="text-align: center;">✘</p> <p>This is distant from Cannock Extension Canal but around 5km from Fens Pools, a distance within which it would be an attractive option for new residents of the regeneration area looking for outdoor recreation. Recreational activity has been identified in the RSS HRA as a potential likely significant effect. However, further investigation has shown that this is in fact unlikely to be an issue for the qualifying features of the site.</p>	See section 4.3.4 for discussion of recreational pressure on Fens Pools.
Pensnett – Kingswinford	<p style="text-align: center;">✘</p> <p>This is distant from Cannock Extension Canal but adjacent to Fens Pools, making it an attractive option for new residents of the regeneration area looking for outdoor recreation. Recreational activity has been identified in the RSS HRA as a potential likely significant effect. However, further investigation has shown that this is in fact unlikely to be an issue for the qualifying features of the site.</p> <p>The text on this regeneration area specifically mentions large opportunity sites at Oak Lane and Tansey Green Lane, which are adjacent to Pensnett Trading Estate and allocated for employment development in the current Local Plan. These sites are just 1km from Fens Pools at the closest point, albeit separated from it by the A4101 and existing built development. Usually, when assessing the potential for a development to affect great crested newts, development outside a 500m radius of a breeding pond is considered to pose minimal risk of harm to newts during the construction phase. However, it must be remembered that great crested newt populations often exist as metapopulations. This means that if there were to be ponds near the Pensnett Trading Estate development sites containing great crested newts and ponds between the development sites and Fens Pools SAC containing great crested newts, it is likely that all these newts form one metapopulation. Issue 1 of this report raised this as a possible likely significant impact, but it has later emerged that there are not thought to be substantive links between the Fens Pools population of great crested newts and those in the Barrow Hill area (adjacent to the trading estate).</p>	See sections 4.3.4 and 4.3.5 for discussion of developments near Fens Pools.
Dudley – Brierley Hill – Stourbridge	<p style="text-align: center;">✘</p> <p>This regeneration area is distant from Cannock Extension Canal but lies to the south-east of Fens Pools SAC. As such, development in this area has the potential for recreational impacts on Fens Pools and also impacts arising from land use change if there is a metapopulation of great crested newts in this area. Issues will be the same as those for Pensnett-Kingswinford regeneration corridor (see above).</p>	See above.
Oldbury – West Bromwich – Smethwick	<p style="text-align: center;">✘</p> <p>This area is distant from Cannock Extension Canal SAC but approximately 5km from Fens Pools at the nearest point. Impacts from increased housing capacity via recreational use of the Nature Reserve are therefore possible. See text on Tipton – Dudley Port – Brades Village above.</p>	See Tipton regeneration corridor.

Key Spatial Option	Potential Effect on Natura 2000 sites		Next Steps / Mitigation
<b>Regeneration Corridors</b>			
Rowley Regis – Jewellery Line	✘	This area is distant from Cannock Extension Canal SAC but approximately 5km from Fens Pools at the nearest point. Impacts from increased housing capacity via recreational use of the Nature Reserve are therefore possible. See text on Tipton Regeneration Corridor above.	See Tipton regeneration corridor.
Coombs Wood – Halesowen	✘	This area is distant from Cannock Extension Canal SAC but approximately 5km from Fens Pools at the nearest point. Impacts from increased housing capacity via recreational use of the Nature Reserve are therefore possible. See text on Tipton Regeneration Corridor above.	See Tipton regeneration corridor.
Free-standing Employment Sites and Areas (outside Regeneration Corridors)	~	The Core Strategy notes that there are a number of sites outside regeneration corridors with potential as employment sites. Each is to be assessed on its own merits and there are no indications that any of such sites are likely to be considered an important priority for the Black Country (unlike the Regeneration Corridors). Consequently, sites with potential for significant effects on either SAC are unlikely to be required to be taken forward by this policy.	n/a
<b>Regeneration Corridor Options</b>			
Option 1: Concentrated Development within the Centres and Regeneration Corridors – Safeguarding Local Employment Opportunities	~	Both options involve developing the same land, with differences in the proportion of employment and housing land and in the emphasis on centralisation. Given that the issues identified above are increases in recreation and land use change, neither is better in terms of its potential impact on the SACs.	n/a
Option 2: Dispersed Development within the Centres and Regeneration Corridors – Providing Greater Housing Choice	~	See above	n/a

### Important Issues for the Black Country

Core Strategy Issue	Potential Effect on Natura 2000 sites		Next Steps / Mitigation
Black Country Landscape Action Plan	✓✓	The Landscape Action Plan will link in with the Biodiversity Action Plan to deliver biodiversity and landscape projects with the potential for direct benefits to both SACs, Fens Pools in particular.	n/a
Sustainable and energy efficient construction	✓	Providing for sustainable and energy efficient construction benefits the environment in general.	n/a
Renewable energy	~	Potentially suitable renewable energy options are explored by the Core Strategy. Micro-turbines appear to be implementable without risk of causing significant impacts, given careful siting and mitigation design. Promotion of biomass fuels has the potential to promote land use change in the green rural parts of the area, which could affect Cannock Extension Canal SAC. There are no indications that the Core Strategy would require any of these technologies to be exploited in a way that would cause harm to the SACs.	n/a
Local character and distinctiveness	~	This issue deals with the landscape and townscape of the Black Country and so is essentially likely only to affect the appearance, rather than the siting or nature of new development. As such, there would be no impacts on the SACs.	n/a
<b>Economy</b>			
Employment Land Investment Corridors	✗	The four employment land investment corridors are described as general areas in the Core Strategy. One of the four, Black Country West, incorporates the area including Fens Pools SAC. Consequently, land use change in this area has the potential to result in adverse impacts on the population of great crested newts in the same way as the proposed Regeneration Corridor at Pensnett – Kingswinford. See discussion of this Regeneration Corridor for more detail.	See Regeneration Corridors- Pensnett - Kingswinford
High technology employment	~	The type of employment land use does not necessarily affect the probability of a significant impact on the SACs.	n/a

Core Strategy Issue	Potential Effect on Natura 2000 sites		Next Steps / Mitigation
Manufacturing and logistics	XX	Whereas traffic is generally considered to be the cumulative impact of many developments, siting logistics development in close proximity to Cannock Extension Canal SAC (i.e. by the M6 Toll and/or A5) has the potential to create a measurable direct impact on the SAC if a link between poor water quality in the SAC and road runoff can be established.	The potential link between traffic and water quality in Cannock Extension Canal SAC needs investigation at Stage 2. If a link is proven, all logistics developments would be expected to be supported by a traffic impact assessment and this should be extended to include assessment of adverse water quality changes (if any) where the M6 Toll, A5 or roads local to Cannock Extension Canal SAC would be affected by increased traffic.
<b>Centres</b>			
Brierley Hill	X	This is located within the Dudley-Brierley Hill-Stourbridge Regeneration Corridor and the same comments apply here.	See comments on Dudley-Brierley Hill- Stourbridge Regeneration Corridor
Walsall	~	Development in Walsall is unlikely to affect either SAC directly.	n/a
West Bromwich	~	Development in West Bromwich is unlikely to affect either SAC directly.	n/a
Wolverhampton	~	Development in Wolverhampton is unlikely to affect either SAC directly.	n/a

Core Strategy Issue	Potential Effect on Natura 2000 sites		Next Steps / Mitigation
Potential for additional retail and office development both in and outside of the centres as a result of RSS Phase 2 revisions	~	The Core Strategy is correct to mention this. However, the impacts would be as a consequence of the Phase 2 revisions and therefore have been dealt with as part of the HRA of this regional document.	n/a
Local and convenience shopping	✘	At present, the text regarding local and convenience shopping is non-specific and so no firm conclusions can be drawn. However, since Cannock Extension Canal is in a rural area and in the current Green Belt, impacts from this type of development appear unlikely. Fens Pools, however, is in an urban area with high potential for land use change, potentially including this type of development. This is discussed under Pensnett-Kingswinford Regeneration Corridor above.	See comments under Pensnett-Kingswinford Regeneration Corridor.
Cultural, leisure and entertainment facilities	✘	This text focuses on town centre-based leisure facilities. For the majority of centres, no direct impacts on the SACs can be anticipated. However, land use change in Brierley Hill could have the potential to affect Fens Pools by affecting the population of great crested newts living outside the protected area (if it extends as far as Brierley Hill). This is discussed under the Dudley-Brierley Hill-Stourbridge Regeneration Corridor.	See comments under Dudley-Brierley Hill-Stourbridge Regeneration Corridor.
<b>Community Facilities and Infrastructure</b>			
Community facilities and centres	✘	At present, the text regarding community facilities is non-specific and so no firm conclusions can be drawn. However, since Cannock Extension Canal is in a rural area and in the current Green Belt, impacts from this type of development appear unlikely. Fens Pools, however, is in an urban area with high potential for land use change, potentially including this type of development. This is discussed under Pensnett-Kingswinford Regeneration Corridor above.	See comments under Pensnett-Kingswinford Regeneration Corridor.
Regional and local sports centres	✘	At present, the text regarding sports facilities is non-specific and so no firm conclusions can be drawn. However, since Cannock Extension Canal is in a rural area and in the current Green Belt, impacts from this type of development appear unlikely unless substantial traffic changes on local roads, the M6 Toll or the A5 would be precipitated by the provision of this type of facility. Fens Pools, however, is in an urban area with high potential for land use change, potentially including this type of development. This is discussed under Pensnett-Kingswinford Regeneration Corridor above.	See comments under Pensnett-Kingswinford Regeneration Corridor.

Core Strategy Issue	Potential Effect on Natura 2000 sites		Next Steps / Mitigation
Utilities provision – needs and constraints	✘	At present, the text regarding infrastructure facilities is non-specific and so no firm conclusions can be drawn. Clearly, in much of the Black Country, provision of new infrastructure can be undertaken without risk of significant effect on either SAC, because of the distances involved. However, use of sites close to or in the catchment of Cannock Extension Canal and Fens Pools SAC demands further investigation to ensure that the sites selected can be developed without risk of significant effect.	The presence of the SACs should be acknowledged as a potential constraint on infrastructure development.
<b>Housing</b>			
Housing Market Intervention Areas and Housing Market Renewal Area	✔	There is potential to actually generate benefit to the SACs through the process of housing market intervention. New housing on the site of demolished unsuitable housing offers the opportunity to provide better greenspace provision, encouraging residents to use new local greenspace instead of traveling to Fens Pools or Cannock Extension where they may unwittingly contribute to damage to the qualifying features.	The Core Strategy could strengthen this by including text on expectations regarding improved greenspace provision, particularly for developments within 5km of either SAC.
High quality housing provision and associated infrastructure	~	Generally, housing aimed at wealthier socio-economic groups tends to be larger units at lower density and so take up more land than the equivalent number of smaller homes aimed at less affluent groups. However, this need not create environmental problems as higher standards of landscaping and environmental protection are also expected by wealthier individuals (on average). It seems unlikely that the social demographic of the intended purchasers of the housing would make any difference to Natura 2000 sites.	n/a
Residential intensification in popular areas	~	Current A/B residential areas are all at some distance from the SACs, suggesting that if residential intensification were promoted, there would be little or no impact.	n/a
Affordable housing provision – different in different parts of the Black Country	~	Discussion of this issue is fairly general at this stage of the Core Strategy and so at present no impacts can be identified. However, when selecting areas for concentrations of affordable housing, consideration should be given as to whether housing intensification in the selected areas has the potential to generate impacts on the SACs. All areas within 5km of these sites should be provided with enhanced greenspace as standard and/or assistance to Fens Pools Nature Reserve management.	n/a
<b>Transport and Accessibility</b>			

Core Strategy Issue	Potential Effect on Natura 2000 sites		Next Steps / Mitigation
Transport improvements in line with the Local Transport Plan	✘ ✘	Transport improvements appear unlikely to affect Fens Pools SAC directly, although indirect effects relating to dispersal of great crested newts are possible. The potential for increased traffic on the M6 Toll, A5 and other roads local to Cannock Extension Canal has been identified as a potential likely significant effect at regional level.	Transport improvements within 2km of Fens Pools SAC should be subject to enhanced assessment for great crested newts as discussed above. Transport improvements affecting the M6 Toll, A5 and roads local to Cannock Extension Canal will require further investigation to see whether an adverse water quality impact can be linked to transport changes. This can be further investigated at stage 2.
<b>Minerals</b>			
Minerals Safeguarding Areas – quantity	✘	The quantity of minerals required affects the number and therefore location of sites to be worked. The greater the amount required, the more likely it is that sites close to the SACs would be worked.	The Core Strategy needs to demonstrate that the required minerals can be had without forcing sites close to Fens Pools and Cannock Extension Canal to be worked in an unsustainable way. The majority of impacts can be mitigated at project level.
Minerals Safeguarding Areas - locations	✘	Both SACs are located in areas of mineral reserves (according to the Minerals Background Paper) and, in particular, Fens Pools is close to existing Minerals Safeguarding Areas. Such developments, whether new or extended, have the potential to generate land use change and increased traffic as well as adverse changes in water quality. They therefore have the potential to generate likely significant effects on one or both sites.	See above.
<b>Waste</b>			
Protection of existing waste management facilities	~	Existing facilities are fairly remote from both SACs and so no impacts can be identified here.	n/a
New landfills on sites of former mineral workings	✘	Such sites include existing mineral workings within 5km of both SACs, with the potential for mitigable impacts.	The Core Strategy needs to demonstrate that needs for new landfill on sites of former mineral workings can be achieved without using sites close to the SACs.

Core Strategy Issue	Potential Effect on Natura 2000 sites		Next Steps / Mitigation
Hill Top, Sandwell – proposed large waste management facility	~	This site is remote from both SACs and so unlikely to generate a direct impact.	n/a
Open windrow composting facilities	✘	These facilities can only be developed at sites remote from human habitation, so Fens Pools SAC is not at risk from a policy promoting composting. Cannock Extension Canal, by contrast, is in a rural area within the Green Belt which might potentially be considered suitable. Such a facility would generate traffic, involve land use change and potentially cause adverse water quality changes. These impacts are all mitigable, but it would be better to avoid the area around Cannock Extension Canal in the first instance.	The Core Strategy needs to outline areas considered suitable for this type of facility and if possible demonstrate that needs can be met without using areas close to Cannock Extension Canal SAC.
Household waste transfer/recycling stations	✘	Locating such facilities close to Fens Pools SAC would be subject to the same constraints already identified in relation to great crested newts using land outside the protected area. It is unlikely that such sites would be located close to Cannock Extension Canal SAC.	See regeneration corridors for discussion of land use change impacts on Fens Pools SAC.
New waste management facilities (municipal and commercial)	✘	Locating such facilities close to Fens Pools SAC would be subject to the same constraints already identified in relation to great crested newts using land outside the protected area. It is unlikely that such sites would be located close to Cannock Extension Canal SAC.	See regeneration corridors for discussion of land use change impacts on Fens Pools SAC.
Requirement for new developments to demonstrate commitment to waste minimisation	✓	This directly benefits the environment throughout the Black Country.	n/a

## **APPENDIX B**

### **SCREENING OF PLANS FOR POTENTIAL IN-COMBINATION EFFECTS**

Plan name	Location	Stage	Sustainability appraisal, SEA or HRA completed?	Likely effects on SAC sites?	Clear spatial expression	Comments	Take forward for consideration?
<b>County level plans (Black Country, Staffordshire etc)</b>							
Black Country Study = West Midlands Regional Spatial Strategy Phase 1 revisions	Covers area containing Cannock Extension Canal SAC and Fens Pools SAC	Phase 1 revisions complete (Black Country Study)	Yes – see main text	Yes – see main text	No.	See main text	See main text
Staffordshire & Stoke-on-Trent Structure Plan 1996 - 2011	Covers area containing part of Cannock Extension Canal SAC	Adopted.	None found	Policies R7 and R8 deal with canals.	No.	When the RSS and local LDFs are complete, the Structure Plan will be defunct. However, at present, the policies have been saved.	Yes
Staffordshire & Stoke-on-Trent Minerals Local Plan 1994 - 2006	Covers area containing part of Cannock Extension Canal SAC	Adopted.	None found.	No, no proposals in area near SAC.	Yes	Will be superseded by Staffordshire Minerals and Waste Development Framework	No
Staffordshire & Stoke-on-Trent Waste Local Plan 1998 - 2011	Covers area containing part of Cannock Extension Canal SAC	Adopted	Yes – all policies recorded as either positive impact on biodiversity or no impact.	No	No	Relies on Best Practicable Environmental Option for considering applications – therefore no impact likely. See also policy 3 re site selection criteria	No
Staffordshire Local Transport Plan	Covers area containing part of Cannock Extension Canal SAC	Submitted March 2006	SEA completed in June 2006	Network management component of plan identified as having minor adverse effects on nature conservation/biodiversity, presumably as a result of increased traffic capacity. This will include the major routes near the SAC.	Some proposals can be understood geographically but many are network-wide.	Replacement of Pelsall Road Bridge (over the SAC) is listed in the plan and is currently being implemented, so not suitable for consideration.	Yes
Warwickshire Structure Plan 1996 - 2011	Parts of area are within 15km of Cannock Extension Canal SAC	Adopted and policies saved.	None found.	Development in Warwickshire might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes for some elements.	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	The Local Transport Plan provides a much greater level of detail on proposals and will be examined to represent transport activity in Warwickshire which could affect the site.
Warwickshire Local Transport Plan 2006 - 2011	Parts of area are within 15km of Cannock Extension Canal SAC	Adopted 2006	SEA (2005)	see above	Yes for some elements	Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes

Plan name	Location	Stage	Sustainability appraisal, SEA or HRA completed?	Likely effects on SAC sites?	Clear spatial expression	Comments	Take forward for consideration?
Warwickshire Waste Local Plan	Parts of area are within 15km of Cannock Extension Canal SAC	Adopted 1995 and currently under review, with some policies saved.	None found.	See above	Yes	See above	No.
Warwickshire Waste Development Framework	Parts of area are within 15km of Cannock Extension Canal SAC	At Preferred Options stage.	Sustainability appraisal planned but no reports available as yet.	None identified, clear criteria have been set for the assessment of sites and transport options to ensure environmental protection.	Site allocations document not yet available.		No.
Warwickshire Minerals Local Plan	Parts of area are within 15km of Cannock Extension Canal SAC	Adopted 1995 and currently under review, with some policies saved.	None found.	See above	Yes	See above	No.
Warwickshire Minerals Development Framework	Parts of area are within 15km of Cannock Extension Canal SAC	At Preferred Options stage.	Sustainability appraisal planned but no reports available as yet.	None identified, clear criteria have been set for the assessment of sites and transport options to ensure environmental protection.	Site allocations document not yet available.		No.
Shropshire and Telford & Wrekin Joint Structure Plan 1996-2011	Within 15km of Fens Pools SAC	Adopted 2002, with some policies saved	Brief sustainability appraisal	None identified in SA. Hard to assess as full details of plan not available online.	Yes	See above	No
Shropshire Local Transport Plan	Within 15km of Fens Pools SAC	Adopted 2006	SEA completed	Plan contains detailed environmental strategy	Yes for some elements	Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes
Shropshire and Telford & Wrekin Joint Minerals Plan 1996-2006	Within 15km of Fens Pools SAC	Adopted 2002, with some policies saved	Brief sustainability appraisal	None identified in SA. Hard to assess as full details of plan not available online.	Yes	See above	No

Plan name	Location	Stage	Sustainability appraisal, SEA or HRA completed?	Likely effects on SAC sites?	Clear spatial expression	Comments	Take forward for consideration?
Shropshire Waste Local Plan 2002-2014	Within 15km of Fens Pools SAC	Adopted 2000, with some policies saved	Brief sustainability appraisal	None identified in SA. Hard to assess as full details of plan not available online.	Yes	See above	No
Shropshire Local Development Framework	Within 15km of Fens Pools SAC	Under review	Yes	None identified	Yes for some elements	See above	No on grounds of current status.
Worcestershire County Structure Plan 1996 – 2011	Within 15km of Fens Pools SAC	Adopted	None found	Development in Worcestershire might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes for some elements.	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	The Local Transport Plan provides a much greater level of detail on proposals and will be examined to represent transport activity which could affect the sites.
Worcestershire Minerals Local Plan	Within 15km of Fens Pools SAC	Adopted 1997	None found	Development in Worcestershire might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes for some elements.	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	The Local Transport Plan provides a much greater level of detail on proposals and will be examined to represent transport activity which could affect the sites.
Worcestershire Local Transport Plan 2006 – 2011	Within 15km of Fens Pools SAC	Adopted	None found	Nothing specific, but general traffic in the area will affect the A5 and M6 toll	Some proposals can be understood geographically but many are network-wide.	Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes
Worcestershire Waste Core Strategy	Within 15km of Fens Pools SAC	Under review	Yes	None identified	Yes in the form of site allocations	See above	No
<b>Borough level plans</b>							
Cannock Chase Local Plan	Covers area containing part of Cannock Extension Canal SAC	Adopted 1997; currently in force	None found.	Yes – allocation for tourist development immediately west of the Cannock Extension Canal, plus protects line of proposed Hatherton Canal restoration	Yes (site allocations)	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes

Plan name	Location	Stage	Sustainability appraisal, SEA or HRA completed?	Likely effects on SAC sites?	Clear spatial expression	Comments	Take forward for consideration?
Wolverhampton Unitary Development Plan 2001 - 2011	Parts of area are within 15km of both sites	Adopted 2006 and policies have been saved until LDF is ready	None found.	Development in Wolverhampton might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes (site allocations)	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes
Walsall Unitary Development Plan	Covers area containing part of Cannock Extension Canal SAC; within 15km of Fens Pools SAC	Adopted March 2005, currently in force until new LDF is ready	None found	Development in Walsall might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes (site allocations)	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes
Sandwell Unitary Development Plan	Parts of area are within 15km of Cannock Extension Canal SAC and Fens Pools SAC	Adopted April 2004 and policies saved until LDF is ready for implementation.	None found	Development in Sandwell might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes (site allocations)	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes
Dudley Unitary Development Plan	Area contains Fens Pools SAC. Parts of area are within 15km of Cannock Extension Canal SAC	Adopted 2005.	None found	Development in Dudley might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes (site allocations)	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes
Lichfield Local Plan	Parts of area are within 15km of Cannock Extension Canal SAC	Adopted 1998.	None found	Development in Lichfield might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes (site allocations)	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes
Lichfield Local Development Framework	Parts of area are within 15km of Cannock Extension Canal SAC	Early stage of preparation	Too early in process.	Too early to say, but see above.	No		No
South Staffordshire Adopted Local Plan	Parts of area are within 15km of Cannock Extension Canal SAC	Adopted 1996, policies saved until LDF ready	None found	Development in South Staffs might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes (site allocations)	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes

Plan name	Location	Stage	Sustainability appraisal, SEA or HRA completed?	Likely effects on SAC sites?	Clear spatial expression	Comments	Take forward for consideration?
South Staffordshire Local Development Framework	Parts of area are within 15km of Cannock Extension Canal SAC	Early stage of preparation	Too early in process.	Too early to say, but see above.	No		No
North Warwickshire Local Plan	Parts of area are within 15km of Cannock Extension Canal SAC	Adopted 2006.	None found	Development in Warwickshire might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes
North Warwickshire Local Development Framework	Parts of area are within 15km of Cannock Extension Canal SAC	Early stage of preparation	Draft scoping report prepared so far, setting out the method which will be used in the assessment	Too early to say, but see above.	No		No
Wyre Forest District Local Plan	Parts of area are within 15km of Fens Pools	Adopted 2004	None found	Development in Warwickshire might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes
Wyre Forest Local Development Framework	Parts of area are within 15km of Fens Pools	Early stage of preparation	Too early in process	Too early to say.	No.		No
Bromsgrove District Local Plan 2004	Parts of area are within 15km of Fens Pools	Adopted	None found	Development in this area might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes	Some allocations may already have been fulfilled. Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes
Bromsgrove Local Development Framework	Parts of area are within 15km of Fens Pools	Core strategy issues and options – other parts in preparation	None found (probably ongoing)	Development in this area might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes, in due course	Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes

Plan name	Location	Stage	Sustainability appraisal, SEA or HRA completed?	Likely effects on SAC sites?	Clear spatial expression	Comments	Take forward for consideration?
Bridgnorth District Local Plan	Parts of area are within 15km of Fens Pools	Adopted 2006	None found	Development in this area might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes	Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes
Bridgnorth Local Development Framework	Parts of area are within 15km of Fens Pools	Core strategy is at issues and options stage	Presumably ongoing	Development in this area might reasonably be expected to result in changes in traffic on the A5 and M6 Toll which could have a cumulative effect on the site.	Yes, in due course	Traffic on the A5 and M6 Toll is largely a regional issue which may be resolved by investigations at Stage 2.	Yes

**APPENDIX C**

**REPORT CONDITIONS**

# WYG ENVIRONMENT

## REPORT CONDITIONS

**HABITATS REGULATIONS ASSESSMENT OF THE BLACK COUNTRY AND CANNOCK CHASE  
CORE STRATEGIES  
DUDLEY MBC, SANDWELL MBC, WALSALL MBC, WOLVERHAMPTON MBC, CANNOCK  
CHASE DC**

*This report is produced solely for the benefit of the above organisations and no liability is accepted for any reliance placed on it by any other party unless specifically agreed in writing otherwise.*

*This report is prepared for the proposed uses stated in the report and should not be used in a different context without reference to WYG. In time improved practices, fresh information or amended legislation may necessitate a re-assessment. Opinions and information provided in this report are on the basis of WYG using due skill and care in the preparation of the report.*

*This report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times.*

*This report is limited to those aspects reported on, within the scope and limits agreed with the client under our appointment. It is necessarily restricted and no liability is accepted for any other aspect. It is based on the information sources indicated in the report. Some of the opinions are based on unconfirmed data and information and are presented as the best obtained within the scope for this report.*

*Reliance has been placed on the documents and information supplied to WYG by others but no independent verification of these has been made and no warranty is given on them. No liability is accepted or warranty given in relation to the performance, reliability, standing etc of any products, services, organisations or companies referred to in this report.*

*Whilst skill and care have been used, no investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather related conditions.*

*Although care is taken to select monitoring and survey periods that are typical of the environmental conditions being measured, within the overall reporting programme constraints, measured conditions may not be fully representative of the actual conditions. Any predictive or modelling work, undertaken as part of the commission will be subject to limitations including the representativeness of data used by the model and the assumptions inherent within the approach used. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions.*

*The potential influence of our assessment and report on other aspects of any development or future planning requires evaluation by other involved parties.*

*The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. WYG accept no liability for issues with performance arising from such factors*

