

Date: 29 May 2024
Our ref: 473290
Your ref: South Staffordshire Local Plan Review Regulation 19 Consultation



Strategic Planning Team
South Staffordshire Council

BY EMAIL ONLY

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

T 0300 060 3900

Dear Strategic Planning Team,

Planning consultation: South Staffordshire Local Plan Review Regulation 19 Publication Version Consultation

Thank you for your consultation on the above dated 18 April 2024 which was received by Natural England on 18 April 2024. Officers from our organisations have discussed the content of our response below and you are aware of our views.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

South Staffordshire Council Publication Version (Regulation 19)

Natural England welcomes the opportunity to comment at this stage of the South Staffordshire Local Plan Review and particularly supports the inclusion of policies on green infrastructure, biodiversity net gain and supporting a greener future.

When considering the opportunities for nature recovery within the Staffordshire nature recovery network mapping work alongside the emerging Local Nature Recovery Strategy (LNRS); we would like to draw your attention to a Natural England led partnership project called Midlands Heathland Heartlands (MHH). The MHH partnership has a nature recovery aspiration for this area that aims to utilise Lawton Principles in recreating a mosaic of diverse habitats that will enable a long-term link-up between Cannock Chase and Sutton Park. MHH has a particular interest in re-establishing a network of heathland habitat in areas with substrates that can host Heathland. A cross-boundary partnership has come together to utilise the Biodiversity Net Gain opportunities offered through a developing LNRS in making this happen. The NE Midlands Heathland Heartland specialist team would very much welcome the opportunity to have more dialogue with the South Staffordshire Council on this matter.

We have reviewed the consultation documents and provide comments that relate to the soundness of the Local Plan and that are most relevant to our interest in the Natural Environment. Please also note that our advice within our previous response at Regulation 19 to you (22nd December 2022; Ref. 412446) still stands and should be reviewed alongside this follow-up Regulation 19 response.

Natural England has adopted a robust precautionary approach within this plan response and whilst we welcome the content of the Local Plan Review, Natural England advises that the Plan in its current form, is **not sound or legally compliant due to the impacts of Air Quality in relation to internationally designated nature conservation sites.**

Question 4 (1). Do you consider the Local Plan is legally compliant?

No. The Habitats Regulation Assessment has been unable to rule out impacts on Habitats Sites due to a lack of evidence regarding air quality.

Question 4 (2). Do you consider the Local Plan is sound?

No - Further evidence needs to be collected and the Habitats Regulation Assessment should then assess potential air quality impacts on any European Sites.

Question 4 (3). Do you consider the Local Plan complies with the duty to co-operate?

In terms of Cannock Chase Special Area of Conservation and recreational impacts, the Local Plan does comply with the Duty to Co-operate.

In terms of air quality, Natural England is currently in ongoing advisory discussions with South Staffordshire and their extra-local partner authorities in the mitigating of air quality impacts on protected sites linked to the Cannock Chase Partnership, of which South Staffordshire Council is a member. Natural England is continuing this Air Quality dialogue with this partnership. While the evidence base is still to emerge from the work commissioned by the partnership's appointed consultants, NE has during its earlier Reg. 19 response (22nd December 2022; Ref. 412446) proposed that a Statement of Common Ground is drawn up as an interim measure alongside this plan.

Question 5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

The Local Plan's Habitat Regulations Assessment (HRA) concludes that there is no Annual Average Daily Traffic (AADT) modelling data and therefore, taking a precautionary approach, there is a need for a detailed evidence base to be completed. As per 4.(3) above, we are aware of progress towards addressing the need for evidence base which is currently ongoing.

We agree with the conclusion of the Habitats Regulation Assessment that for those European sites in the area of search with features sensitive to air pollution, adverse effects on their integrity, alone or in-combination, cannot be ruled out due to this lack of evidence.

It is noted that the evidence is due to be completed and an update provided by the end of May 2024, as stated below.

"In August 2023 the partnership authorities appointed consultants Sweco to progress this work, with the first stage the modelling of likely traffic growth, including the in-combination assessment across the study area. This traffic modelling is currently being finalised and will then be passed to the air quality team at Sweco to model the air pollution. It is envisaged that the outputs from this air quality modelling will be available by the end of May 2024, and will inform a further HRA work and an update to this document, to accompany the submission of the Plan."

Natural England look forward to seeing the updated evidence and being able to provide further, more detailed comments at that stage via a Statement of Common Ground.

Question 6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Sustainable transport (including Policy EC12)

The HRA has identified that air pollution, in particular, from traffic, could impact International and European designated sites. Due to a lack of extant evidence to date, impacts upon these designations have been unable to be assessed appropriately, thus impacts cannot be ruled out. Once evidence is provided and an assessment is made, amendments are likely to be then required to reflect any new evidence informed approaches that deal with the air quality impacts upon these European designated sites is progressed. A statement of common ground between parties should reflect this.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Emma Johnson', with a long horizontal flourish extending to the right.

Emma Johnson
Midlands Deputy Director
West Midlands Area Team