

Date: 22 December 2022
Our ref: 412446
Your ref: South Staffordshire Local Plan Review Regulation 19 Consultation



Strategic Planning Team
South Staffordshire Council

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Dear Sir/Madam

Subject: South Staffordshire Local Plan Review Regulation 19 Consultation

Thank you for your consultation dated and received by Natural England on 11 November 2022.

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 Plan (Regulation 19) November 2022

We are generally supportive of the plan, however, there are some issues that we feel need to be addressed. We have listed these within our submission. Natural England has adopted a robust precautionary approach within this plan response.

We recognise that this consultation focuses itself upon the need to preliminarily test the potential for soundness. With this in mind, it is Natural England's advice that the plan in its current guise is not sound or legally compliant for the reasons we have outlined immediately below.

In helping to make this plan sound and legally compliant, Natural England would be very happy to discuss these issues further, with a view to agreeing modifications.

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.

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

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

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.

Natural England has and continues to discuss air quality impacts on protected sites with the Cannock Chase Partnership which South Staffordshire Council is a member of. Natural England will continue dialogue with the Partnership including South Staffordshire Council and proposes to record progress on the air quality issues through a statement of common ground with the Council.

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.

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 a lack of evidence.

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.

***Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

We advise the following issues listed below need to be addressed:

Table 4: Economic Prosperity – issues and challenges (page 19)

In this paragraph it is stated that “The best and most versatile agricultural land is classified as grades 1 and 2.” This is not entirely correct and should be amended to the correct definition- i.e.:

The best and most versatile agricultural land is classified as grades 1, 2 and 3a.

Sustainable transport (pages 142- 144 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 evidence impacts have not been assessed and cannot be ruled out. Once evidence is provided and an assessment is made, changes may be required as the approach to dealing with air quality impacts on European designated sites is progressed.

12. Protecting and enhancing the natural environment -Protecting, enhancing and expanding natural assets

12.1 (page 147) This paragraph sets out the natural assets of the area but has missed out Motte Meadows Special Area of Conservation and we advise that the site should be added to the text to ensure that all assets are acknowledged.

Policy NB3: Cannock Chase SAC (page 152)

The first paragraph must be reworded as currently it will allow significant impacts on the SAC, we advise you reword it to the following:

Development will only be permitted where it can be demonstrated that proposal will have no adverse effect upon the integrity of the Cannock Chase Special Area of Conservation (SAC) either alone or in combination with other plans or projects.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, we do not consider it necessary to participate at the oral part of the examination.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

N/A.

For any queries relating to the specific advice in this letter only please contact Gillian Driver on 07771 844 523. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk .

Yours sincerely

Phil Burton

Mr Phil Burton
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