



**The Plan for Stafford Borough –
Publication**

Examination Statement – Environment

October 2013

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ENVIRONMENT (Policies N1 – N9)

1. KEY ISSUE:

Does the Plan provide an appropriate, effective and soundly based framework for protecting, maintaining and enhancing the high quality environment within Stafford Borough, including design, climate change, renewable energy and the natural and historic environment, including landscape and sites of nature conservation importance, particularly Cannock Chase SAC & AONB, which is fully justified with evidence and consistent with national policy?

- 1.1. The policies in the Environment section of the Plan are soundly based, being informed by a robust, credible and proportionate evidence base; by extensive public consultation and engagement carried out from 2009 to 2012, as detailed in the Plan for Stafford Borough – Submission Consultation Statement (A14) and the Plan for Stafford Borough – Consultation Statement Appendices (A15); and by assessments through the Sustainability Appraisal process recorded in the Revised Sustainability Appraisal Report (A10) and its associated Technical Appendices (A11).
- 1.2. Policies N1 – N9 are in conformity with national policy through the National Planning Policy Framework (NPPF) (F1), in that they are intended to conserve and enhance the natural and historic environment, landscape and nature conservation sites, and prevent unacceptable risks from flooding and pollution as detailed in the Stafford Borough Soundness Self-Assessment Checklist (B4).
- 1.3. These policies are considered to be appropriate, because they support the delivery of the Spatial Vision and Key Objectives of the Plan for Stafford Borough – Publication (A1), hereafter “the Plan (A1)”, through the protection and enhancement of the natural environment and historic environment.

2. DESIGN, CLIMATE CHANGE AND LOW CARBON SOURCES & RENEWABLE ENERGY (Policies N1-N3)

a. How will the principles set out in Policy N1 effectively secure enhancements in design quality in new developments, including use, form, space and movement?

- 2.1. Policy N1 places a requirement on new developments to achieve good design through establishing a sense of place that will contribute to the overall character of the area for the lifetime of the development. The Policy specifies criteria which need to be met, and to be taken into account in the design process, in order to achieve good design – under the four broad headings: use, form, space and movement. These criteria will help achieve good design, whilst at the same time providing sufficient flexibility to the developer to achieve the most appropriate design for a particular development.
- 2.2. The NPPF (F1) paras. 59 - 60 recognise the need to encourage good design in planning policy. The NPPF states that local authorities should develop robust and comprehensive policies that set out the quality of

development that will be expected. Policy N1 is not unduly prescriptive and does not impose architectural styles but concentrates on encouraging developments to achieve good design in accordance with the NPPF.

- 2.3. Policy N1 is justified by up-to-date evidence through the Urban Design Compendium 1 (J23) and By Design (J24). These documents provide guidance on what forms of urban design work well and how they can be successfully implemented, but they cannot have all the answers about good design. Cross reference within the Policy is made to other relevant guidance, which should also be taken into account, including the "Building for Life 12" Criteria (E70), which set out key principles that developments should adhere to achieve good design.
- 2.4. For Policy N1 a number of representations challenged inclusion of the Building for Life and Secure by Design policy requirements together with the Code for Sustainable Homes as being repetitious of Building Regulations, and thus impacting on viability. The Council considers that the requirements set out in Policy N1 will not impact on the viability of development. The Affordable Housing Viability Study (D11) and The Whole Plan Viability Study (D52) provide a detailed examination of the impact that local standards would have on the viability of the Plan (A1), and conclude that the implementation of these standards would not affect the viability of the Plan.
- 2.5. The Council considers that the Plan (A1) is sound but would benefit from further clarification. Therefore the Council sets out in the Schedule of Further Additional (Minor) Modifications (A26), listed as M80 an additional amendment to the Policy criteria c under "Use" to read. "... the twelve Building for Life questions has been optimally addressed, or conversely why it is not practical" and listed as M81 an additional criteria n under "space" as follows: 'Where appropriate development should ensure that there is space for water within the development layout to facilitate the implementation of SUDs'.

b. How will the criteria and requirements set out in Policy N2 effectively facilitate a reduction in the consumption of natural resources, improve environmental quality and mitigate the impact of climate change?

- 2.6. Stafford Borough will undergo significant levels of development over the plan period, particularly through the completion of the Strategic Development Locations (SDLs) at Stafford and Stone. To ensure that the level of development meets the challenge of climate change and facilitates a reduction in natural resource consumption as set out in NPPF (F1) Section 10 paras 93 to 108 a number of requirements are established, concerning sustainable drainage, sustainable construction and recycling.
- 2.7. In terms of sustainable drainage, Policy N2 requires new development to implement Sustainable Drainage Systems (SUDS), to manage surface water runoff to reduce the impact of flooding, minimise diffuse pollution and enhance an areas amenity. A key impact of climate change is the likely heavier rainfall in extreme storms and rising sea levels in the future, particularly in winter, resulting in more flooding. Therefore, it is considered that the introduction of SUDS will provide a more sustainable

approach than the previous conventional practice of routing run-off through a pipe to a watercourse, and will help to mitigate the impact of flooding caused by climate change.

- 2.8. This aspect of the Policy is justified by an up to date evidence base. It is underpinned by the Stafford Borough Council Strategic Flood Risk Assessment Level 1 Volume 1 Final (D46), which sets out the key areas in the Borough where development would be at risk due to flooding. The Southern Staffordshire Outline Water Cycle Study – Final report (D44) and the Southern Staffordshire Surface Water Management Plan Phase 1 and 2 (D43) identify the water infrastructure, most particularly the locations where SUDS would be required on the SDLs and other locations.
- 2.9. However, the Council considers that the Plan (A1) would benefit from an update to Policy N2 in light of the recent Government consultation “Next Steps to Zero Carbon Homes – Allowable Solutions” (J25) which sets out the Government’s position regarding the delivery of zero carbon developments. Therefore the Council sets out in the Schedule of Further Additional Modifications (A27), listed as FAM32 a proposed revised Policy wording, to replace the introductory three lines of text and the last line of the second paragraph under the heading Sustainable Construction, with the following:

Sustainable Construction

All new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with government policy.

To implement zero carbon development the following measure should be considered as part of the design:

- 1. Reduce water consumption, through the use of low water volume fittings and grey water systems;*
- 2. Orientation to maximise solar gain;*
- 3. High levels of insulation and energy conservation, adequate provision for separation and storage of waste for recycling; and*
- 4. Use of materials from sustainable sources in new development.*

A statement will be required to detail how the BREEAM and Zero Carbon Standard will be addressed or conversely, if it is considered to be unviable, evidenced through an independent viability assessment

- 2.10. In terms of sustainable construction, Policy N2 (as amended) seeks improvements in environmental quality through the progression towards zero carbon development for residential property. This will require developments to achieve zero standard through a combination of fabric energy efficiency, carbon compliance and allowable solutions. Similarly for non-residential properties BREEAM standards will be required from developments, to minimising the energy demands created by a building through sustainable design enhancements. Such measures will result in

the reduction of CO₂ levels generated by development over the plan period, and thus help mitigate the impact of climate change. The Policy also seeks to achieve a reduction in the consumption of natural resources through the implementation of on-site renewable energy to provide a proportion of energy requirements, thus reducing the need for fossil fuels.

- 2.11. This approach is consistent with national policy as set out in NPPF (F1) para 95, which supports the move to a low carbon future and NPPF para. 97, which recognises that communities should contribute to energy generation from renewable or low carbon sources.
- 2.12. The Whole Plan Viability Study (D52) considered the viability of imposing Standards, such as BREEAM on development and concluded that it would not result in development being unviable. Furthermore, the Staffordshire Countywide Renewable / Low Carbon Energy Study (D45) sets out the renewable energy and low carbon opportunities within the Borough. This information can be used by developers to assist them in identifying initial opportunities for renewable energy generation. It can then be utilised to develop site specific proposals.
- 2.13. The measures set out in Policy N2 will ensure that new development facilitates a reduction in the consumption of natural resources, improved environmental quality and mitigates against the impacts of climate change.
- 2.14. Representations on Policy N2 raised concerns about the viability of meeting the Code for Sustainable Homes, with one representation seeking flexibility regarding the design and water resource requirements of the Code. However, this has been addressed through the proposed amendment to Policy N2 set out in para 2.9.
- 2.15. Others stated that BREEAM standards would undermine delivery and fail to take account of market conditions, and that there was a lack of local evidence to justify the Policy. The Council disagrees that BREEAM will impact on development viability as this matter has been considered through the Whole Plan Viability Report (D52) with the Plan (A1) being deliverable. Therefore no changes are suggested to Policy N2 regarding BREEAM. Other representations supported waste management and water resource initiatives through the policy.
- 2.16. The Borough Council considers that the Plan (A1) is sound but accepts that Policy N2 could provide more clarification regarding underlying contamination. Therefore the Schedule of Additional (Minor) Modifications (A26) identifies a proposed change, listed as M82, to bullet point 1 under Sustainable Drainage to read "... ground conditions or underlying contamination, this is not possible'. Two further modifications relate to Policy N2 from the Environment Agency to make direct reference to the Water Framework Directive and address a typographical error, listed as M83 and M84 within the Schedule of Additional (Minor) Modifications (A26).

c. Are the requirements in Policies N1 & N2 to comply with specific standards and codes unduly onerous and unnecessary, particularly in view of the Government's recent consultations on the review of housing standards and zero carbon homes¹?

- 2.17. The requirements set out in Policies N1 and N2 (as amended) are not unduly onerous and will not compromise the viability of the Plan, as the evidence concerning viability presented above indicates.
- 2.18. The standards contained within Policies N1 and N2 (as amended) are considered to provide an appropriate, effective and soundly based framework for meeting the challenge of climate change as set out in NPPF (F1) para 93, as well as the most recent Housing Standards Review – Consultation (J26). The revised wording of Policy N2 – Construction is considered to fully accord with the most recent Government position regarding zero carbon Development as set out in Next Steps to Zero Carbon Homes – Allowable Solutions (J25)
- 2.19. The requirements to comply with specific standards set out in Policies N1 and N2 (as amended) are supported by a robust and credible evidence base and are flexible enough to react to viability costs and constraints as well as changes in technology and economic circumstances. The Whole Plan Viability Study (D52) was a comprehensive study that examined the viability implication of each policy within the Plan, and concluded that the viability of the Plan (A1) would not be compromised by imposing specific standards such as the Code for Sustainable Homes, Secured by Design and Building for Life Standards for new development. Policy N2 (as amended) provides even greater flexibility for developers than the Code for Sustainable Homes to provide zero carbon homes by 2016, as it is recognised that providing zero carbon development through a combination of fabric energy efficacy, carbon compliance and allowable solutions should be possible.

d. How will the measures set out in Policy N3 effectively increase the use and provision of renewable and low-carbon energy sources, consistent with the latest national planning practice guidance for renewable and low carbon energy²?

- 2.20. Policy N3 should be effective in increasing use and provision of renewable and low carbon energy sources by establishing a positive strategy for the promotion of renewable and low carbon energy, consistent with the NPPF (F1) paras 93 - 99. The Policy sets out the broad principles for delivering additional low carbon sources and renewable energy within the Borough. However, whilst the Council seeks to maximise the delivery of renewable and low carbon energy in appropriate locations, it is acknowledged that the extent to which renewable energy and low carbon schemes can be delivered is largely dependent on viability considerations
- 2.21. The Policy's approach is based on the findings of The Staffordshire Countywide Renewable / Low Carbon Energy Study (D45), which sets out the renewable energy and low carbon opportunities within the Borough. As the Study demonstrates, Stafford Borough has a large energy

¹ Housing Standards Review – Consultation [DCLG; August 2013]; and Next steps to zero carbon homes – Allowable Solutions – Consultation [DCLG; August 2013]

² Planning practice guidance for renewable and low carbon energy [DCLG; July 2013]

resource potential, even when taking into account key constraints such as the Cannock Chase Area of Outstanding Natural Beauty (AONB), international, national and local ecological designations, proximity to buildings as well as the historic environment. Areas of opportunity were identified which have taken account of these constraints.

- 2.22. The location of opportunity areas for renewable and low carbon energy is set out in the renewable energy opportunities map in the Plan (A1), para. 12.22. The main potential for renewable energy generation within Stafford Borough is through wind energy developments, with the second largest source being biomass. The identification of opportunities through the Plan (A1) enables developers to identify initial renewable energy opportunities, which may then be used to develop site specific proposals to deliver low carbon or renewable schemes on housing or employment developments, consistent with the approach set out NPPF para. 97, and with the Planning Practice Guidance for Renewable and Low Carbon Energy 2013 (REF).

e. Is the approach to on-shore wind energy in Policy N3 unduly restrictive, and does it adequately address the impact of such development on the landscape, rural economy, heritage assets and local/visual amenity, including the cumulative landscape and visual impact, in line with the latest Written Ministerial Statement about Local Planning and on-shore wind³ and any subsequent policy guidance?

- 2.23. Policy N3 is not unduly restrictive, it adequately addresses the impacts of renewable energy and initiatives providing low carbon energy resources, and is consistent with the Ministerial Statement regarding on-shore wind (J27). The Policy sets out broad principles for delivering additional low carbon sources and renewable energy within the Borough. Criteria a. to c. of Policy N3 provide appropriate protection for the landscape, rural economy, heritage assets and local/visual amenity. The Policy also specifies that the cumulative impact of additional renewable energy low carbon schemes should be taken into account when considering additional developments, consistent with the NPPF (F1) para 97, which requires that adverse impacts are addressed satisfactorily, including cumulative impacts and visual impacts.
- 2.24. The criteria set out in the Policy are also consistent with Planning Practice Guidance for Renewable and Low Carbon Energy 2013, para. 15 (J29) which requires renewable energy schemes to take account of residential amenity, locally and internationally designated sites, the setting and the cumulative impacts of schemes, and provides suitable decision making criteria for large scale energy schemes.
- 2.25. Representations about Policy N3 from those supporting wind energy industry interests raised concerns about the Policy being more restrictive than the NPPF. However, as set out above, the criteria in Policy N3 are not unduly restrictive and are consistent with the Government's approach set out in Planning Practice Guidance for Renewable and Low Carbon

³ Written Ministerial Statement to Parliament on Local Planning and on-shore wind [DCLG; 6 June 2013]

Energy 2013 (J29), and with the NPPF para 97, which requires renewable and low carbon energy development to address adverse impacts.

- 2.26. Other representations suggested that the map in the Plan (A1) excludes areas not identified as having wind potential. However the purpose of the map in para 12.22 of the Plan (A1) is to identify the location where the best resources for renewable and low carbon energy are available, not to exclude areas from wind development that have not been identified. In addition, these maps are considered to be a starting point, which may then be used to develop site specific proposals.
- 2.27. Other representations raised concerns about landscape and rural economic impacts of wind energy. However, the Policy specifically requires developments to take account of the impacts that renewable and low carbon energy will have on the landscape and the rural economy. Further representatives supported solar energy on new developments.
- 2.28. The Environment Agency has suggested an amendment in the policy to include a reference to the Water Environment to take account of the Water Framework Directive. The Borough Council considers that the Plan (A1) is sound but would benefit from this modifications, which is listed as M85 within the Schedule of Additional (Minor) Modifications (A26).

3. NATURAL ENVIRONMENT & GREEN INFRASTRUCTURE (Policy N4)

a. How will the measures set out in Policy N4 effectively protect, enhance and improve the Borough's natural environment, green infrastructure, biodiversity and landscape, reflecting the views of Natural England and the Environment Agency, and in line with national policy?

- 3.1. Stafford Borough has a large rural area and many sites of biodiversity and ecological importance. It also contains a network of urban green infrastructure made up of valuable recreation and informal open spaces.
- 3.2. Policy N4 is soundly based in terms of NPPF (F1) paras 109 to 125, which sets out the obligations each Local Authority has with regards to protecting the natural environment. Para. 114 states that Local Authorities should "*set a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure*". This is exactly what Policy N4 provides for.
- 3.3. The Policy places a requirement upon developers to consider green infrastructure and the natural environment when proposing new development. It is a soundly based policy, supported by the Revised Sustainability Appraisal Report (A10).
- 3.4. Policy N4 recognises the value of green infrastructure to the Borough, and plans for its protection, enhancement and expansion. Policy N4 is particularly relevant in the context of the growth ambitions of the Borough. The measures set out in Policy N4 will ensure that new

development is positively planned, sustainable and accommodating of the natural environment.

- 3.5. The Policy is justified by up-to-date evidence. It makes reference to the Staffordshire Biodiversity Action Plan (E63), which sets out priority actions and schemes which will ensure new development is appropriate and responsive to biodiversity and the natural environment.
- 3.6. The Policy identifies the network of green infrastructure and explains how this will be protected, enhanced and expanded. Natural England has suggested including a reference to the Stafford Borough Green Infrastructure Strategy (D34) in the Policy. The Borough Council considers that the Plan (A1) is sound but considers that this would be a suitable amendment to Policy N4. Therefore the Schedule of Additional (Minor) Modifications (A26) identifies a proposed change, listed as M89.
- 3.7. Policy N4 section i ensures that new developments must take account of landscape considerations. In line with NPPF para. 115, great weight is afforded to the Cannock Chase Area of Outstanding Natural Beauty, and therefore this is covered by separate Policy N7.
- 3.8. Policy N4 is appropriate in that it helps to deliver Key Objectives in the Plan (A1), particularly Key Objectives 4, 6 and 19. It assures that new development will not be permitted in areas where environmental risks (in particular flooding) cannot properly be managed, making reference to the Water Framework Directive and drawing the link between green infrastructure and water management. This approach is supported by the Environment Agency.
- 3.9. Representations made by the Environment Agency called for the policy to make specific reference to the Water Framework Directive and the evidence base. The Council considers that the Plan (A1) is sound but would benefit from these alterations. Therefore these changes are listed at M90 in the Schedule of Additional (Minor) Modifications (A26).
- 3.10. Several other modifications were proposed, but are not supported by the Council. One representation requested the modification of criterion c to read 'Protecting, conserving, enhancing AND EXPANDING the natural and historic Environment...'. This proposal is rejected as the green network section of the Policy covers the expansion of green space, including woodland.
- 3.11. A further representation called for the Policy to state that there would be "no net loss of biodiversity, habitats and species on development sites in all areas". However this is not a requirement of the NPPF, and biodiversity protection is adequately covered by Policy N4 clause a.
- 3.12. Policy N4 (as amended by A26) fully reflects the views of Natural England and the Environment Agency. Both bodies have been involved in the production of the Plan for Stafford Borough and have signed a Duty to Co-operate pro-forma within the Duty to Co-operate Statement (B3) and recorded in the Council's response to the Inspector's Initial Questions (J4).

4. SITES OF EUROPEAN, NATIONAL & LOCAL NATURE CONSERVATION IMPORTANCE (Policy N5)

a. Is the approach to protecting the integrity of sites of nature conservation importance appropriate, effective, justified, reflecting the views of Natural England and consistent with national policy, including the approach to European sites, air and water quality and development mitigation?

- 4.1. The approach to protecting the integrity of sites of nature conservation importance is appropriate, effective, and justified. Policy N5 is in conformity with national policy through the NPPF (F1), by ensuring designated sites of nature conservation importance are adequately protected, as detailed in the Stafford Borough Soundness Self-Assessment Checklist (B4).
- 4.2. Policy N5 is soundly based in terms of NPPF (F1) para. 113, which requires Local Authorities to differentiate between the different levels of protection offered to nature conservation sites (ranging from European sites to locally designated sites). Policy N5 fulfils this obligation and affords sites protection commensurate with their status. European sites are afforded maximum protection, in line with national policy, and development will only be permitted where no adverse effects occur or appropriate mitigation measures can prevent their occurrence.
- 4.3. As set out in the Habitat Regulations, Stafford Borough Council, as a competent authority must ensure there are no negative effects on air and water quality of European sites prior to granting permission for development.
- 4.4. Policy N5 requires developers to submit an Ecological Statement if any designated site, protected species or habitat of principal importance for conservation may be affected by development proposals. If air or water quality issues are identified in the ecological assessment which may have an effect on the European site, the developer must indicate that the development either does not significantly contribute to adverse effects on the site or that the adverse effects can be adequately mitigated. This requirement is justified as Stafford Borough Council, being the competent authority, must ensure that the European site is protected.
- 4.5. The development mitigation which may be required if proposals will effect a site of nature conservation importance are considered effective, justified and consistent with national policy. These will take the form of conditions, planning obligations or bespoke mitigation measures, varying dependent upon the site in question and the negative impacts identified.
- 4.6. The representations received as part of the consultation on the publication version of the Plan (A17) contained an objection from Natural England with regards to Policy N5, which stated that the Policy was not sound as it was not justified. Following on-going discussion with Natural England and agreement of the proposed modifications M92, M92, M94 and M95 (A26), Natural England have withdrawn their objection and signed a Statement of Common Ground as recorded in the Council's

response to the Inspector's Initial Questions (J4). All other representations were supportive.

b. Is the approach to undertaking Habitats Regulations Assessment under the Habitats Regulations/Directive soundly based, including the mitigation measures required, and has it been undertaken to the satisfaction of Natural England?

- 4.7. The Plan (A1) provides an appropriate, effective and soundly based framework for conserving, protecting and enhancing European Sites, including mitigation measures where relevant, which is fully justified, positively prepared and consistent with national policy and the approaches of neighbouring authorities. It has been undertaken to the satisfaction of Natural England as recorded in the Council's response to the Inspector's Initial Questions (J4).
- 4.8. The approach to retaining the integrity of the European sites in the Borough has been developed in accordance with the NPPF (F1) and the Conservation of Habitats and Species Regulations 2012 (the UK Habitat Regulations).
- 4.9. Background Statement (K1) Topic Paper F explains the development of the Habitat Regulations Assessment (HRA) approach taken with regard to Cannock Chase Special Area of Conservation (SAC), summarising the relevant evidence, HRA reports and recommendations, and the Partnership working which has been undertaken with Natural England and neighbouring authorities. The Partnership approach to the management of development impacts on the Cannock Chase SAC has been a key part of the Council's approach to protecting Cannock Chase SAC; the partnership approach is fully supported by Natural England.
- 4.10. Stafford Borough Council's approach to carrying out HRA on the Plan for Stafford Borough has been carried out to the satisfaction of Natural England (J4). One of the HRA assessments identified that the Plan (A1) could have adverse effects on the Cannock Chase SAC, particularly with regard to increased visitor numbers.
- 4.11. However, the proposed mitigation measures as set out in the Cannock Chase SAC Visitor Impact Mitigation Strategy (E53), required under Policy N6, will ensure adequate protection of the Cannock Chase SAC. Further work is currently on-going within the Partnership to develop a more detailed mitigation strategy in the form of a Supplementary Planning Document (SPD). This is discussed further in section 5 below.

5. CANNOCK CHASE SPECIAL AREA OF CONSERVATION & AONB (Policies N6-N7)

a. Does Policy N6 provide an appropriate, effective and soundly based framework for retaining and protecting the integrity of the Cannock Chase Special Area of Conservation, including mitigation measures, which is fully justified with evidence, positively prepared and consistent with national policy;

i. Does the approach reflect the approaches of other neighbouring planning authorities and the latest outcome of various HRA/SAC assessments, and are any further amendments needed to the policy to reflect the latest views of Natural England and the Cannock Chase SAC Partnership?

- 5.1. The Council's Background Statement (K1) Topic Paper F acknowledged that there may be a need for Policy N6 to be updated to reflect the latest views of Natural England and the Cannock Chase SAC Partnership. In light of the recent Lichfield and Cannock Chase Local Plan examinations, and on-going discussions with the SAC Partnership (including Natural England), the Council considers that the Plan (A1) would benefit from an update to Policy N6 to reflect the latest Partnership position. Therefore the Council sets out in the Schedule of Further Additional Modifications (A27) a proposed new Policy wording, as listed in FAM35.
- 5.2. The proposed new wording has been developed and agreed with Natural England (J40) and shared with the SAC partnership at their meeting on 8th October 2013. All parties were satisfied with the updated wording.
- 5.3. The revised wording of Policy N6 is as follows:

Policy N6 Cannock Chase Special Area of Conservation (SAC)

Development will not be permitted where it would lead directly or indirectly to an adverse effect upon the integrity of the Cannock Chase SAC where the effects cannot be mitigated.

To ensure the Cannock Chase SAC is not harmed, all development that leads to a net increase in dwellings within 15 km of the site, as shown on the Policies Map, must provide avoidance and mitigation measures.

Development will be expected to take all necessary steps on-site, to avoid or mitigate any adverse effects upon the SAC's integrity or, where this cannot be achieved within the development, make provision for mitigation measures designed to avoid such adverse effects taking place, as set out in the Cannock Chase SAC Visitor Impacts Mitigation Report (or any updated mitigation report agreed by the SAC Partnership).

The effective avoidance and / or mitigation of any identified adverse effects must be demonstrated to the Council as the Competent Authority and Natural England and secured prior to approval of the development through developer contributions or levy mechanism.

Further information will be set out in a Supplementary Planning Document on mitigation and implementation.

- 5.4. The Policy amendment will also require modification of the Policies Map listed as FAM36 within the Schedule of Further Additional Modifications (A27). Policy N6 as amended provides an appropriate, effective and soundly based framework for retaining and protecting the integrity of the Cannock Chase SAC, including mitigation measures.

- 5.5. It is fully justified by evidence, being based upon the Footprint Ecology Reports (E51, D33, D30, D31) and the associated mitigation report (D32). It has been positively prepared in accordance with national policy, and developed with the support and backing of the SAC Partnership.
- 5.6. The Policy wording has removed reference to the 400m and 12mile buffer zones around the SAC and replaced them with reference to a 15km buffer. This update reflects revised evidence (D30). The revision also removes reference to the requirement for large developments to provide targeted alternative green space. This was removed as the Partnership is yet to agree the specific mitigation requirements. The policy now focuses on the Visitor Impacts Mitigation Report and the forthcoming Partnership agreed SPD.
- 5.7. The revised wording fully reflects the approaches of neighbouring planning authorities (in particular Lichfield and Cannock Chase Councils). The revised wording also reflects the most recent advice Natural England have provided to the SAC partnership (J30).

ii. Does Policy N6 give sufficient consideration to the proposed scale, nature and implementation of measures to mitigate the impact of new development, including SANGS, the extent of the SAC zone of influence, cross-boundary, air quality and viability issues, the relationship with green/environmental infrastructure, and the approach to developer contributions?

- 5.8. Policy N6 adequately considers the proposed scale, nature and implementation of measures to mitigate the impact of new development, including SANGS, the extent of the SAC zone of influence, cross-boundary, air quality and viability issues, the relationship with green/environmental infrastructure, and the approach to developer contributions.
- 5.9. Due to the on-going work of the SAC Partnership and based on Natural England's latest guidance, (J30) it is clear that there are some uncertainties and information gaps, and there are further mitigation options to explore before the strategic approach is finalised. As a result it would be inadvisable to set out specifically the mitigation measures required under Policy N6.
- 5.10. Policy N6 refers to the Visitor Impact Mitigation Report (D32). This report sets out a range of mitigation measures including the provision of four Suitable Alternative Natural Green Spaces (SANGS). Specific reference is not made to these within Policy N6 as the finalised mitigation approach has yet to be agreed by the SAC Partnership.
- 5.11. Policy N6 provides the flexibility needed to reflect the changing nature of this area of the Plan. The supporting text to Policy N6 lists some of the potential mitigation measures that could be employed. This is the most appropriate way to provide clarity but also scope for revision.
- 5.12. The Visitor Impact Mitigation Report seeks to establish a "zone of influence" from which 75% of visitors originate. This approach is based on the principle established for the Thames Basin and Dorset Heaths

SACs, where all developments in this zone have to provide developer contributions. The Report assesses that 75% of visitors to Cannock Chase come from a 15km radius of the site. The Report proposes the collection of contributions within the zone of influence and suggests use of two zones with different rates set within them.

- 5.13. As explained in the Background Statement (K1) Topic Paper F, the adoption of interim planning policy to collect developer contributions is currently being progressed. Since the "sub sections" of the zone of influence are not agreed within the Partnership they have not been included in Policy N6.
- 5.14. The first paragraph of Policy N6 applies to overall impacts on the SAC, including air quality. Evidence relating to traffic emissions produced in 2012 (E50) indicated that nitrogen emissions from vehicles crossing Cannock Chase are not sufficient to impact on the abundance of heathland vegetation or affect the soil pH and nitrate concentrations. Soil pH and nitrate concentrations appeared to decrease with distance from the road and vegetation cover of different kinds varied. However analysis showed no significant association between percentage cover of any species and nitrogen deposition, so further investigations are required to assess the drivers that are altering these variables.
- 5.15. As part of the Whole Plan Viability Report (D52), the impacts of potential developer contributions related to Policy N6, and HRA requirements, were assessed and judged not to be too restrictive or a burden on development. A number of representations raised concern about the implications of viability as a result of Policy N6, and associated mitigation projects including SANGs, suggesting that only those developments explicitly resulting in extra visitors to the Chase should be required to contribute. As a competent authority, Stafford Borough Council has a legal obligation to ensure that no plans or projects are permitted that could have a negative impact on the Cannock Chase SAC. Policy N6 is a soundly based approach to meet this requirement. The initial draft costings of mitigation measures as set out in the Visitor Impact Mitigation Report were included in the Whole Plan Viability Report (D52), and no issues of viability were raised.
- 5.16. One representation related to concerns that policy wording was inconsistent with that of neighbouring authorities. This has been addressed through the updating of the policy wording proposed as a modification above. Other representations expressed concerns about with a lack of evidence. The Council considers that an appropriate level of evidence has been produced in the form of the Footprint Ecology Reports (E51, D30, D31, D32, D33, J10). Further evidence work will be carried out as part of the production of the Implementation Plan and associated SPD.

b. Are the approach and principles set out in Policy N7 for conserving and enhancing the landscape and natural beauty of the Cannock Chase AONB appropriate, effective, justified and consistent with national policy?

- 5.17. Policy N7 of the Plan for Stafford Borough is appropriate and soundly based. As stated in the supporting text, the NPPF (F1) affords nationally

designated areas such as the Cannock Chase AONB the highest status of protection in relation to conserving and enhancing landscape and scenic beauty. Policy N7 promotes the enhancement and conservation of the Cannock Chase AONB in line with national policy. The Revised Sustainability Appraisal of the Plan for Stafford Borough (A10) shows that Policy N7 is likely to have positive effects over the short, medium and longer term.

- 5.18. The approach taken towards the AONB is considered appropriate as it supports the Vision of the Plan (A1) which specifically references the sustainable approach which will be taken towards the AONB. Policy N7 will ensure the key objectives and specific actions identified in the AONB management plan (E58) are supported within a planning framework.
- 5.19. The Policy intends to protect, conserve and enhance the Cannock Chase AONB to ensure no negative effects impact on its landscape and scenic value. The Policy is positively prepared and justified in addressing requirements, and will be effective in ensuring landscape issues are addressed strategically, particularly through development management.
- 5.20. The AONB Partnership are in support of Policy N7 but have requested that a modification be made to the policy to reference landscape and scenic beauty, and the addition of a further bullet point to provide further clarification about addressing landscape and scenic beauty. The Borough Council considers that the Plan for Stafford Borough – Publication (A1) is sound but considers that reference to landscape and scenic beauty would benefit Policy N7. Therefore the Schedule of Additional (Minor) Modifications (A26) identifies a proposed change, listed as M98.

6. LANDSCAPE CHARACTER & HISTORIC ENVIRONMENT (Policies N8-N9)

a. Is the approach to protecting, conserving and enhancing the landscape and heritage assets appropriate, effective, justified and consistent with national policy?

- 6.1. This approach provides a clear strategy towards protecting and conserving the rich historic environment and assets that are spread over Stafford Borough, including the town centres of Stafford and Stone, and rural villages. These Policies are appropriate for Stafford Borough and have been positively prepared and justified through a robust evidence base. They are consistent with national policy through the NPPF (F1), paras 126 to 141.
- 6.2. Stafford Borough contains numerous historic buildings, scheduled ancient monuments, 819 listed buildings, historic parks and gardens, battlefields and 30 Conservation Areas (with a review programme currently taking place). Whilst the majority of Listed Buildings in the Borough are in good or reasonable repair, a number of buildings are in severe disrepair, threatening the loss of historic detail and fabric. Three of these are Grade I or Grade II listed buildings registered by English Heritage's Heritage at Risk Register 2011. Policies N8 and N9 are appropriate because they seek

to address these issues, while conserving the historic environment to help maintain a quality historic environment across Stafford Borough.

- 6.3. Policy N8 demonstrates that proposals must be sympathetic towards protecting the landscape character and quality of a landscape. Development proposals must have regard to Staffordshire Landscape Character Assessment (D38) together with Historic Landscape Characterisation Assessment (J20) and the Historic Environment Character Assessment (E80). This policy approach provides clear guidelines for development proposals for new and existing developments. It encourages proposals to demonstrate how development will protect and conserve the landscape, while focusing on what key features can be enhanced for inclusion of a proposal.
- 6.4. The Borough Council consider Policy N9 to be appropriate as it provides a more detailed policy to guide development to ensure proposals protect the historic environment and heritage assets at the national level and local level, and where appropriate, enhance the significance of those assets. Development proposals will need to be supported by sufficient information to assess the level of impact on the historic environment. Potential loss or harm to heritage assets will require justification through a list of considerations outlined in Policy N9. This approach also conforms to NPPF para. 128, as it identifies all factors relevant to the historic environment that contribute towards its significance.
- 6.5. In accordance with NPPF para. 128, Policy N9 requires proposals to be informed by a desktop study to understand the potential impact and significance of the asset. Proposals absent of sufficient information concerning the significance of heritage assets would not be considered. In the Plan (A1), an appropriate desk-based assessment includes consulting the Staffordshire Historic Environment Record, the Historic Landscape Characterisation Assessment (J20), the Historic Environment Character Assessment (E80), the Extensive Urban Surveys for Stafford (E74) and Stone (E75), the West Midlands Farmstead survey (E79), Conservation Area Appraisals, Parish Plans and Village Design Statements, and any other relevant existing or emerging documents and, where necessary, carrying out appropriate research or archaeological investigation to ensure that future development is based on an understanding of local character and context. Proposals are also required to use Design and Access Statements and Heritage Statements to demonstrate how the significance of the heritage asset and its setting is to be protected, conserved or enhanced.
- 6.6. Policies N8 and N9 are effective as they seek to ensure new developments are sympathetic to the landscape and historic environment and help reinforce the existing character of a settlement. They also help deliver the development strategy for supporting new development (Spatial Principles SP3, SP6 and SP7) and avoid the loss of historic fabric and its significance. This approach is consistent with the NPPF para. 128, in seeking to obtain sufficient information to support proposals to ensure development make a positive contribution to local character and distinctiveness (as required by NPPF para. 131).

- 6.7. These policies have been positively prepared and justified by Staffordshire Landscape Character Assessment (D38), the Historic Landscape Characterisation Assessment (J20) and the Historic Environment Character Assessment for Stafford (E80).
- 6.8. The Historic Environment Character Assessment for Stafford (E80) helped inform the options assessment in the preparation of the Plan. This identified historic environment considerations on new housing developments, the impacts from development on historic environments, and impacts that need to be mitigated. These assessments have further led to the development of the Historic Environment Character Assessment for Stone (E81), the Historic Environment Character Assessment for Haywoods (E82), the Historic Environment Character Assessment for Eccleshall (E83), and the Historic Environment Character Assessment for Gnosall (E84). These were all designed to help protect and conserve the historic environment and assets across Stafford Borough. Stafford Conservation Area Appraisal (E76) and Stone Conservation Appraisal (E85) have helped develop a robust policy framework for planning decisions. These appraisals help identify and assess the special architectural or historic character of a place. This conforms to NPPF paras 126 and 127 to help recognise heritage assets and help conserve them in an appropriate manner to their significance.
- 6.9. The Staffordshire Extensive Urban Survey - Stafford (E74) and The Staffordshire Extensive Urban Survey - Stone (E75) has also informed the Plan (A1), to help understand the development and the current historic character of the medieval towns within the county. Public consultation responses have also helped in the formulation of the Policy, taken into account during the preparation of the Plan since 2009, in particular through the Plan for Stafford Borough – Draft Publication (G2) and Delivering the Plan for Stafford Borough –Draft Core Policies (G5). Details of public consultation and engagement responses are set out in the Plan for Stafford Borough - Submission Consultation Statement (A14) and the Plan for Stafford Borough – Consultation Statement Appendices (A15).
- 6.10. For Policy N8 concerns were raised about unnecessary restrictions on development at Registered Parks and Gardens, and the need to require new gypsy developments to respect settlement and landscape character. This policy does not restrict development at Registered Parks and Gardens, but instead encourages proposals with landscape and visual implications to respect and conserve while enhancing the landscape and the environment. Similarly, the Policy will provide an appropriate context for the consideration of the landscape implications proposals for gypsy and traveller accommodation.

b. Should the Plan include a specific policy covering new development at Trentham Estate and Gardens?

- 6.11. By way of policy history the adopted Stafford Borough Local Plan 2001 (F14) included Policy RLT19 – Accommodating New Development at Trentham Garden Estate, which provided a set of criteria to guide

development, including conservation of the natural and historic environment, enhancing leisure and recreation facilities, economic benefits, effects on the Green Belt and highway implications. Policy RLT20 also supported appropriate infill uses at Trentham Gardens Estate. At the time of preparing the adopted Stafford Borough Local Plan 2001 (F14) the Trentham Gardens Estate was not meeting its full recreational potential and was in need of regeneration. However since that time significant re-development of the Trentham Gardens Estate has successfully taken place leading to a significant leisure and recreation resource not just for the local area but regionally and nationally.

- 6.12. A representation sought a specific policy to deliver new development within this heritage asset rather than using Policy N9. The Borough Council feel it is not necessary to include a site-specific policy to support new development at Trentham Estate. New development proposals can adequately be addressed by the economic and environmental policies in the Plan. In relation to tourism development, Policy E6 supports new development by promoting enjoyment of the rich and historic natural landscape; new and existing recreational activities; preservation of attractive features. Proposals for new development at Trentham Estate could also be assisted by Policy E2, which helps facilitate tourism to achieve rural sustainability. Both these policies conform to NPPF and consider protecting development in Green Belt. In environmental terms, any development will need to satisfy Policies N8 and N9, which will ensure that the environment of Trentham Estate and Gardens will be protected, conserved and enhanced.