

## 1.0 Introduction

### Background

- 1.1 This Habitat Regulations Assessment (HRA) has been prepared by Baker Shepherd Gillespie (BSG) on behalf of the Government Office for the West Midlands (GOWM). The purpose of this report is to provide evidence that will inform the GOWM's response to the Phase 2 Revision of the West Midlands Regional Spatial Strategy (Phase 2 Preferred Option). This assessment considers how provision of higher housing numbers ("the housing options"), identified in response to the National Housing and Planning Advice Unit (NHPAU) report, may impact upon European protected sites (Special Protection Areas, Special Areas of Conservation and Ramsar sites).
- 1.2 The Phase 2 Preferred Option, which preceded the NHPAU report, was subjected to a formal HRA<sup>1</sup> which was completed in October 2007 and was done in consultation with the statutory consultees (Natural England and the Countryside Council for Wales).
- 1.3 BSG has been commissioned through Nathaniel Lichfield and Partners (NLP) to evaluate how the housing options might affect the results of the HRA of the Phase 2 Preferred Option. This appraisal does not form part of the Phase 2 Preferred Option process. Rather it seeks to ensure that robust and meaningful evidence about the impact of the housing options is available for consideration at the forthcoming Examination in Public ('EIP) into the draft policies of the Phase 2 Preferred Options. **The NLP Study is not a "land use plan" in terms of the Habitat Regulations and this assessment does not constitute a formal HRA.** In the event that, following consideration at the EIP, it is recommended that policies should be amended to promote the provision of additional housing growth in the region it is likely that further work will be required to fulfil the Habitat Regulations and to ensure that any mitigation measures and recommendations are taken into account in modifications to the Phase 2 Preferred Option.
- 1.4 This document forms part of a suite of documents as follows: -
- Volume 1: Main Report This contains the outputs of the work identifying potential options and growth scenarios and assessing them in terms of impacts, delivery risks, and against RSS objectives and national Housing policy
  - Volume 2: Appendices This sets out background analysis to the Main Report, including summary of stakeholder engagement
  - Volume 3: Background Review This provides a summary of the background evidence base undertaken at the commencement of the Study
  - Volume 4: Sustainability Appraisal: Non Technical Summary This provides a summary of the Sustainability Appraisal
  - Volume 5: Sustainability Appraisal: Main Report This sets out the results of the Sustainability Appraisal of the Options, drawing on the analysis and approach taken by the Sustainability Appraisal of the Preferred Option undertaken for WMRA
  - Volume 6: HRA Screening Report Initial screening of the options in line with the Habitats Directive.

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<sup>1</sup> Habitat Regulations Assessment of the Phase 2 Revision of the Regional Spatial Strategy for the West Midlands Ursus Consulting Ltd & Treweek Environmental Consultants (2007)

- Volume 7: HRA Assessment Report (this document) An assessment of the options in line with the Habitats Directive.

- 1.5 Cross-reference to other volumes is made throughout this report for ease of reference.
- 1.6 This HRA Report has been updated and re-issued following consultation with Natural England and Countryside Council for Wales in order to more clearly present the HRA findings in relation to the likely significant effects of the three NLP Growth Scenarios on European sites and also to update the Stage 2 Assessment in relation to air quality and disturbance caused by recreation/amenity and tourism issues affecting a number of European sites. Further HRA work has been commissioned by the West Midlands Regional Assembly to consider water quality and water supply issues in relation to a number of European sites in relation to housing proposed by the Phase 2 Revision Preferred Option and the three NLP housing growth scenarios. Mitigation measures will be proposed as part of this further work in order to reduce any adverse effects on the sites integrity. The findings of this HRA report should therefore be read in conjunction with this subsequent HRA work in terms of assessing the potential effects of the three NLP housing growth scenarios in relation to water supply and water quality issues affecting European sites.

## Background to the Housing Options

- 1.7 The West Midlands RSS was published as Regional Planning Guidance ('RPG') in June 2004, and is being revised in three phases. The first, covering the Black Country, has been finalised and was issued on 15 January 2008. The Phase 2 Revision Preferred Option, covering housing, employment, waste and some transport issues was submitted to the Secretary of State by the West Midlands Regional Assembly ('WMRA') on 21 December 2007. The Phase 2 Preferred Option was accompanied by a Sustainability Assessment SA dated 23 October 2007 ('SA (2007)') and the HRA assessment<sup>1</sup>. The third phase, covering environmental issues, gypsies and travellers and rural services is under preparation.
- 1.8 The Phase 2 Preferred Option, which updates the housing allocations, identified the requirement to provide 365,600 new homes in the period to 2026. Section 5.0 of the Main Report (Volume 1) includes a summary of how this requirement is distributed throughout the West Midlands.
- 1.9 On 7 January 2008, and in response to this figure, Baroness Andrews (Parliamentary under Secretary of State) wrote to WMRA to express concern that the Phase 2 Preferred Option was not making provision for sufficient housing. Baroness Andrews indicated that GOWM would commission work looking at options for delivering higher housing numbers, whilst maintaining as many of the principles of the RSS as possible. The findings from this work would form part of the evidence base to inform the Government's response to the Phase 2 Preferred Option.
- 1.10 Nathaniel Lichfield and Partners (NLP) were commissioned in April 2008 to carry out the study and the findings are set out in Volumes 1, 2 and 3. The Government will draw on the options and scenarios identified in these documents in framing its response to the Phase 2 Preferred Option. However, the Government is not committed to adopting any one of these options or scenarios identified, they are not formal policy or proposals at this time and no decisions have been made about the overall level and distribution of new housing for the West Midlands.
- 1.11 This evidence should be read along with the detailed information that has been compiled by NLP which sets out the housing options and scenarios that have been developed. The NLP report includes full details on how the three scenarios have been developed, along with a Sustainability Appraisal of the scenarios<sup>2</sup>.

<sup>2</sup> Development of Options for the West Midlands RSS in Response to the NHPAU Report: Volume 1: Main Report NLP October 2008

## Development of the Housing Scenarios

- 1.12 Volume 1 contains a detailed analysis of the evolution and form of the housing options that have formed the basis of this evidence and a summary of the key points is set out below.
- 1.13 The NLP study has comprised the following key activities:-
- gathering baseline data on a range of issues;
  - engagement with stakeholders through meetings with local authority representatives, other statutory agencies and utility providers and two regional seminars;
  - the development of 9 initial options;
  - testing the 9 initial options in terms of their impacts and performance against RSS and government policy objectives;
  - testing of the 9 initial options against sustainability objectives and the requirements of the HRA;
  - iterative process of review and formulation of 3 housing scenarios ;and
  - reassessment of the key issues arising in respect of the 3 housing scenarios and reporting on the key findings.
- 1.14 The 3 housing scenarios have emerged from an iterative process of review and consultation with the HRA team and BSG and have taken into account the feedback received from consultees.

## The Housing Scenarios

- 1.15 Below is a brief description of each growth scenario - for specific housing allocation numbers associated with each scenario please refer to the NLP Main Report (Volume 1) for more detail.
- **Scenario 1: Focusing Growth in the South East of the Region**  
This scenario includes the provision of 51,500 additional dwellings, the majority to be accommodated in the South East of the Region with some within the rural west.
  - **Scenario 2 - Spreading Growth**  
This scenario delivers approximately 54,000 additional units but spread both in the south east (where economic growth is strongest) and also identifies locations in North Staffordshire, Telford and Wrekin and East Staffordshire where there is additional capacity for development and also the potential for phasing, funding and delivery mechanisms to support delivery.
  - **Scenario 3 - Maximising Growth**  
The third scenario seeks to provide growth at the higher end of the NHPA range comprising the delivery of approximately 80,000 additional units across a range of locations, including in and around the southern side of the Metropolitan MUA, in Telford and Wrekin, North Staffordshire, East Staffordshire, and Stafford, alongside rural housing provision in the west of the Region.

## The HRA process

- 1.16 Habitat Regulations Assessments of land use plans is a requirement of Section 85A of the Habitats Regulations. The process is split into two stages “screening” (Stage 1) and the HRA proper (Stage 2). The screening process is considered to be a high level filter to establish where there is a probable impact upon a European site; in terms of the legislation the ‘likely significant effect’ (LSE). LSEs need to be considered ‘in combination with other plans or projects. For those sites where an LSE is likely (or the impact is unknown) and the plan is not directly connected with, or necessary to the management of the site, a full HRA must be completed.

- 1.17 As set out paragraph 1.3 above, this work has been commissioned to evaluate how the housing options might affect the results of the HRA of the Phase 2 Preferred Option and does not form part of the Phase 2 Preferred Option process as the NLP Study is not a “land use plan” in terms of the Habitat Regulations and this assessment does not constitute a formal HRA. Notwithstanding this, the work has been carried out to comply with the HRA Directive.
- 1.18 As with the NLP study and the Sustainability Appraisal of the housing scenarios, the starting point is the policies and proposals of the Phase 2 Preferred Option. All of the scenarios assume that the housing growth identified within the Phase 2 Preferred Option is brought forward in its entirety as identified in Policy CF3. This HRA work therefore assesses the likely significant effect of each housing scenario over and above the effects that were identified in the HRA (2007).
- 1.19 To assist in understanding of the additional effect of the housing scenarios over and above that identified in the HRA (2007), this report draws heavily on that document for both ease of reference and understanding of the effects. Where text is reproduced or summarised from the HRA (2007) this is identified.
- 1.20 An initial HRA screening stage in respect of the housing scenarios has been carried out<sup>3</sup> and a report compiled detailing which sites were considered to require HRA and those where no likely significant effect is anticipated. The screening report was subject to consultation with the statutory consultees (see section on consultation below) who were issued with a draft screening report on which they were invited to comment. The final screening note was then updated with regard to comments received from Natural England and following discussions with the Environment Agency. CCW requested consideration of the Berwyn and South Clwyd Mountains SAC, the Elan Valley Woodlands SAC and the Elenydd/Mallaen SPA/SAC. The same request was made during the consultation process for the HRA Screening Assessment of the RSS Phase 2 (Section 2.2 of the Screening Note, Treweek Environmental Consultants 2007). However, the review of the sites designated features and conservation objectives at that stage suggested that there would not be any pathways for impacts from Phase 2 and it was agreed that further assessment would not be necessary<sup>4</sup>. Therefore, the current HRA has not considered these sites in terms of the additional housing scenarios.
- 1.21 Following on from the screening stage, those sites which were considered as requiring full HRA in respect of the housing scenarios were evaluated. The evaluations were carried out using the information on sites from the HRA (2007) as a baseline and the impact tables were modified accordingly. This assessment should be read along with the RSS Phase 2 Preferred Options HRA<sup>1</sup>. The tables were modified to show the results of the Phase 2 HRA and how the housing scenarios might affect the integrity of the European sites.

## Consultation

- 1.22 Section 85B (2) of the Habitats Regulations requires the plan making authority to consult the appropriate nature conservation body for the purposes of the assessment and to have regard to any representations made by that body. As this HRA has been undertaken in relation to the preparation of evidence, rather than in relation to a ‘land use plan’, it is not a formal HRA in terms of the Regulations (as set out in paragraph 1.3 above). However, for consistency with the Regulations both Natural England and the Countryside Council for Wales were consulted at the screening stage. In addition to these statutory bodies, the Environment Agency in England and Wales was also consulted particularly where it held relevant information on the sites which were being assessed. A full list of the officers consulted during this HRA process is found in Appendix 2.

<sup>3</sup> Development of Options for the West Midlands RSS in Response to the NHPAU Report  
Government Office West Midlands, Volume 5: Habitats Regulations Assessment Screening Note September 2008

<sup>4</sup> Section 2.2 of the Screening Note, Treweek Environmental Consultants 2007

## Report structure

- 1.23 As set out above, for ease of reference and comparison the structure of this report mirrors that of the HRA (2007) and cross-referencing indicates where text has been taken from the earlier document. First, those sites which need to be subject to the Stage 2 assessment are listed in Table 1 along with a summary of the reasons for progressing the site onto the full HRA. The issues affecting the integrity of the site are then explored in more detail including impacts on air quality, water supply and quality, recreation and land use change.