

Houndhill Courtyard  
Houndhill, Marchington  
Staffordshire ST14 8LN  
Telephone: 01283 820040 Fax: 01283 821226  
email office@jvhplanning.co.uk

**Response to the SA Appraisal further statement  
of July 2015**

**On Behalf of Mr M Neachell. [in respect of site ref 693]**

1

This new work on the SA appraisal was discussed during the examination and was produced at the request of the inspector, to deal with questions raised in Document HD 03.

2

**The Question of Alternatives**

One of the fundamental requirements of an SA is that “reasonable alternatives taking account of the objectives and the geographical scope “ of the plan/ programme should be considered.

The Commission guidance sets out

What is a “reasonable alternative”? Commission Guidance para. 5.13:

*“The first consideration in deciding on possible reasonable alternatives should be to take into account the objectives and the geographical scope of the plan or programme. The text does not specify whether alternative plans or programmes are meant, or different alternatives within a plan or programme. In practice, different alternatives within a plan will usually be assessed (e.g. different means of waste disposal within a waste management plan, or different ways of developing an area within a land use plan). An alternative can thus be a different way of fulfilling the objectives of the plan or programme. For land use plans, or town and country planning plans, obvious alternatives are different uses of areas designated for specific activities or purposes, and alternative areas for such activities. For plans or programmes covering long time frames, especially those covering the very distant future, alternative scenario development is a way of exploring alternatives and their effects.”*

What is a reasonable alternative? (cont'd) Commission Guidance para. 5.14:

*“The alternatives chosen should be realistic. Part of the reason for studying alternatives, is to find ways of reducing or avoiding the significant adverse environmental effects of the proposed plan or programme. Ideally, though the Directive does not require that, the final draft plan or programme would be the one which best contributes to the objectives set out in Article 1. A deliberate selection of alternatives for assessment, which had much more adverse effects, in order to promote the draft plan or programme would not be appropriate for the fulfilment of the purpose of this paragraph. To be genuine, alternatives must also fall within the legal and geographical competence of the authority concerned.*

In the case of the Tamworth plan, there are seven alternatives generated in the SA ; these

7 first appear at table 10.1 of Document A 4 where they have increased from 4 in table 9.1

The document goes on to say on Page 64 that the SA has expressly not assessed the impact of providing homes outside the Borough Boundary.

The first question is are they realistic alternatives?

Alternatives are looked at to find ways of reducing or avoiding significant adverse effects of the planning proposals. The deliberate selection of alternatives that had greater adverse impacts in order to make the preferred strategy look better is not appropriate.

In this case the 7 alternatives are not all realistic alternatives; they are not realistic because the housing capacity that they generate is not realistic in scale in terms of meeting the residual OAHN at March 2015. Only option 6 meets this criteria within the Borough and Options 6 and 7 meet it when land outside the Borough is included. Options 1-5 are not realistic in any way and are false options which should not have formed part of the SA at any stage.

The geographical scope of the Plan in question is the Tamworth administrative area and on that basis any reasonable alternatives should look at meeting the OAHN with the administrative boundary of the Plan Area. The only option that does this is option 6 and this is not the preferred option.

3

### **The Preferred Option.**

Criticism has been made of the SA previously by us on the basis that it does not look at The effect of offloading an additional 1000 homes outside the borough and that the effects of this were unknown and could not be compared to the strategy of releasing green belt and meeting the OAHN within the borough. The new documents seeks to deal with that issue by including very general comments within the appraisal about the environmental effect that this would have. This is common to all of the alternative strategies other than Option 6 where this is not necessary because the residual OAHN is met within the borough.

The general comments made for options 1,2,3,4,5 and 7 raise the following issues based on the assumption that the additional 1 000 dwellings is split equally between NWBC and Lichfield DC , although this assumption has no basis in any evidence .

We make the following points on the additional paragraph inserted regarded the effect of the extra 1000 homes.

- There is no reason to suppose that the 1000 is equally split, both NWBC and LDC resist this additional development in their districts.
- Pressure on open spaces..... we do not know what open spaces in those districts: within LDC this could also affect the SAC at Cannock Chase and this is not mentioned.

- Historic assets we do not know the quality or quantum of what may be affected.
- Loss of green field land we do not know how much were
- Pressure on Biodiversity ..... Again we do not know where and the status of any biodiversity sites that may be affected.
- Loss of permeable land.....we do not know how sensitive this might be.
- Loss of agricultural land .....we do not know what best and most versatile land will be lost.
- Increased Travel.....we do not know the impact of the increased travel arrangement will be , but we already know that there is a problem with the north of Tamworth being able to serve more than 700 units in any combination of sites.

In our view this new inserted paragraph is so general as to be totally meaningless and does not facilitate in any way the comparison of the effect of this element of the strategy to the alternative. We consider that it does not pass the SA regulations on the basis that the impact of the preferred strategy cannot be ascertained from this paragraph or indeed from any part of the SA process.

4

**Look at Option 6 again**

Option 6 provides a housing capacity of 3,790 , taken together with the existing commitments and the 1000 homes already agreed with LDC and NWBC it will meet the OAHN. The OAHN remaining is 4,334 and this stagey will give 4,790 dwellings.

Table 1.1 of the new document summarises the position with regard to each option.

The table does however contain a fundamental error when Option 6 is considered.

It includes the same text relating to the extra 1000 homes as an SA comment as the other options. These comments should not be included within this appraisal of Option 6

because the extra 1000 homes within LDC and NWBC are not needed with this option.

The Key difference is the effect of the release of the green belt sites and the negative effect of this is said to be

- Effect on biodiversity
- Transport infrastructure
- Education
- Water infrastructure
- Air quality

These assessments are without any allowance for mitigation of these effects.

What this document does do very effectively is highlight the fact that a direct comparison is being made between a series of unmitigated effects resulting from the release of the green belt and a set of unquantified and mainly unknown effects arising from the development of 1000 homes outside the borough.

With regard specifically to the comments about biodiversity and access we attach an update of the biodiversity position with regard to site ref 693. It is clear from this assessment that the development can take place without significant harm being caused to bio diversity, that mitigation can be applied. That there has been confusion within the SA process regarding the Local Nature Reserve and the SBI at Dosthill and the relative importance of each area and any effects. Proposed site 693 lies outside of the Local Nature Reserve but overlaps with the SBI. It can however can be developed and the effects mitigated as set out in the attached report. Indeed there is no overall requirement for residential development to take place within the SBI, there is adequate capacity on the site without the need for housing development in this part of the site.

Below is an update note from the Highway engineers to inform the type of access considered at the examination into site 693. They confirm that an access can be made to meet 500 dwellings as agreed by the County Councils expert at the examination. WYG

confirmed on the 10<sup>th</sup> July

For confirmation we consider that a priority T-junction with a ghost island right turn lane on the A51 Tamworth Road would have sufficient operating capacity to serve a development of 500 dwellings as a single point of access. The initial length of access road could be to a dual carriageway standard with a small roundabout then provided as a 'transition' between the access link and a residential loop road off the roundabout. Any access off Wigford Road could then be pedestrian/cycle only access with potential for emergency access through collapsible bollards or similar.

Alternatively we consider that the initial length of access road off the A51 Tamworth Road could be a wide single carriageway with wider footways constructed to a higher specification to cater for emergency vehicles if required. We believe that this is the arrangement at Hevea Road in Burton upon Trent (<https://www.google.co.uk/maps/@52.8203922,-1.6403947,328m/data=!3m1!1e3>) so there is a precedent for this arrangement and this would involve less land take/construction.

On this basis there is no overall problem with biodiversity or access at the subject site and the reasons set out in the SA both in the original versions and in this latest update are an inaccurate assessment of the impact of the development of site 693.

## 6 Summary

We consider that the approach in this SA will be found to be unlawful upon testing because the assessment of the preferred option has not taken place on the same basis as the alternatives. Ie that the environmental effect of the preferred strategy [7] is not assessed on the same basis as strategy 6. The effects of displacing the 1000 homes are not assessed in any meaningful way so as to be able to compare them with the strategy of meeting the needs within the Borough Boundary. This must be a fundamental flaw.

Secondly we do not consider that the alternatives that have been assessed are realistic because there are currently only two spatial options no 6 and 7 that will meet the OAHN The others are not real options because they do not meet the needs identified by the Council

There must be real doubt that the degree of information available to the plan making authority was sufficient for them to assess the likely environmental effects of the Plan through the

plan making stages and now at examination stage.

On this basis we consider that the SA is flawed , it cannot be a piece of reliable evidence that has underpinned the plan making process for the reasons set out above and furthermore if it is relied upon to proceed we consider that will be found to be inadequate when tested against the regulations, as has become apparent through the various legal challenges that have taken place on the questions of SA on the points that we have referred to above. In a nutshell the SA does not provide sufficient information for the Plan maker to proceed , the effects of 6 of the options are unknown and incapable of comparison with the option that meets the growth within the Borough.

JVH 14<sup>th</sup> July 20145.

Appendix 1

Absolute ecology update. July 2015.

