

Council's Comments on JVH Statements HDR17, HDR18 and HDR19

HDR17

In response to sections 1 to 4, the Council has carried out the further work at the request of the Inspector. In large the information contained in HDR05 is from other parts of the evidence base, mainly documents A4 and A5. The work undertaken for Green Belt Parcel C is new and was prepared using the same methodology for document G2. At no point during the examination hearings did the Inspector request that the Council carries out further work on site 693. The Inspector has not asked the Council to subdivide Green Belt parcel A.

The Council have not proposed the inclusion of any reserve sites, the information has been provided for the Inspector in light of his questions.

The new transport comments provided by WYG suggest access may be feasible on paper with a portion of dual carriageway. However finding an access point does not deal with the highways impacts that would be felt on High Street Dosthill due to the existing environmental issues.

Section 5 concerns the allocation of sites currently at risk of flooding. The Council have taken the appropriate approach to the sequential and exception tests for flood risk through the SFRA preparation as set out in the NPPF; a level 1 assessment was carried out before the draft Local Plan, following the draft Local Plan a level 2 assessment was carried out once the Council was confident that there were insufficient sites at lower flood risk to meet housing needs. JVH reference the Doncaster Site Allocations DPD, the approach, circumstances and issues that the LPA faced are significantly different to those in Tamworth. The Council have not carried out the same exercise as Doncaster MBC in which flood risk was given insufficient weight against restricting greenfield development in a site selection process where sites at lower risk of flooding were available. New homes in Tamworth would not be expected to be flooded as permission will only be granted where flood risk assessments have demonstrated they will be safe for the lifetime of any development. Both the SFRA level 1 and 2 have been supported by the Environment Agency. Site 693 has been fully explored, if would have also had to pass the same tests as it cannot be redrawn to exclude Flood Zone 3 and provide the proposed access point.

HDR18

Each section of this document is dealt with in turn.

2 The Question of Alternatives

In response to the comments raised regarding the deliberate selection of alternatives with greater adverse impacts, table 1.1 in the SA Further Statement (HDR06) shows that none of the spatial options would deliver all of Tamworth's OAHN within the Borough boundary. For the SA to rule out all spatial options on this basis would reduce the process to absurdity and non-

compliance, and would fail to inform the process of selecting the preferred spatial option.

Section 10.2.1 of the SA Report (A4) clearly explains the origin of each of the options and why each was considered.

3 The Preferred Option

The Inspector has advised the Council to make the broad assumption that development could be split equally between Lichfield and North Warwickshire.

The Council has acknowledged within the SA Addendum (EX11), paragraph 3.7 (page 7) that one of the difficulties in undertaking the SA process has been the assessment of options (or the constituent part of) where growth to meet Tamworth's needs is located outside of the administrative boundary of Tamworth. However, the paragraph goes on to state how the SA can recognise and assess any significant environmental impacts, through the assessment of cumulative impacts which takes into account other plans and programmes where this information is available or the location of development is known.

4 Look at Option 6 Again

All spatial options assume 2,000 dwellings would be sought outside of the Borough boundary (see table 1.1 of the SA Further Statement EX11). This is based upon the commitments secured within the adopted Plans of Lichfield and North Warwickshire and their further commitment through the most recent memorandum of understanding (A14) and as set out in Policy SS1 of the Plan (A1). The table in the SA Further Statement summarising the impacts of the options and the reason why each option was rejected or selected shows that option 6 was ruled out on the basis of the impacts of sites within Tamworth, not the further 1,000 dwellings on unknown sites outside of the Borough.

Site 693 covers part of the Dosthill Park SBI and abuts the Dosthill Park LNR and contains an area of BAP Priority Habitat. Mitigation would be required in the form of new habitat creation of more than equivalent value. See comments on HDR19 for further comments.

HDR19

Section 1.3 makes the point an SBI is a local site with no statutory protection, whereas the LNR does have statutory protection. This is true, but the main purpose of an LNR is to engage the local community in biodiversity learning, contact, experience and recreation. An LNR can only be designated on council owned land, not private land, hence the LNR at Dosthill is less extensive than the SBI which takes in part of Mr Neachell's land. An SBI will be of more importance biodiversity wise, so not all LNRs are SBI's. For example the Kettlebrook LNR in Tamworth is only an LNR not an SBI. Just because Mr Neachell's site is not an LNR does not mean that the biodiversity interest is less. Sites which form part of the local strategy to protect

biodiversity will be afforded protection by the policies contained in the Local Plan.

The point is made in the same section that the LNR will not be impacted by development because it's not in the development footprint. However, the LNR, SBI and all blue and green infrastructure in this part of Dosthill to the west of the A51 form part of the linked blue and green infrastructure network across Tamworth. Development of part of that network will have an impact and may sever existing links.

Section 2.1 seems to elaborate or write up the findings of the Phase 1 Habitat Survey supplemented by their own more recent surveys which note the changes that have taken place. Section 4 recommends an up to date phase 2 botanical survey before a detailed mitigation plan can be prepared, but estimates that all impacts could be mitigated.

A total of 5.8ha of site 693 coincides with the SBI. Given the significant size of this protected area which could be affected by construction and loss to development, the Council is not satisfied by the detail of the ecological assessment prepared to conclude there would be no net loss of biodiversity with the measures proposed. As already stated, this area also has an ecosystem value by providing links with surrounding habitats. If offsetting is also required, national pilot areas have shown that this could result in substantial costs to the developer. Mitigation of the environmental impact may be possible but the promoters have not demonstrated this would be viable when taking into consideration the substantial infrastructure costs (primary school, provision of dry access and mitigation of off-site highways impacts) and the constrained site capacity.