



**Tamworth Borough Council
Draft Local Plan 2006-2031
Habitat Regulations Assessment**

March 2014

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1.0 Introduction and background

Habitats Regulations Assessments of Local Development Plans

- 1.2 A Habitats Regulations Assessment (HRA) is required under the UK Habitats Regulations in order to analyse the Local Plan and attempt to ascertain any potentially significant effects on internationally recognised sites of nature conservation interest (also known as 'Natura 2000' or European sites). These sites include Special Protection Areas (SPAs), designated under the Birds Directive², Special Areas of Conservation (SACs), candidate SACs designated under the Habitats Directive³ and wetland sites designated under the Ramsar Convention.

Tamworth Local Plan

- 1.3 Tamworth Borough Council is preparing a new development plan for the borough, the Tamworth Local Plan 2006-2031. This will replace the current local plan 2001-2011 and once it is adopted, planning applications will be determined in accordance with its policies unless other material considerations, such as the National Planning Policy Framework, indicate otherwise.
- 1.4 The Tamworth Local Plan was submitted to the Planning Inspectorate for examination in November 2012. The Inspector raised a number of concerns relating to the soundness of the Plan and an exploratory meeting was held in February 2013 to discuss the work required to overcome the concerns. The Plan was subsequently withdrawn in March 2013.
- 1.5 Since the withdrawal of the Local Plan the work set out in the exploratory meeting has been completed and parts of the evidence base updated and refreshed where necessary to inform the draft Local Plan 2014. The Plan has been amended to extend the plan period to 2031 and the housing and employment land supply adjusted to take account of completions and commitments to 2013. New allocations have been made to accommodate 4250 dwellings and 18 hectares of employment land within the borough boundary.

Scope of the 2011/2012 Joint HRA

- 1.6 Tamworth Borough Council and Lichfield District Council prepared a joint HRA in 2011 and updated it in 2012 for the Lichfield Draft Local Plan Strategy and Pre-submission Tamworth Local Plan. This assessed the impacts of relevant land use plans against the conservation objectives of European sites. The following European sites were identified using a 20km search around Tamworth Borough:

- Cannock Chase SAC – 20km+ from Tamworth Borough
- River Mease SAC – 1km from Tamworth Borough
- Ensor's Pool SAC – 15km from Tamworth Borough

- 1.7 The assessment determined whether the plans would adversely affect the integrity of the sites in terms of nature conservation objectives. Where negative effects were identified other options were examined to avoid any potential damaging effects. Appendix A sets out the special characteristics of the two SACs and the identified impacts of development (this is the same table as in the 2011 and 2012 HRAs).
- 1.8 The 2011/2012 assessments undertook screening of the European sites and concluded that the most likely effects were related to additional households and how these may increase traffic within close proximity to the sites or result in additional recreational pressure, causing an increase in air pollution, habitat disturbance, species disturbance and nutrient enrichment. However, for most of the sites the Tamworth Local Plan would result in no significant effects and no in-combination effects on the European sites identified.
- 1.9 The Cannock Chase SAC is more than 20km from the borough boundary but because it is influenced by visitors from a wide area it was considered that development in Tamworth could have an impact by adding to visitor pressures and air pollution from increased traffic. A specific scoping and screening report identified that there would be significant effects on the SAC. The next stage of separate appropriate assessment was therefore undertaken. It was concluded that the impact of pressures can be mitigated with appropriate levels of financial support. The withdrawn Local Plan included appropriate wording to Policy CP12 to mitigate against any adverse effects, which included a presumption against development that would have a direct or indirect adverse effect on the integrity of the SAC. Larger developments over 100 dwellings were required to provide Suitable Alternative Natural Green Spaces (SANGS) and financial contributions towards management, access and education.
- 1.10 The River Mease SAC is located in Lichfield District in close proximity to the Tamworth borough boundary. It is sensitive to localised agricultural run off, sedimentation and invasive species and is particularly vulnerable to pollution from development upstream through outflows from sewage treatment works which are already at capacity. The conclusion was that the impacts on the River Mease SAC arising from the Tamworth Local Plan would not be significant, however, that was based on the information known at the time and did not preclude further assessment work when more information became known.
- 1.11 Ensor's Pool is located approximately 15km from the borough boundary. Screening concluded that development would have no significant impact and that significant in-combination effects are unlikely to arise from implementing the local plan and other plans and proposals.

Comments on the 2012 HRA

- 1.13 The Council consulted on the Tamworth Pre-submission Local Plan in June 2012, the HRA was subject to consultation at the same time. Natural

England responded specifically on the HRA and the impact of the Plan on the two European sites; Appendix B contains their response.

- 1.14 Natural England supported Policy CP12 in terms of the mitigation measures and the statement that development would not be permitted that would have an adverse impact on the Cannock Chase SAC. Natural England advised that while the zone of influence was likely to contract to 15km large developments within or close to the zone of influence should address the issue of increased road traffic, continue to offer SANGs and require developer contributions. Uncertainty over potential impacts on the River Mease SAC should prompt further HRA assessment at the detailed stage and clarification was sought on whether the Local Plan is likely to contribute to these uncertainties.
- 1.15 Natural England did not make any references to Ensor's Pool SAC.

Purpose of the 2014 HRA

- 1.16 A further HRA is required because aspects of the Tamworth Local Plan have changed from its previous iteration and it is uncertain whether the previous conclusions are still valid. It considers whether the current Local Plan strategy is likely to lead to adverse effects on the Cannock Chase and responds to the concerns raised by Natural England that the Council needs to be certain of the impact of the Plan on the River Mease SAC.

2.0 Methodology

2.1 The methodology described in the Habitats Regulations Assessment for Tamworth Borough and Lichfield District is still the correct approach, with progression through each stage indicating whether the next stage is required. The four main stages involved in appropriate assessment are set out below, the outcome of each stage indicates whether the next stage is required.

- Screening: Determining whether the plan (alone or in combination with other plans) is likely to have a significant effect on a European site
- Scoping: Preparation for the appropriate assessment (this stage aims to identify more precisely what impacts the appropriate assessment should cover to ensure that the appropriate assessment can be carried out. This stage is only required where the scoping exercise has indicated that there is a likely significant impact upon a European site.
- Appropriate assessment: Evaluating the evidence gathered on impacts and considering whether changes to the plan will be needed to ensure that it will not have an adverse impact on any European site.
- Assessment of alternative options: Where the plan is assessed as having an adverse effect, or risk of this, then alternative options should be assessed.
- Assessment of compensatory measures, where in light of an assessment of imperative reasons of overriding public interest, it is deemed that a plan should proceed.

2.2 The 2011/2012 assessment was primarily concerned with the first screening stage and involved gathering evidence and screening for likely impacts.

2.3 Screening was undertaken on both the Cannock Chase SAC and River Mease SAC. This concluded that the Tamworth Pre-submission Local Plan, in combination with other plans, could have significant effects on the Cannock Chase SAC. The appropriate assessment and Visitor Mitigation Report prepared by Footpath Ecology informed the re-drafting of Policy CP12 to include appropriate mitigation, including financial contributions towards management and education and the provision of Suitable Alternative Natural Green Space (SANGS).

2.4 With regard to the River Mease SAC the screening concluded that there would be no likely significant effects and for this reason, no further work was done beyond the screening report.

2.5 The 2014 assessment will consider the most up to date plans for Tamworth, Lichfield and North Warwickshire. It will also respond to comments from Natural England on the Pre- Submission consultation and more recent advice.

3.0 Consideration of Plans

Description of Tamworth Draft Local Plan 2006-2031

- 3.1 The Tamworth Draft Local Plan sets out the principles and policy direction for planning and development in the borough for the period 2006-2031. It is part of a portfolio of documents that together will form the local development framework for Tamworth. It covers a range of topic areas including housing, employment, retail, service centres, built heritage, green infrastructure, biodiversity and leisure. Policies ensure that appropriate supporting infrastructure is delivered and the borough's built and natural environments are protected and enhanced.
- 3.2 Since the withdrawal of the Local Plan in 2013 the Council has updated needs assessments for town centre uses, employment and housing and investigated the capacity of the borough to accommodate development through a series of technical, sustainability and availability assessments and also to reflect an extension of the plan period to 2031.
- 3.3 In respect of town centre uses/retail, there are no suitable sites within the existing town centre with the exception of the Gungate precinct redevelopment, which already has planning permission. The Plan does not therefore make any retail allocations. Employment sites with a capacity 18 hectares have been identified in Tamworth but it is likely that the remaining 14 hectares will have to be found outside the borough boundary.
- 3.4 The 2014 Draft Local Plan proposes a different strategy for growth to the withdrawn local plan and allocates additional strategic housing sites. A total of 25 sites have been allocated, 21 within the urban area and four greenfield strategic extensions at Anker Valley, Tamworth Golf Course, Coton Lane and Dunstall Lane. The Local Plan sets out to deliver at least 4,250 dwellings within the borough and a further 2,000 will have to be delivered outside of the borough, most likely in Lichfield and North Warwickshire. To date, both of these neighbouring authorities have planned to deliver 500 each, which leaves a shortfall of 1000. Further discussions will be required with Lichfield District Council and North Warwickshire Borough Council to determine the most sustainable and deliverable options.
- 3.5 The table below shows the difference in the assessed needs between the withdrawn and Draft Local Plan:

	Withdrawn Local Plan	Draft Local Plan
Retail	20,000m ² comparison goods 1,600m ² convenience goods	7,800 ² comparison goods after 2021 2,900m ² convenience goods after 2021
Employment	36ha employment land	32ha

	20,000m ² office space	no specific office floor space requirement
Housing	5,500 dwellings	6,250 dwellings (4,250 to be allocated 2031)

3.6 The Draft Local Plan policies follow the same broad direction as previously and have been revised where necessary to reflect the updated needs assessments, updated and recently completed evidence and sustainability appraisal work. Appendix C reviews the policies in the Plan and comments on whether there are any likely effects on European sites as a result.

Consideration of in-combination test

3.7 The Habitats Directive states that appropriate assessment of a plan should be undertaken if it would have a likely significant effect on a European site either individually or “in-combination”. It recognises that whilst a single plan on its own could result in likely or insignificant impacts, in combination with other plans in the same geographical area or linked in a relevant way, it could result in a significant cumulative effect. Such plans could include core strategies, local plans and their relevant development plan documents and local transport plans.

3.8 The following plans have been considered for likely in-combination effects.

Lichfield District Local Plan

3.9 The Lichfield District Local Plan: Our Strategy sets out the vision, strategic priorities, spatial strategy, core policies and development management policies within Lichfield District. The Plan that was examined covered the period 2008 to 2028 and makes a number of strategic allocations; further land use allocations and more detailed area based policies will come forward in the future Lichfield District Local Plan: Allocations document. The HRA 2012 relates to the Our Strategy plan.

3.10 The examination into the Lichfield District Local Plan took place in June-July 2013. Following the hearing sessions the Council proposed a number of main modifications which relate to housing numbers, phasing, new strategic housing sites, the Cannock Chase SAC, extension to the plan period to 2029 and the need to work with other authorities in considering future housing need.

3.11 The main modifications were screened for likely significant effects on European sites. An addendum to the HRA was produced in January 2014 to accompany the Main Modifications consultation. The conclusion was that there are no likely significant effects that would result from any of the proposed main modifications. Minor modifications have also been proposed, and it was considered that none were likely to have any significant effects either directly or in combination.

North Warwickshire Core Strategy

- 3.12 The Core Strategy contains a vision, strategic objectives and core policies for the Borough. It covers the period 2006-2028 and proposes delivery of 3650 dwellings over the plan period (which includes 500 to meet the needs of Tamworth Borough) and 70 hectares of employment land.
- 3.13 The hearing into the Core Strategy took place in January 2014. It was acknowledged that additional work will need to be undertaken in conjunction with Tamworth Borough Council and Lichfield District Council to identify sustainable and deliverable options to deliver Tamworth's unmet housing and employment needs.
- 3.14 The HRA screening of the North Warwickshire Core Strategy was undertaken in 2011. The River Mease and Cannock Chase SACs were two of a number of European sites considered as part of this exercise. As with Tamworth, development is most likely to take place in settlements that lie within the catchment of the River Anker not the River Mease and as such, no pathway should exist to impact water quality. Distance of likely development in North Warwickshire to the SAC was considered sufficiently remote to limit significant biological disturbance on habitats alone and in-combination with other plans. Impact on air quality from increased traffic in proximity to the SAC was considered to be minimal and was also screened out.
- 3.15 In relation to the Cannock Chase SAC it was considered that most recreation pressure would be generated from districts closer to the zone of influence of the SAC than North Warwickshire, which lies just outside the zone. Recreational effects alone or in combination with other plans or projects were therefore screened out. In-combination water quality effects were screened out and a contribution to increased traffic on roads was also deemed unlikely to be significant due to distance. Air pollution effects were screened out for this reason.
- 3.16 The conclusion was that although some policies in the Strategy had the potential to adversely impact European sites, more detailed consideration showed that significant effects are unlikely.
- 3.17 No other plans have been considered because they have not been reviewed or updated since 2012.

4.0 Consideration of recent advice

River Mease SAC

- 4.1 Natural England responded to the Tamworth Pre-submission Local Plan in July 2012 (please refer to Appendix B). Recent correspondence from Natural England in January 2014 advised the Council to satisfy itself that development proposed in the Borough would be unlikely to lead to likely significant effects on the River Mease SAC. An important factor to consider is whether development proposed in the Local Plan will discharge to sewage treatment works within the River Mease catchment as this could lead to phosphate levels exceeding limits. The email from Natural England is contained in Appendix B.
- 4.2 The Southern Staffordshire Water Cycle Study identified issues relating to the wastewater treatment works where the Mease is the receiving watercourse. However, the Mease is not the receiving watercourse for the Tamworth Wastewater Treatment Works, which discharges into the Tame. The River Tame then flows north to join the Trent about 500 metres upstream of where the Mease joins the Trent. Severn Trent Water in 2014 confirmed that the area within the Tamworth borough boundary does not interact with the River Mease. The advice concluded that any development within the borough will not affect the River Mease. The email from Severn Trent is contained in Appendix B.
- 4.3 Housing development within Lichfield District that is provided to meet Tamworth's needs may discharge into the River Mease, however, Policy NR8 of the Lichfield District Local Plan: Our Strategy mitigates negative impacts on the SAC. The HRA of the North Warwickshire Core Strategy concluded that development would discharge into the Anker rather than the River Mease catchment and therefore have no impact on the SAC.

Cannock Chase SAC

- 4.4 The email from Natural England in January 2014 advised that the zone of influence has been reduced from 20km to 15km. Development proposed in the Tamworth Draft Local Plan will be outside the zone of influence for Cannock Chase SAC, therefore mitigation for recreational pressure will not be required and SANGS will no longer be necessary.

5.0 Conclusions and next steps

- 5.1 Tamworth lies within the zone of influence for the River Mease SAC, however, recent advice from Severn Trent Water confirmed that no sewage and waste water from development in Tamworth currently or in the future would feed into the River Mease catchment. It is therefore very unlikely that development in Tamworth would lead to significant effects on the character of the SAC.
- 5.2 Tamworth was already outside the zone of influence for the Cannock Chase SAC prior to the re-drawing of the zone and now that it has contracted to 15km, it is further removed from the SAC and less likely to lead to recreational or traffic pressure or pollution.
- 5.3 The initial screening of policies which is set out in Appendix C concludes that it is unlikely that development in Tamworth would lead to significant effects on either of the SACs through impacts on their special characteristics. It is therefore recommended that the Local Plan removes references to both the River Mease SAC and Cannock Chase SAC.
- 5.4 Following the consultation on the Draft Local Plan the Council intends to produce a pre-submission publication Local Plan in summer 2014 for a further 6 week consultation, prior to submission to the Planning Inspectorate for examination.

Appendix A Table of Natura 2000 sites potentially affected by the Tamworth Local Plan

Name of Site	Reason for Designation	Conservation Objectives	Approx Distance from Tamworth Borough boundary (to the nearest 100m)	Identified impacts
River Mease SAC	<p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site</p> <ul style="list-style-type: none"> Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation <p>Annex II species that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> Spined loach <i>Cobitis taenia</i> Bullhead <i>Cottus gobio</i> 	<p>Maintain the river as a favourable Habitat for floating formations of water crowfoot (<i>ranunculus</i>) populations of bull head, spined loach and whiteclawed crayfish and the river and adjoining land as habitat for populations otter.</p>	Tamworth: 4500m	<p>The River Mease is an unusually semi-natural system in a largely rural landscape, dominated by intensive agriculture. Water quality and quantity are vital to the European interests, whilst competition for water resources is high. Diffuse pollution and excessive sedimentation are catchment-wide issues which have the potential to affect the site. SSSI assessment report undertaken in 2007 notes the site's adverse condition and identifies the following issues: drainage, invasive freshwater species, water pollution – agriculture/run-off, water pollution – discharge.</p>

	<p>Annex II species present as a qualifying feature, but not a primary reason for site selection</p> <ul style="list-style-type: none"> • White-clawed (or Atlantic stream) crayfish <i>Austropotamobius pallipes</i> • Otter <i>Lutra lutra</i> 			
Cannock Chase SAC	<p>Annex I habitats that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> • European dry heaths <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site</p> <ul style="list-style-type: none"> • Northern Atlantic wet heaths with <i>Erica tetralix</i> 	<p>Maintain in favourable condition Northern Atlantic wet heaths with <i>Erica tetralix</i> for which the area is considered to support a significant presence. European dry heaths for which this is considered to be one of the best areas in the United Kingdom.</p>	Tamworth >15,000m	<p>Visitor pressures include dog walking, horse riding, mountain biking and off-track activities such as orienteering, all of which cause disturbance and result in erosion, new track creation and vegetation damage.</p> <p>Bracken invasion is significant, but is being controlled. Birch and pine scrub, much of the latter from surrounding commercial plantations, is continually invading the site and has to be controlled. High visitor usage and the fact that a significant proportion of the site is Common Land, requiring Secretary of State approval before fencing can take place, means that the reintroduction of sustainable management in the form of livestock grazing has many problems. Cannock Chase overlies coal measures which have been deep-mined. Mining fissures continue to appear across</p>

				<p>the site even though mining has ceased and this is thought to detrimentally affect site hydrology. Furthermore the underlying Sherwood Sandstone is a major aquifer with water abstracted for public and industrial uses and the effects of this on the wetland features of the Chase are not fully understood.</p>
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Appendix B Relevant Correspondence

Letter from Natural England - response to Tamworth Local Plan Pre-submission Consultation

Date: 20th July 2012
Our ref: 55687
Your ref:



Rob Mitchell
Director, Communities Planning & Partnerships
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BY E-MAIL ONLY

Dear Mr Mitchell

Tamworth Local Plan Pre-submission Consultation

Thank you for consulting Natural England on the pre-submission publication of the Tamworth Local Plan, in your letter dated 8th June 2012.

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. Our main interests include biodiversity; geodiversity; landscape character and quality; green infrastructure; access to the countryside and other open space; the protection and enhancement of soils; and environmental land management.

We have provided comments below on those sections of the Local Plan of particular relevance to our remit. Overall we believe the Plan to be sound when considering whether it is justified, effective and consistent with national policy; however, we have identified a number of deficiencies within the Plan which may lead to it being considered unsound. We have therefore provided recommendations for the inclusion or strengthening of policy in relation to geodiversity, soils, protected species, landscape and green infrastructure. We have made additional recommendations where we believe this will provide further clarification of policy wording or supporting text.

Chapter 2: Background: Spatial Portrait, Vision and Objectives

This section provides a useful overview of the priorities and challenges for development in Tamworth, including environmental constraints, recognising the need to balance growth with the need to protect and enhance the natural environment and green infrastructure. It also highlights the importance of ensuring that policies within the strategy do not contribute to or increase the effects of climate change.

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We would suggest, for clarification, that this latter point alludes to the need for policies to positively contribute to climate change mitigation and adaptation, as sought through Policy CP14 Sustainable Development and Climate Change Mitigation.

The Vision includes an aspiration for an image of the borough as 'urban green'. This is rather disappointing and we would recommend that greater emphasis is placed on the significant environmental assets within the area, and to the objectives referred to elsewhere in Plan, to protect enhance and create additional informal multi-functional green spaces across the borough.

The Strategic Spatial Priorities appear appropriate for the delivery of sustainable development within the Borough. These seek to protect and enhances designated conservation sites, ecological networks and landscapes and improves access to green infrastructure. These also aim to promote sustainable transport and minimise and adapt to the effects of climate change, which is welcomed.

SP1 – A Spatial Strategy for Tamworth

We welcome this policy which identifies that existing green belt, countryside and high quality open spaces will be retained and where possible enhanced. Proposals will promote sustainability by minimising and/or mitigating pressure on the natural environment and natural resources whilst also mitigating and/or adapting to climate change and pollution.

SP5 Housing

This policy takes into account the lack of developable land within the borough and the need to accommodate future housing needs, including up to 4500 dwellings up to 2028. At least 1150 of these will be provided through a sustainable urban neighbourhood in the Anker Valley. The policy recognises the Anker Valley as a sensitive location with development requiring careful mitigation. We suggest that this policy should include reference the HRA findings and mitigation recommendations regarding potential impacts on Cannock Chase SAC.

SP6 Anker Valley Sustainable Urban Neighbourhood

Related to the above we welcome that this policy identifies the need to protect, enhance and create blue and green infrastructure and create appropriate new habitats and linkages to existing sites of high biodiversity value. Perhaps this policy could recognise the presence of nationally and locally designated sites within the Anker Valley, including Alvecote Pools SSSI which is particularly sensitive to water mediated effects associated with development and to the effects of increased access. We note that Policy CP12 states that development will not be permitted that has a negative impact on the water quality of the Alvecote Pool SSSI, River Mease SAC and other important water based habitats, although please note our comments on Policy CP12 below.

Chapter 6 – A High Quality Environment

Natural England generally welcomes the detail included in this chapter which aims to protect and enhance the natural environment, landscape and green infrastructure. We particularly welcome policies SP8, CP9 and CP12.

As identified in the Sustainability Appraisal, Policy SP8 Environmental Assets is linked to the Green Infrastructure Strategy and seeks to ensure that development makes efficient use of Tamworth's network of environmental assets, including the quality of existing open space through management and developer contributions. It also identifies that a number of projects can be implemented which make use of the existing network and address certain deficiencies, including a green network to create a

linear urban park between Glascote Heath and Stonydelph, restoring Broad Meadow SBI and increasing semi-natural space at Wiggington Park. We also welcome reference to the Central Rivers Initiative.

We would recommend that Policy SP8 refers to the statutory wildlife designations within the Borough, particularly Alvecote Pools SSSI, a nationally important site, although we note reference to this within CP12. Otherwise the policy makes good reference to the need to protect and enhance existing environmental assets and access to these, as well as the need to create additional areas and green linkages. Direct reference to achieving the aims and aspirations of the Green Infrastructure Strategy may provide clarity within this Policy. Please also see our additional comments on GI below.

We are generally satisfied with Policy CP12 Protecting and Enhancing Biodiversity, which references the need to protect and enhance statutory and non-statutory designated sites and wider biodiversity and to maintain green linkages. The policy recognises the multi-functionality of biodiversity sites, the importance of providing buffer zones around these and the value of green linkages for wildlife and people. We welcome reference to the Tamworth Phase 1 Habitat Survey and Biodiversity Opportunity Mapping Study as these will be important evidence documents to guide development.

The text and Policy CP12 would benefit from reference to compliance with NPPF requirements, particularly paragraphs 109 and 117. Reference could also be made to the Biodiversity Duty, as set out in the Natural Environment and Rural Communities Act, 2006 (the NERC Act). Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions.

We welcome that Policy CP12 will ensure opportunities are taken through planning conditions, obligations and community engagement to enhance biodiversity resource through habitat creation and restoration, particularly where it comprises BAP habitats.

We are pleased to note that development will not be permitted that has a negative impact on the water quality of the Alvecote Pool SSSI, River Mease SAC and other important water based habitats. It should be recognised that development proposals will need to demonstrate no adverse effect on the interest features of these areas. Additional impacts, such as through increased recreational pressure, may also need to be considered.

Cannock Chase SAC

Natural England welcomes the stipulation that development will not be permitted where it can be demonstrated that it will have an adverse effect on Cannock Chase SAC; however, we would suggest that this is reworded to state that 'development will only be permitted where it can be demonstrated that there will be no adverse effect' – this is the specific test of the Habitats Regulations.

Further to the above, we are aware that Tamworth falls outside the 'zone of influence' identified for the SAC hence we welcome the focus on 'exceptions' i.e. that developments of over 100 will be required to submit an assessment that details how the likely recreation and visitor pressures on the SAC from development, as identified by ongoing work, are mitigated. We note that this may include contributions to habitat and access management and visitor infrastructure and other measures and provision of SANGS. With regard to this it is worth noting the following:

The principles around SAC mitigation as set out in Footprint Ecology's (FE) November 2009 report 'Cannock Chase Visitor Impact Mitigation Strategy' remain relevant.

A further batch of reports have been produced by FE during 2012 assessing the extent to which the proposals set out in the 2009 report might need to be amended following consideration of updated

visitor survey data (gathered during 2010-11). The outcomes from the current, ongoing assessment are not yet finalised.

As a result of the above Natural England would recommended use of the 2009 report as the baseline for work on strategic sites as part of your Local Plan work, with the following proviso:

- The zone of influence around the SAC is very likely to contract to 15km. The 2009 report (based on AONB visitor survey data from 2000) produced a zone of 19.3km (12 miles).
- For information - the zone is derived from consideration of the total visitor data and represents the area from within which 75% of visitors to the SAC have come. This approach is consistent with that adopted on other lowland heathland European designated sites (e.g. Thames Basin Heaths and Dorset Heaths) and is therefore regarded as robust. Note however that the 15km zone is derived from visitor survey data excluding mountain bikers. This is because the mountain bike visitors would otherwise skew the statistics owing to the long distances they travel to reach the SAC.

In terms of guidance for potential developers of large residential developments within or close to the zone of influence the following issues need to be addressed:

- To limit growth in road traffic associated with the development such as e.g. preparation of a travel plan, minimising provision of car parking spaces, providing high quality public transport alternatives and
- To deflect as many visitors originating from the development from Cannock Chase SAC through provision of onsite green space within the development and links to the wider surrounding countryside.

Natural England therefore advises that you refer to Section 5 of the FE 2009 report for guidance on the characteristics of land that might serve as an alternative to the SAC for specified types of user (Suitable Alternative Natural Green-space – SANG). Section 5.4 sets out criteria. Note that SANG are one tool in the toolkit and that developer contributions for measures other than SANG are likely to be required, for example :

- Despite best efforts to provide SANG the visitor data indicates that a residual proportion of visits to the SAC will persist. This must be addressed by means of developer contributions to support e.g. management measures on the SAC – signs, path works, habitat management etc, as well as suitable information provision on new development sites (e.g. through travel plans and info packs)
- We have concluded the scope for diverting mountain bike use is limited due to the special qualities of the SAC and AONB which draw these users to the locality.

Geodiversity

This policy should be amended to include reference to the need to protect and enhance geodiversity, in line with the targets set in the Staffordshire Geodiversity Action Plan, which is cited in 6.40. This will be required to ensure that the Plan is sound and compliant with the NPPF.

Protected species

Protected species have not been specifically mentioned in Policy CP12 or the supporting text. We would welcome a requirement for development to take appropriate steps to maintain the favourable conservation status of populations of protected species, in line with paragraph 117 of NPPF. This will be required to ensure that the Plan is sound and compliant with the NPPF.

Green infrastructure

We note that the section on open space makes reference to the standards in the 2012 Open Space Review and Place Making and Planning Obligations SPDs. Green Infrastructure (GI) should be an

integral part of the creation of sustainable communities and the Local Plan can provide a useful starting point in the consideration of GI provision within new development. The requirement for local GI provision through development should be implicit within the Local Plan. This will ensure the Local Plan is compliant with paragraph 114 of the NPPF and will help ensure effective delivery of local scale GI.

One important function of GI is the provision of new opportunities for access to open space. Natural England's 'standards for accessible natural greenspace' (ANGSt) provides a set of benchmarks, which should be used to ensure new and existing housing has access to nature. More information can be found on Natural England's publication, '*Nature Nearby, Accessible Greenspace Guidance*' (March 2010), available on our website, publication reference NE265. GI provision can also be important in helping to divert additional recreational pressure away from more sensitive sites.

The CABE Space Guidance '*Start with the Park*' (2005) outlines the importance of planning around green spaces, with consideration being given to the context of local landscape character and contribution to the wider GI network.

Soils

The Plan does not really consider the protection and enhancement of soils through the development process. Perhaps this could be included within this Policy or Policy SP8. Where significant development of agricultural land is unavoidable, poorer quality land should be used in preference to that of higher quality, except where this would be inconsistent with other sustainability considerations. Paragraph 112 of the NPPF is relevant when considering the protection of **best and most versatile** (BMV) agricultural land.

Land quality varies from place to place and the Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. It helps underpin the principles of sustainable development. Further information is provided on Natural England's website.

We believe the Plan should be amended in accordance with the above to ensure it is compliant with the NPPF and can be considered sound.

Landscape

The Plan does not address the need to protect and enhance landscapes, including local landscape character, natural and historic landscapes, to protect their natural beauty and amenity, wildlife and cultural heritage. We recommend reference to the Borough's Landscape Character Assessment and a requirement for developments to be informed by Landscape and Visual Impact Assessments where appropriate.

We also recommend reference to the European Landscape Convention. Further information is available on our website at:

<http://www.naturalengland.org.uk/ourwork/landscape/protection/europeanconvention/default.aspx#framework>.

We believe the Plan should be amended in accordance with the above to ensure it is compliant with the NPPF and can be considered sound.

Public rights of way

Another area which this section of the Plan does not really address is designated rights of way such as PRow, bridleways and National Trails, although we note and welcome proposals to safeguard and improve green corridors and links. Development should seek to protect and enhance designated paths far as possible, with reference to the local ROWIP, and we believe the Local Plan should address this in order to comply with paragraph 75 of the NPPF, and be considered sound.

Chapter 7 – A Sustainable Town

Again we welcome the general aspiration of this section to deliver sustainable infrastructure, transport, water management and climate change mitigation in Tamworth, particularly through policies SP9, CP13, CP14 and CP15. These appear to be in general conformity with NPPF requirements.

We note that the Plan has considered the details and recommendations of the Southern Staffordshire Surface Water Management Plan: Phase 1 & 2 and Policy CP15 seeks to minimise flood risk and pollution, to implement multi-functional SUDS and seek to meet WFD targets.

Chapter 8 - Monitoring and Implementation

Monitoring indicators and targets in relation to open space and biodiversity should be set as net gains, given that policies seek to protect, enhance and create new habitats and GI where possible.

We welcome that developer contributions will be used to ensure that the necessary blue and green infrastructure is available to support development with contributions used to mitigate the adverse impacts of development. We note that the Council will, where appropriate, seek to secure such measures through planning obligations, and once adopted, through CIL.

Appendix 9 - Site Allocation Map

Whilst we are reasonably satisfied that this includes all nationally and locally designated conservation sites, we would recommend that the local Wildlife Trust and Green Infrastructure Partnership are consulted regarding local wildlife sites and wider GI. We note that the SA identifies a safeguarded minerals site in north east of the borough is directly adjacent to both the Alvecote Pools SSSI and Decoy SBI and in close proximity to the River Anker BAS and that working this is likely to have a detrimental impact on the integrity of these important biodiversity sites. Natural England concurs with this view and advises that any proposals will need to be subject to detailed assessment to identify impacts and determine whether it is possible to mitigate adverse effects.

Sustainability Appraisal

Natural England is generally satisfied with the detail, methodology and recommendations of this assessment and believe it meets the requirements of the SEA Regulations in assessing the effects of the Plan on environmental, social and economic objectives. The SA objectives being considered seem appropriate, although in light of our comments above, further clarification of impacts on issues such as geodiversity, soils, protected species, landscape and public rights of way may be required.

We note the assessment identified that Option 1 is the most sustainable, concentrating growth in the main urban area, reducing Greenfield land take.

Assessment of Policy SP1 identifies that this policy will direct development to the most sustainable locations, whilst delivering a new sustainable neighbourhood will help to minimise the loss of Greenfield land and make the best use of existing assets.

The assessment of Policy SP5 Housing Delivery identifies that most of the negative impacts such as increased pressure on water resources and air quality would be likely to arise wherever housing is located – we agree with this and suggest that recreational pressure may also result in negative impacts on the environment, including designated sites. This is borne out in the conclusions of the Habitats Regulations in relation to potential impacts on Cannock Chase SAC. Negative impacts on nationally and locally designated sites and wider biodiversity may also be likely. The SA should address this and identify mitigation requirements.

We note that the assessment of Policy SP6 Anker Valley identifies the potential negative impacts of this strategic housing allocation on biodiversity, due to the loss of a substantial area of greenspace which could affect local habitats. We note the positive impacts include provision of sustainable transport and GI and a well designed high quality place. Mitigation recommendations include careful planning to include an area of appropriate greenspace with the opportunity to deliver sustainable alternative biodiversity opportunity sites. The delivery of this mitigation should be assured through Policy SP6.

Habitats Regulations Assessment

We understand that a Habitat Regulations Assessment for Lichfield District & Tamworth Borough was produced in consultation with Natural England in 2011, and this included an assessment of the impacts of the Tamworth Core Strategy on European sites. We are not aware that a separate HRA has been undertaken for the current Local Plan, hence we assume that the Local Plan does not differ from the earlier Core Strategy. If this is not the case Natural England wishes to be informed.

We are aware that the 2011 HRA identified potential recreational impacts on Cannock Chase SAC and that mitigation measures have been agreed. We believe this issue is satisfactorily addressed in the Local Plan.

We also understand that the 2011 assessment identified uncertainty with regards to potential impacts on the River Mease SAC – and recommended the need for further (HRA) assessment at the detailed stage. It is not clear, from the HRA or the Local Plan, whether the Tamworth Local Plan is likely to contribute to these uncertainties. Natural England requires clarification on this issue.

Overall Natural England welcomes the policies in the Tamworth Local Plan. However, we do have some concerns relating to the soundness of the Plan regarding the consideration of geodiversity, soils, landscape, protected species, green infrastructure and public rights of way. We have suggested amendments or additional wording which we consider will provide clarification and ensure compliance with national policies and ensure that the Plan can be considered sound. Natural England would be happy to provide comments on amendments if this would be helpful to the LPA.

I hope that these comments are helpful. For any correspondence or queries relating to this consultation only, please contact me using the details below. For all other correspondence, please contact the address above.

Yours sincerely

Janet Nuttall CEnv MIEEM
Planning and Conservation Advisor
Land Use Operations

Cambridge

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janet.nuttall@naturalengland.org.uk

Email from Natural England regarding impact on SACs

From: Maguire, Sally (NE) [<mailto:Sally.Maguire@naturalengland.org.uk>]

Sent: 10 January 2014 16:01

To: Parry, Jane

Subject: RE: Natural England response to Pre-Submission Tamworth Local Plan ref. 55687

Dear Jane

As mentioned in our previous advice May 2013, we are not aware of a specific HRA having been undertaken nor is it visible on your website. You have mentioned that the 2012 HRA screening report concluded that there would be no significant effect of the Local Plan's policies on the River Mease SAC and no further AA work beyond the screening report is required. As previously mentioned we are not in a position to conclude no Likely Significant Effects (LSE) on the interest features of the River Mease SAC because we need further clarification on whether the Tamworth Plan is likely to lead to LSE on the River Mease SAC. An important factor to consider is whether development proposed in the Local Plan which will discharge to sewage treatment works within the River Mease catchment, as this could lead to phosphate levels exceeding limits.

We note that you have advised that Policy CP 12 set out below is being used as an avoidance measure in order to avoid LSE on the River Mease SAC. Natural England advises that this be made more robust and include wording relating to the interest features of the sites. You will also need to satisfy yourself that this policy will not conflict with other policies within the plan that encourages development coming forward as this may make the plan undeliverable.

"Development will not be permitted that has a negative impact on the water quality of the Alvecote Pool SSSI, River Mease SAC and other important water based habitats."

If planned development within the updated Local plan is outside the zone of influence (15km) for Cannock Chase SAC, mitigation for recreational pressure will not be required and hence SANGS will not be necessary.

Once Natural England is in receipt of the revised Local Plan with the accompanying HRA, we will be in a position to provide advice on the next steps.

Kind regards

Sally

Sally Maguire BSc MRTPI
Lead Adviser
Land Use Crewe Operations Team
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From: Parry, Jane [<mailto:Jane-Parry@tamworth.gov.uk>]
Sent: 19 December 2013 15:24
To: Maguire, Sally (NE)
Subject: FW: Natural England response to Pre-Submission Tamworth Local Plan ref. 55687

Dear Sally

I have been passed your details by Janet Nuttall as I understand you are dealing with my query below.

We would appreciate some advice, it's not an official consultation as such. Basically we would like to know what additional HRA work we need to do in terms of refreshing the screening report that was undertaken in 2011 and updated in 2012. The Local Plan will differ from that previously submitted and withdrawn in the following ways:

- The time period of the Plan is being extended from 2028 to 2030
- There will therefore be a slight increase in the quantum of development being planned for
- There will be different or additional strategic housing sites

Does the reduction in size of the zone of influence change the need to undertake this work as Tamworth will be further from the SACs?

Are SANGS still being recommended as necessary to deflect some of the recreational pressure from SACs?

Thank you.

Kind regards

Jane

Jane Parry
Development Plan and Conservation Officer
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Marmion House
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One Tamworth, Perfectly Placed.

Email from Severn Trent regarding the River Mease SAC

From: Haighton, Tom [mailto:Tom.Haighton@severntrent.co.uk]
Sent: 30 January 2014 12:36
To: Parry, Jane
Subject: River Mease SAC

Jane,

Thank you for your e-mail. The area within Tamworth Borough Council boundary does not interact with the River Mease. The two rivers that run through the area are the River Anker and the River Tame.

All sewage flows in Tamworth drain to Tamworth Sewage Treatment works which is located to the North West of Tamworth, just North of the confluence of the River Anker and Tame.

As such, any development within Tamworth Borough Council will not affect the River Mease.

Kind Regards,

Tom Haighton

Strategy Analyst - Sewer Capacity
Planning & Performance, Waste Water Services
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Mobile - +44 (0)7825 009387

Sewer Flooding Strategy Community of Practice

From: Parry, Jane [mailto:Jane-Parry@tamworth.gov.uk]
Sent: 29 January 2014 14:56
To: Haighton, Tom
Subject: River Mease SAC

Dear Tom

Tamworth Borough Council is in the process of revising its Local Plan, in preparation for consultation on a draft in March. The 2012 Habitats Regulations Assessment will need to be refreshed to accompany the draft Local Plan and I was hoping you would be able to advise on a matter relating to the River Mease SAC.

Natural England have advised that we need to find out whether future development in Tamworth Borough will discharge into a sewerage treatment works within the River Mease catchment as this could lead to phosphate levels exceeding limits. If this is the case, what would Severn Trent recommend should be done to mitigate any potential harm?

I realise that you are undoubtedly very busy but I would appreciate some advice by the end of next week if at all possible. If you are not the correct person to deal with my enquiry, I would be grateful if you would forward this email to the relevant person.

Thank you in advance.

Kind regards

Jane Parry

Development Plan and Conservation Officer

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Visit us at: www.tamworth.gov.uk

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Appendix C Screening: Initial appraisal of 2014 Tamworth Draft Local Plan

Policy Description	Different to 2012 Pre-submission Local Plan?	Remit of policy	Any likely significant effects on European sites anticipated as a result of the policy?
SP1: The spatial strategy for Tamworth	Yes, quantum of housing and employment reduced. Additional strategic housing extensions.	Provides a guide to how the spatial vision and strategic objectives will be achieved in practical terms. The role of the spatial strategy is to set out how much development there will be and broadly where it will go with the overall aim of focusing on the most sustainable and accessible locations and protecting and enhancing the best of the natural and built environments.	No. The strategy is based on delivering development in sustainable locations supplemented by improvements to the natural environment. Tamworth lies outside the catchment of the River Mease.
SP2: Supporting investment in Tamworth Town	No	Reinforces town centre first for town centre uses, i.e. retail, leisure, culture/tourism and office development along with encouraging higher density residential and improved linkages within the town centre and to the out of centre retail areas. It also identifies the key gateway sites and introduces design and conservation principles.	No. The town centre lies outside the 15km zone of influence for Cannock Chase SAC and no allocations of over 100 dwellings are proposed. Tamworth lies outside the catchment of the River Mease.
SP3: Supporting investment in local and neighbourhood centres	No	Sets out guidance for achieving environmental and accessibility improvements and where applicable and where applicable linked to delivering community regeneration objectives.	No. No large scale developments are proposed in the policy.
SP4: Sustainable economic growth	Yes, employment requirement reduced. Allocations also changed.	Identifies the employment land requirement and the strategic employment areas and allocations to meet part of employment need.	No.
SP5: Housing	Yes, reduction in housing	Sets out overall future housing needs and annual requirement to achieve a balanced delivery over the	No. All allocations lie outside the 15km zone of influence for Cannock Chase SAC

	numbers and new allocations within existing urban area	plan period to meet identified housing need. Includes criteria for achieving high quality development in sustainable locations	and no allocations of over 100 dwellings are proposed. Tamworth lies outside the catchment of the River Mease.
SP6: Strategic Urban Extensions	Yes, reduction in extent of Anker Valley allocation and three additional strategic sites	Sets out housing numbers for each site, specific constraints and considerations and required infrastructure to ensure the creation of sustainable neighbourhoods.	No. All allocations lie outside the 15km zone of influence for Cannock Chase SAC Tamworth lies outside the catchment of the River Mease.
SP7: Regeneration Priority Areas	No	Identifies post war planned neighbourhoods and the Wilnecote Regeneration Corridor on the basis of high levels of deprivation and/or poor quality environment. Sets out a series of priorities under each area and commits the Council and its partners to work in partnership to deliver spatial interventions to improve the physical environment and deliver social and economic renewal.	No. The regeneration priority areas are located outside the 15km zone of influence for Cannock Chase SAC.
SP8: Environmental assets	Yes, new open space networks in all strategic housing allocations	Maps green and blue infrastructure and identifies a series of priority areas and schemes and policy principles to deliver enhancements and improvements. These include improving and enhancing the network of green linear linkages across the town and to the canal and river network.	No. The policy positively promotes the protection and enhancement of the green and blue infrastructure network.
SP9: Sustainable Tamworth	No	Identifies the supporting infrastructure required to deliver the sustainable pattern of growth identified in the strategy. It refers to key strategic locations for transport improvements including the A5 junctions, stations, cycle and pedestrian routes and general principles for improving accessibility. The policy also seeks to provide community facilities in sustainable	No. The policy seeks to enable better access to facilities through sustainable means and ensuring development is located in sustainable locations whilst tackling congestion. The emphasis on low carbon development and renewable energy should help mitigate against the effects of

		locations whilst promoting opportunities for zero carbon development, maximising opportunities for renewable energy generation and mapping the areas at risk of flood risk.	climate change.
CP1: Hierarchy of centres for town centre uses	Yes. Sets out hierarchy of centres and floorspace threshold for planning applications outside centres.	Reinforces the “centre first” approach for town centre uses and defines the hierarchy of centres. Sets out criteria for dealing with applications for town centre uses outside the centres including the sequential test and cumulative impact.	No. The policy preference is for town centre uses to be located in existing centres.
CP2: Employment areas	No	Policy defines the acceptable uses within the strategic employment areas and criteria for dealing with alternative uses within existing employment areas.	No. Not site specific and does not result in development directly.
CP3: Culture and Tourism	No	Supports tourism and cultural development, in particular in relation to the town centre. Supports development of linkages from the town centre to the railway station, out of centre retail parks and leisure facilities. Encourages use of canal and rivers as a tourism resource. Identifies supporting infrastructure hotels, transport and information.	No. Not site specific and does not result in development directly.
CP4: Affordable Housing	Yes	Establishes thresholds and the level of developer contributions towards the provision of affordable housing.	No. No direct impact identified, does not result in development directly.
CP5: Housing types	No	Will establish standards for new housing development including the size and type of units, specific types based on evidence arising from the housing needs study.	No. No direct impact identified, does not result in development directly.
CP6: Housing density	No	Contains a banded density target for particular borough wide locations including a higher density target for the centres and transport hubs and a lower	No. No direct impact identified, does not result in development directly.

		target for other urban locations.	
CP7: Gypsies, Travellers and Travelling Showpeople	Yes, target reduced	Identifies a need for one site but is not site specific. Establishes criteria for assessing applications for site proposals.	No. Not site specific and does not result in development directly.
CP8: Sport and recreation	No	Provides and promotes a network of high quality sport and recreation facilities across the borough to meet needs whilst aiming to protect existing features.	No. No direct impact identified, does not result in development directly.
CP9: Open space	Yes.	Seeks to promote an accessible multi functional open space network that functions for people and wildlife. Standards provided for new development and criteria provided to assess applications that would lead to loss of open space.	No. The policy seeks to protect and enhance the natural environment.
CP10: Design of new development	No	Introduces principles to achieve high quality buildings and places.	No. The policy relates to the existing built fabric.
CP11: Protecting the historic environment	No	Includes a list of principles to be considered when proposing development which impacts on the historic environment including listed buildings, conservation areas and scheduled monuments. Also considers non-designated assets.	No. The policy relates primarily to the existing built fabric.
CP12: Protecting and enhancing biodiversity	Yes, references to Cannock Chase SAC and River Mease SAC deleted	Aims to preserve sites and species, making a distinction between statutory and non-statutory sites. Reinforces links between habitats encourages habitat restoration and creation, with emphasis on community led initiatives.	No. The policy seeks to protect biodiversity.
CP13: Delivering sustainable transport	No	Sets out priority measures for improving accessibility and linkages, particularly by public transport, walking and cycling on a borough wide basis and to/from strategic development sites. Sets out criteria for the requirement for transport assessments and travel plans.	No. The policy does not propose development. It seeks the provision of sustainable transport opportunities and reduction in the use of the private car, which could have positive impacts on sites that are vulnerable to air borne pollution.
CP14: Sustainable	No	Supports measures to achieve zero carbon	No. No direct impact identified, does not

development and climate change mitigation		development including renewable energy proposals and resource management.	result in development directly.
CP15: Flood risk and water management	No	Requires new development to consider areas susceptible to fluvial and pluvial flooding including the application of SUDS and sustainable urban design.	No.
CP16: Community facilities	No	Sets out support for community facilities and infrastructure to be located in accessible locations. Encourages dual use of facilities to be considered where they are located in sustainable locations.	No. No direct impact identified, does not result in development directly.
CP17: Infrastructure and developer contributions	No	Includes the key infrastructure required to deliver the strategy and introduces the Infrastructure Delivery Plan.	No. The policy refers to the Infrastructure Delivery Plan which has identified strategic infrastructure requirements. These include water and sewerage which could protect water quality and quantity on sensitive sites.