



# CABINET

7 June 2017

A meeting of the CABINET will be held on Thursday, 15th June, 2017, 6.00 pm in Committee Room 1 - Marmion House

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## A G E N D A

### NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting** (Pages 1 - 6)
- 3 Declarations of Interest**  
*To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.*  
  
*When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.*
- 4 Question Time:**  
To answer questions from members of the public pursuant to Executive Procedure Rule No. 13
- 5 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules**  
None
- 6 Quarter Four 2016/17 Performance Report** (Pages 7 - 74)  
(The Report of the Leader of the Council)
- 7 Capital Outturn Report 2016/17** (Pages 75 - 90)

(The Report of the Portfolio Holder for Assets and Finance)

- 8 Write Offs 01/04/16 to 31/03/17** (Pages 91 - 102)  
(The Report of the Portfolio Holder for Assets and Finance)
- 9 Participation in Public Inquiry** (Pages 103 - 216)  
(The Report of the Portfolio Holder for Regeneration)

Yours faithfully

A handwritten signature in black ink, appearing to be 'A. S. S.', enclosed within a circular scribble.

**Chief Executive**

*People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail [committees@tamworth.gov.uk](mailto:committees@tamworth.gov.uk) preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.*

To Councillors: S Claymore, D Cook, S Doyle, J Goodall, R Pritchard and M Thurgood.



## **MINUTES OF A MEETING OF THE CABINET HELD ON 27th APRIL 2017**

**PRESENT:** Councillors D Cook (Chair), R Pritchard (Vice-Chair), S Claymore, S Doyle, J Goodall and M Thurgood

The following officers were present: Anthony E Goodwin (Chief Executive), Andrew Barratt (Corporate Director Growth, Assets and Environment), Matthew Bowers (Head of Managed Growth, Regeneration and Development) and Stephen Lewis (Head of Environmental Health)

### **114 APOLOGIES FOR ABSENCE**

No Apologies were received

### **115 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 6 April 2017 were approved and signed as a correct record.

*(Moved by Councillor R Pritchard and seconded by Councillor J Goodall)*

### **116 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **117 QUESTION TIME:**

None

### **118 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES**

Councillor A James updated Members of the report of Healthier and Safer Scrutiny on Domestic Abuse Champions

- RESOLVED:** That the Members agreed that Tamworth Borough Council
- 1 supports Domestic Abuse Champions and promotes the scheme within the Borough Council and with its partners; and
  - 2 continue to develop the Domestic Abuse Policy to explore all options and the Portfolio Holder to take it back to Scrutiny once complete prior to it being considered by Cabinet.

*(Moved by Councillor D Cook and seconded by Councillor S Claymore)*

Councillor A James updated Members of the report of Healthier and Safer Scrutiny on Inequality in Life Expectancy Across the Borough

- RESOLVED:** That the Members agreed that Tamworth Borough Council
- 1 promotes healthy lifestyles across the borough;
  - 2 continues to promote exercise with the various events and projects that are funded by the Council in Tamworth;
  - 3 explore that all exercise projects which are available across the borough are signposted on the Council website irrespective of who organises the event; and
  - 4 increase the number of sporting and fitness activities currently available in Tamworth, including an increase in the number of outdoor gyms to cover all then boundary wards and that Scrutiny explores demand and available sites to.

*(Moved by Councillor D Cook and seconded by Councillor S Doyle)*

## 119 HOUSING WHITE PAPER

The Portfolio Holder for Regeneration seeking approval to submit a response to the Government's Housing White Paper Consultation on behalf of Tamworth Borough Council.

- RESOLVED:** That the Members approved the comments to be made in response to the Housing White Paper consultation.

*(Moved by Councillor S Claymore and seconded by Councillor R Pritchard)*

**120 TAMWORTH FUTURE DEVELOPMENT AND INFRASTRUCTURE**

The Portfolio Holder for Regeneration informed Cabinet of the options available to them for formally raising their concerns regarding the negative implications of proposed and promoted developments on and around the Borough boundaries. These options will relate to potential local collaboration with neighbouring authorities and the potential to escalate and seeking Central Government intervention if necessary.

**RESOLVED:**

- That the Members agreed that
- 1 the Leader and Chief Executive write to Lichfield District Council and North Warwickshire Borough Council reiterating the concerns expressed previously and set out in this report about the lack of strategic planning currently taking place and the potential impacts this may have;
  - 2 the aforementioned Councils be invited to adopt a more collaborative approach and work with Tamworth Borough Council on planning for future development and infrastructure from a more strategic perspective;
  - 3 the Leader and Chief Executive write to the Secretary of State for Communities and Local Government setting out the concerns expressed in this report and together with the details of the Council's efforts to resolve the matter locally;
  - 4 the Secretary of State be asked for his assistance to work with us and provide advice and guidance on assessing the options at a strategic level for collaboration and better joint working when planning the future development needs and taking advantage of the options for further growth in support of our efforts to deliver managed economic and housing growth to meet local needs and our obligations as an active member of the GBSLEP; and
  - 5 the Leader and Chief Executive write to the GBSLEP setting out the concerns expressed in this report and ask for their assistance in addressing the issues raised.

*(Moved by Councillor S Claymore and seconded by Councillor R Pritchard)*

**121 TAXI LICENSING POLICY - AMENDMENT AND UPDATE**

The Portfolio Holder for Environment and Culture advised members on updates and amendments to Tamworth Borough Council's Taxi Licensing Policy 2017 - 2022.

**RESOLVED:** That the Members recommended the draft policy goes for approval to full Council

*(Moved by Councillor J Goodall and seconded by Councillor M Thurgood)*

## **122 CHARGING FOR REQUESTED FOOD HYGIENE RATING SCHEME (FHRS) RE-INSPECTIONS/RE-VISITS**

The Portfolio Holder for Environment and Culture advised Members that The Food Hygiene Rating Scheme (FHRS) has been in place in Tamworth Borough Council since April 2012. Currently all visits made to premises are conducted at no cost to the business, which includes requested second visits to the business for the sole purpose of increasing their "star" rating, which is to their business benefit.

The Food Standards Agency (FSA) announced on the 13<sup>th</sup> March 2017 that Local Authorities in England may introduce a charging regime using existing powers available to the Council under the Localism Act to make a charge for requests received for an FHRS re-rating inspection.

**RESOLVED:** That the Members approved the introduction of a charge based on the hourly rate of officers for re-rating inspections based upon full cost recovery with effect from 1 June 2017, reviewed in line with the fees and charges policy annually thereafter.

*(Moved by Councillor J Goodall and seconded by Councillor D Cook)*

## **123 BUSKING FRAMEWORK**

The Portfolio Holder for Environment and Culture provided a working framework to enable busking to be encouraged and regulated within the town centre and public places within Tamworth.

**RESOLVED:** That the Members approved the framework for the effective regulation of busking.

*(Moved by Councillor J Goodall and seconded by Councillor S Doyle)*

**124 DEMENTIA ACTION ALLIANCE - ACTION PLAN PROGRESS REPORT**

The Chief Executive provided Cabinet with a Progress Report relating to the resolution passed in respect of **Minute No. 11** of Cabinet on 16<sup>th</sup> June 2016.

The report also provides an update on the Council's response to the national campaign jointly promoted by MIND/LGA entitled "**Time to Change**" and the wider mental health agenda.

Please note that Tamworth is the 200<sup>th</sup> Dementia Friendly Community which was awarded on 27<sup>th</sup> April 2017

- RESOLVED:** That the Members
- 1 endorsed the actions undertaken by members and officers to date in
    - a) Enabling and supporting the establishment of the **Tamworth Dementia Action Alliance**;
    - b) Integrating the purpose and principles of **Time to Change** into an Employee Wellbeing Policy supported by an **Employer Pledge**;
  - 2 approved the respective Action Plans designed to support both work streams
    - **Tamworth Dementia Alliance Action Plan**
    - **Time to Change Action Plan**;
  - 3 acknowledged the outstanding effort and contributions made by key members, officers and the community;
  - 4 agreed to receive a further report setting out any future successes and/or resource/ legal/financial or other implications associated with the achievement of **Dementia Friendly Community** status; and
  - 5 formal letter of thanks to all involved from the Leader of the Council

*(Moved by Councillor D Cook and seconded by Councillor S Doyle)*

**125 UPDATED RIPA POLICY**

The Solicitor to the Council and Monitoring Officer advised the Members of the proposed amendments to the Corporate Policy governing the Regulation of Investigatory Powers Act 2000 in light of the new requirements introduced by

recent legislative change and Home Office Guidance and seeking their consideration and recommendations in relation thereto.

**RESOLVED:**

- That the Members
- 1 considered the changes to the RIPA policy on Directed Surveillance, Covert Human Intelligence Sources (CHIS) and Acquisition of Communications Data,
  - 2 satisfied themselves that the changes meet the requirements imposed on the Council in terms of the legislation and Codes of Practice, and
  - 3 recommended approval to Council.

*(Moved by Councillor D Cook and seconded by Councillor S Doyle)*

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Leader



THURSDAY, 15 JUNE 2017

**REPORT OF THE LEADER OF THE COUNCIL**

**QUARTER FOUR 2016/17 PERFORMANCE REPORT**

**EXEMPT INFORMATION**

Not applicable

**PURPOSE**

To provide Cabinet with a performance and financial health-check.

**RECOMMENDATIONS**

That Cabinet endorse the contents of this report

**EXECUTIVE SUMMARY**

This report provides information on:

1. Corporate plan actions and corporate risks,
2. Impact of welfare benefit reform,
3. Sustainability Strategy,
4. Financial health check

**OPTIONS CONSIDERED**

Not applicable

**RESOURCE IMPLICATIONS**

There are none

**LEGAL/RISK IMPLICATIONS BACKGROUND**

There are none

**SUSTAINABILITY IMPLICATIONS**

There are none

**REPORT AUTHOR**

John Day

**APPENDICES**

Quarter four 2016/17 performance report

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## Quarter Four 2016/17 Performance Report

1. Overview of corporate plan actions and corporate risks
2. Impact of Welfare Benefit Reform On Council services
3. Sustainability strategy
4. Financial healthcheck

Appendix A. Corporate plan progress report

Appendix B Corporate risks

Appendix C General fund main variances

Appendix D Capital programme monitoring

### 1. Overview of corporate plan actions and corporate risks

The current status of high level corporate plan actions and corporate risks is shown below.

#### \*2016/17 Corporate Plan



#### 2016/17 Corporate Risk Register



Further details are available in the appendices:

- Corporate Plan Actions: **Appendix A**
- Corporate Risks: **Appendix B**

### 2. Impact of Welfare Benefit Reform on Council services

Quarterly updates are presented to monitor the impact of welfare benefit reform changes on Council services including customer demand via customer services monitoring of calls/contacts together with the financial impact of collection and demand for benefits and effect on income streams such as rent, council tax and business rates.

#### Benefits

An increase in successful DHP claims is reported - DHP claims are underspent by £1k with 287 successful claims from 382 applications (compared to 268 successful claims from 359 applications at March 2016).

Live caseload figures are 264 lower than 2016/17 – currently 6,139 (6,475 at March 2016).

There is a 3 week backlog (2 weeks as at March 2016) of claims still to be processed.

### NNDR

Reminders (762 at March 2017) are higher than 2015/16 levels (715 at March 2016) with summonses, liability orders and 7 day letters at higher levels to 2015/16. There has been an increase in enforcement agent referrals – 98 to March 2017 (50 at March 2016).

Outstanding performance for the year is reported, exceeding the outturn for last year of 98.9% and meeting the increased targets set for this year. At the end of quarter 4, the collection rate was 99% against a target of 99%. Court costs income of £8k is below target of £11k.

Arrears for 2015/16 are ahead target at 66.7% compared to target of 50%.

### Council Tax

Reminders are 76 lower than 2015/16 levels (12,083 at 31 March 2017 compared to 12,159 at 31 March 2016).

Outstanding performance for the year is reported, exceeding the outturn for last year of 97.9% and meeting the increased targets set for this year. At the end of quarter 4, the collection rate was 98% against a target of 98%.

Court cost income is also ahead of target by £15k at £280k.

Collection of arrears for 2015/16 are slightly behind target at 48.6% compared to target of 50% - work is progressing on further approaches to realise more Council Tax revenue including recycling/debts and pro-active recovery work.

Collection Fund – the estimated surplus is £27k for the year with a LCTS projected underspend of £26k (total £53k).

### Housing

The Housing Income team continue to perform exceptionally well - Total rent arrears (excluding former tenants) at 31 March 2017 was £329k (as adjusted for payments of £51k made in March but received in April) compared to £338k at 31 March 2016 – a reduction of £9k (compared to a £20k reduction as at 31 March 2016).

Total arrears (including garages etc.) are £1.6m at 31 March 2017, compared to £1.46m at 31 March 2016, an increase of £146k (compared to a £106k increase between 31 March 2015 and 31 March 2016).

Total arrears (including garages etc.) were £1.46m at 31 March 2016 compared to 31 March 2015 - £1.35m (£106k higher).

There were 10 evictions to March 2017 compared to 18 during 2015/16.

### **3. Sustainability Strategy**

#### **Medium Term Financial Strategy 2015-2020 Monitoring,**

In an attempt to provide a clear 'route map' for the transition from surviving to thriving, the Council has designed and adopted a series of strategic plans, policies and processes. Cabinet, on 22<sup>nd</sup> August 2013, endorsed the overarching document 'Planning for a Sustainable Future' as the strategy for meeting the challenges forecast for the Council's Medium Term Financial Strategy (MTFS) which, through the achievement of targets and outcomes associated with the work streams, enabled the organisation to generate significant efficiencies without there being any large scale impact upon the delivery of essential services.

The Sustainability Strategy delivered more than just 'big ticket' efficiencies, it brought about changes to working models, cultures and processes – Agile Working; Demand Management; Joint Working; Shared Services; Locality Delivery/ Commissioning all contributed to our journey.

The adoption of a Demand Management operating model was approved by Cabinet in February 2015. This signifies a shift away from trying to sustain a full suite of services at high standards with continuing budget reductions, to understanding the needs of our customers and working with them to co-design how we meet those demands. It will also involve the application of existing and new technology to capture, collate and analyse customer insight, intelligence and data so as to understand not just the 'need' but the cause, behaviours or decisions creating the need.

Linked with this, a major transformation project 'Delivering Quality Services' has commenced which will include all customer-facing departments, and will incorporate a review of processes and demand, with the aim of re-designing processes to meet changing customer expectations and making the best use of technology to deliver efficient and effective services to the customer, including self-service and digital functionality

Corporate Management Team (CMT) review the most up-to-date budget forecasts on a quarterly basis, and discuss the delivery of the Sustainability Strategy and our Medium Term Financial Strategy (MTFS) – as outlined below.

#### **Update: March 2017**

Since the 2016/17 MTFS was approved in February 2016, the people of the UK have taken the decision to leave the European Union. What happens next – and the implications for businesses and organisations in the UK – is less clear. There will be a wide range of dynamic factors at play over the coming months and years that will affect the impact on the Council.

After initial market volatility, we can expect a period of instability and uncertainty. It is important to bear in mind that very little changes immediately so the Council, along with businesses, charities and other public bodies, should start considering the mid-long term opportunities whilst the dust settles. It should be noted that we are still in the early days following the EU vote and that the economic situation is still very uncertain.

The updated economic forecast shows a prolonged period of low, if not negative, interest rates – which could potentially mean a significant impact to the MTFS, given the current

investment balances and the receipt of the funds from the sale of the former golf course to support the MTFS.

It is suggested that, given the uncertainty, there should be no knee jerk reactions – with a clear plan to focus on balancing the next 3 years budget position, in compliance with the Prudential Code (by which time economic impact, if any, should be clearer).

Currently projections identify:

1. General Fund balances of £502k over 3 years (with a shortfall of £1m over 5 years), including the minimum approved level of £0.5m;

Further savings of around £0.2m p.a. will be required over the next 5 years (based on annual £5 increases in Council Tax). On an annualised basis this would equate to a year on year ongoing saving of £65k over 5 years.

2. HRA balances of £3.5m over 3 years (with balances of £3.0m over 5 years) including the minimum recommended balances of £0.5m.

Work is continuing on a number of actions to address the financial position in future years:

- Delivering Quality Services project – the demand management approach to shift demand to more efficient methods of service delivery – online and automation (Interactive Voice Response). A savings target of £100k p.a. has already been included together with reduced CRM costs of £62k p.a. from 2019/20;
- Recruitment freeze – temporary 12 month appointments are now only being made; there is a robust challenge / re-justification process in place for all vacant posts with a requirement to investigate alternative options including restructuring to fill vacancies / looking at what we can stop doing. This means we have the opportunity to increase the vacancy allowance from 5% to 7.5% over the next 5 years – c. £45k p.a. year on year for the General Fund (£14k p.a. – HRA);
- Spend freeze – Managers have previously been required to restrict / limit spending to essential spend only (there was a £2m underspend in 2015/16 – although the majority was windfall income, c. £0.75m was lower level underspend);
- Alternative investment options arising from the Commercial Investment and Regeneration Strategy (as well as the Treasury Management Investment Strategy, including any prudential borrowing opportunities) to generate improved returns of c. 5% p.a. (plus asset growth) including:
  - Set up of trading company to develop new income streams;
  - Local investment options – Lower Gungate / Solway Close development including the potential to drawdown funding from the Local Growth Fund / Local Enterprise Partnerships (GBS and Staffordshire);
  - Investments in a Diversified Property Fund;

- Investments in a Diversified Investment Vehicle (property, shares etc.);

Note: these would be subject to a robust check and Challenge business case and represent long term investments of between 5 – 10 years (minimum) in order to make the necessary returns (after set up costs).

- Review of reserves / creation of fund for transformation costs (if needed), and
- Targeted Savings – Members to identify potential areas for review in future years.

## General Fund

The updated forecast as at February 2017 is detailed below:

MTFS Projections 2017/18 - 2021/22	General Fund						
	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Projected Balances per MTFS Council February 2016</b>	(5,330)	(3,605)	(2,335)	(608)	1,066	4,032	-
<b>Revised Stress Tested Forecast:</b>							
Central Case Revised Forecast Balances Remaining (-) / Overdrawn (Feb 2017)	(6,680)	(5,781)	(4,326)	(2,737)	(502)	(797)	476

When the 3 year MTFS for the General Fund was approved by Council in February 2016, the forecast shortfall in balances was c.£1.6m for 2019/20 increasing to £4.5m in 2020/21. Following the updates the central forecast now identifies balances of £0.5m over the 3 years to 2019/20.

The shortfall over the next 5 years has been revised to £0.5m (£1.0m including the approved minimum balances level of £0.5m).

The forecast has been updated to include:

- a) the projected outturn contained within the MTFS (as at Period 9);
- b) Policy changes approved by Council in February 2017 as part of the MTFS;
- c) any known changes to the savings targets included within the current MTFS;
- d) Estimated Council Tax surplus and updated Business Rates income forecasts;
- e) Inclusion of council tax increases of £5 p.a.

- f) Updated business rates tariff levels following publication of the Local Government Finance Settlement (and after the Business Rates revaluation from April 2017 have been factored in). RSG levels were unchanged as the 4 year offer was confirmed;
- g) Indicative Business Rates income following the publication of the new multiplier and revised valuations from 1 April 2017;
- h) Revised New Homes Bonus levels following confirmation of the revised scheme (including the deadweight of 0.4% rather than the 0.25% they consulted on) although no major changes as we have adjusted the year 3 prudency factor from 50% to 75% given the greater certainty;
- a) The capital programme scheme savings / payback / return on investment;

### Housing Revenue Account

The updated forecast as at February 2017 is detailed below:

	Housing Revenue Account						
MTFS Projections 2017/18 - 2021/22	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Projected Balances per MTFS Council February 2016	(3,359)	(2,991)	(2,329)	(1,059)	(1,046)	(878)	-
Revised Stress Tested Forecasts:							
Central Case Revised Forecast Balances Remaining (-) / Overdrawn (Feb 2017)	(4,724)	(5,752)	(5,392)	(3,985)	(3,520)	(3,193)	(2,977)

When the 3 year MTFS for the HRA was approved by Council in February 2016, the forecast balances were c.£0.9m by 2020/21. Following the updates the forecast now identifies balances of c.£3.2m for 2020/21 with balances over the next 5 years of £3.0m by 2021/22.



#### 4. Financial healthcheck

This section of the report summarises the main issues identified at the end of March and is the 'best estimate' of the projected outturn at this time though subject to the final account audit procedures.

Details relating to the summary including Directorate commentaries will be available from Corporate Accountancy.

#### General Fund

##### Revenue

<b>GENERAL FUND</b>	<b>Budget £000</b>	<b>Predicted Outturn £000</b>	<b>Variance £000</b>
Chief Executive	-	-	-
Executive Director Corporate Services	548	713	165
Director of Finance	(320)	(1,404)	(1,084)
Director of Technology & Corporate Programmes	17	22	5
Solicitor to the Council	791	728	(63)
Director of Transformation & Corporate Performance	304	339	35
Director of Communities, Planning & Partnerships	(28)	-	28
Director of Housing & Health	1,751	1,873	122
Director of Assets & Environment	5,398	4,555	(843)
<b>Total</b>	<b>8,461</b>	<b>6,826</b>	<b>(1,635)</b>

- The projected full year position identifies a projected favourable variance against budget of £1.64m or 19.3% (£1.51m or 17.89% reported at period 11).
- This projection has highlighted several budget areas with significant variances (detailed at **Appendix C**).
- There was a balance of £50k remaining in the General Contingency Budget at the end of March 2017.

## Capital

GENERAL FUND	Budget £000	Predicted Outturn £000	Variance £000	Reprofile £000	Outturn £000
Director of Technology & Corporate Programmes	223	75	(148)	148	223
Director of Transformation & Corporate Performance	1	1	-	-	1
Director of Housing & Health	120	28	(92)	92	120
Director of Assets & Environment	4,569	1,304	(3,265)	1,151	2,455
<b>Contingency</b>	1,340	-	(1,340)	1,340	1,340
<b>TOTAL GENERAL FUND</b>	<b>6,253</b>	<b>1,408</b>	<b>(4,845)</b>	<b>2,731</b>	<b>4,139</b>

- The provisional outturn on capital schemes spend is £1.408m (£1.3m projected at period 11) compared to a full year budget of £6.253m (this budget includes re-profiled schemes from 2015/16 of £2.69m).
- At this point it is proposed that £2.731m should be re-profiled into 2017/18 (£2.8m projected at period 11) which will be subject to Cabinet approval.
- A summary of Capital expenditure by Directorate can be found at **Appendix D**.

## Balances

Balances on General Fund are projected to be in the region of £6.588m at the year-end from normal revenue operations (£6.47m projected at Period 11) compared to £5.781m projected within the 2017/18 budget report – additional balances of £0.81m.

The change in the predicted out-turn variance since that predicted at period 11 (a favourable change of £121k) has been investigated and significant items identified that make up this change are listed and tabled later in this report.

Members should be aware that any unplanned call on the above balance could adversely affect our ability to resource activity within the current medium term financial plan.

## Housing Revenue Account

### Revenue

HOUSING REVENUE ACCOUNT	Budget £000	Predicted Outturn £000	Variance £000
Director of Housing & Health	3,909	14,615	10,706
Director of Assets & Environment	(36)	(38)	(2)
HRA Summary	(3,505)	(16,207)	(12,702)
<b>Total</b>	<b>368</b>	<b>(1,630)</b>	<b>(1,998)</b>

- The projected full year position identifies a favourable variance against budget of £2m (£1.64m reported at period 11). Individual significant budget areas reflecting the variance are detailed at **Appendix C**.

### Capital

HOUSING REVENUE ACCOUNT	Budget £000	Predicted Outturn £000	Variance £000	Reprofile £000	Outturn £000
Director of Housing & Health	10,624	4,252	(6,372)	6,324	10,576
Director of Assets & Environment	6,334	3,096	(3,238)	3,151	6,247
<b>HRA Contingency</b>	100	-	(100)	100	100
<b>TOTAL HOUSING REVENUE ACCOUNT</b>	<b>17,058</b>	<b>7,348</b>	<b>(9,710)</b>	<b>9,575</b>	<b>16,923</b>

- The provisional outturn on programmed capital schemes is projected to be £7.348m (£6.53m projected at period 11) compared to a budget of £17.058m. It is also proposed that £9.575m be re-profiled into 2017/18 (£10.31m at period 11) in relation to delayed schemes, which will be subject to Cabinet approval.

### Total Capital Programme

- The provisional outturn on programmed capital schemes is projected to be £8.756m (£7.86m projected at period 11) compared to a budget of £23.311m. It is also proposed that £12.306m be re-profiled into 2017/18 (£13.118m at period 11) in relation to delayed schemes, which will be subject to Cabinet approval.

- A summary of Capital expenditure by Directorate can be found at **Appendix D**.

### **Balances**

- Balances on the Housing Revenue Account are projected to be in the region of £6.353m at the year-end (£5.983m projected at period 11) compared to £5.75m projected within the 2017/18 budget report – additional balances of £0.6m.

The change in the predicted out-turn variance since that predicted at period 11 (an improvement of £357k) has been investigated and significant items identified that make up this change are listed and tabled later in this report.

The additional balances will be required to provide additional funds for uncertainties that could affect the Council in the forthcoming years.


## 2016/17 Corporate Plan Progress Report

## 2016/17 Corporate Plan Actions


## SP1: Living a quality life in Tamworth


## LQ001 - Support and protect individuals, communities that are or may become vulnerable


Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Adoption of the Tamworth Prevent Strategy	Successful implementation of the Prevent Strategy evidenced by completed awareness training of Staff, Members and partners	Strategy adopted by Council	The Tamworth Prevention Strategy was adopted by Council in March 2016.	✓
		Percentage of Staff trained	99.9% staff have been trained in the Tamworth Prevent Strategy.	
Implement changes to Sheltered Housing Services	Housing Management Plus services embedded and outcomes achieved	Housing Management Plus services embedded by 31/03/17	Housing Management Plus services are now embedded; ahead of schedule.	✓
Develop and deliver Homelessness Prevention services in line with – DCLG gold standard	Achievement of DCLG Gold Standard	Diagnostic Peer Review by June 2017.	A project group was established in July 2016. An internal assessment was undertaken in December 2016 with an improvement plan being drafted in January 2017. The Diagnostic Peer Review will now take place in September 2017.	✓

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
		Achievement of DCLG Gold Standard by 31/3/19		
Provision/Development of multi agency Digital Sharepoint	Improve communication, ensure robust and consistent delivery	Case study approach. Narrative on progress	There are pockets of data sharing in the authority with the County for example but there is no generic approach to date. Data sharing protocols are in place for appropriate data. In addition, Sharepoints are being established as appropriate and can be evidenced as required.	

## LQ002 - Enable residents to improve their health and quality of life

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Enable access to high quality leisure facilities through our partners	Ensure mechanisms for the provision of sports related activities are robust and meet the needs of the community  Ensure the services/facilities provided match the demand within the indoor/outdoor Sports Strategy	Narrative on progress	All provision operated via Tamworth Borough Council is of a robust nature and only qualified coaches/ providers are used; safeguarding policies are also adhered to. The department is currently working with Council's safeguarding officer to ensure that all policies are fit for purpose. The sports development team also supports clubs around the town in the form of grants to increase quality standards and supports clubs in obtaining club mark status ensuring all needs are met The sports development team are aware of the requirements noted in the Indoor/Outdoor strategy and are working towards accommodating the needs identified - it is expected that funds from the sale of the golf course and 106 funds will be able to	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			<p>assist. The main requirements e.g. New Leisure centre is also identified in the endorsed local plan. The service has now produced new documentation around safeguarding and commissioning of leisure activities including outdoor events and hirers of the Castle grounds e.g. Fairs and Circus – the new documentation strengthens the Council's position on Safeguarding and has been developed with the safeguarding officer.</p> <p>The development in this area continues however a current possible project is being investigated in partnership with the football association is the installation of a new 3G grass pitch – this was an identification of the indoor /outdoor strategy and could possible utilise golf course capital and 106 funds.</p> <p>The 3g grass pitch project is continuing and 106 funds have been identified to fund the first stage feasibility study. The site selected is at Tamworth Enterprise College in Belgrave; we are now awaiting information from the Football Association on costs etc. Two new outdoor gyms have been installed for the community in Belgrave and Amington and the usage on these is encouraging; this brings the total outdoor gyms to five across the Borough.</p>	
Enable the provision of leisure activities targeted at identified sectors of the community	Deliver currently commissioned services and develop proposals for future third sector	Narrative on progress	Delivery continues via commissioned services around holiday provision and the department is looking to team up with external providers and the county sports partnership to offer free /low cost	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
	provision		<p>community provision in a range of family and individual activities.</p> <p>The service is looking to develop a package that can assist in other services of the Council e.g. Housing / Community development / housing tenants –in order to enable the passing of the information on the services on offer that can address areas / individual needs thus providing direct tailored services at the heart of the community and targeted to specific areas that can be assisted e.g. mental Health.</p> <p>A service level agreement has now been agreed with Tamworth Enterprise College in Belgrave to provide additional demand lead activities within the community of Belgrave that targets non–users and is driven by need. The agreement is ongoing year on year utilising Cabinet agreed funds of £10K per annum. The two new outdoor gyms at Amington and Belgrave were also targeted at hot spot areas of non–active communities. These facilities including the activities at the college will be free or at a reduced cost thus helping to remove the burden of cost as a barrier to activity.</p>	
Support the provision of health interventions for vulnerable people	Deliver currently commissioned services and develop proposals for future third sector provision	Commissioning Cycle Three; New services in place by April 2017.	<p>New arrangements are now in place for financial advisory services.</p> <p>The practical support commissioning is subject to a review of purpose and was reported to Cabinet in March 2017.</p>	



Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
To secure and develop the scope of Locality Commissioning opportunities and mechanisms with strategic partners	Development of pooled budgets and integrated systems of working. Explore opportunities for Double Devolution.  Agreement of shared priorities & objectives with partners.	Narrative on progress	Locality commissioned services are now fully decommissioned and links to Staffordshire County Council's Family and Children review have been established.	✔



LQ003 - Work together with partners and residents to tackle the causes of inequality in Tamworth

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Explore options and mechanisms for developing self-help opportunities at a neighbourhood level	Managed transition from current scale of state support to self-help at a neighbourhood level	Narrative on progress	The review of Community Development is progressing and a new proposal is expected for May 2017.	✔
Engage collaboratively in the review of Voluntary, Community & Social Enterprise (VCSE) support and Development Models	Skilled VCSE 'provider' organisations forming a local 'offer' to the market	Ongoing collaborative engagement Successful appointment of voluntary sector support	Both VCSE providers are engaging across their respective sector areas within Tamworth in addition to working with the Council and County Council on key areas of shared interest including the development of 'Volunteers', Youth activities within localities and more recently, interest in the more strategic development of the Unified Community Offer. This remains on track but will be less 'output' focused in the next quarter.	✔

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Facilitate review of strategic purpose and processes of the TSP	Aligned locality based multi-agency collaboration	<p>Tamworth Strategic Partnership engaged in the delivery of priorities and objectives</p> <p>Tamworth Strategic Partnership support Tamworth Borough Council in the delivery of the Vision and Corporate Plan.</p> <p>Tamworth Strategic Partnership sustain their role on the Commissioning Board</p>	Work streams relating to the development of the Unified Community Offer as the primary model for engaging in collaborative problem solving have now been established following the Heads of Service meeting in early March. Once these are aligned and understood, it is planned that they form the basis of the new method of working at a Tamworth Strategic Partnership (TSP) level. This will be led by Rob Barnes and will ultimately result in the TSP becoming the formal entity for collaboration and action at a locality level in respect of shared priorities. This remains on track.	✓

LQ004 - Work together with residents to maintain and improve a safe, clean and green environment

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Ensure all green spaces and nature reserves are accessible by residents and are maintained to a standard that is conducive for use.	Continued use of the Wild about Tamworth project to provide support and guidance to both the volunteer groups and the Council	Quarterly Steering Group meetings to ensure the commission meets targets on education and sites in scope	All targets are being met.	✓
Continued commitment to a Community Safety Partnership that is responsive to locality, and reflects the needs of the	Public feedback on how safe the community feels in Tamworth	Number of incidents of Anti-Social Behaviour	<p>Calendar year 2016; 2199</p> <p>Calendar year 2015; 2300</p> <p>Calendar year 2014: 1907</p> <p>Calendar year 2013: 2092</p> <p>Calendar year 2012: 2220</p>	✓

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
community and partners			Calendar year 2011: 2262 The new Community Assessment (January 2017) has now been received will be used to inform the forward plan for community safety.	
		Percentage of people who feel safe during the daytime/after dark	99% feel safe in their local area during the day. 80% feel safe in their local area after dark. (Feeling the Difference survey waves 17 to 20)	
Review and implement options for Council housing repairs & investment services	Strategic decisions regarding the future of repairs & investment services & implementation planning complete	Strategic decisions by 31/05/16.	Report* to Cabinet on 16th June 2016 set the parameters for the strategic decisions to be taken regarding the future of repairs and investment services. <i>*Combined repairs and investment contractual arrangements for council housing stock.</i>	
		New provider in place by 1st April 2017.	This has changed to the re-provision of existing services following the withdrawal of the current provider. Further expansion of future options were scoped by December 2016. A new provider (Wates) was put in place on 1st April 2017.	
Develop a unified neighbourhood offer		Development proposals by 31/10/16	Proposals have been developed and discussions undertaken with the Portfolio Holder, Communities & Wellbeing. CMT endorsement was given at their meeting on 31st October 2016. Detailed proposals are now being developed.	
		Detailed proposals developed	Following CMT endorsement of the proposals at their meeting on 31st October 2016, detailed proposals are now being developed.	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			The Tamworth Community Offer was presented to Heads of Service at their meeting in March 2017 and workshops were held in April and May 2017.	

## LQ005 - Work together to improve housing quality in Tamworth

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Explore and develop proposals for an asset backed vehicle for the delivery of new housing/delivery of services	Options understood & decisions regarding the future informed	Options understood and decisions regarding the future informed by September 2017	Consultancy support has now been commissioned for consideration of the potential for arms-length arrangements.	✓
Develop and deliver a programme of housing development on Council owned sites including exploration of asset backed vehicles to deliver prs	New council homes & neighbourhood regeneration	Options understood and decisions regarding the future informed by September 2017	Housing Communities Agency garage sites developments have planning approval. Report went to Cabinet in November 2016 to update on the progress made in the provision of affordable housing through the garage development programme & acquisition of units built through s106 agreements. Further acquisitions achieved and procurement process for the development of garage sites is underway. In quarter four 2016/17 redevelopment on tranche one garage sites commenced and consultation began on tranche two. Eight house purchases were made of s106 properties.	✓

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Deliver regeneration at Tinkers Green and Kerria	New council homes & neighbourhood regeneration	Decant all tenants at Kerria by the end of March 2017	This is complete	
		Appointment of a developer by May 2017	On track to appoint developer by May 2017.	
		Demolition of Hastings Close (Tinkers Green)	On track for demolition by June 2017.	
		Demolition of Saxon Close, Linthouse Walk, Leisure Walk and Cottage Walk (Tinkers Green)		
		Secure Reserved Matters Planning Permission by October 2017.	On track to secure reserved matters planning permission by October 2017.	
		Demolition of Kerria by December 2017		
		Start construction at Kerria by January 2018		
		Start construction works at Tinkers Green		
		Completion of construction at Kerria by January 2019		
		Completion of construction at Tinkers Green by January 2019		
Review and update the Council's HRA Business Plan including reviewing the impact of government policies	HRA Plan updated to inform strategic investment decisions	HRA Plan updated by October 2017.	Completion amended to be by October 2017.	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Review of Council's Private Sector Housing offer	Review informs strategic investment decision & service development	Private Sector Housing strategy approved by Cabinet	A draft Private Sector Housing Strategy document will be ready for consultation in June 2017. Following the consultation, a final document will be produced in July 2017 ready for Cabinet approval in September 2017.	✓
Complete the review of the Healthy Housing Strategy & Action Plan	Updated strategic approach & action plan	Housing for Wellbeing Plan completed and agreed	As above	✓

## SP2: Growing Strong Together in Tamworth

GS001 - Develop and support the local economy, together with local businesses and partners through our regional influence.

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Actively engage in the WMCA work stream for Innovation and Inward Investment	Fair and equitable access to Inward Investment	Narrative on progress	Work in progress	✓
Sustain support for GBSLEP Growth Hub	Proactive stance on managing referrals	Narrative on progress	Work in progress	✓

GS002 - Work with businesses and developers to create a vibrant and sustainable town centre.

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
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Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
To support local businesses with their submission for B.I.D. status	The formation of a Tamworth BID	Feasibility study by October 2016.	A report was considered by Cabinet in October 2016 allowing the BID to progress to consultation phase.	✓
		BID formed	Potential ballot Autumn 2017	
Use our regulatory powers within Licensing, Planning, and Environmental Health to be proactive with support and advice to enable business development	An increase in early intervention with a corresponding reduction in sanction.	A reduction in formal sanctions and appeals year on year.	This is an annually updated figure and results will be available in May 2017.	
The provision of accurate and timely advice, support, guidance and signpost town centre business to relevant information, business support programmes, training and funding opportunities	Increase in businesses staying for longer in the town centre. Increased footfall and dwell time in the town centre	Footfall and dwell time in the town centre	It is proving difficult and contentious to establish a meaningful measure for town centre footfall.	
		Length of time businesses stay in the town centre.	At the end of March 2017 there were 36 vacant units out of 302; occupancy rate of 88.1%.	
Collection of the levy arising from the planned Business Improvement District	Maximise the collection level for investment in local infrastructure	Percentage of BID levy collected.	A capital scheme for £17.4k in 2017/18 was approved by Council on 21 February 2017 following a report to Cabinet seeking Members approval to progress a Business Improvement District for Tamworth Town Centre and Ventura Park. Should a BID progress (subject to further feasibility work / a ballot of local businesses) the Council will be responsible for billing, collection and recovery for	✓

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			the BID Levy. There will be an initial capital requirement to set up the BID billing system, which will include a module add-on for our current Capita system and consultancy support to get this module operational	

GS003 – Use our regional influence to support an environment where business and enterprise can flourish and grow.

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Working with GBSLEP Finance Directors to maximise retention of business rates to improve the economy and infrastructure of the region	Maximise collection of business rates within the GBS rate retention pool. Use of insight data to identify additional business rate collection opportunities in order to maximise local business rate collection levels	Percentage change in rateable value of commercial buildings	At the end of quarter four 2016/17, the rateable value of commercial properties had increased by 2.08%.	✔
		Percentage of Non Domestic Rates collected	At the end of quarter four, NNDR collection reached its target of 99%.	
Working with GBSLEP Legal Directors to ensure Scrutiny and governance compliance	Probity of decision making Robust scrutiny of proposals and decisions	Narrative on progress	There is Member and officer representation on the GBSLEP & WMCA Scrutiny Committees. The Solicitor & Monitoring Officer attends the GSLEP quarterly meetings.	✔
Engage as necessary in order to benefit from Non-Constituent Membership of WMCA	Seek opportunities to enhance key growth, skills regeneration outcomes	Narrative on progress	Work in progress.	✔



Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Maintain ongoing commitment to GBSLEP via Board and Executive membership	Influence major decisions that impact upon economic growth	Narrative on progress	Work in progress.	✔
Maintain ongoing commitment to SSoTLEP and countywide collaborations	Further enhance growth opportunities	Narrative on progress	Work in progress.	✔

GS003a - Work together to strengthen the relationships between schools/FE & HE/Employers


Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Actively engage with the GBSLEP & SSoTLEP in their respective programmes targeting young people	Increased opportunities for young people in job market	Narrative on progress	Work in progress	✔
Engage as appropriate in Area Review processes	Skilled & Employment ready workforce	Engagement of secondary schools in the Education Trust Locality project	Encouragement of secondary schools, 6th form and college to engage in the Education Trust Locality project which helps develop strategic approach to careers advice linked to LEP priority areas and promotes better structured links with employers. Council officers attend the quarterly Primary and Secondary Headteacher' meetings. This engagement allows for two way information sharing.	✔
		TBC support to Secondary and Primary Heads Forum	Chief Executive chaired a special meeting of secondary heads and college representatives to	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			<p>promote collaborative working between the schools, 6th form and college to provide the full range of career pathways.</p> <p>Chief Executive contributes to the Area Review consultation.</p> <p>Council officers attend the quarterly Primary and Secondary Headteacher' meetings. This engagement allows for two way information sharing.</p>	

GS003b - Champion higher skilled and better paid jobs in Tamworth

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Actively engage in and influence key strategic work streams namely: WMCA Skills & Productivity Commission & SSoTLEP Employment & Skills work streams	<p>Economic growth through prosperity</p> <p>Impact upon causes of deprivation and reduced reliance on State support</p>	Narrative on progress	Work in progress.	

GS004 - Work together to strengthen the connections between schools/FE & HE/Employment to create opportunities for higher skilled and better paid jobs.

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Engage in the WMCA and SSoTLEP Skills and	Improved links between main education providers	To be agreed once Combined Authorities workstreams convened.	Progress remains on track in terms of both the GBSLEP and the WMCA. The borough council is	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Productivity work streams	and businesses		<p>actively engaged in all aspects of the GBSLEP agenda at a political and officer level. The Chief Executive is the CEO lead on the GBSLEP Business and Innovation Group with the Executive Director Corporate Services sitting on the Finance &amp; Governance Group. Other officers represent the Council on various boards including the Executive. With regard to the WMCA, formal meetings of the Non-Constituent Member authorities is helping to shape our ambitions and expectations around growth, regeneration and the wider work streams. Progress especially in respect of working with South Staffs College has not been good. Indeed; despite assurances to the effect, the College has not engaged with the Council at a senior level since it met to discuss the outcomes and options following the Area Review. Similarly, the Borough Council has not been able to press its point regarding 'education provision and standards' being the weakest link in its Inward/Place Based Investment offer to new and potential businesses. This is critical given that it is a competitive environment and a well-educated/skilled workforce community can be the difference between success and failure. To this end; the Leader &amp; CEO have written to the Secretary of State for Education and the Regional Commissioner for Education challenging them to improve both provision and standards of education in Tamworth. This is not on track but in control</p>	

GS005 – Adopt a commercial approach to managing Council assets in order to enhance the viability of the borough.

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
To commission a review of the Town Centre Master plan	Refreshed masterplan giving a focused view plan	The production of an inward investment strategy	This is to become a work stream of the CIRS project	✔
To facilitate progress by developers/landowners of sites identified in the local plan for housing and / or commercial activity	Additional homes and floor space	Delivery against the Local Plan Growth Profile – The number of sites from the Local Plan with consent	TBA	✔
To facilitate progress by developers/landowners of the regeneration of the Gungate Site	Robust and Proactive approach to facilitating development of land	Narrative on progress	A series of meetings have been made with the landowner to discuss progress. Further options, including joint venture opportunities, have been considered and are being assessed.	✔
Explore opportunities that will ensure all Council investment assets produce a revenue stream to support corporate priorities	The production of a planned sustainable income stream based upon investment assets	Occupancy level of TBC Commercial & Industrial properties	The occupancy rate for our commercial properties is 91.52%. The occupancy rate for our industrial properties is 90.66%	✔
To ensure consideration of commercial opportunities in business decision making	A risk/reward based return on investment requirement within planned projects.  Producing options	Narrative on projects identified and the progress on those projects	The Tamworth Commercial Investment Strategy to promote growth and regeneration was approved by Cabinet on 16th June 2016.  The first formal meeting of the Commercial Investment Strategy Board was on 22nd August	✔

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
	<p>appraisals, business cases and review opportunities for setting up Local Authority Trading Companies as well as other business models for service to maximise return on Council assets and increase economic benefit for the Council.</p> <p>Increase income through adopted commercial approach.</p>		<p>2016. Following an update on progress around this initiative since Cabinet endorsed the initial plans, Members gave their full endorsement for the establishment of a Member-led Steering Group to provide the necessary governance for an Officer/Advisor-led Working Group that in turn would oversee the various major work streams.</p> <p>Key outcomes such as the revitalisation of the Town Centre; the regeneration of the Gungate site; the development of an Inward Investment Strategy that will seek to provide the basis for ongoing managed growth, future funding bids and more.</p> <p>Senior Officers have also attended Seminars to obtain practical guidance on the key legal, governance, financial and tax issues to consider when setting up and running Local Authority Trading Companies (LATC) and 'Building a successful joint venture company'.</p> <p>The first quarterly progress monitoring was reported to Cabinet on 24th November 2016 with work progressing since that time on the development (and set up) of a trading company (including the potential for development of private sector housing for market rental), the regeneration of the Gungate site and the development of an Place Investment Strategy.</p>	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			<p>The Working Group are currently preparing for the next meeting of the Steering Group at which point, we are seeking their approval for the work we have been undertaking over the last 2 – 3 months. We are on the threshold of establishing our ‘arm’s length’ or Independent Trading Company which will provide the means and structure from which we can generate sustainable income streams on behalf of the Council. This could be by acting as a Private Sector Landlord; Joint Venture Partner; Asset Management or, subject to viability and a robust business plan, operating services on a commercial footing. The establishment of the Trading Company is very much seen as the precursor to us building new houses for market rent in the very near future.</p> <p>Further work has centred on the regeneration of the former Gungate Precinct site and the potential to increase the size of the site to include other land in order to encourage a more ambitious development scheme.</p> <p>Progress has been made on the third work stream with proposals designed to encourage both Inward Investment and the continued Growth of Existing Business with the consequence that we now have an outline specification/brief to support the commissioning of the strategy.</p>	
		Rate of return on identified projects	See above	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome

GS006 – Work together to preserve and promote Tamworth's heritage, leisure and natural environment


GS007 – Work together to preserve our culture; preserve our heritage and sustain our national environment

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
To project manage the delivery of the Creative Quarter regeneration	Project completed on time and within budget	Narrative on progress to project plan	An update report was considered by Cabinet and 13 resolutions were approved. <a href="http://democracy.tamworth.gov.uk/ieListDocuments.aspx?CId=120&amp;Mid=977">http://democracy.tamworth.gov.uk/ieListDocuments.aspx?CId=120&amp;Mid=977</a> The Tamworth Enterprise Centre is due to open in May 2017 and a pre-qualification questionnaire has been issued for The Assembly Rooms construction work.	✔


SP3: Delivering Quality Services in Tamworth



DQ001 – Provide accurate information via a fully integrated Customer Services Centre.

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Undertake fundamental review of customer services functions across every service	Enhanced, consistent and accessible customer services	Temporary relocation of staff to CSC by 04/04/16	Staff relocated 4th April 2016. In June 2016, staff moved back to respective service areas until endorsement of CMT report on 25th July 2016 making recommendations on processes, staff	✔

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
	Improved customer experience and satisfaction ratings		relocations and proposed changes to Customer Services.	
		Data/Demand Capture by 13/05/16	Completed for Revenues & Benefits	
	Increased efficiency and capacity	Identification of processes to transform by 27/05/16	Recommendations for changes to Revenues and Benefits Services made and implementation of those changes is now underway.	
	Reduced demand and waste	Progress against the Delivery of Quality Services project plan	The sixth floor now completed as part of the agile working process with customer services now relocated there.	
	Agreed, measureable standards		A post implementation review has commenced. Demand data capture for Communities, Planning & Partnerships and Housing is complete. Final process transformation is now underway; staff changes not yet finalised.	
	Availability of data and customer insight to aid future planning		Capital bids for the redesign of reception and purchase of a customer portal were approved in the budget setting process; project management appointed and project scope being developed.	
	Streamlined, efficient corporate services		The interim Customer Services structure has been approved and completed.	
Remodel service functions, standards and systems	Enhanced, consistent and accessible customer services	Progress against the Delivery of Quality Services project plan	As above	
	Improved customer experience and satisfaction ratings			




Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
	<p>Increased efficiency and capacity</p> <p>Reduced demand and waste</p> <p>Agreed, measureable standards</p> <p>Availability of data and customer insight to aid future planning</p> <p>Streamlined, efficient corporate services</p>			
Co-design Customer Service standards with user groups	<p>Enhanced, consistent and accessible customer services</p> <p>Improved customer experience and satisfaction ratings</p> <p>Increased efficiency and capacity</p> <p>Reduced demand and waste</p>	Baseline of performance at the beginning compared to that at the end	<p>Baseline captured as part of demand capture for Revenues and Benefits. Housing services demand capture now underway.</p> <p>The co-design of customer service standards will be developed in line with the Unified Community Offer. Customer Access Survey to capture customer views launched in March 2017.</p>	


Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
	<p>Agreed, measurable standards</p> <p>Availability of data and customer insight to aid future planning</p> <p>Streamlined, efficient corporate services</p>			
To provide support for the integrated Customer Services Centre	<p>To enable first time resolution and reduction in waste</p> <p>Promotion of digital channels to reduce demand</p> <p>Technical support from back office including appropriately trained staff</p>	Customer satisfaction with CSC	<p>Web Chat service: Of 813 customers using this service, over 80% rated it very good or excellent. In 2016/17, there were more than 1,230,000 hits on the website; an increase on the previous year's figure of just over 1,000,000.</p> <p>In 2016/17 there were 555 active users of the Tamworth App..</p>	
Full and robust implementation of Corporate Change Programme	Provision of digital data and information, enablement of automation and self-service, consistent and robust service provision	Efficiencies in headcount	<p>The sixth floor now completed as part of the agile working process with customer services now relocated there.</p> <p>A post implementation review has commenced. Demand data capture for Communities, Planning &amp; Partnerships and Housing is complete. Final process transformation is now underway; staff changes not yet finalised.</p> <p>Capital bids for the redesign of reception and purchase of a customer portal were approved in the budget setting process; project management</p>	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			appointed and project scope being developed. The interim Customer Services structure has been approved and completed.	

DQ002 – Work with customers to improve their access to Council services

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Seek customer feedback consistently across all service areas	24/7 access for a full range of council services	Customer Satisfaction with Customer Service Centre	Web Chat service: Of 813 customers using this service, over 80% rated it very good or excellent. In 2016/17, there were more than 1,230,000 hits on the website; an increase on the previous year's figure of just over 1,000,000. In 2016/17 there were 555 active users of the Tamworth App.	
	New technology exploited	Number of services available on line	The following services are available on the Tamworth Borough Council website: Pay on line, Benefits calculator, Available council properties, Bin collections, Business rates balances, Council meetings, Council Tax balances, View planning applications, Submit planning applications, Rent balance enquiry, Your councillors,	
	Improved efficiency of access channels			
	Improved customer satisfaction with access to Council Services			
	Increased number of services available on line			
	Cost of delivery/transaction costs reduced			

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			Register to vote, Housing benefit/ Council Tax Reduction scheme application.	
		Reduction in the cost of delivery of Customer Services	£100k removed from the Customer Services budget but savings from back office functions have been identified to off-set the reduction in budget.	
Explore and develop new channels of access	24/7 access for a full range of council services	Customer Satisfaction with Customer Service Centre	Web Chat service: Of 813 customers using this service, over 80% rated it very good or excellent. In 2016/17, there were more than 1,230,000 hits on the website; an increase on the previous year's figure of just over 1,000,000.	✔
	New technology exploited		In 2016/17 there were 555 active users of the Tamworth App.	
	Improved efficiency of access channels			
	Improved customer satisfaction with access to Council Services	Number of services available on line	The following services are available on the Tamworth Borough Council website: Pay on line, Benefits calculator, Available council properties, Bin collections, Business rates balances, Council meetings, Council Tax balances, View planning applications, Submit planning applications, Rent balance enquiry, Your councillors, Register to vote,	
	Increased number of services available on line			
	Cost of delivery/transaction costs reduced			

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			Housing benefit/ Council Tax Reduction scheme application.	
		Reduction in the cost of delivery of Customer Services	£100k removed from the Customer Services budget but savings from back office functions have been identified to off –set the reduction in budget.	
Deliver services that are digital by default	24/7 access for a full range of council services	Customer Satisfaction with Customer Service Centre	Web Chat service: Of 813 customers using this service, over 80% rated it very good or excellent. In 2016/17, there were more than 1,230,000 hits on the website; an increase on the previous year's figure of just over 1,000,000. In 2016/17 there were 555 active users of the Tamworth App.	
	New technology exploited			
	Improved efficiency of access channels			
	Improved customer satisfaction with access to Council Services	Number of services available on line	The following services are available on the Tamworth Borough Council website: Pay on line, Benefits calculator, Available council properties, Bin collections, Business rates balances, Council meetings, Council Tax balances, View planning applications, Submit planning applications, Rent balance enquiry, Your councillors, Register to vote, Housing benefit/ Council Tax Reduction scheme application.	
	Increased number of services available on line			
	Cost of delivery/transaction costs reduced			

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
		Reduction in the cost of delivery of Customer Services	£100k identified within budget.	



DQ003 – Enable and support Tamworth residents and businesses using our statutory and regulatory powers

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Implementation of the Crime and Police 2014	Appropriate use of the new legislation to ensure public concerns over ASB are dealt with swiftly	Number of incidents of ASB	Calendar year 2016; 2199 Calendar year 2015; 2300 Calendar year 2014: 1907 Calendar year 2013: 2092 Calendar year 2012: 2220 Calendar year 2011: 2262 The new Community Assessment (January 2017) has now been received will be used to inform the forward plan for community safety.	✔
Delivery of a Community Safety Partnership that is responsive to locality, and reflects the needs of the community and partners	Positive public feedback on how safe the community feels in Tamworth.	Percentage of people who feel safe during the daytime/after dark.	99% feel safe in their local area during the day. 80% feel safe in their local area after dark. (Feeling the Difference survey waves 17 to 20)	✔
Proactive Business Continuity information sharing with businesses	Enablement of a full business and community response in the event of an incident	Case study approach. Narrative on progress	Working with the Civil Contingencies Unit to host a road show pertaining to business continuity and emergency planning to which all businesses will be invited. Currently awaiting dates from Civil Contingencies Unit but likely to roll over into 2017/18. The focus in quarter two was on 'Exercise Aurora'	✔

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			with quarter three seeing the debrief and dissemination of lessons learned from this successful exercise.	

## DQ004 – Enabling greater public engagement in local decision making

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Explore new methods of ways in which the community can engage with the delivery of council services using data and intelligence	Services shaped by users	Number of services shaped by users	The Delivering Quality Services Project and Unified Community Offer present opportunities for services to be shaped by users of those services. Recommendations for changes to the Benefits Services have been made and implemented. The Revenues and Housing transformation are underway. The next area will be Communities, Planning & Partnerships.	✔
Continue to develop democratic community leadership	Inspirational informed community leaders  Increased number of people who feel they can influence decisions in their locality	E-learning for members implemented by 30/06/17	The e-learning product was demonstrated to Audit & Governance Committee in December 2016; the Gifts & Hospitality Course will be rolled out to all members during quarter one 2017/18.  Scrutiny workshops held for all members July 2016. Dementia & Safeguarding Training for members held in quarter two. Planning and Licensing Training and Budget Workshops held in quarter three. Planning training was held in quarter four.	✔

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
		Percentage of people who feel they can influence decisions in their locality	Asked as a question in the resident's budget consultation; August/September 2016. 36% of respondents felt they were able to influence decisions in their local area. 44% of respondents said they would like to be involved and 49% would like to be involved depending on the issue.	
Budget Consultation	Carry out annual consultation process to inform local priorities for the MTFS	Narrative on outcomes of the consultation	Report to Cabinet 28th July 2016 outlining the budgetary process including budget consultation. This took place in August & September and concluded with a report to Cabinet in November 2016	
Local Council Tax Reduction Scheme consultation	Consultation on scheme proposals needed to balance cost of scheme to council taxpayers against needs of the vulnerable	Consultation	Consultation on proposed amendments to the scheme: August to October 2016. Report to Cabinet in November 2016 and Council in December 2016.	
		Consultation results to Cabinet	Cabinet considered the results of the consultation at their meeting on 24th November 2016.	
		Full Council to decide/endorse 2017/18 onwards scheme	Members considered the results of the public consultation on the current scheme and endorsed the proposed recommended changes to the scheme; <ul style="list-style-type: none"> <li>Local Council Tax Reduction Scheme for working age customers for 2017/18 will continue to be aligned to applicable amounts with those of housing benefit,</li> <li>Council Tax reduction awards will be restricted to a maximum of four weeks only where the claimant(s) are abroad</li> </ul>	



Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
State of Tamworth Debate	Encourage through media sources public involvement in the democratic process to add and facilitate the shape of Tamworth the place	Narrative on outcomes of the SoTD	<p>Tamworth Listens Question Time Event 26th January 2017.</p> <p>State of Tamworth Debate 9th March 2017.</p> <p>The State of Tamworth Debate resolutions were:</p> <ul style="list-style-type: none"> <li>• That the Council send a letter to all employees thanking them for all the work that they do to contribute towards the operation of the Council,</li> <li>• That once a month Scrutiny Committee receive a report from Staffordshire County Council Road Services on the repairs carried out and the repairs outstanding in the Borough,</li> <li>• That this Council challenges the Regional Schools Commissioner of the West Midlands to look at the performance of all Secondary Schools and Post 16 provision in Tamworth with a view to making them better,</li> <li>• A proposal to review the Council's Tattoo Licensing Policy.</li> </ul>	
Registration of Electors/Individual Elector Registration/Elections	Provision of information to citizens through digital channels	Number of electors registering by digital means	<p>Number of responses received using the automated service:</p> <p>Online = 5,757 (18% of properties)</p> <p>Phone = 5,242 (16% of properties)</p> <p>SMS - 1,558 (4.8% of properties)</p>	✔

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			<p>Total Number of Properties = 32,396</p> <p>9% (2,862) of properties failed to respond even after personal canvass</p> <p>The number of individuals on the electoral roll in April 2017 was 57,349.</p>	
Council, Cabinet, Planning Committee	Provision of information to citizens through digital channels	All Council Agendas and Minutes on the internet	The agenda for all Council meetings are published on the internet five days before the meeting and the minutes of those meetings are published on the internet five days after the meeting.	✓



## DQ005 – Demonstrate value for money

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
Review, remodel and realign services and resources by aligning them to our vision, purpose and priorities	Unified back office functions	Service realignment from DQS project for Revenues, Benefits & Housing	The redesign for Revenues and Benefits is now complete. Housing is underway.	✓
Implement organisational transformation to ensure the Councils workforce is equipped and positioned for change	Creation of an environment that enables people to be the best they can be Reviewed senior management structure to	Interim senior management arrangements agreed.	Interim senior management arrangements agreed by Appointments & Staffing Committee – April 2016	✓
		Report to Appointments & Staffing Committee setting out the scale, scope & timescale for a formal review of Senior Management in 2017.	The post of Director, Communities, Planning & Partnerships has been removed from the establishment and savings made. The review of Senior Management has been deferred	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
	ensure positive, transformational and courageous leadership		for twelve months.	
		Delivery of Workforce Development Plan by May 2017.	Work in progress to meet delivery date of 31st May 2017.	
Challenge statutory need and reduce demand for services	Services aligned to customer needs	Capturing Demand & Channel shift	The redesign for Revenues and Benefits is now complete. Housing is underway.	✔
Deliver a training plan that focuses on behaviours, culture and leadership	Delivery of facilitated leadership development programme to create consistent leadership culture	Completion of training programme	Completed for leadership and feedback presented to Chief Executive.	✔
	Organisation fit for 21st Century	Delivery of the Organisational Development Strategy by May 2016	Work in progress to meet delivery date of 31st May 2017.	
Proper Governance advice for officers and Members	Development of e-learning modules to enhance governance awareness	E-learning for members implemented by 30/06/17	The e-learning product was demonstrated to Audit & Governance Committee in December 2016; the Gifts & Hospitality Course will be rolled out to all members during quarter one 2017/18. Scrutiny workshops were held for all members July 2016. Dementia & Safeguarding Training for members held in quarter two. Planning and Licensing Training and Budget Workshops held in quarter three.	✔
Business case approach to investment decisions	A risk/reward based return on investment requirement with planned projects	Rate of return on identified projects	The Tamworth Commercial Investment Strategy to promote growth and regeneration was approved by Cabinet on 16th June 2016.	✔

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			<p>The first formal meeting of the Commercial Investment Strategy Board was on 22nd August 2016. Following an update on progress around this initiative since Cabinet endorsed the initial plans, Members gave their full endorsement for the establishment of a Member-led Steering Group to provide the necessary governance for an Officer/Advisor-led Working Group that in turn would oversee the various major work streams.</p> <p>Key outcomes such as the revitalisation of the Town Centre; the regeneration of the Gungate site; the development of an Inward Investment Strategy that will seek to provide the basis for ongoing managed growth, future funding bids and more.</p> <p>Senior Officers have also attended Seminars to obtain practical guidance on the key legal, governance, financial and tax issues to consider when setting up and running Local Authority Trading Companies (LATC) and 'Building a successful joint venture company'.</p> <p>The first quarterly progress monitoring was reported to Cabinet on 24th November 2016 with work progressing since that time on the development (and set up) of a trading company (including the potential for development of private sector housing for market rental), the regeneration of the Gungate site and the development of an Place</p>	




Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			<p>Investment Strategy.</p> <p>The Working Group are currently preparing for the next meeting of the Steering Group at which point, we are seeking their approval for the work we have been undertaking over the last 2 – 3 months. We are on the threshold of establishing our ‘arm’s length’ or Independent Trading Company which will provide the means and structure from which we can generate sustainable income streams on behalf of the Council. This could be by acting as a Private Sector Landlord; Joint Venture Partner; Asset Management or, subject to viability and a robust business plan, operating services on a commercial footing. The establishment of the Trading Company is very much seen as the precursor to us building new houses for market rent in the very near future.</p> <p>Further work has centred on the regeneration of the former Gungate Precinct site and the potential to increase the size of the site to include other land in order to encourage a more ambitious development scheme.</p> <p>Progress has been made on the third work stream with proposals designed to encourage both Inward Investment and the continued Growth of Existing Business with the consequence that we now have an outline specification/brief to support the</p>	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			commissioning of the strategy.	
To provide appropriate professional support	Provision of financial, legal, ICT and procurement support for the decision making process	Narrative on progress	<p>Financial and legal support provided on the following projects:</p> <ul style="list-style-type: none"> <li>• HRA regeneration (including appointment of Employers Agent &amp; tender for Contractor)</li> <li>• Enterprise Quarter</li> <li>• Gateways project</li> <li>• Commercial Investment Strategy</li> <li>• Renewal of repairs contract</li> <li>• Housing Acquisitions Programme</li> </ul> <p>CIPFA Benchmarking 2016 completed for Human Resources, Audit, Revenues, Benefits and Finance. Legal support on procurement and elections/referendum</p>	
Consideration of commercial opportunities in business decision making	Producing options appraisals, businesses cases and review opportunities for setting up local Authority Trading Companies as well as other business models for service to maximise return on Council assets and increase economic benefit for the Council	Narrative on projects identified and the progress on those projects	<p>The Tamworth Commercial Investment Strategy to promote growth and regeneration was approved by Cabinet on 16th June 2016.</p> <p>The first formal meeting of the Commercial Investment Strategy Board was on 22nd August 2016. Following an update on progress around this initiative since Cabinet endorsed the initial plans, Members gave their full endorsement for the establishment of a Member-led Steering Group to provide the necessary governance for an Officer/Advisor-led Working Group that in turn would oversee the various major work streams. Key outcomes such as the revitalisation of the Town</p>	

Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			<p>Centre; the regeneration of the Gungate site; the development of an Inward Investment Strategy that will seek to provide the basis for ongoing managed growth, future funding bids and more.</p> <p>Senior Officers have also attended Seminars to obtain practical guidance on the key legal, governance, financial and tax issues to consider when setting up and running Local Authority Trading Companies (LATC) and 'Building a successful joint venture company'.</p> <p>The first quarterly progress monitoring was reported to Cabinet on 24th November 2016 with work progressing since that time on the development (and set up) of a trading company (including the potential for development of private sector housing for market rental), the regeneration of the Gungate site and the development of an Place Investment Strategy.</p> <p>The Working Group are currently preparing for the next meeting of the Steering Group at which point, we are seeking their approval for the work we have been undertaking over the last 2 – 3 months. We are on the threshold of establishing our 'arm's length' or Independent Trading Company which will provide the means and structure from which we can generate sustainable income streams on behalf of</p>	

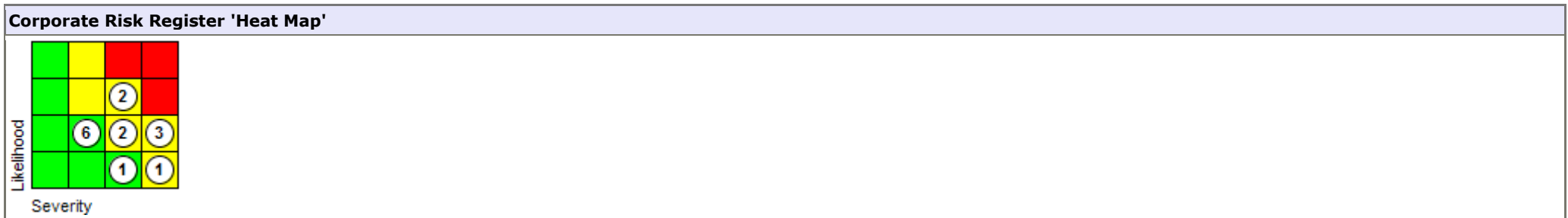
Corporate Objective	Desired Outcome	Outcome Measured by	Update on progress	Expected Outcome
			<p>the Council. This could be by acting as a Private Sector Landlord; Joint Venture Partner; Asset Management or, subject to viability and a robust business plan, operating services on a commercial footing. The establishment of the Trading Company is very much seen as the precursor to us building new houses for market rent in the very near future.</p> <p>Further work has centred on the regeneration of the former Gungate Precinct site and the potential to increase the size of the site to include other land in order to encourage a more ambitious development scheme.</p> <p>Progress has been made on the third work stream with proposals designed to encourage both Inward Investment and the continued Growth of Existing Business with the consequence that we now have an outline specification/brief to support the commissioning of the strategy.</p>	

### Key to symbols

Expected outcome	
	Not on track and not in control
	Not on track but is in control
	On track and in control













## 2016/17 Corporate Risk Register



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Risk	Description of Risk	Date Last Reviewed	Severity	Likelihood	Current Risk Rating	Current Risk Status
Loss of Community Cohesion	Failure to achieve community cohesion	16-May-2017	3	3	9	
Safeguarding Children & Vulnerable Adults	Failure to safeguard children and vulnerable adults	16-May-2017	3	3	9	
Medium Term Financial Planning & Sustainability Strategy	Loss of Funding and Financial Stability & application of uncertainties of Brexit	16-May-2017	4	2	8	
Inability to manage the impact corporately of the Government Austerity measures and new legislative requirements	Inability to manage the impact corporately of the Government Austerity measures and new legislative requirements	16-May-2017	4	2	8	
Implementation of response to GDPR Legislation	General Data Protection Regulations (GDPR) coming into effect in May 2018 resulting in significant change for the organisation, including substantial penalties for failing to adhere and breaches	17-Mar-2017	4	2	8	
Information Management & Information Technology	Failure to secure and manage data and IT infrastructure	16-May-2017	3	2	6	
Health & Safety	Failure to manage Health & Safety	16-May-2017	3	2	6	
Reputation	Damage to Reputation	16-May-2017	2	2	4	

Risk	Description of Risk	Date Last Reviewed	Severity	Likelihood	Current Risk Rating	Current Risk Status
Governance & Regulatory Failure	Failure to achieve adequate Governance Standards and statutory responsibilities	16-May-2017	2	2	4	
Partnership Working and Supply Chain Challenges	Failure in partnership working, shared services or supply chain	16-May-2017	2	2	4	
Emergency & Crisis Response Threats	Failure to manage an external or internal emergency/disaster situation	16-May-2017	2	2	4	
Workforce Planning Challenges	Failure to manage workforce planning challenges	16-May-2017	2	2	4	
Corporate Change	Failure to manage corporate change	16-May-2017	2	2	4	
Taxi Licences	Taxi Licensing process not followed, giving rise to licenses being issued to persons who are not fit and proper	21-Feb-2017	4	1	4	
Economic Changes	Failure to plan and adapt services to economic changes within the community	16-May-2017	3	1	3	

Risk Status	
	High Risk
	Medium Risk
	Low Risk

## General Fund – Main Variances

Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Comment
Customer Services	Salaries	334,919	301,270	33,649	£100k saving applied to budget not yet achieved
	Salaries - Overtime	58,819	3,620	55,199	Overtime/casual hours in excess of budgetary provision
Ad Partnership & Comm Dev	Salaries	-	66,130	(66,130)	Residual savings from a vacant post following implementation of interim management arrangements.
Outside Car Parks	Refundable Deposits	30,900	107,090	(76,190)	Reduced costs due to Spinning School Lane
	Misc Contributions	(7,345)	(38,440)	31,096	Reduced income due to Spinning School Lane
	Short Stay Car Parking	(824,449)	(925,000)	100,551	Impact on income from Spinning School lane
Civil Parking Enforcement	Standard Charges	(101,770)	(52,090)	(49,680)	Impact of using dedicated CPE officer from Stoke
Community Safety	Salaries	38,136	97,330	(59,194)	Underspent as there are two vacant posts.
Community Wardens	Payments For Temporary Staff	46,300	-	46,300	Estimated increased costs following an unsuccessful sickness redeployment and ongoing sickness level
Taxi & Private Hire Vehicles	Combined Hc & Ph Drivers Lic	(59,293)	(27,920)	(31,373)	Income achieved is over target but is, in part, offset by under recovery on other income budgets.
Development Control	Fees & Charges Planning App	(392,137)	(200,000)	(192,137)	A few small applications during March have resulted in a slight increase in the predicted outturn. Applications received are well above budget.
Tourism & Economic Development	Consultants Fees	29,924	68,390	(38,466)	The BID project will not be completed before the year end but a temporary reserve has been requested.
	Cont To Reserves	46,270	-	46,270	

Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Comment
Dev. Plan Local & Strategic	Salaries	58,455	92,710	(34,255)	There has been a delay in recruiting to vacant posts with one post still being vacant. This underspend will be offset, in part, as temporary staff have been used to cover vacancies.
Economic Dev Shared Service	Cont To Reserves	34,530	-	34,530	A temporary reserve will be requested to carry unspent partnership budgets into 17/18
Disabled Facilities Grant-Admi	Salaries	-	26,740	(26,740)	Currently running with a vacant post and reviewing outcome with external agency. Post to be reviewed as contract proceeds.
	Car Allowances	-	1,900	(1,900)	
	Prov Of Occup Health Services	-	5,200	(5,200)	
Commercial Property Management	Rents	(773,382)	(807,250)	33,868	Based on current estimated usage. The situation will be closely monitored throughout the year.
Industrial Properties	Rents	(775,904)	(735,000)	(40,904)	Based on current estimated usage. The situation will be closely monitored throughout the year.
Marmion House	Rents	(86,372)	(54,920)	(31,452)	Additional income from new hirers to Marmion House along with prior year adjustment for the 5th floor
Marmion House	Contribution-Common Services	(92,534)	(79,870)	(12,664)	Additional income from new hirers to Marmion House
Assembly Rooms	Heritage Lottery Fund	3,588	124,300	(120,712)	Budget is underspent against profile as the project has been delayed.
	Government Grants	(3,588)	(124,300)	120,712	Spend on the project has been delayed and therefore grant income will be reduced to match spend.
Arts Development	Government Grants	(3,710)	(34,000)	30,290	Income will be taken into 2017/18 as funding is being spent over two financial years.
Castle & Museum	Salaries	144,153	202,290	(58,137)	There have been several vacant posts which have been covered by casual staff and other staff working increased hours.
	Wages	58,710	9,140	49,570	Casual staff have been covering vacant posts

Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Comment
					and part time staff have been working additional hours.
Public Spaces	Vehicle Hire	129,742	158,010	(28,268)	New fleet arrangements delayed until 2017 so additional funds not required
Tbc Highways Maintenance	Maint Highway Related Assets	62,482	110,200	(47,718)	Predicted underspend to be transferred to Retained fund at year end to meet costs of future maintenance works on Balancing Ponds
	Maint of Roads (HRA)		48,430	48,430	
	Cont To Reserves	120,000	-	120,000	
Joint Waste Arrangement	Specific Contingency	-	50,000	(50,000)	
	Refuse Joint Arrangements	1,243,682	1,254,510	(10,828)	
	Misc Contributions	(41,968)	-	(41,968)	
Page 59	Other Hardware Maintenance	15,309	55,510	(40,201)	Underspend offsetting overspend on software maintenance - due to some expenditure being capitalised
	Mft Licence/Mtce/Imp	389,812	362,530	27,282	Expenditure in excess of budget but offset by underspends across other codes
	Application Software	17,077	56,090	(39,013)	Cost of new software licences capitalised
ICT	Provision For Depreciation	110,400	57,780	52,620	Actual Provision for depreciation required above budgetary provision
	Amortisation Intangible Assets	99,052	54,280	44,772	Actual charge in excess of budgetary provision
	Capital Financed From Revenue	62,613	-	62,613	Charge re capital financed from revenue offset by underspent budgets above
Community Development	Salaries	73,627	108,460	(34,833)	Underspend forecast due to a vacant post.
Homelessness	Provision For Bad Debts	77,175	10,000	67,175	Increased provision reflects increased demand for temporary accommodation
Locality Commissioning	Provision For Bad Debts	34,500	-	34,500	An invoice due to be paid in March 2016 remained unpaid at the end of October. It is understood that payment has since been received and therefore this provision is no longer needed and is offset by a reversal on 82494
	Bad Debt Provision	(34,500)	-	(34,500)	Reversal of bad debt provided for which has

Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Comment
					since been paid. Offset on 35005
Corporate Finance	Specific Contingency	-	50,000	(50,000)	Budget not required
	Vacancy Allowance	-	50,000	(50,000)	Offsetting overspends on service cost centres
	Nndr Levy Payments	612,127	394,850	217,277	Increased levy payment due to higher forecast business rates income
	Capital Financed From Revenue	271,846	-	271,846	FAWP Capital Financing
	Government Grants	(45,336)	-	(45,336)	New Burdens Custom & Self-Build / Transparency code/S31 Grant/Brownfield Site Register
	Contribution From Reserves	(625,247)	-	(625,247)	FAWP Capital Financing, plus return of reserves to balances approved by Cabinet
	Fees & Charges	(172,210)	-	(172,210)	Returned LEP Levy
Treasury Management	External Interest Payable	2,758,943	2,815,380	(56,437)	Additional borrowing not taken
	Cont To Reserves	200,000	-	200,000	Reserve created following significant movement in the valuation of the investment held in escrow acc
	Impairment - Investments	(259,549)	-	(259,549)	Icelandic investments - effect of exchange rate movements
	Misc Interest & Dividends	(288,361)	(362,040)	73,679	Lower interest rate levels than forecast
Inc And Expend Ac (Gf)	Interest Internal Balances	(281,942)	-	(281,942)	Interest element of Golf Course receipt
Electoral Process	Government Grants	(50,335)	(11,070)	(39,265)	New Burdens IER - £20k to be requested to add to retained fund
Land Charges	Write Back From Provisions	(35,531)	-	(35,531)	Release back to revenue provision no longer required
Benefits	Provision For Bad Debts	106,152	160,000	(53,848)	Provision required at year end below budget
	Rent Allowances	9,552,899	10,505,450	(952,551)	Expenditure less than budgeted
	Non-Hra Rent Rebates	281,899	361,860	(79,961)	
	Council Tenant Rent Rebates	10,627,756	11,302,930	(675,174)	
	Council Tenant Grant	(10,353,079)	(11,029,670)	676,591	Based on est DWP final claim
	Private Tenant Grant	(9,282,993)	(10,041,380)	758,387	

Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Comment
	Discretionary Hsg Paymt Grant	(120,087)	-	(120,087)	DHP Grant subject to final claim
	Overpayment Private Tenant	(438,034)	(718,150)	280,116	OVPs identified below budget
	Pt Overpayment Recovery	138,725	-	138,725	OVPs recovered
	Ct Overpayment Recovery	122,124	-	122,124	
Benefits Administration	Cont To Reserves	31,970	-	31,970	Unspent Government grant to offset reduction in admin grant in 2017/18
	Government Grants	(52,637)	(20,670)	(31,967)	Government grant re welfare reforms not yet spent to be requested to transfer to reserve at year end
	Admin. Grant	(361,772)	(328,760)	(33,012)	Confirmed final admin grant due greater than budget est

**Significant variances identified resulting in the increase in net under-spend of £121k**

Cost Centre	Account Code	Year To Date Position Variance	Period 11 Predicted Outturn	Change In Predicted Outturn P11 To P13	Comment
Tbc Highways Maintenance	Maint Highway Related Assets	(47,720)	27,060	(74,780)	Predicted underspend to be transferred to Retained fund at year end to meet costs of future maintenance works on Balancing Ponds
Tbc Highways Maintenance	Cont To Reserves	120,000	65,000	55,000	
Joint Waste Arrangement	Specific Contingency	(50,000)	-	(50,000)	
Joint Waste Arrangement	Misc Contributions	(41,970)	-	(41,970)	
Page 62	Other Hardware Maintenance	40,200	-	(40,200)	Underspend offsetting overspend on software maintenance - due to some expenditure being capitalised
	Application Software	39,010	-	(39,010)	Cost of new software licences capitalised
	Provision For Depreciation	52,620	-	52,620	Actual Provision for depreciation required above budgetary provision
	Amortisation Intangible Assets	44,770	-	44,770	Actual charge in excess of budgetary provision
	Capital Financed From Revenue	62,610	-	62,610	Charge re capital financed from revenue offset by underspent budgets above
Corporate Finance	Nndr Levy Payments	217,280	(61,620)	278,900	Increased levy payment due to higher forecast business rates income
	Capital Financed From Revenue	271,850	-	271,846	FAWP Capital Financing
	Government Grants	(45,340)	(14,930)	(30,410)	New Burdens Custom & Self-Build / Transparency code/S31 Grant/Brownfield Site Register
	Contribution From Reserves	(625,250)	(331,990)	(293,260)	FAWP Capital Financing, plus return of reserves to balances approved by Cabinet
Treasury Management	Cont To Reserves	200,000	-	200,000	Reserve created following significant movement in the valuation of the investment held in escrow acc
	Impairment - Investments	(259,550)	-	(259,550)	Icelandic investments - effect of



					exchange rate movements
Inc And Expend Ac (Gf)	Interest Internal Balances	(281,940)	-	(281,940)	Interest element of Golf Course receipt
Land Charges	Write Back From Provisions	(35,530)	-	(35,530)	Release back to revenue provision no longer required
Benefits	Council Tenant Rent Rebates	(627,170)	(551,610)	(123,560)	Expenditure less than budgeted
	Council Tenant Grant	676,590	462,340	214,250	Based on est DWP final claim
	Private Tenant Grant	758,390	692,520	65,870	

### Housing Revenue Account – Main Variances

Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Comment
Housing Advice	Salaries	215,934	285,040	(69,106)	Vacant posts being covered by temporary agency staff
Housing Advice	Payments For Temporary Staff	89,897	29,000	60,897	Vacant posts being covered by temporary agency staff
Regeneration Project	Maintenance And Security	88,938	9,880	79,058	Cost of Sitex on void properties awaiting demolition prior to regeneration of Tinkers Green and Kerria
Regeneration Project	Council Tax Payments	106,488	-	106,488	Void properties awaiting demolition prior to regeneration
H R A Summary	Contribution To Repairs A/C	2,898,174	4,200,040	(1,301,866)	Repairs underspend previously reported against individual budgets.
H R A Summary	Provision For Bad Debts	139,516	470,000	(330,484)	Budget reflects potential impact of welfare reforms and escalation of arrears but presently bad debt is being contained by robust and effective arrears recovery management
H R A Summary	Specific Contingency	0	100,000	(100,000)	No issues identified which would require a call on this budget
H R A Summary	Cont To Reserves	83,500	-	83,500	Reserve for repairs due to implementation of new contract
H R A Summary	Rents	(18,002,789)	(17,597,530)	(405,259)	Rent income is currently exceeding budget due to void levels being lower

					than budgeted but this is offset by right to buy sales and properties being vacated pending demolition prior to regeneration
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**Significant variances identified resulting in the increase in net under-spend of £357k**

Cost Centre	Account Code	Year To Date Position Variance	Period 11 Predicted Outturn	Change In Predicted Outturn P11 To P13	Comment
P R A Summary Page 64	Contribution To Repairs A/C	(1,301,870)	(907,600)	(394,270)	Repairs underspend previously reported against individual budgets.
	Provision For Bad Debts	(330,480)	(300,000)	(30,480)	Budget reflects potential impact of welfare reforms and escalation of arrears but presently bad debt is being contained by robust and effective arrears recovery management
	Cont To Reserves	83,500	-	83,500	Reserve for repairs due to implementation of new contract

## Capital Programme Monitoring

GENERAL FUND	Budget £000	Predicted Outturn £000	Variance £000	Reprofile £000	Outturn £000	Comments
<b>Director of Technology &amp; Corporate Programmes</b>						
Replacement It Technology	101	60	(41)	41	101	Storage/server upgrades and data re-configuration is now complete. The remaining budget is requested to be re-profiled to 2017/18
EDRMS (Electronic Document Records Management System)	63	-	(63)	63	63	Project will not recommence until 2017/18 and budget requested to be re-profiled
Air Conditioning	32	-	(32)	32	32	Lead in time of up to 10 weeks for air conditioning units - order placed but won't be received until new financial year therefore budget requested to be re-profiled
Backup Solution	15	15	-	-	15	Project now complete
Gazetteer Development	12	-	(12)	12	12	Project progressing but budget to be re-profiled to 2017/18
<b>Directorate Total</b>	<b>223</b>	<b>75</b>	<b>(148)</b>	<b>148</b>	<b>223</b>	
<b>Director of Transformation &amp; Corporate Performance</b>						
HR / Payroll System	1	1	-	-	1	Remaining budget utilised for consultancy re pension changes
<b>Directorate Total</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>1</b>	
<b>Director of Housing &amp; Health</b>						

GENERAL FUND	Budget £000	Predicted Outturn £000	Variance £000	Reprofile £000	Outturn £000	Comments
Private Sector Coalfields Fund	120	28	(92)	92	120	No further spend anticipated this year. Programme of new initiatives to be devolved to target help for venerable residents based on results of recent stock condition survey. Will need to re-profile significant budgets into 2017/18.
<b>Directorate Total</b>	<b>120</b>	<b>28</b>	<b>(92)</b>	<b>92</b>	<b>120</b>	
<b>Director of Assets &amp; Environment</b>						
Disabled Facilities Grant	530	439	(91)	91	530	Full budget allocated to approved grants some of which will not complete until 17/18.
Cctv Camera Renewals	29	-	(29)	29	29	Review of cameras locations etc due to be completed by April - spend plan to be formulated following results of review will need to reprofile budget to 2017/18.
Streetscene Service Delivery Enhancements	30	-	(30)	30	30	Delays in the project due to the delays in the full implementation of the CRM system - future agile service delivery dependant on delivery of scheme. Delivery of new vehicles expected in April 2017 may need to use to facilitate purchase of software interface.
Wigginton Park Section Section 106	42	14	(28)	29	43	Plans ongoing to deliver items from the Wigginton Park Management Plan
Broadmeadow Nature Reserve	52	8	(44)	44	52	Ongoing works to complete management plan and HLS agreement. Contract awarded for bridge works with view to works being completed early summer weather permitting, so will need to reprofile some funding to 2017/18

GENERAL FUND	Budget £000	Predicted Outturn £000	Variance £000	Reprofile £000	Outturn £000	Comments
Public Open Space Section 106	126	95	(31)	31	126	Project group established - list of works currently being collated for remaining budget. Will need to reprofile funds in to 2017/18.
Agile Working Phase 2	310	186	(124)	124	310	6th floor now complete and occupied. The underspend will be required to remodel 1st floor pending NHS occupation of Marmion House.
Street Lighting	53	51	(2)	1	52	Contractors working to management plan with completion for end of financial year.
Assembly Rooms Development	2,316	232	(2,084)	100	332	Project team has now reviewed revised plans and now working to an amended timeline. The budgets included in 2017/18 MTFS reflect the revised expenditure plans however it is now anticipated that there will be an underspend which it will be necessary to carry forward the underspend in the current year.
Castle Mercian Trail	675	39	(636)	635	674	Delays in the project suggest that will only be able to complete some of the Development Phase in 2016/17 will therefore need to reprofile part of Development Phase and all the Delivery Phase into 2017/18.

GENERAL FUND	Budget £000	Predicted Outturn £000	Variance £000	Reprofile £000	Outturn £000	Comments
Gateways	252	225	(27)	27	252	The County Council are progressing the works to phase two between the Station and the town however, may need to reprofile remaining budgets into 2017/18 depending on progress. Budget reduced to reflect external spend on project previously included.
Cultural Quarter - Phil Dix Centre	144	12	(132)	-	12	Work progressing well and should be nearing completion at end of April 2017. Change in funding (reported to Cabinet February 2017) as majority of funding now from SCC / SLGF, no longer need to reprofile budgets to 2017/18 . Budget reduced to reflect external spend on project previously included.
Cultural Quarter - Carnegie Centre	10	-	(10)	10	10	No update to report progress not likely until towards the end of the year
<b>Directorate Total</b>	<b>4,569</b>	<b>1,304</b>	<b>(3,265)</b>	<b>1,151</b>	<b>2,455</b>	
<b>Contingency</b>						
Gf Contingency	50	-	(50)	50	50	Funding to be released by Cabinet once a report detailing any new project has been approved.
Cont-Return On Investment	160	-	(160)	160	160	Funding to be released by Cabinet once a report detailing any new project has been approved.
GF Contingency Plant and Equipment	1,000	-	(1,000)	1,000	1,000	Funding to be used to provide most financially advantageous replacement of plant and equipment. Business case to be provided for any potential schemes.

GENERAL FUND	Budget £000	Predicted Outturn £000	Variance £000	Reprofile £000	Outturn £000	Comments
Private Sector Improvement Grants (Coalfields Funding)	130	-	(130)	130	130	Spending plans to be reviewed for the remainder of the budget so may need to re-profile significant spend into 2017/18.
<b>Directorate Total</b>	<b>1,340</b>	<b>-</b>	<b>(1,340)</b>	<b>1,340</b>	<b>1,340</b>	
<b>GENERAL FUND TOTAL</b>	<b>6,253</b>	<b>1,408</b>	<b>(4,845)</b>	<b>2,731</b>	<b>4,139</b>	

HOUSING REVENUE ACCOUNT	Budget £000	Predicted Outturn £000	Variance £000	Reprofile £000	Outturn £000	Comments
Director of Housing & Health						
Gas Cent Htng Upgrd & Ren 2012	658	626	(32)	-	626	Contract behind to achieve spend with no time to complete budgeted spend, will be an underspend. Properties missed will be picked up as part of future programmes.
Inkers Green Project	2,924	312	(2,612)	2,613	2,925	Contract for the demolition of the blocks awarded and works now unlikely to be complete by end of March 2017. Procurement has commenced for the construction contract and expect to award multiple contracts over the next few months
Kerria Estate Project	1,495	755	(740)	739	1,494	Procurement has commenced for the construction contract and expect to award multiple contracts over the next few months. Decant nearing completion with only a handful of tenants left however, unlikely that the remainder will now be paid this financial year.
Regeneration General	2,447	394	(2,053)	2,054	2,448	Several contracts underway with start on sites expected Jan - Feb 2017. As a result it is anticipated that major spend will need to be reprofiled into 2017/8.
Other Acquisitions	3,100	2,182	(918)	918	3,100	Amendments to the acquisitions policy have made the process more flexible. Initial review indicates that amendments have been successful with a wider range of properties being purchased.



HOUSING REVENUE ACCOUNT	Budget £000	Predicted Outturn £000	Variance £000	Reprofile £000	Outturn £000	Comments
<b>Directorate Total</b>	<b>10,624</b>	<b>4,252</b>	<b>(6,372)</b>	<b>6,324</b>	<b>10,576</b>	
<b>Director of Assets &amp; Environment</b>						
Structural Works	103	98	(5)	-	98	All identified works completed, some properties are still being monitored and may require works in future.
Bathroom Renewals 2012	774	772	(2)	-	772	All works identified from stock condition databaase for the year have been completed
Kitchen Renewals 2012	928	927	(1)	-	927	All works identified through the stock condition database have been completed.
High Rise Lift Renewals 2012	1,055	-	(1,055)	1,055	1,055	Works were delayed pending the outcome of a structural survey. Works have been tendered and are planned for completion during the summer of 2017 with budgets to be reprofiled into 17/18
Fire Upgrades To Flats 2012	718	-	(718)	718	718	Works were delayed pending the outcome of a structural survey. Works have been tendered and are planned for completion during the summer of 2017 with budgets to be reprofiled into 17/18
Sheltered Schemes	179	36	(143)	143	179	Majority of spend was anticipated between Oct & Mar, however delay in the delivery will mean that budgets will need to be reprofiled to 2017/18 to complete the works.
Energy Efficiency Improvements	100	-	(100)	100	100	Budget to be reprofiled and added to 17/18 budget to allow delivery of a larger scheme.

HOUSING REVENUE ACCOUNT	Budget £000	Predicted Outturn £000	Variance £000	Reprofile £000	Outturn £000	Comments
Glenfield and Oakendale Heating System Replacements	95	73	(22)	-	73	-
Roofing High-Rise 2012	43	-	(43)	43	43	Works were delayed pending the outcome of a structural survey. Works have been tendered and are planned for completion during the summer of 2017 with budgets to be reprofiled into 17/18
Roofing Overhaul & Renewal 2012	160	156	(4)	-	156	All identified works completed.
Window & Door Renewals 2012	250	229	(21)	-	229	Works commenced in July and due to complete by December.
High Rise Balconies	577	-	(577)	577	577	Works were delayed pending the outcome of a structural survey. Works have been tendered and are planned for completion during the summer of 2017 with budgets to be reprofiled into 17/18
Works to High Rise Flats	523	8	(515)	515	523	Works were delayed pending the outcome of a structural survey. Works have been tendered and are planned for completion during the summer of 2017 with budgets to be reprofiled into 17/18
External and Environmental Works	205	204	(1)	-	204	All agreed projects were completed.
Disabled Adaptations	445	440	(5)	-	440	All identified works completed in year. Some works held back until 2017/18
Capital Salaries 2012	169	153	(16)	-	153	Costs and provisional outturn based on latest estimates of staffing costs
Cdm Fees 2012	10	-	(10)	-	-	-

HOUSING REVENUE ACCOUNT	Budget £000	Predicted Outturn £000	Variance £000	Reprofile £000	Outturn £000	Comments
<b>Directorate Total</b>	<b>6,334</b>	<b>3,096</b>	<b>(3,238)</b>	<b>3,151</b>	<b>6,247</b>	
HRA Contingency						
HRA Contingency	100	-	(100)	100	100	Funding to be released by Cabinet once a report detailing any new project has been approved.
<b>Directorate Total</b>	<b>100</b>	<b>-</b>	<b>(100)</b>	<b>100</b>	<b>100</b>	
<b>HOUSING REVENUE ACCOUNT TOTAL</b>	<b>17,058</b>	<b>7,348</b>	<b>(9,710)</b>	<b>9,575</b>	<b>16,923</b>	

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## CABINET

15<sup>th</sup> June 2017

### Report of the Portfolio Holder for Assets and Finance

#### CAPITAL OUTTURN REPORT 2016/17

##### PURPOSE

To advise Members on the final outturn of the Authority's Capital Programme for 2016/17 (subject to audit confirmation) and to request formal approval to re-profile specific programme budgets into 2017/18.

This report is a key decision due to expenditure in excess of £100k requiring approval.

##### RECOMMENDATIONS

That Cabinet:

1. receive the final outturn position of the 2016/17 capital programme as summarised in Appendix A;
2. approve for each of the projects detailed in Appendix B the re-profiling of the budget into the Authority's Capital Programme 2017/18 (total £12.306m);

##### RESOURCE AND VALUE FOR MONEY IMPLICATIONS

There are no additional financial implications from this report as all scheme budgets detailed for re-profiling into 2017/18 have already been committed against available capital resources.

There is a medium risk associated with this report due to the level of requests for re-profiling of budgets into next financial year. For the majority of the projects requesting re-profiling approval, measures have been put in place to address ongoing issues, commitments have been placed with suppliers to provide the service/ goods, or the works have been completed since 31<sup>st</sup> March 2017.

As capital funding is very limited for 2017/18 the capital programme will also need to be closely monitored.

## EXECUTIVE SUMMARY

Progress on the capital programme is reported quarterly to Cabinet and monitored on a monthly basis by the Corporate Management Team with project managers providing project progress information and a predicted outturn. The outturn for the 2016/17 capital programme identifies an underspend of **£14.555m** against the approved budget of **£23.311m** (actual spend £8.756m - no change since Provisional Outturn).

However, it has been requested that **£12.306m** (as detailed in Appendix B) of scheme spend be re-profiled into 2017/18. This will result in an overall underspend of **£2.249m** for the 2017/18 capital programme.

### General Fund

The outturn on General Fund capital schemes (including contingency) spend is **£1.408m** compared to a full year budget of **£6.253m** resulting in an underspend of **£4.845m**. It has been requested that **£2.731m** be re-profiled into 2017/18 meaning that the actual under spend is **£2.114m**. This is mainly due to the amended timeline in respect of the Assembly Rooms Development. The revised spend profile has been reflected within the approved 2017/18 capital programme.

### Housing Revenue Account

The outturn on Housing Revenue Account (HRA) capital schemes (including contingency) spend is **£7.348m** compared to a full year budget of **£17.058m**, resulting in an underspend of **£9.710m**. It has been requested that **£9.575m** be re-profiled into 2017/18 meaning that the actual underspend is **£0.135m**

The table below shows the actual amounts to be re-profiled into 2017/18 compared to what was forecast at period 11 and, for information, shows the amounts that were re-profiled into 2016/17

	<b>Budget 16/17</b>	<b>Outturn 16/17</b>	<b>Variance</b>	<b>Re- profile to 17/18</b>	<b>Underspend</b>	<b>P11 predicted re-profile</b>	<b>Re-profiled 16/17</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
General Fund	6,253	1,408	(4,845)	2,731	2,114	2,802	2,686
Housing Revenue Account	17,058	7,348	(9,710)	9,575	135	10,316	6,844
<b>Total</b>	<b>23,311</b>	<b>8,756</b>	<b>(14,555)</b>	<b>12,306</b>	<b>2,249</b>	<b>13,118</b>	<b>9,530</b>

It should be noted that the following items to the value of £65.76k have been included in the balance sheet as capital items but have been financed from the revenue account:-

<b>Revenue Purchase</b>	
ICT Hardware Revenue Purchases	£10.27k
ICT Software Revenue Purchases	£10.80k
Dosthill Play Equipment	£15.00k
Warwickshire Moor Boardwalk	£17.25k
Lighting	£12.44k

## Appendix A

GENERAL FUND	Budget Re-profiled from 2015/16 £000	YTD Budget £000	YTD Spend £000	Variance £000	Re-profile £000	Outturn £000
Chief Executive	-	-	-	-	-	-
Executive Director Corporate Services	-	-	-	-	-	-
Director of Finance	-	-	-	-	-	-
Director of Technology & Corporate Programmes	116	223	75	(148)	148	223
Solicitor to the Council	-	-	-	-	-	-
Director of Transformation & Corporate Performance	1	1	1	-	-	1
Director of Communities, Planning & Partnerships	-	-	-	-	-	-
Director of Housing & Health	120	120	28	(92)	92	120
Director of Assets & Environment	1,108	4,569	1,304	(3,265)	1,151	2,455
<b>Contingency</b>	1,340	1,340	-	(1,340)	1,340	1,340
<b>TOTAL GENERAL FUND</b>	<b>2,685</b>	<b>6,253</b>	<b>1,408</b>	<b>(4,845)</b>	<b>2,731</b>	<b>4,139</b>

HOUSING REVENUE ACCOUNT	Budget Re-profiled from 2015/16 £000	YTD Budget £000	YTD Spend £000	Variance £000	Re-profile £000	Outturn £000
Director of Housing & Health	4,477	10,624	4,252	(6,372)	6,324	10,576
Director of Assets & Environment	2,266	6,334	3,096	(3,238)	3,151	6,247
HRA Summary	-	-	-	-	-	-
<b>HRA Contingency</b>	100	100	-	(100)	100	100
<b>TOTAL HOUSING REVENUE ACCOUNT</b>	<b>6,843</b>	<b>17,058</b>	<b>7,348</b>	<b>(9,710)</b>	<b>9,575</b>	<b>16,923</b>
<b>TOTAL</b>	<b>9,528</b>	<b>23,311</b>	<b>8,756</b>	<b>(14,555)</b>	<b>12,306</b>	<b>21,062</b>



## Appendix B

GENERAL FUND	Budget Re-profiled from 2015/16 £000	YTD Budget £000	YTD Spend £000	Variance £000	Re-profile £000	Outturn £000	Comments
<b>Director of Technology &amp; Corporate Programmes</b>							
Replacement It Technology	41	101	60	(41)	41	101	Storage/server upgrades and data re-configuration is now complete. The remaining budget is requested to be re-profiled to 2017/18
EDRMS (Electronic Document Records Management System)	63	63	-	(63)	63	63	Project will not recommence until 2017/18 and budget requested to be re-profiled
Air Conditioning	-	32	-	(32)	32	32	Lead in time of up to 10 weeks for air conditioning units - order placed but won't be received until new financial year therefore budget requested to be re-profiled
Backup Solution	-	15	15	-	-	15	Project now complete
Gazetteer Development	12	12	-	(12)	12	12	Project progressing but budget to be re-profiled to 2017/18
<b>Directorate Total</b>	<b>116</b>	<b>223</b>	<b>75</b>	<b>(148)</b>	<b>148</b>	<b>223</b>	

GENERAL FUND	Budget Re-profiled from 2015/16 £000	YTD Budget £000	YTD Spend £000	Variance £000	Re-profile £000	Outturn £000	Comments
<b>Director of Transformation &amp; Corporate Performance</b>							
HR / Payroll System	1	1	1	-	-	1	Remaining budget utilised for consultancy re pension changes
<b>Directorate Total</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>1</b>	
<b>Director of Communities, Planning &amp; Partnerships</b>							
<b>Directorate Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Director of Housing &amp; Health</b>							
Private Sector Coalfields Fund	120	120	28	(92)	92	120	No further spend anticipated this year. Programme of new initiatives to be devolved to target help for vulnerable residents based on results of recent stock condition survey. Will need to re-profile significant budgets into 2017/18.
<b>Directorate Total</b>	<b>120</b>	<b>120</b>	<b>28</b>	<b>(92)</b>	<b>92</b>	<b>120</b>	
<b>Director of Assets &amp; Environment</b>							
Disabled Facilities Grant	180	530	439	(91)	91	530	Full budget allocated to approved grants some of which will not complete until 17/18.

GENERAL FUND	Budget Re-profiled from 2015/16 £000	YTD Budget £000	YTD Spend £000	Variance £000	Re-profile £000	Outturn £000	Comments
Cctv Camera Renewals	14	29	-	(29)	29	29	Review of cameras locations etc. due to be completed by April - spend plan to be formulated following results of review will need to re-profile budget to 2017/18.
Streetscene Service Delivery Enhancements	30	30	-	(30)	30	30	Delays in the project due to the delays in the full implementation of the CRM system - future agile service delivery dependant on delivery of scheme. Delivery of new vehicles expected in April 2017 may need to use to facilitate purchase of software interface.
Wigginton Park Section Section 106	42	42	14	(28)	29	43	Plans ongoing to deliver items from the Wigginton Park Management Plan
Broadmeadow Nature Reserve	52	52	8	(44)	44	52	Ongoing works to complete management plan and HLS agreement. Contract awarded for bridge works with view to works being completed early summer weather permitting, so will need to re-profile some funding to 2017/18

Public Open Space Section 106	99	126	95	(31)	31	126	Project group established - list of works currently being collated for remaining budget. Will need to re-profile funds in to 2017/18.
<b>GENERAL FUND</b>	<b>Budget Re-profiled from 2015/16 £000</b>	<b>YTD Budget £000</b>	<b>YTD Spend £000</b>	<b>Variance £000</b>	<b>Re-profile £000</b>	<b>Outturn £000</b>	<b>Comments</b>
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Street Lighting	-	53	51	(2)	1	52	Contractors working to management plan with completion for end of financial year.
Assembly Rooms Development	180	2,316	232	(2,084)	100	332	Project team has now reviewed revised plans and now working to an amended timeline. The budgets included in 2017/18 MTFS reflect the revised expenditure plans however it is now anticipated that there will be an underspend which it will be necessary to carry forward the underspend in the current year.

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Cultural Quarter - Phil Dix Centre	-	144	12	(132)	-	12	Work progressing well and should be nearing completion at end of April 2017. Change in funding (reported to Cabinet February 2017) as majority of funding now from SCC / SLGF, no longer need to re-profile budgets to 2017/18. Budget reduced to reflect external spend on project previously included.

Cultural Quarter - Carnegie Centre	-	10	-	(10)	10	10	No update to report progress not likely until towards the end of the year
Cultural Quarter – Public Realm	-	-	3	3	-	3	
<b>Directorate Total</b>	<b>1,108</b>	<b>4,569</b>	<b>1,304</b>	<b>(3,265)</b>	<b>1,151</b>	<b>2,455</b>	
<b>GENERAL FUND</b>	<b>Budget Re-profiled from 2015/16 £000</b>	<b>YTD Budget £000</b>	<b>YTD Spend £000</b>	<b>Variance £000</b>	<b>Re-profile £000</b>	<b>Outturn £000</b>	<b>Comments</b>
<b>Contingency</b>							
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Contingency Return On Investment	160	160	-	(160)	160	160	Funding to be released by Cabinet once a report detailing any new project has been approved.
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Private Sector Improvement Grants (Coalfields Funding)	130	130	-	(130)	130	130	Spending plans to be reviewed for the remainder of the budget so may need to re-profile significant spend into 2017/18.
<b>Directorate Total</b>	<b>1,340</b>	<b>1,340</b>	<b>-</b>	<b>(1,340)</b>	<b>1,340</b>	<b>1,340</b>	
<b>GENERAL FUND TOTAL</b>	<b>2,685</b>	<b>6,253</b>	<b>1,408</b>	<b>(4,845)</b>	<b>2,731</b>	<b>4,139</b>	

HOUSING REVENUE ACCOUNT	Budget Re-profiled from 2015/16 £000	YTD Budget £000	YTD Spend £000	Variance £000	Re-profile £000	Outturn £000	Comments
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HOUSING REVENUE ACCOUNT	Budget Re-profiled from 2015/16 £000	YTD Budget £000	YTD Spend £000	Variance £000	Re-profile £000	Outturn £000	Comments
Regeneration General	2,947	2,447	394	(2,053)	2,054	2,448	Several contracts underway with start on sites expected Jan - Feb 2017. As a result it is anticipated that major spend will need to be re-profiled into 2017/8.
Other Acquisitions	-	3,100	2,182	(918)	918	3,100	Amendments to the acquisitions policy have made the process more flexible. Initial review indicates that amendments have been successful with a wider range of properties being purchased.
Gas Heating - Belgrave	-	-	(17)	(17)	-	(17)	
<b>Directorate Total</b>	<b>4,477</b>	<b>10,624</b>	<b>4,252</b>	<b>(6,372)</b>	<b>6,324</b>	<b>10,576</b>	
<b>Director of Assets &amp; Environment</b>							
Structural Works	-	103	98	(5)	-	98	All identified works completed, some properties are still being monitored and may require works in future.



Bathroom Renewals 2012	-	774	772	(2)	-	772	All works identified from stock condition database for the year have been completed
Kitchen Renewals 2012	-	928	927	(1)	-	927	All works identified through the stock condition database have been completed.
<b>HOUSING REVENUE ACCOUNT</b>	<b>Budget Re-profiled from 2015/16 £000</b>	<b>YTD Budget £000</b>	<b>YTD Spend £000</b>	<b>Variance £000</b>	<b>Re-profile £000</b>	<b>Outturn £000</b>	<b>Comments</b>
High Rise Lift Renewals 2012	712	1,055	-	(1,055)	1,055	1,055	Works were delayed pending the outcome of a structural survey. Works have been tendered and are planned for completion during the summer of 2017 with budgets to be re-profiled into 17/18
Fire Upgrades To Flats 2012	453	718	-	(718)	718	718	Works were delayed pending the outcome of a structural survey. Works have been tendered and are planned for completion during the summer of 2017 with budgets to be re-profiled into 17/18
Sheltered Schemes	235	179	36	(143)	143	179	Majority of spend was anticipated between Oct & March, however delay in the delivery will mean that budgets will need to be re-profiled to 2017/18 to complete the works.

Energy Efficiency Improvements	50	100	-	(100)	100	100	Budget to be re-profiled and added to 17/18 budget to allow delivery of a larger scheme.
Glenfield and Oakendale Heating System Replacements	95	95	73	(22)	-	73	-
<b>HOUSING REVENUE ACCOUNT</b>	<b>Budget Re-profiled from 2015/16 £000</b>	<b>YTD Budget £000</b>	<b>YTD Spend £000</b>	<b>Variance £000</b>	<b>Re-profile £000</b>	<b>Outturn £000</b>	<b>Comments</b>
Roofing High-Rise 2012	43	43	-	(43)	43	43	Works were delayed pending the outcome of a structural survey. Works have been tendered and are planned for completion during the summer of 2017 with budgets to be re-profiled into 17/18
Roofing Overhaul & Renewal 2012	-	160	156	(4)	-	156	All identified works completed.
Window & Door Renewals 2012	-	250	229	(21)	-	229	Works commenced in July and due to complete by December.
High Rise Balconies	577	577	-	(577)	577	577	Works were delayed pending the outcome of a structural survey. Works have been tendered and are planned for completion during the summer of 2017 with budgets to be re-profiled into 17/18

Works to High Rise Flats	-	523	8	(515)	515	523	Works were delayed pending the outcome of a structural survey. Works have been tendered and are planned for completion during the summer of 2017 with budgets to be re-profiled into 17/18
External and Environmental Works	55	205	204	(1)	-	204	All agreed projects were completed.
<b>HOUSING REVENUE ACCOUNT</b>	<b>Budget Re-profiled from 2015/16 £000</b>	<b>YTD Budget £000</b>	<b>YTD Spend £000</b>	<b>Variance £000</b>	<b>Re-profile £000</b>	<b>Outturn £000</b>	<b>Comments</b>
Disabled Adaptations	46	445	440	(5)	-	440	All identified works completed in year. Some works held back until 2017/18
Capital Salaries 2012	-	169	153	(16)	-	153	Costs and provisional outturn based on latest estimates of staffing costs
Cdm Fees 2012	-	10	-	(10)	-	-	-
<b>Directorate Total</b>	<b>2,266</b>	<b>6,334</b>	<b>3,096</b>	<b>(3,238)</b>	<b>3,151</b>	<b>6,247</b>	
<b>HRA Contingency</b>							
HRA Contingency	100	100	-	(100)	100	100	Funding to be released by Cabinet once a report detailing any new project has been approved.
<b>Directorate Total</b>	<b>100</b>	<b>100</b>	<b>-</b>	<b>(100)</b>	<b>100</b>	<b>100</b>	
<b>HOUSING REVENUE ACCOUNT TOTAL</b>	<b>6,843</b>	<b>17,058</b>	<b>7,348</b>	<b>(9,710)</b>	<b>9,575</b>	<b>16,923</b>	
<b>TOTAL</b>	<b>9,528</b>	<b>23,311</b>	<b>8,756</b>	<b>(14,555)</b>	<b>12,306</b>	<b>21,062</b>	



15 June 2017

## REPORT OF THE PORTFOLIO HOLDER FOR ASSETS AND FINANCE

## WRITE OFFS REPORT

## EXEMPT INFORMATION

None

## PURPOSE

To provide Members with details of write offs from 1st April 2016 to 31st March 2017 and to seek approval to write off irrecoverable debt in line with policy re Housing Benefit Overpayments in excess of £10k.

## RECOMMENDATIONS

That Members endorse the amount of debt written off for the period of 1st April 2016 to 31st March 2017– **Appendix A-D** and approve the write off of irrecoverable debt for Housing Benefit Overpayments of £31,615.70 – **Appendix E** respectively.

## EXECUTIVE SUMMARY

The Heads of Service are responsible for the regular review of debts and consider the need for write off and authorise where necessary appropriate write offs in line with the Corporate Credit Policy. The first part of this report shows the position for the last financial year. Further updates will continue to be produced on a quarterly basis.

Type	01/04/16 – 31/03/17 £ p
Council Tax	£81,640.48
Business Rates	£171,111.28
Sundry Income	£18,044.70
Housing Benefit Overpayments	£74,443.79

A revised approach to the calculation of Business Rates bad debt has been developed which involves a review of all of the outstanding debts to ascertain whether they are likely to be collectable. This has then been used to determine the balance to apply the usual aged debtor percentage.

Business Rates	01/04/16 – 31/03/17 £ p
Bad Debt provision	£1,051,791.15
Less, amount written off to date under delegated powers	£171,111.28
Amount remaining	£880,679.87

The second part of the report is in respect of debts which are in excess of £10k.

Under Financial Regulations, debts for write-off greater than £10k require Cabinet authorisation and this report details such accounts. The amount for Housing Benefit Overpayments is attached in **Appendix E**.

### **OPTIONS CONSIDERED**

Not applicable

### **RESOURCE IMPLICATIONS**

The write offs detailed are subject to approval in line with the Corporate Credit Policy/Financial Regulations, and have been provided for under the bad debt provision calculation.

### **LEGAL/RISK IMPLICATIONS BACKGROUND**

Not applicable

### **SUSTAINABILITY IMPLICATIONS**

Not applicable

### **BACKGROUND INFORMATION**

This forms part of the Council's Corporate Credit Policy and effective management of debt. The Council is committed to ensuring that debt write offs are kept to a minimum by taking all reasonable steps to collect monies due. There will be situations where the debt recovery process fails to recover some or all of the debt and will need to be considered for write off in accordance with the schemes of delegation prescribed in the Corporate Credit Policy.

The Council views such cases very much as exceptions. Before writing off debt, the Council will satisfy itself that all reasonable steps have been taken to collect it and that no further recovery action is possible or practicable. It will take into account the age, size and types of debt together with any factors that it feels are relevant to the individual case.

#### Debt Write Off

Authorisations are needed to write off debt:

<b>Authority</b>	<b>Account Value</b>
Head of Revenues	Up to £1,000
Chief Officer (or authorised delegated officer)	£1,001 - £5,000
Executive Director Corporate Services	£5,001 - £10,000
Cabinet	Over £10,000

These limits apply to each transaction

#### Bad Debt Provision

The level of the provision must be reviewed jointly by the unit and Accountancy on at least a quarterly basis as part of the management performance review, and the table below gives the mandatory calculation.

Where the debt is less than 6 months old it will be written back to the service unit.

Debt Outstanding Period	Debt Outstanding Provision (net of VAT) %
Between 6 and 12 months old	50%
Between 12 and 24 months old	75%
Over 24 months old	100%

The financial effects of providing for Bad Debts will be reflected in the Council's accounts at Service Unit level.

## REPORT AUTHOR

Michael Buckland, Head of Revenues, Tel 709523  
e-mail [michael-buckland@tamworth.gov.uk](mailto:michael-buckland@tamworth.gov.uk)

## LIST OF BACKGROUND PAPERS

Corporate Credit Policy - effective management of debt

## APPENDICES

**Appendices A to D** give details of write offs completed for Revenues and Benefits Services for 1st April 2016 to 31st March 2017

**Appendix E** gives details of Housing Benefit Overpayment write offs

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## Appendix A- Council Tax

Summary of Council Tax Write Offs 01/04/2016-31/03/2017												
Date of Write Off	Head of Revenues			Director of Finance (£1,000.01-£5,000)	Executive Director Corporate Services (£5,000.01-£10,000.00)		Remitted (£10,000.01 and Over)	Credit Write Off	Reversed Write Off	Total	No. of Accounts (Write Off Only)	Reason(s)
	(£0.00-£75.00)	(£75.01-£500.00)	(£500.01-£1,000.00)									
16/01/2017									(£4.10)	(£4.10)		Dividend received
27/01/2017									(£13.89)	(£13.89)		CTS adjustment
"									(£4.03)	(£4.03)		Dividend received
31/01/2017				£12,127.23						£12,127.23	6	Deceased
"				£40,211.25	£6,933.63					£47,144.88	23	Absconded
"				£12,712.49	£10,786.48					£23,498.97	9	Insolvencies
28/02/2017									(£0.30)	(£0.30)		Dividend received
17/03/2017									(£7.97)	(£7.97)		Dividend received
<b>Q4 Totals</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£65,050.97</b>	<b>£17,720.11</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>(£30.29)</b>	<b>£82,740.79</b>	<b>38</b>	
<b>Q1 Totals (B/F)</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>(£703.08)</b>	<b>(£90.41)</b>	<b>(£793.49)</b>	<b>0</b>	
<b>Q2 Totals (B/F)</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>(£247.43)</b>	<b>(£247.43)</b>	<b>0</b>	
<b>Q3 Totals (B/F)</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>(£59.39)</b>	<b>(£59.39)</b>	<b>0</b>	
<b>Overall Total</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£65,050.97</b>	<b>£17,720.11</b>	<b>£0.00</b>	<b>£0.00</b>	<b>(£703.08)</b>	<b>(£427.52)</b>	<b>£81,640.48</b>	<b>38</b>	

## Appendix B- Business Rates

Summary of NDR Write Offs 01/04/2016-31/03/2017

Date of Write Off	Head of Revenues			Director of Finance	Executive Director Corporate Services	Remitted	Credit Write Off	Reversed Write Off	Total	No. of Accounts (Write Off Only)	Reason(s)
	(£0.00-£75.00)	(£75.01-£500.00)	(£500.01-£1,000.00)	(£1,000.01-£5,000)	(£5,000.01-£10,000.00)						
16/02/2017						£142,150.19			£142,150.19	7	Insolvencies
21/03/2017								(£7.58)	(£7.58)		Dividend received
<b>Q4 Totals</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£142,150.19</b>	<b>£0.00</b>	<b>£0.00</b>	<b>(£7.58)</b>	<b>£142,142.61</b>	<b>7</b>
<b>Q1 Totals (B/F)</b>	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	(£106.41)	(£106.41)	0
<b>Q2 Totals (B/F)</b>	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	0
<b>Q3 Totals (B/F)</b>	£36.53	£883.42	£906.75	£27,465.78	£0.00	£0.00	£0.00	£0.00	(£217.40)	£29,075.08	13
<b>Overall Total</b>	<b>£36.53</b>	<b>£883.42</b>	<b>£906.75</b>	<b>£27,465.78</b>	<b>£0.00</b>	<b>£142,150.19</b>	<b>£0.00</b>	<b>£0.00</b>	<b>(£331.39)</b>	<b>£171,111.28</b>	<b>20</b>

## Appendix C- Sundry Income

### Summary of Sundry Income Write Offs 01/04/2016-31/03/2017

Date of Write Off	Corporate Director Growth Assets & Environment		Director of Transformation & Corporate Finance (up to £5,000.00)	Head of Revenues (£0.00-£999.99)	Director of Finance (£1,000.00 to £5,000.00)	Director Communities, Planning & Partnerships (up to £5,000.00)	Director Housing & Health (up to £5,000.00)	Executive Director Corporate Services (£5,000.01-£10,000.00)	Cabinet (£10,000.01 +)	Total	No. of Accounts	Reason(s)
	(£0.00-£999.99)	(£1,000.00-£5,000.00)										
24/03/2017		£2,117.85								£2,117.85	1	Liquidation
<b>Q4 Totals</b>	<b>£0.00</b>	<b>£2,117.85</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£2,117.85</b>	<b>1</b>	
<b>Q1 Totals (B/F)</b>	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	0	
<b>Q2 Totals (B/F)</b>	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	0	
<b>Q3 Totals (B/F)</b>	£0.00	£5,047.57	£0.00	£0.00	£0.00	£0.00	£1,063.53	£9,815.75	£0.00	£15,926.85	14	
<b>Overall Total</b>	<b>£0.00</b>	<b>£7,165.42</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£1,063.53</b>	<b>£9,815.75</b>	<b>£0.00</b>	<b>£18,044.70</b>	<b>15</b>	

## Appendix D- Housing Benefit Overpayments

### Summary of Benefit Overpayment Write Offs 01/04/2016-31/03/2017

Date of Write Off	Head of Benefits				Executive Director Corporate Services (£2,000.01-£10,000.00)	Cabinet (£10,000.01 and Over)	Total	No. of Accounts	Reason(s)
	(£0.00-£75.00)	(£75.01-£500.00)	(£500.01-£1,000.00)	(£1,000.01-£2,000)					
31/01/2017	£38.69					£38.69	1	<£40 o/s (2015)	
"	£5.32					£5.32	6	uneconomical to pursue (2016)	
"		£356.64				£356.64	2	<2 wks owing due to death (2017)	
"		£308.44				£308.44	2	not financially viable to pursue (2013)	
"		£818.47			£3,311.11	£4,129.58	4	absconded (2012)	
29/2/17	£14.47					£14.47	1	<£40 o/s (2016)	
"	£326.04					£326.04	8	not financially viable (2014)	
"	£132.64	£382.33				£514.97	5	<2 wks owing due to death (2017)	
"	£122.00					£122.00	3	court costs (2015)	
"		£1,434.80				£1,434.80	5	bankruptcy (2005)	
"			£919.50			£919.50	1	deceased (2006)	
"				£1,496.97		£1,496.97	1	HB Reg 100 compliant - not recoverable (2016)	
31/03/2017	£19.24					£19.24	1	not financially viable (2009)	
"	£62.67					£62.67	4	<£40 o/s (2011)	
"	£0.90					£0.90	1	uneconomical to pursue (2017)	
"	£40.00					£40.00	1	court costs (2012)	
"		£87.51				£87.51	1	<2 wks owing due to death (2017)	
"		£666.49	£674.46		£2,313.70	£3,654.65	4	HB Reg 100 compliant - not recoverable (2016)	
"			£532.38			£532.38	1	bankruptcy (2016)	
"			£520.00			£520.00	1	not financially viable (2010)	
<b>Q4 Totals</b>	<b>£761.97</b>	<b>£4,054.68</b>	<b>£2,646.34</b>	<b>£1,496.97</b>	<b>£5,624.81</b>	<b>£0.00</b>	<b>£14,584.77</b>	<b>53</b>	
<b>Q1 Totals (B/F)</b>	<b>£1,352.57</b>	<b>£5,815.47</b>	<b>£1,431.42</b>	<b>£4,429.85</b>	<b>£18,946.70</b>	<b>£0.00</b>	<b>£31,976.01</b>	<b>111</b>	
<b>Q2 Totals (B/F)</b>	<b>£718.80</b>	<b>£6,348.87</b>	<b>£1,236.18</b>	<b>£4,972.31</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£13,276.16</b>	<b>60</b>	
<b>Q3 Totals (B/F)</b>	<b>£1,243.94</b>	<b>£4,309.13</b>	<b>£984.55</b>	<b>£2,665.24</b>	<b>£5,403.99</b>	<b>£0.00</b>	<b>£14,606.85</b>	<b>56</b>	
<b>Overall Total</b>	<b>£4,077.28</b>	<b>£20,528.15</b>	<b>£6,298.49</b>	<b>£13,564.37</b>	<b>£29,975.50</b>	<b>£0.00</b>	<b>£74,443.79</b>	<b>280</b>	

**Appendix E- Housing Benefit Overpayments over £10,000**

Request For Benefit Overpayment Write Off									
Date of Write Off	Head of Benefits				Executive Director Corporate Services (£2,000.01-£10,000.00)	Cabinet (£10,000.01 and Over)	Total	No. of Accounts	Reason(s)
	(£0.00-£75.00)	(£75.01-£500.00)	(£500.01-£1,000.00)	(£1,000.01-£2,000)					
15/06/2017							£20,849.75	1	bankruptcy (2005)
15/06/2017							£10,765.95	1	deceased (2006)
<b>Totals</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£31,615.70</b>	<b>2</b>	

**WRITE OFF REQUEST - DEBTS >£5000**

Academy Reference: 400428431

Name: [REDACTED]

Address: [REDACTED], TAMWORTH STAFFS, [REDACTED]

Invoice: 8467823	Raised: 9/12/05	Period: 14/6/04 - 31/10/05	£7094.49
Invoice: 8476898	Raised: 5/5/06	Period: 23/3/01 - 18/6/01	£750.54
Invoice: 8476908	Raised: 5/5/06	Period: 18/6/01 - 14/6/04	£13004.72
CIS CHKD N/A		TOTAL o/s	£20849.75
Reason for w/o MISS [REDACTED] WAS MADE BANKRUPT 29/11/16			
Supporting evidence LETTER FROM THE INSOLVENCY SERVICE ON 20/30/11/16			

Write Off requested by: [Signature] Date: ~~31/11/16~~ 15/2/17

Authorised by: ..... Date: .....

Additional Notes: LEGALLY WE ARE UNABLE TO TAKE PERST...

RECOVERY ACTION AS THIS DEBT WAS NOT RAISED AS A RESULT OF A FRAUD INVESTIGATION

[Signature]  
15/2/17



The Insolvency  
Service

Tamworth Borough Council  
counciltax@Tamworth.Gov.Uk

NORD1

Official Receiver's Office  
Nottingham  
Level 1  
Apex Court  
City Link  
NOTTINGHAM  
NG2 4LA

Tel: 0115 852 5000  
Fax: 0115 852 5090  
DX address: 702384  
DX exchange: Nottingham 7  
[www.gov.uk/insolvency-service](http://www.gov.uk/insolvency-service)

Your ref: BKT5015056 - Please quote this in any reply  
Our ref: 01158525071  
Direct Line: 01158525071  
E-mail: [kam.panesar@insolvency.gsi.gov.uk](mailto:kam.panesar@insolvency.gsi.gov.uk)  
Date: 30 November 2016

Dear Sir/Madam

IN THE OFFICE OF THE ADJUDICATOR 5015056 of 2016

RE: [REDACTED], Currently not working, formerly known as [REDACTED]  
[REDACTED], of [REDACTED], Tamworth, Staffordshire, [REDACTED]

A bankruptcy order was made against the above-named on 29 November 2016, on a petition presented on 28 November 2016.

This office is dealing with the administration of the insolvency; claims against [REDACTED] and enquiries should be addressed to K Panesar, telephone 01158525071.

All amounts owing to the insolvent should be held to the order of the Official Receiver.

Yours faithfully

E Church  
Assistant Official Receiver



INVESTOR IN PEOPLE

A BIS SERVICE

WRITE OFF REQUEST - DEBTS >£2000

Academy Reference: 400112080

Name: [REDACTED]

Address: [REDACTED], AMINGTON, [REDACTED]

£10765.95 ds

Invoice: 8483658	Raised: 21/8/2004	Period: 16/10/01-17/4/06
Invoice: .....	Raised: .....	Period: .....
Invoice: .....	Raised: .....	Period: .....
CIS CHKD No .....		
Reason for w/o DGDH		
Supporting evidence LETTER REC FROM MRS [REDACTED] CONFIRMING TELEPHONE CONSULTATION OF 1/12/16. MR PASSED AGENCY 28/11/16		

Write Off requested by: [Signature] Date: 17/2/17

Authorised by: [Signature] Date: 17/2/17

Additional Notes: MR [REDACTED] HAD ONLY BEEN IN RECEIPT OF BENEFITS HE HAD BEEN FOR SOME YEARS. CONFIRMATION REC IN WRITING FROM MRS [REDACTED] THAT THERE ARE NO MONIES IN HIS ESTATE. SHE HAS NO RESPONSIBILITY FOR THIS DEBT. THE HOUSING, BENEFIT CLAIM WAS SOLELY IN MR [REDACTED] NAME, BEFORE HE WAS



THURSDAY, 15 JUNE 2017

**REPORT OF THE PORTFOLIO HOLDER FOR REGENERATION****PARTICIPATION IN PUBLIC INQUIRY****EXEMPT INFORMATION**

None

**PURPOSE**

To inform Cabinet of an Executive decision and to confirm the actions taken, including acknowledgement of contingency expenditure.

**RECOMMENDATIONS**

- 1. Acknowledge the Executive Decision taken by the Leader and Mayor on 16<sup>th</sup> May 2017.**
- 2. The Corporate Director Growth, Assets & Environment is given authority in consultation with the Portfolio Holder for Regeneration to agree the Council's submissions to the Inquiry.**
- 3. Approve the release of £50k from the specific contingency budget for 2017/18 to support the Council's involvement in the Public Inquiry.**

**EXECUTIVE SUMMARY**

A planning application for up to 1,000 homes at Arkall Farm in Lichfield District was submitted in May 2014. The site is located to the north of Ashby Road, bordering Tamworth Borough Council. The application (14/00516/OUTMEI) is for the construction of up to 1000 homes, primary school, local centre, public open space, landscaping and associated infrastructure for Barwood Strategic Land II.

The Borough Council has submitted a number of representations during the course of the application (representations attached in Appendix A dated 4th July 2014, 28th July 2016, and 12th January 2017) raising a number of concerns which can be summarised as follows:

1. Concern that there is a lack of highway capacity on the Gungate corridor to support the full 1000 units without causing severe impact to the highway network;
2. The 'monitor and manage' approach to highways, and the proposed pre-commencement conditions do not give sufficient clarity or certainty that the full 1000 units scheme could ever be delivered;
3. Due to the proposed monitor and manage approach it is unlikely that the required school would ever be delivered and the non-delivery of the school in terms of additional trips to the network and pedestrian access to other schools has not be fully considered;
4. The development will clearly meet the housing needs of Tamworth but there is no mechanism proposed to enable Tamworth residents to access the affordable housing;
5. There is no mitigation proposed for the impact on sports provision within Tamworth.

Lichfield District Councils Planning Committee considered the application in February 2017 and resolved to approve the application. In response the leader of Tamworth Borough Council wrote to the Planning Minister stating his concerns about the application and on 20th April 2017 the Secretary of State advised Lichfield District Council that he has decided to call in the application for his determination.

In that letter, addressed to the Principal Planning Officer of Lichfield District Council, the Secretary of State confirms that he has decided to call in the application and has set in motion the appointment of an Inspector to open an inquiry and to report to the Secretary of State on those matters set out in the Secretary of State's statement under Rule 6(12) of the 2000 Rules. In this instance, the Rule 6 statement from the Secretary of State is short and comprises only the following (albeit that it is open ended):

- i) Policies in the National Planning Policy Framework on delivering a wide choice of high quality homes;
- ii) Policies in the National Planning Policy Framework on promoting sustainable transport; and
- iii) Any other matters the Inspector considers relevant.

The Borough Council had the option to request to be a 'Rule 6 party'. A Rule 6 party has the benefit of greater involvement in the Public Inquiry than if it were not. It will be required to prepare and circulate a statement of case which explains the detailed nature of the case which is to be relied upon at the inquiry and indicating the nature of the evidence upon which it will rely. A Rule 6 party will also prepare written proofs of evidence. At the Inquiry oral evidence can be given and witnesses called. The alternative is to provide a written statement. The opportunity to participate at the Inquiry is more limited with no witnesses able to be called and less weight will be attached to the statement. Other parties will be able to test and challenge the Council's representations as the Council will theirs.

The Council has sought legal advice on this matter and the view expressed is that it would be preferable for the Borough Council to participate as a Rule 6 party. It is consistent with the extent of participation which it has shown in respect of the application and the strength of the views which it has expressed. However, it will be important to make a clear decision as to the particular issues upon which the Borough Council wants to participate. As a Rule 6 party the Council could be subject of the award of costs against it if it behaves unreasonably. This would be on the basis that the behaviour had directly caused another party to incur expenses that would not otherwise have been necessary. Costs may be awarded in response to an application for costs by one of the parties. Also costs may be awarded at the initiative of the Inspector.

Secretary of State call-ins are very rare, less than 10 a year on average, and this may indicate that there is something which really does need to be properly considered and has not, to date, received adequate consideration via the determination made by Lichfield District Council.

The Planning Inspectorate advised the Council that if it wished to be a Rule 6 party then it should notify the Inspectorate by 17th May 2017 to enable the Council to have greater involvement in agreeing the timetable for the Inquiry.

The Leader felt that it was important for the Council to be involved in setting the timetable. Officers briefed the Leader on the implications of being a Rule 6 party as described above and the likely incurrence of significant cost and lack of identified budget. The costs that will be incurred relate to the appointment of a technical specialist team, a Solicitor and Counsel. After consideration of this information the Leader made an Executive decision under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 Paragraph 9 and Paragraph 10. This was published on our website on the 16<sup>th</sup> May 2017.

## **OPTIONS CONSIDERED**

The Council could have chosen not to be a Rule 6 party and would only have had a 'light touch' participation at the Public Inquiry.

The Council could have waited until Cabinet on 15 June 2017 to make a decision about involvement but this would have been too late to fit in with the Planning Inspectorate timetable for involvement in establishing the timetable for the Inquiry, and could have resulted in a unreasonable timeframe for collation of full information and the statement of case

## **RESOURCE IMPLICATIONS**

There will be the cost of officer time and the diversion away from planned activity. This could be mitigated by employing a planning consultant to lead the involvement on the Council's behalf. This would incur revenue budget costs but would enable officers to continue to focus on planned activity.

There will be significant legal costs incurred. Firstly in terms of a Solicitor to act on the Council's behalf, to prepare the necessary papers and to instruct Counsel. Secondly, there will be a cost in instructing Counsel.

There may be further costs incurred in bringing in technical experts, for example on highways, dependant on the position that the County Council adopts.

There is no identified budget at this time to meet these costs and all costs arising will be met from contingency budgets – it has been requested that £50k be released from the Specific Contingency budget in 2017/18 to support the Council's involvement in the Public Enquiry.

It should be noted that the total expenditure incurred could exceed £50,000.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

There is a risk that the expenditure could exceed the estimate dependant on how long the Inquiry lasts and the Borough Councils involvement.

There is a risk that the Planning Inspector could award costs against the Borough Council if it acts unreasonably. This is mitigated by employing an experienced legal team and specialist support.

## **SUSTAINABILITY IMPLICATIONS**

The Borough Council's concerns about the lack of mitigating infrastructure in relation to this application leads to a form of unsustainable development.

## **BACKGROUND INFORMATION**

None

## **REPORT AUTHOR**

Matthew Bowers, Head of Managed Growth, Regeneration and Development

## **LIST OF BACKGROUND PAPERS**

Planning Application to Lichfield District Council 14/00516/OUTMEI

Report to Cabinet, "ARKALL FARM PLANNING CONSULTATION RESPONSE", 28<sup>th</sup> July 2016

Report to Cabinet, "TAMWORTH FUTURE DEVELOPMENT AND INFRASTRUCTURE", 27<sup>th</sup> April 2017

**APPENDICES**

A – Representations to planning application at Arkall Farm

Robert Mitchell  
Director (Communities, Planning & Partnerships)

Please ask for: Alex Roberts  
Direct dial: 01827 709 279  
E-mail: Alexander-roberts@tamworth.gov.uk

Development Control Manager  
Planning Department  
Lichfield District Council  
Frog lane  
Lichfield  
WS13 6YZ

4<sup>th</sup> July 2014

Dear Sir

**RE: Planning application 14/00516/OUTMEI for Construction of up to 1000 homes, primary school, local centre, public open space, landscaping and associated infrastructure (outline) at LAND NORTH OF ASHBY ROAD TAMWORTH STAFFORDSHIRE**

Thank you for providing me with the opportunity to comment on the above planning application.

### **1) Principle of Development**

As you will be aware, Tamworth is reliant upon adjoining authorities to assist in meeting its housing needs.

Currently there is a signed Memorandum of Understanding (July 2013) between Tamworth, Lichfield and North Warwickshire Council's which includes the following:

*1. For both Lichfield District Council and North Warwickshire Borough Council to agree to deliver a proportion, identified as at least 500 new homes per authority (representing at least 1,000 in total), of Tamworth's future housing needs within their respective administrative boundaries.*

Since the withdrawal of the Tamworth Local Plan 2006-2028, further work has been carried out. This shows that there is limited capacity in Tamworth Borough and therefore there will be a greater reliance upon adjoining authorities to help deliver Tamworth's housing need.

There is a total shortfall of approximately 2,000 dwellings, 1,000 more than agreed in the July 2013 Memorandum of Understanding. (There is also a shortfall in employment land of approximately 14 hectares.) This places further reliance upon other local authorities to help meet Tamworth's needs.

On the basis of the above, there is a need to update the Memorandum of Understanding and we are currently in discussions with both North Warwickshire Borough Council and Lichfield District Council to increase the proportion agreed to be delivered by them.

### Tamworth Local Plan

The Tamworth Local Plan 2001-2011 was adopted in July 2006 and under the provisions of the Planning and Compulsory Purchase Act 2004, the policies remained in force for three years. The Secretary of State has now confirmed which policies are saved beyond this date. Of particular relevance to this application are policies:

HSG4: Anker Valley – Strategic Housing Proposal and  
TRA8: Transport Proposals (B and C)

In accordance with paragraph 215 of the NPPF it is considered that there is a degree of consistency between the policies and the emphasis of the NPPF. Policy HSG4 supports sustainable transport, encourages a mix of uses within the development and of specific relevance to paragraph 52 of the NPPF; ensures a supply of homes through large-scale planned development. This is of particular relevance to Tamworth as it is a borough with few opportunities for expansion. It is constrained by a tight administrative boundary, environmental constraints such as the flood plain, Greenbelt to the south and infrastructure constraints all contribute to limiting the range of sites for development and their capacity. For that reason the borough is dependant on urban extensions to meet the vast proportion of its immediate and future housing needs.

The capacity of the Anker Valley allocation set in the adopted Local Plan is 800 dwellings and also requires the delivery of the Anker Valley Link Road (AVLR) (policy TRA8). Through the JCT and BWB reports it is now clear that the AVLR would render development unviable. Therefore it can not be expected for the adopted Local Plan allocation to deliver this infrastructure and that only 500 dwellings will be delivered. An application is currently with the Council for 535 dwellings.

The Draft Local Plan was subject to public consultation (between 31<sup>st</sup> March 2014 and 12<sup>th</sup> May 2014) and is based on the most up-to-date evidence. As such, some weight can be attached to this document, the following policies of the Draft Local Plan are considered to be relevant to the determination of this application.

Policy SP6 of the draft Local Plan allocates Anker Valley as an SUE, with an indicative capacity of 500 homes.

Previously the Council had engaged ATLAS (part of the HCA) to assist with the preparation of the spatial framework and master plan for Anker Valley. Along with the Council, Lichfield District Council and Staffordshire County Council were involved in this work.

One of the key areas of work to undertake in the early stages of the master planning process was to assess different possible sustainable transport packages for Anker Valley. This work looked at the viability of vehicular and pedestrian and cycleway routes to link the SUE to Tamworth town centre. As such the emerging draft Local Plan will allocate land at Anker Valley for 500 dwellings and associated infrastructure in-line with creating a sustainable urban extension; such as a primary school, public transport links, pedestrian and cycle access to the town centre and train station. These requirements have been

attained by working with infrastructure providers, in particular county council highways and education teams.

To ensure the delivery of this allocation and infrastructure the development must be of a certain size, too few dwellings would become unviable to the developer and landowner when certain pieces of infrastructure are necessary.

If this proposal for 1,000 dwellings were to be approved it would take all existing capacity on the Gungate corridor and would therefore raise serious questions over how the Anker Valley site could be delivered and what, if any infrastructure could be provided to mitigate transport impacts. The proposal has the potential to render the Anker Valley allocation completely undeliverable and therefore has serious implications for the wider delivery of Tamworth's emerging Local Plan.

Not only this, but it would leave the Arkall Farm development no longer connected to the urban fabric of the town and as the Lichfield Inspector said in his initial findings:

*It is also the case that without the Anker Valley scheme, the development of the land to the east of the railway within Lichfield would result in a salient of built form jutting into the countryside and poorly related to the urban area.*

We would therefore recommend that until the application for development in Anker Valley is approved to demonstrate its deliverability, then this application is refused along similar grounds to the refusal for the application for 750 dwellings at land North East of Watery Lane, Curborough, Lichfield which stated:

*The proposed development, by reason of its scale, location, and shape would appear as an incongruous urban intrusion into the rural landscape, which is unrelated to the existing settlement pattern and which would serve to reduce the separation between Lichfield and Fradley. As such, it would be harmful to the existing rural character of the area, contrary to Policies DC1 (Amenity and Design Principles for Development) and H3 (Housing Design Standards) of the Lichfield District Local Plan (1998) (saved policies); Core Policies 1 (The Spatial Strategy), 3 (Delivering Sustainable Development), 13 (Our Natural Resources) and 14 (Our Built and Historic Environment) and Policies NR1 (Countryside Management) and BE1 (High Quality Development of the Lichfield District Local Plan Strategy (Proposed Submission July 2012) (Submitted March 2013) and Government Guidance contained in the National Planning Policy Framework.*

Tamworth is reliant upon adjoining authorities to assist in meeting its housing needs. The evidence base supporting the draft Local Plan shows that there will be a greater reliance upon adjoining authorities to help deliver Tamworth's housing need. Assuming that Anker Valley will deliver 500 dwellings, there is a total shortfall of approximately 2,000 dwellings, 1,000 more than agreed in the July 2013 MOU. If the Anker Valley site were to be lost because of this proposal, it is clear the shortfall would increase further to 2,500 dwellings. Thus placing added pressure on Lichfield and North Warwickshire to assist in meeting Tamworth's housing needs.

## Lichfield Development Plan

The Lichfield Local Plan was adopted in June 1998. It covered the period 1998-2001. Under planning legislation the policies contained in the adopted Local Plan were saved until 27th September 2007. Government Office confirmed in September 2007 which policies were saved. There is no reference in the saved local plan to meeting Tamworth needs or development to the north of Tamworth.

Lichfield submitted their new local plan to the Secretary of State on the 22nd of March 2013. It contains the following relevant policies:

Policy: North of Tamworth

*Within the Broad Development Location identified to the north of Tamworth, a sustainable, safe, well designed mixed use development of approximately 1,000 dwellings will be delivered by 2028 including:*

- 1. A range of housing in accordance with Development Management Policies H1 and H2 and having regards to needs arising within Tamworth Borough;*
- 2. Provision for open space, sport and recreation facilities in line with Development Management Policies HSC1 and HSC2 and incorporating playing pitches, amenity green space, equipped play, allotments;*
- 3. Landscaping and Green Infrastructure provision including the retention of quality hedgerows and significant trees, and their incorporation into the landscape, and the allowance for significant tree canopy cover in line with Development Management Policies NR4 and NR6;*
- 4. A clear strategy for delivering links to Tamworth, and showing how these will be incorporated into an integrated open space and green infrastructure network;*
- 5. Protection of local areas and habitats of biological interest;*
- 6. The provision of public transport to serve the site: all development should be within 350m of a bus stop;*
- 7. The provision of pedestrian and cycling routes throughout the site, linking to the green infrastructure network and to settlements, services and facilities beyond the site boundaries including safe crossing points;*
- 8. Vehicular access that is integrated with the Anker Valley and Amington links proposed within Tamworth Borough;*
- 9. The provision and maintenance of sustainable drainage systems and flood mitigation measures;*
- 10. Adherence to all other policies in the Local Plan.*

*The development shall cause no coalescence with Wigginton village and shall commence no earlier than 2021 or prior to essential infrastructure being delivered within Tamworth Borough.*

Prior to the examination in March 2013, Lichfield District Council submitted some proposed modifications. Relevant to Tamworth was the following proposed change to the north of Tamworth policy:

*The development shall cause no coalescence with Wigginton village and shall **not** commence ~~no earlier than 2021~~ or prior to essential infrastructure being delivered **at an appropriate stage.** ~~within Tamworth Borough.~~*



At the examination held in summer 2013 there was discussion on the work being progressed on Anker Valley as outlined in Tamworth's response to their Inspector. There was also discussion on the area that the broad location covered, and concern from Taylor Wimpey that it did not include the Brown's Lane site. The Inspector released his initial findings on the 3<sup>rd</sup> September 2013. He stated:

*While these preliminary findings are issued without prejudice to any final report that I may prepare, you will see that I am satisfied that the Council has discharged its duty to co-operate, that the Sustainability Appraisal is a reliable piece of evidence and that the Strategic Development Areas and the Broad Development Location identified in the Plan are soundly based. I am, however, concerned that the Plan as submitted is unsound in that it does not make adequate provision for the objective assessment of housing need contained in its own evidence base.*

In para's 104 onwards the Inspector considered the Tamworth issue. Para's 108 and 109 are most relevant:

*108. The situation is, therefore, that there is no certainty that the Anker Valley scheme will come forward and certainly I am not in a position to prejudge the outcome of the examination into the Tamworth Local Plan. However, on the basis of the information available there appears to be a reasonable prospect that it will, given the firm commitment to it by Tamworth Borough Council.*

*109. If this proves not to be the case the Council will need to reconsider its position when preparing the Lichfield Local Plan: Allocations document when it will be considering the Broad Development Location in more detail.*

Lichfield District Council confirmed to the Inspector on the 4<sup>th</sup> September:

*I can confirm that the District Council is willing to identify a further site (or sites) to address the current housing shortfall identified in your 'initial findings.' To enable the Council to do this we intend to undertake further Sustainability Appraisal work. The further Sustainability Appraisal work has now been commissioned and will be undertaken based on information that was available to the Council at the close of the Hearing Sessions on 10th July 2013 – therefore no further information will be accepted by the District Council.*

*It is anticipated that this work will be complete by the end of the year, to enable a further consultation on main modifications, a revised Sustainability Appraisal and an updated Habitat Regulations Assessment, to be carried out in early 2014. Therefore all further work and required consultation is planned to be complete within the next 6 months.*

In response to Inspector's paragraphs 108 and 109: if this proposal is approved without additional highway capacity being found, it would place much greater doubt on the delivery of Anker Valley, to the extent of making it certain development would not occur. It is quite clear that Lichfield Council will need to reconsider its position when preparing their Allocations Local Plan, but it should also reconsider its position for the current Local Plan being examined.

The BWB report shows that development over 700 dwellings would be unviable, the inspector in paragraph 109 makes it clear that subsequent Local Plans for Lichfield must look to the adopted or emerging Local Plan within Tamworth to take a clear steer on the direction of the 'Land to the North of Tamworth' broad location.

It is clear that this proposal would also pre-empt or prejudice the emerging Local Plan for Lichfield and that the emerging broad location which this proposal relies upon is un-sound due to the new evidence contained in the BWB report.

### Prematurity

The Anker Valley SUE is part of the existing adopted Local Plan for Tamworth and is proposed within the emerging Local Plan, the proposed allocation has been extensively consulted on. The principal of development is long standing and a site of 500 dwellings is now shown to be deliverable. Tamworth Borough Council is now in receipt of an outline application for 535 new homes at Anker Valley. It is expected to take this to application to committee in August 2014.

Planning permission should not be granted in circumstances where that would pre-empt or prejudice an emerging development plan. This tension is addressed in paragraphs 17 to 19 of a 2005 policy document, "The Planning System: General Principles" ("PS:GP") which sets out the applicable government policy:

*“17. It may be justifiable to refuse planning permission on grounds of prematurity where a DPD [development plan document] is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by pre-determining decisions about the scale, location or phasing of new developments which are being addressed in the policy in the DPD.*

*18. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. ... The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:*

*Where a DPD is at consultation stage, with no early prospect of submission for examination, then a refusal on prematurity grounds would seldom be justified because of the delay which this would pose in determining the future use of the land in question.*

*19. Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process.”*

This proposal, as it is understood in highway terms, would prejudice the outcome of Tamworth's Local Plan process. It would predetermine future decisions on scale, location and timing of development in Tamworth at Anker Valley and would also prejudice opportunity for development given size of Tamworth Borough. This proposal would have **significant cumulative effects** on bringing forward Tamworth's Local Plan as follows

- The capacity of further development along the transport corridor is currently limited to 500 dwellings
- This proposal would remove any capacity at Anker Valley
- By impacting on the capacity of the area and with infrastructure requirements remaining the same, development at Anker Valley would become unviable and therefore undeliverable
- Tamworth has few opportunities for development
- There are no further alternative sites to replace Anker Valley within Tamworth as all suitable urban extensions are proposed within the emerging Local Plan
- As a consequence of limiting the supply of land in Tamworth, further pressure would be placed upon Lichfield and North Warwickshire to help meet Tamworth's housing need.
- Of the 2,900 total capacity of proposed allocations, a loss of 500 dwellings represents a 17% loss, or 3 years of future supply (assumed 170DPA requirement).

### Five Year Housing Supply

To boost significantly the supply of housing, the NPPF (Para 47) requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. In addition to this, the Council must allow for 5% or 20% buffer of additional supply in this period, to ensure that there is a readily available supply of suitable sites for housing. The 5% or 20% buffer is determined upon past completion rates, currently the past completions rates are good for Tamworth and so a 5% buffer is being used.

Paragraph 49 goes on to state that without a 5 year housing supply adopted planning policy for housing cannot be considered up to date. Without the benefit of housing policy the Council would have reduced range of policy to use in determining applications for housing development.

The emerging draft Local Plan sets out an overall housing need for 6,250 (250pa) homes from 2006 to 2031, taking into consideration that 2,000 dwellings will need to be delivered outside of the borough the housing requirement is 4,250 (170pa). Based upon a 5 year supply target of 170dpa with a 5% buffer, the council has a 5 year land supply, based on 250dpa with a 5% buffer there is a shortfall. If Anker Valley's contribution to the 5 year supply is removed (it is considered that 225 could be delivered in the next 5 years) then there is a shortfall based on 170dpa and 250dpa.

If this proposal were to be approved it would severally impact upon Tamworth's five year housing supply.

When the application at Browns Lane was considered by the Lichfield's Planning Committee, emphasis was placed on the lack of a 5 year supply in Lichfield and therefore the need to determine the application. That application has still not been granted as the section 106 remains unsigned. Therefore, it is understood that the 5 year supply issue in Lichfield remains unchanged. However, we believe that the emphasis placed by Members and Officers at the Lichfield Planning Committee when considering Browns lane was misjudged and the NPPF allows other considerations to be taken into account. This has indeed happened recently in Lichfield with the refusal of an application for a 750 dwellings at land North East of Watery Lane, Curborough, Lichfield. I draw your attention to paragraph 1.8 of the report considered by Lichfield's Planning Committee that states:

*A Government Statement issued earlier this year confirmed the requirement for a five year supply of specific deliverable sites. However, it went on to state that the five year land supply is only one of many policies in the Framework and that it is not the case that all development should go ahead if a local council does not have a five year supply of sites for housing in place. The government wants to see sustainable development, not development at any cost and that decisions will need to be made in the light of all the policies contained in the framework, including those that provide for environmental protection. The weight to be given to different considerations is a matter for the decision maker in each case.*

One of the reasons for refusal in that application included the following:

*The application is premature and by reason of its strategic scale, would undermine the Council's emerging spatial strategy. As such, the proposal is contrary to Policy E6 (Development in Rural Areas) of the Lichfield District Local Plan (1998) (saved policies); Core Policies 1 (The Spatial Strategy) and 6 (Housing Delivery) of the Lichfield District Local Plan Strategy (Proposed Submission July 2012) (Submitted March 2013) and Government Guidance contained in the National Planning Policy Framework.*

We would suggest that given the inability to satisfy the Highway Authority that the local road network has capacity to accommodate this development, the application is premature as it would predetermine future decisions on the location, scale and timing of growth in Tamworth and in Lichfield and would be contrary to Lichfield's adopted and emerging Local plans and the NPPF. A precedent has been set by Lichfield in determining an application in this way and the NPPF, the 2005 policy document, "The Planning System: General Principles" ("PS:GP") and the legal Duty to Cooperate enables this decision to be taken.

## **2) Transport**

### JCT and BWB reports

In response to residents concerns about the level of congestion on the highway network in the north of the town, Staffordshire County Council commissioned JCT to examine the Gungate and Fountains junction corridor. This is the transport corridor to which the Ashby Road feeds into to the north of Tamworth. It is the only transport corridor into the town from the north and therefore is subject to high levels of congestion at peak times. To examine how further development could take place feeding off this corridor JCT investigated how it could be improved. It is understood that based on the report the County Council position is that the corridor is at or is near to capacity. In short, the report demonstrated that a certain set of improvements would allow for a development of 500 units to take place in the Anker Valley area before conditions returned to what they are at present.

The BWB report was commissioned jointly by Staffordshire County Council, Tamworth Borough Council and Lichfield District Council with input from the development industry and landowners with interests in Anker Valley and to the north of Tamworth. This report was completed in November 2013 and examined how the JCT report could be built on and

what possible measures could be taken to allow for more than 500 units to be developed in this location.

The report concludes:

*It is concluded that the following highway and demand management transport package is likely to be deliverable and would provide the best overall transport strategy for the Anker Valley SUE by providing both strategic and local connectivity improvements:*

- *Contribution towards the Upper Gungate improvements [works identified in JCT report]*
- *Improved frequency bus service to the site*
- *Contribution towards A5/Mile Oak and A5/Stoneydelph junction improvements*
- *Anker Valley link Road*
- *Improve existing footpath through Stationfields Park Homes*
- *Direct pedestrian/cycle access to Tamworth Railway Station*
- *Vehicular access via Ashby Road*
- *Footbridge across the Birmingham to Derby Railway*
- *Station car park and public transport connection*
- *Pedestrian/cycle link to Amington*
- *Funding Education Travel Plans .*

*1.14 This would enable approximately 1,350 dwellings to be developed on the Anker Valley SUE without detriment to the Upper Gungate corridor. However, based on high level cost estimates of £10,000 to £15,000 per dwelling, the transport package is unlikely to be viable without public investment. This investment could be justified on the basis that the transport package would address a key strategic transport issue by improving public transport provision to the West Midlands through increasing accessibility to Tamworth Railway Station and providing much needed car parking.*

*1.15 Without public investment and subject to additional investment in demand management measures, the Anker Valley SUE could be developed for approximately 700 dwellings without detriment to Upper Gungate. Whilst this would provide similar local connectivity improvements to the preferred package, it would result in fewer strategic transport benefits.*

Without the substantial public investment, the capacity for development would be limited to 500 dwellings by completing the works outlined in the JCT report or to 700 dwellings by implementing the above transport solutions apart from the Anker Valley link road. However the increase to 700 would only be justifiable once further detailed work has been done to assess the impact a station car park and public transport connection and funding a new education travel plan would have.

The transport assessment which accompanies this application seeks to demonstrate how development in excess of 500 (or 700) can be achieved without the need to deliver a link road into the eastern part of Tamworth (Anker Valley Link Road). Without a robust and credible assessment the proposed development would greatly exceed the 500 capacity. This is without taking into consideration the application at Browns Lane in Lichfield which has a resolution to approve subject to completion of a s106 agreement, and the live application for 535 homes at Anker Valley within Tamworth (part of an allocated site for 800 properties in an adopted Development Plan), all of which feed into the Ashby Road and Gungate Corridor.

## Transport Assessment Comments

These comments make reference to specific paragraphs and sections within the assessment.

1.1.3 – As stated within this response, the Inspector for Lichfield's Local Plan gave limited support to the Broad Location and therefore the weight given to the broad location is questionable. The Inspector specifically referenced Tamworth's Local Plan and that the emerging Allocations Plan from Lichfield should build upon Tamworth's Local Plan. This proposal should not come forward to the detriment of the Anker Valley allocations or planning application.

1.1.4 The Browns Lane application has a resolution for approval, however a S106 agreement is yet to be signed off.

2.3.17 Tamworth's draft Local Plan was made available for public consultation between March and May 2014. The new 2006-2031 Local Plan will replaced the adopted Local Plan adopted in 2006.

2.3.21 This paragraph is incorrect and there is no site 104, land within Lichfield District Council would not be assessed in Tamworth's SHLAA.

2.3.22 The Transport Package appraisal was prepared by Lichfield, Staffordshire and Tamworth Councils. The brief was prepared in conjunction with developers with an interest in the area. Barwood's were involved in this process.

2.3.23 The quoted 700 figure assumes that the Travel plan for the education establishments along the corridor is implemented and that a park and ride scheme is brought forward on the Anker Valley site. The BWB report goes on to state that these two schemes would need further investigation to garner more accurate figures, however the level of accuracy of the 700 is within 10% (630-770). Development larger than this scale would require the link road to be brought forward, which would yield a capacity of 1,350 additional dwellings.

3.2.3 "Current footway provision on the bridge (Ashby Road) is approximately 1.5 m giving way to gravel paths immediately east of the bridge". The bridge is no more than 0.75 m at best. There is no gravel path, just a vehicular access that used to lead to the farm house – now demolished

3.3.7 Tamworth bus station is not located on George Street. The bus stops, not station, are located in Corporation Street and Victoria Road. The number 2 service, which serves the northern part of the town, terminates in Corporation Street. The number 2 service runs from 7.20 in the morning until 17.50 in the afternoon then is replaced by the number 3E service from 18.20 until 22.20. A 30 minute service is provided Monday till Saturday. There is no Sunday service.

4.1.2 Indicates that the development "will provide good connectivity with neighbouring areas for walking and cycling modes" however there is no indication as to how the development will link with Anker Valley, no details are provided of a bridge, and connections for secondary school students are wholly dependent on existing routes.

4.3.1 “To support the new access arrangements and the new development as a whole a speed limit of 30 mph is proposed” – this would require a Road Traffic Order and there is no certainty that one would be granted.

4.5.4 Reference is made to discussion with Arriva regarding an interchange for buses at the railway station. They illustrate at Figure 4.1 a bus route that would enable this to happen which involves the use of the eastern end of Victoria Road. The eastern end of Victoria Road is blocked to through traffic so this is not possible.

Figure 4.1 Bus penetration into the proposed site seems very poor and would fail to provide an accessible public transport service. Without a re-modelling of this route it is very difficult to understand how this would provide an accessible service and increase the already high levels of public transport use in Tamworth.

4.5.10 & Table 5.3 whilst directly comparing bus use for journey to work patterns between Spital Ward and Tamworth shows the ward is lower than the whole borough, this fails to take into account the full picture of how people travel to work. Spital Ward’s bus use is lower than Tamworth as a whole, because; 4.1% use rail, 2.5% use bicycle and 13.4% walk. Assuming that the level of bus use can be increased to match a Tamworth, or even a West Midlands average, it is overly ambitious when considering that alternative modes of transport already have high patronage.

4.6.3 Parking would normally be left to the reserved matter stage, but the consultant has chosen to raise the issue within the Transport Assessment, possibly to suggest that there is low car ownership, which may reflect itself in lower trip generation. They propose 2 parking spaces for dwellings of three and more bedrooms and 1 space for dwellings of less than 3 bedrooms. These figures fall short of Tamworth’s proposed parking standards. Car ownership particularly around the peripheral areas could be high due to the attraction of living on the edge of town.

4.7.1 “a travel pack is to be provided to encourage the adoption of sustainable travel behaviour”. This idea has been promoted on a number of sites in the past in Tamworth and we are not aware of any evidence to support its success in influencing people with regards to their choice of transport mode.

4.7.9 The applicant is proposing a school travel plan for Landau Forte. This in fact already exists and should be being monitored by the County Council. The travel plan has had limited impact too date, and we would suggest that the applicant is not in a position to enforce its delivery in any event.

4.7.10 states “Percentage reduction in trips is dependent upon a variety of factors including: public transport provision, take up of travel plan measures offered, attractiveness of public transport and footways/cycleways, demographics and social composition of tenants, effectiveness of travel plan co-ordination”. We would add that the mix of housing, the proximity of dwellings to bus routes/stops and where pupils go to school, and where they live are also important factors to be taken into consideration.

5.2.4 Reference is made to a local centre, possibly on the Ashby Road frontage to pick up passing trade. The only provision specifically mentioned is a shop of 40 square metres.

5.3.2 Tamworth Borough has very few rural wards as it is one large urban area. Of the 10 wards within the Borough, Spital Ward is the most rural. To state that Spital Ward is 'more urban' and that there are other 'more rural' wards within Tamworth is incorrect.

It is concerning that the Transport Assessment has used this information and incorrectly made assumptions about the wards which they refer to. Given that this information will feed into the transport assessment, any findings with these built-in assumptions should be questioned and re-examined in detail. Therefore the information in table 5.4 which is based upon tables 5.1 and 5.3 should not be used as an assumption. Further more tables 5.6 and 5.7 should also not be used.

Paragraph 5.4.1 Talks about internalisation of trips. Little mention is made about trips for secondary school pupils, or primary school pupils that may be attracted into the area from neighbouring estates.

Table 5.8 Whilst the 2001 census information is the most up to date, it is surprising that <1% is used for North Warwickshire. Given the large amount of new development within Birch Coppice in North Warwickshire which abuts Tamworth Borough, it is considered that this figure is a vast underestimation, particularly as areas such as Gloucester, Leeds, Vale of White Horse (Oxfordshire), Cheshire and Telford are all also <1%. This would therefore impact on the trip assignments in table 5.9.

Table 6.4 is based upon the current applications in Tamworth and Lichfield, the capacity for Browns Lane is incorrect it should be 165 dwellings and the capacity for Anker Valley is incorrect, it should be 535 dwellings. This incorrect data will have implications on the Sensitivity Scenario testing.

6.5.4 there is no requirement within the emerging Tamworth's Local Plan for the Anker Valley Link Road to be constructed and it is correct not to assume it will happen.

9.1.4 because of the incorrect assumptions and information used in the assessment it isn't possible to state that there will not be a severe transport impact as required in paragraph 32 of the NPPF.

Finally, the Environmental Impact Assessment states that "... proposed development is predicted to have a range of moderate - minor beneficial impacts and negligible/no change impacts, the mitigation measures proposed on the Ashby Road (speed reduction, safe foot and cycle crossings and a footbridge) will all have moderate minor beneficial impact. The development is predicted to have negligible adverse (not significant) impact on pedestrian and driver delay"

### **3) Infrastructure**

This proposal will make use of infrastructure and services within Tamworth and therefore any potential impact upon these must be examined. The minimum level of development being assessed should be 500 dwellings (in line with the JCT and BWB reports).



## Education

Staffordshire County Council should be consulted on the contribution required towards education, taking into account existing permissions or Local Plan allocations. A development of this scale would require a new primary school. It is acknowledged that the applicant seeks to provide one on site. Tamworth currently has a live application for 535 units on the Anker Valley site, to the south of this proposal, which also includes land for a new school. If the Council is minded to approve the application, we would suggest that the County Council be requested to examine the best way of delivering education provision for this area (for example, on one site rather than two) to maximise development viability and to ensure that each development pays its fair share.

## Indoor and outdoor sports

A contribution towards delivering the sports facilities identified in Tamworth's Joint Indoor and Outdoor Sports Strategy should be sought. Currently within Tamworth's emerging infrastructure delivery plan is the need to deliver a new multi purpose sports facility.

Paragraph 73 of the NPPF states that "Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up- to- date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required."

The Borough Council requests that if Lichfield Council is minded to approve the application then a financial contribution is made to Tamworth Borough Council to contribute to the provision of indoor and outdoor sports facilities.

## Community Facilities

A small shop is proposed as part of the development (40 square metres), and a "pavilion" for some purpose - no other facilities are proposed. This suggests a high reliance on neighbouring areas for basic needs i.e. doctors, community centres, leisure facilities etc. In the absence of these facilities the development cannot be truly said to be sustainable. The applicant should be required to indicate how they would contribute to these wider needs. If it is the intention, as was the case as the Browns Lane development, to make a contribution we should ensure that Tamworth Borough Council benefit from the contribution.

## Affordable Housing

Given that the application will form an extension to Tamworth urban and that it will be contributing to meeting Tamworth's housing needs the level of affordable housing and mix of housing types should as a minimum be in-line with meeting the requirements set out in Tamworth's draft Local Plan. These are set out below.

Policy CP4 (Affordable Housing) states that "the provision of at least 1,000 affordable housing units over the plan period will be sought, approximately 40 per annum." And that, unless demonstrated to be unviable, the Council will require:

- a) *new residential development involving 7 or more dwellings (gross) to provide a target of 20% affordable dwellings on site*
- b) *Strategic Urban Extensions at Coton lane and Dunstall Lane will be expected to provide a target of 25% affordable dwellings on site*
- c) *new residential development involving 3 to 6 dwellings (gross) to provide a financial contribution through a S106 agreement, equivalent to a target of 20% on site affordable dwellings*
- d) *for on site provision a mix of 25% Intermediate Tenure and 75% Rented which should be split between Social Rented and Affordable Rented as specified in the evidence base*
- e) *the release and development for affordable housing of Council, Registered Social Landlords and other public bodies surplus land holdings*
- f) *a range of sizes of residential dwellings to be provided to meet local requirements*
- g) *a range of housing to meet the needs of older persons, persons with disabilities and those with special needs where there is a proven need and demand.*

*Affordable housing units should be well designed and blend in well with the rest of the development to promote cohesion within the community.”*

Policy CP5 (Housing Types) states:

*In granting planning permission for residential development, housing size, type and mix that reflect local needs based upon the evidence set out in the latest Housing Needs Survey, will be secured.*

*Proposals for housing development should achieve the following mix of units;*

- *4% of new housing will be 1 bedroom sized units*
- *42% of new housing will be 2 bedroom sized units*
- *39% of new housing will be 3 bedroom sized units*
- *15% of new housing will be 4 bedroom or more sized units*

It is not clear how this application will achieve these targets. Furthermore Policy CP10 (Design of New Development) states that:

*New development should:*

- a) *respect existing architectural and historic character, the built and natural environment and other valued characteristics of areas by having regard to the appearance, landscaping, boundary treatments, layout, scale, and detailing appropriate to the local context as well as the amenity, privacy and security of nearby properties*
- b) *incorporate measures to mitigate environmental impacts such as noise and pollution on existing and prospective occupants.*
- c) *enhance the existing character of the area and where the area is not considered to be of a high quality, new development should actively aim to enhance the area.*
- d) *be physically and visually linked to its surroundings and be outward facing with active frontages in order to create public interest on all public facing elevations. Places should be legible and easy to navigate and create opportunities for community interaction.*

*e) take into account local and long distance views of key landmark buildings and landscapes, both within and outside the borough to ensure that new development does not have a detrimental impact.*

#### **4) Duty to Cooperate**

Lichfield District Council must take Tamworth into account when making decisions which may affect the preparation of a development plan document, and vice versa. Therefore, if the proposal will have a significant impact on Tamworth's local plan, which we believe at present it will, it could be a valid reason for refusal.

For completeness, the duty to cooperate is set out below. Section 110 of the Localism Act 2011 inserted into the Planning and Compulsory Purchase Act 2004 a new s.33A:

*“(1) Each person who is:*

- (a) a local planning authority,*
- (b) ...*
- (c) ...*

*must co-operate with every other person who is within paragraph (a) ... in maximising the effectiveness with which activities within subsection (3) are undertaken.*

*(2) In particular, the duty imposed on a person by subsection (1) requires the person:*

- (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and*
- (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).*

*(3) The activities within this subsection are:*

- (a) the preparation of development plan documents,*
- (b) the preparation of other local development documents,*
- (c) ...*
- (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and*
- (e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.*

*4) For the purposes of subsection (3), each of the following is a “strategic matter”:*

- (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas...”*

Therefore, as this proposal would affect Tamworth's housing supply or such that it may risk prejudicing its Local Plan, Lichfield is bound under section 33A to consider the effect of granting permission on Tamworth. NPPF paragraph 178 refers to the duty to cooperate

and that local planning authorities should cooperate particularly on strategic priorities, in this specific instance it is the homes needed in the area and the provision of transport and community infrastructure. As this proposal would have a significant impact on Tamworth meeting these strategic priorities it warrants the refusal of permission.

## Conclusion

Tamworth Borough Council understands from the Highway Authority and the JCT and BWB reports that the capacity of the highway infrastructure in the north of Tamworth, in particular the Gungate corridor is 500 units with the potential to increase to 700 units. This proposal is in excess of that number and Tamworth Borough Council believe that because of the incorrect assumptions and information used in the assessment it isn't possible to state that there will not be a severe transport impact as required in paragraph 32 of the NPPF. We therefore **object** to this application as it stands.

We believe that if this proposal is approved as it currently stands it will stop any development in Tamworth Borough in the Anker Valley. This will then place a greater requirement on Lichfield District Council to meet Tamworth's housing needs. We believe that under the Duty to Cooperate in the Localism Act, Lichfield Council must the effects of granting permission on Tamworth.

If Lichfield District Council are minded to approve the application, we would request that planning contributions are sought and passed to Tamworth for the provision of indoor and outdoor sporting infrastructure; that planning contributions are sought and passed to the Highway Authority to enable the provision of adequate footpath, cycleway, public transport and highway infrastructure; that the delivery of a new school is secured; the level, tenure and size of property of affordable housing matches Tamworth's needs; and that the size of property for market housing matches Tamworth's needs.

I trust that these comments are useful to you. Please be aware that whilst these comments have not been subject to formal approval from a committee of the Council although they have been endorsed by my Portfolio Holder.

If you would like to discuss any of the above matters further, please do not hesitate to contact the officer named above.

Yours faithfully



Matthew Bowers  
Head of Planning and Regeneration

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28<sup>th</sup> July 2016

Dear Sirs

**RE: 14/00516/OUTMEI , Construction of up to 1000 homes, primary school, local centre, public open space, landscaping and associated infrastructure. Arkall Farm, Ashby Road, Tamworth, Staffordshire.**

I am writing on behalf of Tamworth Borough Council in response to the latest consultation on the above proposal. Cabinet considered the proposal on the 28<sup>th</sup> July and have given me delegated authority to respond. Please treat this and the contents of the Cabinet report as our official response.

Tamworth Borough Council **objects** to the proposal and requests that it is **refused** as it is contrary to the adopted Lichfield District Council Development Plan and the National Planning Policy Framework.

This site falls within the Broad Development Location identified within the Lichfield District Local Plan Strategy and Policy "North of Tamworth" applies. That states that "*a sustainable, safe, well designed mixed use development of approximately 1,000 dwellings will be delivered by 2029*". The Borough Council argues that Lichfield District Council has already granted consent for 165 units north of Browns Lane and therefore if this proposal is permitted the overall numbers will exceed the 1000 dwellings identified by the policy.

The Borough Council also understands that at present the highways Authority, Staffordshire County Council, believe only 200 dwellings can be delivered at the present time and with some further improvements at Fountains junction, an additional 100 units could be delivered without severe impact on the highway network. It is understood that a 'monitor and manage approach' will be used to restrict further development until certain conditions are met.

At present there is no reasonable prospect that any further homes could be built over and above 300 which undermines the ability to deliver essential infrastructure, for example schools, to mitigate up to 300 homes and certainly up to 1000 homes and therefore the proposal cannot be considered sustainable development.

## Impact on the highway network

Tamworth Borough Council, together with Lichfield District Council and Staffordshire County Council jointly commissioned BWB consultants to examine the capacity of the local highway network and identify any mitigation measures that would be required to deliver new development. This work concluded that only 500 homes could be delivered and 700 with some additional mitigation works.

As a result of this the Borough Council reduced the amount of development it was allocating in its Local Plan to be in accordance with the findings of this report. Now it is claimed that there is additional capacity on the corridor to accommodate housing growth. We do not believe this is the case and believe that additional development would have a severe impact on the local highway network which is contrary to paragraph 32 of the NPPF. Recent case law from Maidstone supports the Borough Councils view where paragraph 17 of the Secretary of States letter states:

*the Secretary of State concurs with his view that the proposed development would have a severe adverse impact on the highway network, in terms of congestion and inconvenience to local residents and other road users, and on the strategic transport planning of the area generally, and that this would be contrary to the aims of paragraph 32 of the Framework (IR242) which states that where the residual cumulative transport impacts are identified as severe, development should be refused.*

([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/504927/16-03-03\\_DL\\_IR\\_Boughton\\_Lane\\_Maidstone\\_2227839.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/504927/16-03-03_DL_IR_Boughton_Lane_Maidstone_2227839.pdf) )

Tamworth Borough Council are of the opinion that in the absence of any proposals to deliver beyond 300 homes, this proposal would result in piecemeal development which could adversely affect the delivery of a successful plan led development and infrastructure strategy (see para 16 of the SoS letter).

## Monitor and manage

It is understood that it is proposed that a 'monitor and manage' approach is being proposed to enable an approval of this application even though it cannot be demonstrated that any more than 300 homes can be delivered and this will be delivered through a condition.

Firstly, the Borough Council are concerned that this approach will lead to piecemeal development as highlighted above. Secondly, we are concerned that it would not deliver the vitally needed infrastructure in Tamworth that is required to sustain this development. The impact on infrastructure is considered below.

Finally, the Council believes that in order to properly control development a suitably worded condition is likely to be lengthy and complicated and will need to address a range of scenarios that might occur in the process of the applicant trying to demonstrate that the traffic impacts of further development would be acceptable i.e. there would need to be a process for the LPA/highways authority to consider such further assessments and possibly commission their own assessments (at their own cost or the applicant's cost?) until a clear and robust position is arrived at (with potentially the need for arbitration/dispute resolution if there is disagreement?).

In view of this, the Borough Council considers a better approach would be to include relevant obligations in a section 106 agreement. This would enable a comprehensive approach to be taken, which could adequately address in detail all of the potential issues that might arise out of the 'monitor and manage' approach that is being proposed. There is also an additional benefit to having a s.106 agreement in terms of enforcement in the event of non-compliance, as the remedies for non-performance of a planning obligation available through the Court are likely to be more punitive than the penalties for non-compliance with a planning condition if using conventional planning enforcement tools.

### Infrastructure

In addition to the need to deliver highway improvements there is a need to ensure that adequate education infrastructure is provided. Tamworth Borough Council were advised by Staffordshire County Council that to deliver the site in Tamworth for 535 homes a new primary school was required. It has been suggested now that there is no requirement to deliver a new school on this site until 500 homes are built. Tamworth Borough Council is concerned that the advice from the County Council has changed in such a short space of time and is unclear as to where these additional school places will be accommodated. If it is within the Anker valley site, then a financial contribution should be made to assist with the cost of building the primary school which will reduce the amount that the Anker Valley developers need to pay, thus enabling them to deliver more affordable housing. Furthermore, it is not clear how schoolchildren will access schools within Tamworth. A pedestrian and cycle crossing of the Birmingham to Nottingham rail line is proposed as part of the Anker Valley scheme. If it is expected that school children will use this crossing then how will they cross the Ashby Road safely? If it is expected that this crossing would be utilised, again the cost of this crossing should also be borne by the applicants for this development.

The planning application at present does not satisfy point four in the Lichfield District Local Plan Strategy Policy "North of Tamworth", i.e. a clear strategy for delivering links to Tamworth. Contributions to sustainable transport improvements should be in line with previous permissions at Anker Valley and land north of Browns Lane (in Lichfield District). These should relate to the works identified in the BWB report.

The Arkall Farm scheme proposes a shop unit which may compete with the unit proposed at Anker Valley. This proposal if implemented could pose viability issues for one or both units and should be investigated in more detail. Without appropriate community facilities this development cannot be considered sustainable and should be refused. If it is the intention to make a financial contribution to delivery of community facilities then this should be made to Tamworth Borough Council to ensure delivery occurs within Tamworth.

To support its Local Plan the Borough Council produced a Joint Indoor and Outdoor Sports Strategy which identified the need for additional sports facilities due to population growth and additional housing. As these homes are to meet the needs of Tamworth then we request a financial contribution to delivering these sports facilities to be secured via a Section 106 agreement as we have previously with the Browns Lane development. Tamworth Borough Council's officers can advise on the specific requirement generated by the development and its use.

### Delivery of housing

If permitted, this development will deliver homes to meet Tamworth's housing needs. Through the use of condition or s106, the development should be required to provide affordable housing and a mix of housing types to meet the requirements set out in

Tamworth's adopted Local Plan. Nominations rights for these dwellings should be given to Tamworth Borough residents.

The Borough Council urges Lichfield District Council to refuse this application. We are not opposed to the principle of growth but growth has to be managed and sustainable. We remain concerned that by approving this application for up to 1000 houses but applying a condition to restrict the numbers will not lead to good planning or sustainable development, neither will it deliver the much needed infrastructure and connectivity that future communities deserve. If Lichfield District Council is minded to approve the application, I request that you start to involve our Council in this application, specifically the drafting of any Section 106 or conditions that relate to Tamworth.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Claymore', written in a cursive style.

Councillor Steven Claymore  
Portfolio Holder for Regeneration





# Department for Communities and Local Government

Matthew Woodhead  
dha planning  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN

Our Ref: APP/U2235/A/14/2227839  
Your Ref: MJW/LJ/10430

3 March 2016

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY BDW TRADING LTD, KENT COUNTY COUNCIL AND FUTURE  
SCHOOLS TRUST  
LAND AT BOUGHTON LANE, LOOSE, MAIDSTONE, KENT, ME15 9QL**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, John Felgate BA (Hons) MA MRTPI who held a public local inquiry from 7-10 July 2015 into your client's appeal against the refusal of planning permission by Maidstone Council (the Council) for the erection of 220 residential dwellings, together with access, parking, landscaping and ancillary works, and the provision of new playing fields for the New Line Learning Academy at land at Boughton Lane, Loose, Maidstone, Kent, ME15 9QL in accordance with application reference MA/13/2197 dated 19 December 2013.
2. On 1 December 2014, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal involves a proposed residential development of over 10 units, in an area where a proposed neighbourhood plan has been submitted to the local authority.

***Inspector's recommendation and summary of the decision***

3. The Inspector recommended that the appeal be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's analysis and conclusions, except where stated. He also agrees with the Inspector's recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

***Matters arising since the inquiry***

4. Following the close of the inquiry, the Secretary of State wrote to you, and the parties in this appeal, seeking comments on a representation dated 16 August 2015 from Kent County Councillor Brian Clark. A list of the representations received is at Annex A. In determining this appeal, the Secretary of State has taken account of all the representations listed at Annex A. Copies are not included with this letter but will

be made available on request to either of the addresses at the foot of the first page of this letter.

### ***Policy and statutory considerations***

5. In deciding these appeals, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
6. In this case, the development plan consists of the saved policies of the Maidstone Borough-Wide Local Plan (2000) (the MBWLP), the Affordable Housing Development Plan Document (2006) and the Open Space Development Plan Document (2006). The Secretary of State considers that, with the exception of MBWLP Policies T9 and T11 which are not saved, the development plan policies of most relevance to this appeal are those set out by the Inspector at IR27 – 32.
7. Other material considerations which the Secretary of State has taken into account include: The National Planning Policy Framework (the Framework); the Planning Practice Guidance (the Guidance); and the Community Infrastructure Levy (CIL) Regulations.
8. The Secretary of State has taken account of the draft Maidstone Borough Local Plan (MBLP) and the Inspector's comments on it at IR33 - 39. The Secretary of State is aware that the Council has now begun consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and that 220 dwellings remain as a proposed allocation on part of the appeal site (MBLP policy reference H1-29). Having had regard to all three limbs of paragraph 216 of the Framework, the Inspector's remarks at IR37-39, and the further progress with the MBLP, the Secretary of State attributes limited weight to the document.
9. The Secretary of State has also had regard to the emerging North Loose Neighbourhood Development Plan (NLNDP) and the Inspector's remarks at IR40-46. The Secretary of State is aware that, since the inquiry closed, the NLNDP has progressed, that it has been found to meet the basic conditions and that a referendum on it is due to be held on 3 March 2016. Having had regard to all three limbs of paragraph 216 of the Framework, the Secretary of State accords moderate weight to the NLNDP.

### ***Main issues***

10. The Secretary of State agrees with the Inspector that the main considerations in this case are those identified at IR198.

### ***Accordance in principle with the development plan***

11. For the reasons given by the Inspector at IR199 - 202, the Secretary of State shares his view that, in terms of the principle of development, the general land-use policies in the development plan are either favourable or neutral (IR203). However, he also concurs with the Inspector's analysis at IR204 – 206 and he too concludes that, as a matter of fact, the development now proposed would be contrary to Policy ENV32, and that the development's actual effect would be contrary to the policy's aims (IR207). The Secretary of State agrees with the Inspector's remarks at IR210 - 211 and he too takes the view that Policy ENV32 should not be regarded as out of date, as it is not a housing supply policy and nor does it conflict with the substance of the Framework (applying paragraph 215 of the Framework).

12. Having had regard to the Inspector's remarks at IR208, the Secretary of State agrees that, when the adopted MBWLP is looked at in the round, taking account of all the relevant policies together, the proposed development is contrary to the development plan taken as a whole (IR209).

*The effects on the character and appearance of the rural fringe*

13. Having given very careful consideration to the Inspector's comments at IR212 – 215, the Secretary of State shares his view that although the proposed development would cause some harm to the area's character and appearance, due to the loss of openness and rurality, this harm on its own would not be so great as to justify the refusal of planning permission (IR216).

*Accessibility to local facilities*

14. The Secretary of State's agrees with the Inspector's remarks at IR217 – 220 and he too concludes that the appeal site's accessibility to local facilities, by non-car modes, is adequate and that in this respect the proposed development would accord with the aims of MBWLP Policy T21 and with the Framework's core principle of focussing development in sustainable locations (IR221).

*Traffic congestion*

15. The Secretary of State has given very careful consideration to the Inspector's remarks about traffic congestion (IR222 – 242), including his view that the level of regularly occurring congestion in this part of Maidstone is more than usually severe (IR222). Like the Inspector (IR227), he considers that the appellants' forecasts would represent an increase in traffic in Boughton Lane, on its approach to the Swan junction, in the order of 15-30% and that, in the context of the area's existing traffic problems and the likely further growth identified by the Inspector, an increase of this magnitude would be a matter for significant concern (IR227). He also concurs with the Inspector that such an increase would be especially significant in the case of Boughton Lane, because of the complete lack of any suitable alternative access roads into or out of the area that the northern part of the Lane serves (IR228). For the reasons given by the Inspector at IR229 – 231, the Secretary of State further agrees that there is an appreciable risk that the appellants' traffic generation figures tend towards under-estimation (IR232).
16. Like the Inspector, the Secretary of State observes that, on the appellants' own figures, the likely impact on traffic conditions at the Swan junction would be severe (IR232) and that without effective mitigation, the development's impact on the highway network would be unacceptable (IR233). Having had regard to the Inspector's analysis at IR234 – 239, the Secretary of State shares his view that little reliance can be placed on the proposed highways contribution as a means of mitigation (IR237) and he too concludes that the proposed development's severe traffic impact would not be effectively mitigated (IR239). He further agrees with the Inspector (IR241) that piecemeal development on the appeal site, exacerbating existing problems rather than contributing to a workable solution, could adversely affect the delivery of a successful plan-led development and infrastructure strategy.
17. Concluding on this matter, for the reasons given by the Inspector at IR222-241, the Secretary of State concurs with his view that the proposed development would have a severe adverse impact on the highway network, in terms of congestion and inconvenience to local residents and other road users, and on the strategic transport planning of the area generally, and that this would be contrary to the aims

of paragraph 32 of the Framework (IR242) which states that where the residual cumulative transport impacts are identified as severe, development should be refused.

18. The Secretary of State has given very careful consideration to the representations submitted following the close of the inquiry. He does not consider that those representations undermine his conclusions in the preceding paragraph.

#### *Highway safety*

19. The Secretary of State has given very careful consideration to the Inspector's analysis of highway safety issues at IR243 – 254. He observes that MBWLP Policy T9 no longer forms part of the development plan. However, paragraph 32 of the Framework makes clear the importance of achieving safe and secure access to development sites and paragraph 35 of the Framework sets out that developments should be located and designed to give priority to pedestrian and cycle movements, and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. For the reasons given at IR243 - 254, the Secretary of State shares the view of the Inspector (IR255) that, within the central section of Boughton Lane, adjacent to the appeal site, the proposed development would result in significant danger to pedestrians, cyclists and other road users and that, in this respect, the scheme would be contrary to paragraphs 32 and 35 of the Framework.

#### *Five Acre Wood*

20. The Secretary of State agrees with the Inspector's analysis (IR256 – 258) and conclusion that, for the purposes of this appeal, there is no proper basis for applying paragraph 118 of the Framework or any other policies that relate only to ancient woodland (IR259). Accordingly, like the Inspector, the Secretary of State considers that Framework paragraph 109 is applicable in the determination of this case and that paragraph 118 is not (IR259-260).
21. Having gone on to consider the Inspector's remarks at IR261 – 267, the Secretary of State also concludes that the proposed works affecting the wood, including the creation of an access road through it, and the provision of a footway to the school campus, and the proposed development within 15m of the wood are acceptable within the terms of paragraph 109 of the Framework (IR268).

#### *Quality of the proposed design and layout*

22. The Secretary of State agrees with the Inspector that the proposed street pattern, house designs and streetscapes would be of an acceptable quality (IR269). However, he also shares the Inspector's view that, due to a number of elements, much of the development would appear cramped, unrelieved and somewhat anonymous (IR270) and that the scheme would fail to achieve an appropriate balance between efficiency and other important design objectives (IR271). For the reasons given at IR272, the Secretary of State shares the Inspector's concerns about the quality of townscape and the residential environment within the proposed development itself. He also agrees with the Inspector that due to their siting, layout and form, the three clusters of affordable housing units would not be well integrated with the remainder of the development and that this aspect of the scheme would not accord with the Framework's aims for the creation of mixed and inclusive communities (IR274).
23. Overall, for the reasons set out by the Inspector at IR269 - 275, the Secretary of State concurs with the Inspector's conclusion that, looking at the proposed scheme

as a whole, its overall quality does not match up to the Framework's aims in respect of creating residential environments of genuinely high quality (IR275).

#### *Other matters raised by objectors*

24. The Secretary of State has given very careful consideration to the Inspector's comments about the other matters raised by objectors (IR276 – 287). For the reasons given by the Inspector, he also concludes that the issue of air quality should not weigh heavily in the present appeal (IR276). He also concurs with the Inspector's remarks at IR277 – 278 and he too attributes modest weight against the appeal to the loss of over 8 hectares of Best and Most Versatile agricultural land. In common with the Inspector and for the reasons he gives (IR279 – 280), the Secretary of State further concludes that the 66 units of affordable housing would help to meet an acknowledged need for such housing and that the proposed provision is acceptable. The Secretary of State agrees with the Inspector's remarks about the scheme's effects on local services (IR281 – 282) and, having had regard to the Inspector's comments about the North Loose Residents' Association's alternative proposals (IR283-285), he also shares the Inspector's view that significant weight should not be attached to them (IR285).

#### *The scheme's benefits*

25. The Secretary of State has taken account of the Council's evidence to the inquiry that housing land supply is agreed to be 2.1 years worth at the required annual rate (IR110). He has also taken account of paragraph 47 of the Framework which states that, to boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer to provide a realistic prospect of achieving the planned supply and ensure choice and competition in the market for land. The Secretary of State has had regard to paragraph 49 of the Framework which states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites. Like the Inspector (IR288), the Secretary of State considers that the appeal scheme's 220 dwellings, in a Borough with an acute shortage of housing land, and its 66 affordable dwellings, for which there is an established urgent need, are benefits which carry substantial weight.

26. For the reason given by the Inspector at IR289 – 291, the Secretary of State concludes that the new sports field would be a benefit and he too attributes moderate weight to it.

27. Having given very careful consideration to the Inspector's analysis at IR292 including his remarks that the actual amount of capital receipt which the appeal proposal would generate for Kent County Council is undisclosed and that there is no commitment that it would be used to carry out expansion and improvements at the Five Acre Wood School, the Secretary of State agrees with the Inspector that the capital receipt carries little weight. He further concludes, for the reasons given by the Inspector, that the provision of the school farm relocation land also carries little weight (IR293) and that the capital receipt for the Future Schools Trust carries only limited weight (IR294).

28. Paragraphs 18 – 22 of the Framework set out the importance of building a strong, competitive economy. The Secretary of State shares the Inspector's view (IR295)

that the proposed development would have net benefits to the local and national economy and that the economic benefits identified by the Inspector in this case would be significant and that they carry moderate weight. He also concurs with the Inspector that the New Homes Bonus carries little weight (IR296).

29. The Secretary of State agrees with the Inspector's reasoning and his finding that the claimed benefits to ecology count as neutral rather than as net benefits in this case (IR297), as do the financial contributions offered through the appellant's undertaking (IR298). For the reasons given by the Inspector at IR299 – 301, the Secretary of State also finds no basis to give any weight to the proposed transfer of land to the Boughton Monchelsea Amenity Trust.

### ***Conditions and obligations***

30. The Secretary of State has given very careful consideration to the Inspector's remarks at IR303 – 308, the undertaking provided as evidence document GD-3 and paragraphs 203 – 205 of the Framework. For the reasons given by the Inspector at IR305 – 308, the Secretary of State shares his view that the obligations are necessary and that they comply with CIL regulations 122 and 123.
31. The Secretary of State has considered the Inspector's remarks on conditions (IR309 - 314), and his suggested conditions at Annex A of the IR. The Secretary of State is satisfied that these conditions meet the tests of paragraph 206 of the Framework and comply with the guidance. However, like the Inspector (IR314), he does not consider that conditions would overcome his reasons for refusing planning permission.

### ***Overall Planning Balance and Conclusion***

32. The Secretary of State has given careful consideration to the Inspector's remarks at IR315 – 322. He has concluded (at paragraph 12 above) that the scheme is contrary to the development plan as a whole and, like the Inspector, he has gone on to consider whether there are material considerations to justify determining the appeal other than in accordance with the development plan.
33. The Secretary of State agrees with the Inspector's summary of the scheme's benefits at IR316 and he too acknowledges that the Council no longer opposes the grant of permission. He has given substantial weight to the scheme's benefits in relation to housing and affordable housing (at paragraph 25 above) and he shares the Inspector's view that the considerations identified at IR316 weigh heavily in favour of allowing the appeal and that, in addition, the development would provide a new sports field and economic benefits.
34. Turning to the scheme's drawbacks, setting aside the reference to LP Policy T9, the Secretary of State agrees with the Inspector's summary at IR317 – 318. He has concluded that the scheme would have a severe impact on the highway network in terms of congestion and inconvenience to road users (at paragraph 17 above) and that it would result in significant danger to pedestrians, cyclists and other road users (at paragraph 19 above). He agrees with the Inspector that neither of these problems would be overcome by the proposed highway contribution and nor could they be overcome by conditions (IR317). The Secretary of State has found that the scheme's overall quality does not match up to the Framework's aim to create residential environments of genuinely high quality and he shares the Inspector's view that this matter could not be overcome by any of the obligations that have been entered into and nor could they be dealt with by condition (IR318).

35. Drawing all these matters together, the Secretary of State has found that the scheme conflicts with the development plan overall. He has considered whether there are any material considerations which would justify him determining the appeal other than in accordance with the development plan but he does not consider this to be the case.
36. Given the absence of a five year housing supply and paragraph 49 of the Framework, which states that housing applications should be considered in the context of the presumption in favour of sustainable development, the Secretary of State has considered the application of paragraph 14 of the Framework to the facts of this case. However, having had regard to the Framework as a whole, and weighing in the balance the benefits and adverse impacts of the development as set out above, the Secretary of State agrees with the Inspector's conclusions at IR 321 and 322 that the benefits of this proposed development are significantly and demonstrably outweighed by its adverse impacts.

### ***Formal Decision***

37. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses the appeal and refuses planning permission for the erection of 220 residential dwellings, together with access, parking, landscaping and ancillary works, and the provision of new playing fields for the New Line Learning Academy at land at Broughton Lane, Loose, Maidstone, Kent, ME15 9QL in accordance with application reference MA/13/2197 dated 19 December 2013.

### ***Right to challenge the decision***

38. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within six weeks from the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
39. Copies of this letter have been sent to Maidstone Borough Council and North Loose Residents' Association. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

*Christine Symes*

**Christine Symes**

Authorised by Secretary of State to sign in that behalf

**Annex A:** Correspondence received too late to be considered by the Inspector

16 August 2015	Cllr Brian Clark
12 & 30 November 2015	Jason Lewis, dha transport
19 & 30 November 2015	Richard Hunt
20 November & 2 December 2015	Jaqueline Day, North Loose Residents' Association
23 November & 2 December 2015	Roy Lane
26 November 2015	Amanda Marks, Maidstone Borough Council
15 February 2016	Mark Bailey, BDW Kent



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# Report to the Secretary of State for Communities and Local Government

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 7 September 2015

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TOWN & COUNTRY PLANNING ACT 1990

MAIDSTONE BOROUGH COUNCIL

APPEAL BY:

KENT COUNTY COUNCIL

THE FUTURE SCHOOLS TRUST

AND BDW TRADING LIMITED

RE

PROPOSED DEVELOPMENT AT BOUGHTON LANE, LOOSE

Inquiry held between 7 – 10 July 2015

Proposed development of 220 dwellings and new school playing fields

File Ref: APP/U2235/A/14/2227839

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## **ABBREVIATIONS USED IN THIS REPORT**

AQMA	Air Quality Management Area
BMAT	Boughton Monchelsea Amenity Trust
BMPC	Boughton Monchelsea Parish Council
BMV	Best and most versatile
FAWS	Five Acre Wood School
KCC	County Council
DCLG	The Department for Communities and Local Government
DfE	Department for Education
DPD	Development Plan Document
EIA	Environmental Impact Assessment
KCC	Kent County Council
MBWLP	Maidstone Borough-Wide Local Plan
MBLP	Maidstone Borough Local Plan
MUGA	Multi-Use Games Area
NE	Natural England
NLLA	New Line Learning Academy
NLNDP	North Loose Neighbourhood Development Plan
NLRA	North Loose Residents' Association
NPPF	The National Planning Policy Framework
OS	Ordnance Survey
PDL	Previously Developed Land
PPG	Planning Practice Guidance
PTDOSC	Planning, Transport & Development Scrutiny and Overview Committee
RR	Refusal Reason
SACB	Southern Anti-Coalescence Belt
SoS	The Secretary of State (for Communities and Local Government)
TA	Transport Assessment
TPO	Tree Preservation Order
TPS	Tiger Primary School

**File Ref: APP/U2235/A/14/2227839**

**Land at Boughton Lane, Loose, Maidstone, Kent ME15 9QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Kent County Council, the Future Schools Trust and BDW Trading Ltd against the decision of Maidstone Borough Council.
- The application Ref 13/2197, dated 19 December 2013, was refused by notice dated 29 July 2014.
- The development proposed is the erection of 220 residential dwellings, together with access, parking, landscaping and ancillary works, and the provision of new playing fields for the New Line Learning Academy

**Summary of Recommendation: That the appeal be dismissed**

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**1. PRELIMINARY MATTERS**

**1.1 Procedural Matters**

1. The permission sought by the appellants is full planning permission for the development as described above. The Council's refusal of permission in July 2014 was for two refusal reasons (RRs)<sup>1</sup>, relating to the effects on ancient woodland, and lack of affordable housing.
2. By a Direction issued on 1 December 2014, the appeal has been recovered for determination by the Secretary of State (SoS) himself<sup>2</sup>. The reasons are that the appeal involves a proposed residential development of over 10 units, in an area where a proposed neighbourhood plan has been submitted to the local authority.
3. In a Screening Opinion dated 14 January 2015, the SoS directed that, for the purposes of the relevant Regulations<sup>3</sup>, the proposed development is not EIA development<sup>4</sup>.
4. On 16 April 2015 the Council's Planning Committee formally resolved not to defend RR2, and on 11 May, the Planning Referrals Committee confirmed that resolution and extended it to include RR1<sup>5</sup>. These decisions were communicated to the Planning Inspectorate in a letter dated 15 June<sup>6</sup>. At the inquiry, the Council's position was that it no longer sought to resist the grant of planning permission, subject to appropriate conditions and legal obligations.
5. Following the Council's late change of position, a request for Rule 6(6) status was made by the North Loose Residents' Association (NLRA). That request was granted on 5 June 2015. The NLRA appeared at the inquiry to oppose the proposed development.
6. The inquiry sat for four days, on 7 – 10 July 2015. I conducted an accompanied visit to the site on 10 July. I also carried out unaccompanied visits, to observe traffic conditions at different times of day, and to view the area generally, on 6, 7, 8 and 9 July.

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<sup>1</sup> Main file – buff sub-folder

<sup>2</sup> Main file – blue sub-folder

<sup>3</sup> The Town & Country Planning (Environmental Impact Assessment) Regulations 2011

<sup>4</sup> Main file – blue sub-folder

<sup>5</sup> Doc.BG-17 (Planning Referrals Committee minutes)

<sup>6</sup> Main file – blue sub-folder

7. At the inquiry, the appellants called five witnesses. Four of these witnesses submitted proofs of evidence, which are referenced in the attached list of inquiry documents. The fifth, Mr Jason Lewis, gave evidence orally in relation to traffic matters<sup>7</sup>.
8. The NLRA was represented by five spokespersons<sup>8</sup>. Of these, Mr Osborne presented an individual proof of evidence, and three other witnesses<sup>9</sup> spoke in support of the group's collective written submissions. Mr Southgate did not give evidence, but assisted with questioning and discussions. Mr Curtis Barkel submitted a proof of evidence<sup>10</sup> but did not appear at the inquiry, and I have treated his proof as a written submission.
9. It was agreed that closing submissions should be made in writing. Submissions were received from the appellants and NLRA. The Council opted not to make any closing submission.
10. Towards the end of the inquiry, a late written representation was received from Dr Philip Sansum, with regard to the issue of ancient woodland<sup>11</sup>. I allowed the parties to make further written responses on that matter, after the deadline for closing submissions. Such responses were made by the appellants and NLRA<sup>12</sup>.
11. At the inquiry, the appellants tabled a unilateral legal undertaking<sup>13</sup>. The undertaking provides for affordable housing and various financial contributions. The Council confirmed that they are content with the undertaking.

## **1.2 The Site and its Surroundings**

12. The appeal site comprises two distinct parts<sup>14</sup>. The eastern section is an arable field of about 12 hectares, forming part of Boughton Mount Farm. The western part, of about 7 ha, is a school sports field attached to the New Line Learning Academy (the NLLA).
13. The eastern arable field is flat and largely featureless, except for hedged boundaries and a small strip of linear woodland in the north-eastern corner. The western sports field has some individual trees within it, and mature tree belts along its eastern, southern and south-western boundaries. Along its western boundary lies Five Acre Wood, which is identified as Ancient Woodland<sup>15</sup>, and is the subject of a Tree Preservation Order (TPO)<sup>16</sup>, made in 2002.
14. Immediately to the north of the sports field is the NLLA educational campus<sup>17</sup>, containing the NLLA itself, the Tiger Primary School (TPS), and the Five Acre Wood School (FAWS). The NLLA is an Academy secondary school and 6<sup>th</sup> form college, for pupils aged 11-18. The TPS, which was set up under the Free

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<sup>7</sup> Mr Lewis's qualifications and experience are set out in a separate note at Doc. AP-11

<sup>8</sup> As set out in the list of Appearances

<sup>9</sup> Mr Carter, Mrs Day and Mr Moore

<sup>10</sup> Doc NL-12 (Mr Barkel's proof)

<sup>11</sup> Doc. OP-11 (Dr Sansum's letter)

<sup>12</sup> Docs. AP-15 and NL-23 (final comments of the appellants and NLRA in response to Dr Sansum)

<sup>13</sup> Doc. GD-3 (the undertaking)

<sup>14</sup> Best seen on Plan DHA/6273/01 (Location Plan)

<sup>15</sup> As defined on Natural England's MAGIC (Multi-Agency Geographic Information for the Countryside) database of Ancient Woodlands (Docs. AP-2A/Apx 2, and AP-3A/Apx 2); and recorded on Map 4 of the Ancient Woodland Inventory for Maidstone Borough (Doc. CD-5)

<sup>16</sup> TPO No. 17 of 2002, dated 9 May 2002 (Doc. AP-3/Apx 5)

<sup>17</sup> Outlined in blue on the Location Plan

Schools initiative, takes younger children of up to 11 years. Both of these schools are sponsored and managed by the Future Schools Trust, a registered charity. More detail on the educational aims and philosophy of the FST schools is given in the evidence of Sir Nick Williams, the Trust's Chief Executive<sup>18</sup>. The FAWS is a special needs school, run by Kent County Council (KCC), for children with learning difficulties including physical and sensory impairments and autistic spectrum disorder (ASD).

15. To the north of the school buildings, but still within their campus, there is the NLLA's educational farm, which is used for a variety of teaching purposes by all three schools. To the south is the existing NLLA sports field, which is also used by the Primary School children, and by sports clubs within the local community. In the central part of the site are the NLLA's two all-weather multi-use games areas (MUGA's). Also within the campus there is the FST's own day nursery, and various other buildings used independently, including a gym and a Baptist Church.
16. Both the NLLA and TPS have recently moved into new buildings on the site, which have been built during the last few years. Both have yet to reach full capacity, and this additional capacity is expected to be taken up over the next 5 years or so. The NLLA's planning permission<sup>19</sup> also includes permission for a Studio School, which will offer vocational training within the Free Schools programme; this has yet to be started. The FAWS has planning permission for extensions and refurbishment, which will increase its capacity<sup>20</sup>. This will require the relocation of the existing school farm onto the present appeal site, for which planning permission has also been granted<sup>21</sup>.
17. Skirting the western boundary of the appeal site and the school campus is Boughton Lane. The section running northwards from the school's northern entrance<sup>22</sup> is of a reasonable standard, with footways. This joins the A229 Loose Road, at a traffic-light controlled staggered cross-roads with Cripple Street, known locally as the Swan<sup>23</sup> junction, about 650m north of the appeal site. The remainder of Boughton Lane is rural in nature, with restricted width and mostly with no footways. To the south, it runs through open countryside, passing through the small village of Boughton Monchelsea, to connect with the B2163 Heath Road, about a mile and a half from the appeal site.
18. To the west of the appeal site is the built-up area of North Loose, which is essentially a suburb of Maidstone, centred on Loose Road, where there are local shops and various other facilities. To the east of the site are the residential areas of Shepway, Parkwood, and the Mangravet estate, with a Morrisons supermarket and other local facilities centred on the A274 Sutton Road. In this area there is also the extensive Kent Police HQ complex and training centre. To the north, the two main roads converge at the A229/A274 Wheatsheaf junction, beyond which is the main urban area of Maidstone. To the south is open country, which is criss-crossed by a network of narrow lanes, some being single-track.

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<sup>18</sup> Doc.AP-4 (Sir Nick Williams' proof) – chapters 2 and 3

<sup>19</sup> Doc. BG-18 (NLLA planning permission)

<sup>20</sup> Doc AP-4/Apx 3 (planning permission for FAWS expansion)

<sup>21</sup> Doc. BG-23 (planning permissions for relocation of the school farm)

<sup>22</sup> The exit is the more southerly of the School campus's two access gates

<sup>23</sup> After the nearby pub of that name



19. A public footpath runs through the appeal site from north to south, between the eastern and western fields (Footpath No. KB26), and continues north to the Mangravet recreation ground, and on via Pheasant Lane (which is closed to through traffic) towards the Wheatsheaf. Two other public rights of way also run along the site's southern boundary, from Boughton Lane to Pested Bar Road (KM98); and part of the eastern side, from Pested Bar Road to the south-eastern corner of Camp Way (KB27)<sup>24</sup>. On the west side of Boughton Lane, there are two short footpath connections to Eddington Close and Leigh Avenue, which provide potential short-cuts for pedestrians and cyclists, via Norrington Road, through to Loose Road.

### **1.3 The Proposed Development**

20. The proposed residential development of 220 dwellings would be located on the existing school playing field<sup>25</sup>. The development would include a range of open market properties from 2-bedroom 'FOGs' (flat over garage) to 5-bedroom houses, and affordable units from 1 to 3 bedrooms<sup>26</sup>. In total, 154 of the units would be for the open market, and 66 (30%) would be affordable. The affordable housing would be grouped together in three clusters<sup>27</sup>.
21. The housing development would be served by an internal road system with two points of access from Boughton Lane. One of these accesses would involve punching a road link through Five Acre Wood<sup>28</sup>, but the remainder of the woodland would largely be retained, as would the other existing boundary trees.
22. A buffer zone is proposed between the woodland and the edge of the built development. A peripheral footpath route would be provided within this buffer zone. Two additional areas of informal amenity space would be created within the site, within which three of the larger individual trees would be retained.
23. Of the eastern field, about 8.65 ha would be developed to provide a replacement sports field for NLLA. This would include an athletics track, cricket pitch, rugby pitch, a rounders pitch and two 10m-square training grids; plus two senior football pitches which could double as four junior or mini-pitches, and two further mini-football pitches.
24. It was confirmed at the inquiry that the remaining 3.5 ha of the eastern field, which is shown hatched on the submitted layout, would be used for the relocation of the school farm. Planning permission for that use already exists<sup>29</sup>.

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<sup>24</sup> Footpaths and bus stops shown at Doc. AR-4 (Dec 2103 Transport Assessment) para 3.1.6;

NOTE: There is some inconsistency regarding the numbering of the peripheral footpaths in some of the submitted documents

<sup>25</sup> Seen most conveniently on the Site Layout plan, Drawing No.2084-09C

<sup>26</sup> Schedule 001C (plans folder)

<sup>27</sup> 'Affordable Strategy' plan, Drawing No 2084-19C

<sup>28</sup> Plan No 6723-SK01-P1 (Proposed Access)

<sup>29</sup> Doc. BG-23 (Planning permission for relocation of the FAWS school farm)

## 1.4 Planning Policy

### The Development Plan

#### *The Maidstone Borough-Wide Local Plan (the MBWLP)*

25. The MBWLP<sup>30</sup> was adopted in December 2000, and was intended to cover the period to April 2006. However, some policies were saved by the SoS in 2007.
26. The proposals map defines the boundary of the Maidstone urban area. The western portion of the appeal site (the existing school playing field) is included within the urban area boundary.
27. The eastern arable field is outside the urban boundary, and thus in the countryside. Policy ENV28 states that development in the countryside will be confined to certain categories. These include open air recreation. Additionally, where development in the countryside is permitted, the policy also seeks to ensure that it protects the area's character and appearance, the amenities of surrounding occupiers, and wildlife resources.
28. The whole of the appeal site is also included within the Southern Anti-Coalescence Belt (the SACB), which is a broad area of countryside and other open land uses, between North Loose and the Shepway/Parkwood area. Policy ENV32 states that development within the SACB which would significantly extend the existing built-up areas, or which would consolidate existing development, will not be permitted.
29. Proposals for development on open spaces within the urban area are subject to Policy ENV22. Paragraph 3.67 makes it clear that this includes school playing fields. The policy states that in dealing with such proposals, regard is to be paid to the effects on the local landscape and townscape. Policy ENV23 seeks to avoid the net loss of sport and recreation space, but does not prevent development where replacement facilities are provided, as in the appeal scheme.
30. The Plan's transport policies include a number which are designed to ensure that new development is well-located and well-served from a transport point of view. In particular, Policy T21 seeks to ensure that new development is located and designed so as to provide a choice of modes of transport. In the case of housing, this means having good, close access to public transport, and safe and convenient pedestrian connections. This is supported by Policies T9 and T11, which set out more detailed requirements in these respects.

#### *Affordable Housing Development Plan Document (DPD)*

31. The Affordable Housing DPD<sup>31</sup> was adopted in December 2006. Policy AH1 states that, on developments of 15 dwellings or more, the Council will seek a minimum of 40% affordable housing, except in exceptional circumstances. The policy also requires the affordable units to be integrated with the open market housing. The DPD is supported by an independent Economic Viability Report<sup>32</sup>.

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<sup>30</sup> Docs BG-1 and BG-2 (the MBWLP written statement and Proposals Maps)

<sup>31</sup> Doc. BG-5 (Affordable Housing DPD)

<sup>32</sup> Doc. CD-11 (P Brett Assocs: Local plan Viability Testing)

### *Open Space DPD*

32. The Open Space DPD<sup>33</sup> was also adopted in December 2006. Policy OS1 states that, on all developments of 10 dwellings or more, there will be a requirement for open space provision in accordance with the standards set out in the DPD's appendix. These standards set out the required provision per 1,000 population, for different types of open space in eight categories. The policy goes on to say that where it is impractical or inappropriate to provide the required open space on site, a financial contribution may be accepted instead.

### Emerging Plans

#### *Draft Maidstone Borough Local Plan*

33. In September 2011, the Council carried out public consultation on a draft Core Strategy. That plan contained proposed broad locations for development, but no site specific allocations, as these were to be dealt with through a separate Development Delivery DPD. Following this initial consultation, in August 2012, the Council carried out a further public consultation on proposed strategic site allocations<sup>34</sup>. The appeal site was not included in these.

34. In 2013, the Council opted to combine the Core Strategy and the Development Delivery DPD, into a replacement Local Plan. In March 2014, the draft Maidstone Borough Local Plan (MBLP) was published for further consultation. For the period 2011-31, the plan seeks to provide for an overall housing need of 19,600 dwellings, of which only 4,200 are already built or permitted<sup>35</sup>.

35. Under draft Policy H1, the western part of the appeal site is identified as proposed housing site H1(23), with an approximate capacity of 220 dwellings. Amongst the site-specific requirements set out in Appendix A, the development should be designed to complement the semi-rural character of the location, retain existing trees and hedges, reserve a 15m-wide buffer around Five Acre Wood, provide open space or appropriate contributions, and make improvements to Boughton Lane and to its junction with Loose Road<sup>36</sup>.

36. Draft Policy DM24 proposes that the target rate for affordable housing, on the urban periphery, should be 30%<sup>37</sup>.

37. The next steps in the MBLP process were considered at a series of Committee meetings, on the 20, 22 and 28 January<sup>38</sup>, and Cabinet meetings on 2 and 4 February 2015<sup>39</sup>. Appendix A to the officers' report<sup>40</sup> contains a summary of the objections received. In the case of the appeal site, there were 15 objections, relating to issues including traffic, safety, character and appearance, lack of local facilities, the effects on ancient woodland, impact on the countryside, urban sprawl and air pollution.

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<sup>33</sup> Doc. BG-6 (Open Space DPD)

<sup>34</sup> Doc. BG-3 (Draft Core Strategy - strategic site allocations)

<sup>35</sup> Doc. BG-4 (Draft MBLP), para 4.3

<sup>36</sup> Doc. BG-4 (Draft MBLP): Policy H1, p47; and Appendix A, p206

<sup>37</sup> Doc. BG-4 (Draft MBLP), Policy DM24, p103

<sup>38</sup> Docs. BG-11 – BG-14 (Planning, Transport and Development Overview and Scrutiny Committee (PTDOSC) papers)

<sup>39</sup> Docs BG-15 and BG-16 (Cabinet papers re draft MBLP, as above)

<sup>40</sup> Doc. BG-11 (officers' report on MBLP objections – p.82)

38. As far as the appeal site is concerned, the Cabinet's resolution<sup>41</sup> was that the proposed housing allocation on the NLLA sports field should proceed to Regulation 19 consultation. In other words, the proposed allocation for 220 dwellings should be retained in the draft plan. As at the date of the present inquiry, the Council's intention was to publish a revised version of the full draft plan in August 2015, for further public consultation under Regulation 19, and thereafter to submit the plan for examination in Spring 2016.
39. Having regard to its early stage, and the number of objections received to date, it seems to me that the draft MBLP's proposals for the appeal site carry only limited weight at the present time.

*The draft North Loose Neighbourhood Development Plan*

40. A Neighbourhood Planning Area for North Loose was designated in December 2012, and a Neighbourhood Forum was approved in May 2013. The draft North Loose Neighbourhood Development Plan (NLNDP)<sup>42</sup> was first published for consultation under Regulation 14<sup>43</sup> in May 2014. It was then submitted to the local planning authority, and was publicised under Regulation 16 in January 2015. Following the discovery of a procedural error, the Regulation 14 consultation was repeated in May-June 2015.
41. Draft Policy HWTA7 seeks to preserve green spaces, for reasons of quality of life, air quality, biodiversity and health. The appeal site is identified as existing or possible future playing fields, to which this policy is intended to apply.
42. Policy GSSR1 seeks to maintain and enhance green corridors. The appeal site is identified as lying within one of these. The stated purposes of the green corridor in this location are to maintain a continuous link to the countryside, to provide for open recreation, and as a buffer around ancient woodland. An exception is provided for essential infrastructure, but not for any other forms of development.
43. Policy GSSR2 seeks to protect and improve certain specified open spaces and ancient woodlands. The appeal site is again identified as a current or future open space, and Five Acre Wood is identified as one of the ancient woodlands. The open spaces are to be protected for their value to leisure, recreation, education, biodiversity, green lungs, sustainable drainage, and visual attraction. The woodlands are required to be protected by a 15m buffer.
44. With regard to housing, the NLNDP does not allocate any sites for development, but recognises that sites within the plan area may be allocated through the emerging MBLP. In the case of the present appeal site, if the site is developed, paragraph 52 seeks to ensure that consideration is given to the impact on the woodland, pollution and traffic congestion. In this context, the plan refers also to draft Policies HWTA 2, which seeks improvements in air quality, and HWTA3 which seeks to ensure that traffic congestion is not worsened.
45. An objection to the draft NLNP was made by Ward Homes (part of BDW Trading Ltd) in February 2015, on the grounds that the plan fails to allocate any new

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<sup>41</sup> Docs. BG-15 (Cabinet minutes – p8); and BG-16 (Record of Decisions – 8<sup>th</sup> unnumbered page)

<sup>42</sup> Doc. BG-7 (draft NLNDP, undated)

<sup>43</sup> Of the Neighbourhood Planning (General) Regulations 2012

housing sites, despite an acknowledged need<sup>44</sup>. It appears that other representations were received, but the number and nature of these are not before the present inquiry.

46. The NLNDP is now awaiting further Regulation 16 publicity, before being submitted for examination. It is understood that minor amendments are to be made before the plan is re-advertised, but that these are not intended to fully address the Ward Homes objection. In view of the stage that it has reached, and the existence of at least one unresolved objection, it seems to me that the weight that can be attached to the draft plan is limited.

### National Policy and Guidance

47. Relevant national policy and guidance is found in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The following references are all to the NPPF.
48. The NPPF seeks to promote sustainable development. The achievement of this aim requires consideration of the inter-linked social, economic and environmental dimensions. Pursuing sustainable development involves seeking positive improvements in the quality of the environment and in the quality of life; this includes improving the conditions in which people live, work and travel, and also widening the choice of homes (paragraphs 6-9).
49. There is also a presumption in favour of sustainable development. Amongst other things, this means that where the development plan is out of date, permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits (14).
50. The core planning principles include: plan-led growth; proactively driving and supporting development to deliver the homes and other development that are needed; high-quality design; recognising the countryside's intrinsic character and beauty; conserving and enhancing the natural environment; and focussing development in sustainable locations (17).
51. With regard to transport, decisions should take account of opportunities for sustainable transport modes; safe and suitable access for all; and cost-effective improvements to the transport network, to limit significant impacts. However, permission should only be refused on transport grounds where the cumulative residual impacts would be severe (32).
52. In relation to housing, the aim is to boost the supply significantly. Housing applications should be considered in the context of the presumption. In addition, where the local authority cannot demonstrate a five-year supply, relevant policies for the supply of housing should not be considered up to date (47 and 49).
53. Permission should be refused for development of poor design, which fails to take opportunities for improving the quality of an area and the way it functions (64).
54. Concerning education, a positive approach should be taken to the needs of schools, and great weight should be given to the need to expand or alter them (72).

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<sup>44</sup> Doc. AP-1A/Apx 2 (Ward Homes' objection to NLDP)

55. With regard to sport and recreation, access to high quality opportunities is seen as making an important contribution to health and well-being. Existing spaces such as playing fields should not be built on unless, for example, the loss would be replaced by equivalent or better provision in a suitable location (73 - 74)
56. With regard to the natural environment, the planning system should aim to conserve, contribute and enhance. Where significant harm cannot be avoided, adequately mitigated, or compensated for, then planning permission should be refused. In the case of ancient woodland, development resulting in the loss or deterioration of irreplaceable habitats should be refused unless the need for, and benefits of, the development in that location clearly outweigh the loss (109 and 118).

## **2. THE PARTIES' CASES**

### **2.1 The Case for the Appellants**

#### Submissions on policy matters

57. For the appellants, it is argued that the appeal proposal is fully in accordance with the development plan and other relevant planning policies<sup>45</sup>.
58. In the case of MBWLP Policy ENV32, the SACB, it is contended that the proposed scheme would meet the policy's aims because it would not cause any actual coalescence.

#### Submissions on housing

##### *General housing need*

59. For the appellants, it is argued that there is an accepted need for housing, both locally and nationally<sup>46</sup>. Although the Council's assessment of the overall objective need has reduced slightly from the figure in the draft MBLP, down to 18,560 dwellings, based on the August 2014 Addendum to the Strategic Housing Market Assessment (SHMA), that is still a very large requirement, and most of it remains yet to be identified, either through the local plan, or otherwise.
60. In terms of deliverable sites for the next 5-year period, the Council's own figure represents only 2.1 years' supply<sup>47</sup>. This is said to amount to a shortfall of around 2,500 dwellings for the required period<sup>48</sup>.
61. Very significant weight should be attached to this general need for housing, as evidenced by other appeal decisions, including some determined by the SoS<sup>49</sup>.

##### *Affordable housing need*

62. The appellants also contend that a significant part of the Borough's housing shortfall relates to the affordable sector, and in this case the need is particularly acute<sup>50</sup>. The SHMA indicates that the annual net need for new affordable

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<sup>45</sup> Mr Woodhead's proof (Doc. AP-1) paras 6.3.3 -6.3.4

<sup>46</sup> Mr Woodhead's proof (Doc. AP-1) paras 7.2.2 - 7.2.12

<sup>47</sup> Statement of Common Ground, para 6.3.7 (Doc. GD-1)

<sup>48</sup> Mr Woodhead's proof (Doc. AP-1) para 6.5.1

<sup>49</sup> Mr Woodhead's Appendices 4, 5 and 6 (Doc. AP-1A)

<sup>50</sup> Mr Woodhead's proof (Doc. AP-1) paras 7.2.20 - 7.2.24

dwellings is running at 322 dwellings per annum, but the actual delivery is expected to average only around 250 p.a. By year 2031, this is projected to lead to an overall shortfall of some 5,800 affordable housing units. The appeal scheme would provide 66 affordable units, to make up part of this deficit. The mix of sizes and tenures of the proposed affordable units is agreed with the Council.

63. It is argued that significant weight should be attached to this, over and above the general housing need. In this context, reference is made to an appeal decision in Wychavon DC, where the benefits of providing affordable housing (albeit with an element of care) were held to outweigh the harm to an AONB, even though there was no shortfall in the land supply for general housing<sup>51</sup>.
64. Although the 30% provision in the appeal proposals is less than that required under the Affordable Housing DPD, it is argued that it is in line with the emerging MBLP<sup>52</sup>. That is seen as a reasonable approach, because the DPD is now of considerable age, and its evidence base is no longer up to date. Whereas the MBLP takes account of new, independent evidence on the viability of providing affordable housing in Maidstone, which justifies the lower percentage<sup>53</sup>. The 30% now proposed is accepted by the Council, and is in line with decisions made by the Council on a number of other sites in Maidstone.

#### The appellants' submissions on the site's suitability

65. The appeal site's western field is within the Maidstone urban area boundary. It was identified as a potential housing site through Strategic Housing Land Availability Assessments (SHLAAs) in 2009 and 2013. It is now proposed as an allocated housing site in the emerging MBLP<sup>54</sup>, and the Council has resolved to take the site forward when the draft plan proceeds to the next stage<sup>55</sup>. In the appellants' view, this shows the site's suitability for the proposed development.
66. In addition, it is argued that development on the western field would have no adverse landscape or visual impacts. It is also contended that this part of the site is previously-developed land (PDL), in terms of the definition in the NPPF.
67. The appeal site is directly adjacent to schools catering for all ages. On the same campus are also facilities for the public, including the gym, nursery and church. On Loose Road, around the Swan junction, there is a parade of convenience shops, a new Sainsburys Local<sup>56</sup>, a chemist, a bank, a doctors' surgery, a bowls club, the Swan pub, and bus services. These are within about 800m from the site<sup>57</sup>. Additional bus stops are also available at other locations along Loose Road, including at the junctions with Norrington Road and Paynes Lane, which are only just over 600m from the site<sup>58</sup>. There are also various other facilities along this southern part of Loose Road, including two more pubs, a hairdressers',

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<sup>51</sup> Doc. AP-7 (appeal decision – Broadway, Wychavon DC)

<sup>52</sup> Mr Woodhead's proof (Doc. AP-1), paras 7.3.8 – 7.3.40

<sup>53</sup> Doc. CD-11 (Viability Testing report – P Brett Assocs)

<sup>54</sup> Doc. BG-4 (draft MBLP) Appendix A, pp206-208

<sup>55</sup> Doc. BG-15 (Cabinet minutes) p8

<sup>56</sup> The Sainsburys store has been under construction but is understood to be opening shortly

<sup>57</sup> Facilities and distances shown diagrammatically at Doc AP-1A/Apx 7 (DHA Transport Report) – internal Appendix G

<sup>58</sup> Bus services are summarised in Table 3.2 of the Transport Assessment (Doc. AR-4); and stopping places are shown at para 3.1.6 of the same report

a dentist's, and Loose Primary School, which can be reached via the footpath link to Eddington Close.

68. To the east of the appeal site, around Sutton Road, there is the larger Morrisons store, and various other shops and services, more schools, and sources of employment including the two Police sites. All of these are accessible via the southern footpath route, No. KM98, and Lansdowne Avenue. The distances are mostly within about 1km<sup>59</sup>. Children's play and recreational open space are available at the Mangravet recreation ground, which can be reached by the central footpath, KB26. The undertaking provides for a financial contribution of £100,000 for improvements to these footpaths, including new all-weather surfacing; and also a further contribution of around £346,000 to improve off-site open spaces, including Mangravet recreation ground. These facilities would therefore be both accessible and adequate to serve the development.
69. Maidstone town centre is only a little over half an hour away on foot, and is easily accessible by bus or bicycle.

#### The appellants' submissions on the quality of the proposed scheme

70. The appellants contend that the proposed residential development would be of the highest quality<sup>60</sup>. The scheme has been conceived by a highly regarded local architectural practice. The housing designs and layout pay proper regard to the Kent vernacular. The density is appropriate for the area, and would make good use of the site. The developers, Ward Homes, have won RTPI awards for some of their other recent developments.
71. The total amount of amenity space and green space within the site would be 10,491 sq m (1.05 ha)<sup>61</sup>. This includes the two central greens, the peripheral strip along the southern and south-eastern boundaries, including the tree belts in this area, and also most of the proposed woodland buffer zone, but it excludes the designated area of the woodland itself.

#### The appellants' submissions on the scheme's benefits

##### *Benefits to education*

72. The proposed new sports field would be larger than the one that it would replace, and would accommodate more pitches. It would also be properly laid, levelled and drained. In these respects it would be of superior quality to the existing. As a result, the appellants contend, the NLLA would no longer have to use external facilities to stage home games, or to run activities such as its football academy. Instead, it would be able to host all of its own events, and potentially some external ones.
73. The pupils of NLLA and Tiger School would benefit from having greater opportunities to participate in sport, and having improved facilities would give them a better chance to attain higher standards. This ties in with the FST's educational philosophy, in that sport, fitness, and a healthy lifestyle are seen as important elements in child development and learning<sup>62</sup>. There would also be

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<sup>59</sup> As above

<sup>60</sup> Mr Woodhead's oral evidence-in-chief

<sup>61</sup> Doc. AP-10 (Open space areas plan, tabled by Mr Woodhead)

<sup>62</sup> Sir Nick Williams, in oral evidence



increased opportunities for shared use by community groups. It is argued that this combination would be likely to increase the rates of participation in sport and outdoor activities, to the benefit of the community's health, all-round education, and general well-being<sup>63</sup>.

74. In this context, attention is drawn to two Government's publications: '*Creating a Sporting Habit for Life – a New Youth Sport Strategy*' (January 2012), which seeks to build on the impetus of the 2012 Olympic games, to increase sports participation amongst 14-25 year olds<sup>64</sup>; and '*The Social Impacts of Engagement with Culture and Sport*' which identifies positive links between sport and educational outcomes<sup>65</sup>. It is also argued that this element of the proposed development would assist towards meeting KCC's corporate aspirations for the future of education in the county, as set out in '*Bold Steps for Kent – the Medium Term Plan*'<sup>66</sup>.
75. In addition, the proposed development is seen as the key to the expansion of both the FAWS and the school farm. Although planning permission for both of these developments has already been granted<sup>67</sup>, the FAWS extension would require land currently occupied by the farm; and the new farm site is dependent on the proposed housing development<sup>68</sup>. And in addition, it is said that the capital receipt from the proposed housing development would enable KCC to provide the necessary funding for the FAWS development<sup>69</sup>.
76. Furthermore, it is said by the appellants that the proposed housing development would also produce a capital receipt for FST, which would have dual benefits for education and the public purse<sup>70</sup>. Firstly, it is said that this would enable the Trust to repay a Government loan of £4.2m from the Department for Education (DfE), for the construction of the new TPS building, and that without this development, there is no obligation on the Trust to repay that debt<sup>71</sup>. And secondly, it is said that the capital receipt is needed to enable FST to complete the fitting out of the TPS for its full 2-form entry capacity<sup>72</sup>.
77. And on top of these benefits, the submitted legal undertaking<sup>73</sup> provides for substantial financial contributions to other local schools. Primary School contributions totalling almost £1.25m would be paid towards the second phase of the new school being built at the Langley Park development on Sutton Road. And a secondary education contribution of around £440,000 would be put towards the expansion of Maidstone Grammar School, at Barton Road.

### *Benefits to ecology*

78. Irrespective of its age and status, the appellants argue that Five Acre Wood is currently in decline, due to long-term neglect<sup>74</sup>. At one time, the woodland

<sup>63</sup> Sir Nick Williams' proof of evidence (AP-4) paras 6.3.1 – 6.3.23

<sup>64</sup> Mr Woodhead's proof (Doc. AP-1) paras 6.4.12 – 6.4.13; and Sir Nick Williams' proof (AP-4) paras 6.1.15 – 6.1.7

<sup>65</sup> Sir Nick Williams' proof (AP-4) paras 6.1.8 – 6.1.10

<sup>66</sup> Doc. AP-1A/Apx 8 (KCC Medium Term Plan)

<sup>67</sup> Docs AP-4/Apx 3 and BG-23 (planning permissions for expansion of FAWS and relocation of the school farm)

<sup>68</sup> Sir Nick Williams' proof of evidence (Doc. AP-4) paras 6.4.1 – 6.4.10

<sup>69</sup> Mr Woodhead's proof (Doc. AP-1) para 7.2.31 (1)

<sup>70</sup> Sir Nick Williams' proof of evidence (Doc. AP-4) paras 5.1.11 – 5.1.12

<sup>71</sup> Sir Nick Williams – proof of evidence (Doc. AP-4) para 7.1.1 (5); and confirmed in oral evidence in reply to Inspector's questions

<sup>72</sup> Mr Woodhead's proof (Doc. AP-1) para 7.2.31 (2)

<sup>73</sup> Doc. GD-3 (the undertaking)

<sup>74</sup> Mr Forbes-Laird's proof (Doc. AP-3) para 3.3.6

appears to have been managed by traditional coppicing of the hazel and sweet chestnut stands, but this has not been practised for some time. As a result, the delicate balance between light penetration and shade has been upset, and ground flora have been suppressed by the re-closure of the tree canopy<sup>75</sup>. The general and widespread threat to woodlands, resulting from lack of active management, is recognised in other published works<sup>76</sup>.

79. The appellants suggest that the development now proposed would provide the opportunity to introduce a sensitive, long-term management regime, to reverse the present decline. This could include the re-introduction of coppicing, and the phased removal of non-native species such as sweet chestnut and cherry laurel.
80. It is also suggested that the development could incorporate additional encouragement for faunal species, including bat roosting boxes, bird nesting boxes, and hibernacula for reptiles and invertebrates<sup>77</sup>.

#### *Other benefits*

81. The appellants contend that the development would have economic benefits for the area, in the form of construction jobs, supply chain effects, household expenditure, training and skills, and the Government's New Homes Bonus.
82. In addition to the education contributions referred to above, the undertaking also provides for contributions to highway and footpath improvements, adult social care, community learning, healthcare, libraries, open space enhancements, and youth services. The total value of all the financial contributions, including education, would be over £3m. It is suggested that all of these have benefits for the existing community.
83. Also, it is said that BDW Trading Ltd has entered into an agreement with the Boughton Monchelsea Amenity Trust, to the effect that, if planning permission were granted for the proposed housing, a further 98 acres of land would be transferred to the Trust, for public use, effectively at no cost<sup>78</sup>.

#### The appellants' submissions on ancient woodland

##### *Ancient woodland status*

84. Although Five Acre Wood is identified as ancient woodland in Natural England's (NE's) database<sup>79</sup>, the appellants argue that there is no evidence to support that designation. The definition in the NPPF glossary is land that has been wooded continuously since at least 1600 AD. In the present case, the earliest cartographic evidence as to the existence of Five Acre Wood is the Tithe Map for Loose Parish, which dates only from 1840, and the Ordnance Survey (OS) First Edition County Map of 1870 (also known as the Epoch 1 series), which is based on survey information from 1865-67. These sources are therefore far too recent to provide any evidence as to whether the woodland in question existed at the relevant date<sup>80</sup>.

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<sup>75</sup> Mr Baxter's proof (Doc. AP-2) paras 5.8.7 – 5.8.15, and 5.9.1 – 5.9.6

<sup>76</sup> Docs CD-27 ('Keepers of Time'); and AP-2A/Apx 9 (Aspect Ecology review of woodland restoration)

<sup>77</sup> Mr Baxter's proof (Doc. AP-2) paras 5.8.16 – 5.8.22; and AP-2A/Plan AB8 (ecological enhancements plan)

<sup>78</sup> Mr Woodhead's proof (Doc AP-1) para 7.4.25; and Mr White's closing submissions (Doc AP14) para 15.8

<sup>79</sup> Doc. AP-2A/Apx 2 ('MAGIC' ancient woodland database)

<sup>80</sup> Mr Forbes-Laird's proof (Doc. AP-3) paras 6.1.1 – 6.1.4; and Appendix JFL13 (AP-3A/Apx 13)

85. A number of earlier historic maps exist for this part of Kent, spanning the period 1768 – 1821, and these are identified in the local Ancient Woodland Inventory<sup>81</sup>. None of these depicts any woodland at the location where Five Acre Wood now stands<sup>82</sup>. Some of these earlier maps were highly detailed, and many other small woodlands of a similar size were shown. These include the draft OS field sheets, which were prepared by highly trained military surveyors and are regarded as a very accurate source. There is therefore no cartographic evidence that the wood existed before 1840. None of the explanations offered by NE is borne out by analysis<sup>83</sup>. In the appellants' view there can be no other explanation than that Five Acre Wood did not exist when these pre-1840 maps were drawn.
86. The appellants point out that the date 1840 comes shortly after the introduction of the Tithe Commutation Act in 1836, which led to many new woodlands being planted<sup>84</sup>. It is argued that this adds to the likelihood that Five Acre Wood originates from that period.
87. The appellants contend that the method adopted by NE for designating ancient woodland is flawed, because it relies too heavily on inadequate desk-based evidence<sup>85</sup>, and this needs to be backed-up by 'ground-truthing'. It is noted that in those cases where the authors of the Maidstone Inventory carried out their own surveys or observations, this led to a high proportion of those sites being deleted<sup>86</sup>, but Five Acre Wood was not included in these surveys<sup>87</sup>. The appellants' team have carried out their own ground-truthing on site, using the indicators developed by Professor Ian Rotherham<sup>88</sup>. Although the presence of vascular plants and old coppice stools was noted, these could be equally consistent with secondary rather than ancient woodland<sup>89</sup>. No evidence was found that provides conclusive or reliable proof that Five Acre Wood is ancient.
88. Reference is made to correspondence with NE<sup>90</sup>, in which the latter state that ancient woodland status will be reviewed only where there is incontrovertible evidence to the contrary. In the appellants' view this sets the barrier for any challenge unrealistically high, in that it requires a level of proof that cannot be met, and far exceeds the evidence on which the designation itself is based<sup>91</sup>. Support for this view is drawn from reports and documents published by Professor Rotherham, and by the Parliamentary Office of Science and Technology (POST), and others<sup>92</sup>. The approach taken by Natural Resources Wales, NE's equivalent body, and by the Inspector in a planning appeal in Haslemere, are said to provide further support in this regard<sup>93</sup>.
89. It is argued that the proper test should be based on the balance of probability. In the case of the appeal site, it is suggested that this balance does not support the designation of Five Acre Wood as ancient woodland.

<sup>81</sup> Doc. CD-5 (Ancient Woodland Inventory for Maidstone Borough, Aug 2012)

<sup>82</sup> Mr Forbes-Laird's proof (Doc. AP-3) paras 6.2.1 – 6.2.11; and Appendix JFL13 (AP-3A/Apx 13)

<sup>83</sup> Mr Forbes-Laird's proof (Doc. AP-3) paras 6.4.1 – 6.7.2; and Appendices JFL14 & 19 (AP-3A/Apxs 14, 19)

<sup>84</sup> Mr Forbes-Laird's proof (Doc. AP-3) paras 6.2.9 – 6.2.10

<sup>85</sup> Mr Forbes-Laird's proof (Doc. AP-3) chapters 5 and 6

<sup>86</sup> Doc. CD-5 (Ancient Woodland Inventory)

<sup>87</sup> Mr Forbes-Laird in oral evidence

<sup>88</sup> Mr Forbes-Laird's proof (Doc. AP-3) sections 5.3 and 6.3; and Appendix JFL8 (AP-3A/Apx 8)

<sup>89</sup> Mr Forbes-Laird's proof (Doc. AP-3) section 6.3; and Mr Baxter's proof (AP-2) chap. 3 and Appendix 1 (AP-2/Apx1)

<sup>90</sup> Mr Forbes-Laird's Appendices JFL15- 18 (AP-3A/Apxs 15-18) - NE correspondence

<sup>91</sup> Mr Forbes-Laird's proof (Doc. AP-3) paras 5.2.7 and 6.8.4 – 6.8.5

<sup>92</sup> Mr Forbes-Laird's proof (Doc. AP-3) paras 5.2.3 – 5.2.6

<sup>93</sup> Mr Forbes-Laird's proof (Doc. AP-3) paras 5.1.4; and CD-20 (Haslemere appeal)

90. The late submissions of Dr Sansum on all of the above matters are also rebutted<sup>94</sup>.

*The proposed access strip*

91. When the NLLA development was built, around 5 years ago, a temporary site access was provided for construction vehicles, passing through Five Acre Wood. To create that access, a section of the wood was cleared. Consent for those works was granted under TPO procedures<sup>95</sup>. The temporary road had a tarmac surface<sup>96</sup>. The new western access road which is proposed as part of the present appeal proposals, would follow the same line and utilise the same strip of cleared land through the wood<sup>97</sup>.
92. A soil investigation carried out for the appellants in October 2014 found that the soil within the area of the former temporary access was significantly different from that of the woodland on either side, in terms of its type, chemical composition, depth, colour and degree of compaction<sup>98</sup>. In particular, the soil within the access area was found to be alkaline in nature, in contrast to the strongly acidic soil of the remainder of the woodland; and it contained a high proportion of contaminative and deleterious materials such as building wastes; and it was found to be heavily compacted. The appellants say that it is clear from this that the soil of the access strip is not native to the site but has been imported, and is clearly of a poorer quality, unsuited to the reinstatement of the original woodland in this area<sup>99</sup>.
93. Although some re-planting and re-growth has taken place within the access area, this is limited in stature and density. The appellants contend that this is in part a reflection of the poorer growing conditions. And in any event, this means that the value of this disturbed area, both visually and as a wildlife habitat, is lower than that of the main woodland. The appellants suggest that, irrespective of the status of the main woodland, this strip should not be considered as ancient.

*Effects on the woodland*

94. The appellants contend that the land-take required for the proposed western access would be slightly less than the area disturbed by the previous temporary road. Consequently, there would be no actual loss of the original woodland.
95. Furthermore, it is argued that eventually the woodland canopy above the new road would re-close<sup>100</sup>, and at ground level, a relatively narrow roadway would not present a barrier to wildlife. The wood would thus return to providing a continuous habitat. In any event, the road corridor would take no more than around 3% of the area currently designated as ancient woodland.

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<sup>94</sup> Doc.AP-15 (rebuttal of Dr Sansum's submissions)

<sup>95</sup> Doc. NL-10.12 (TPO consent)

<sup>96</sup> Mr Baxter's proof (AP-2) para 3.17

<sup>97</sup> Plan No. 6723-SK01-P1 (proposed western access road)

<sup>98</sup> Doc. Ap-3/Apx 6 (T O'Hare Assocs soil report)

<sup>99</sup> Mr Forbes-Laird's proof (Doc. AP-3) chap. 7; and Mr Baxter's proof (AP-2) chaps. 3 and 4

<sup>100</sup> Mr Baxter's proof (Doc. AP-2), para 5.7.13; and Appendix (Doc. AP-2A) Plan AB4, and Photograph examples at AB6

96. In addition, the proposed layout would incorporate 15m-wide buffer zones between Five Acre Wood and the nearest new houses. The appellants contend that this would accord with the mitigation recommended by NE and the Forestry Commission<sup>101</sup>. Although there would be some development, such as footpaths, within the buffer zone, a similar approach has been approved elsewhere<sup>102</sup>. Moreover, 'ecotone' planting within these areas would protect and enhance the woodland's biodiversity and habitat value<sup>103</sup>.

### The appellants' submissions on traffic impact

#### *Congestion*

97. The appellants calculate that the proposed residential development would generate around 94 vehicle movements in the morning peak hour, 108 in the early-afternoon (end of school) period, and 118 in the evening peak<sup>104</sup>. The trip generation rates used to produce these numbers are based on survey data from comparable developments within the 'TRICS' database. Of this generated traffic, it is estimated that 73% would route to or from the north, towards Maidstone town centre, and the remaining 27% would go south via Boughton Monchelsea<sup>105</sup>. This directional split is based on Census data. All of these trip generation and distribution assumptions have been accepted by KCC Highway Officers<sup>106</sup>.
98. The north-bound traffic would amount to around 70-85 additional vehicles in each peak hour period, or less than one and a half vehicles every minute. At the Swan junction, the existing peak-hour flows through the junction as a whole, as recorded in three surveys over the period 2011-14, ranged between 1,800 – 2,150 vehicles per hour<sup>107</sup>. The traffic from the development now proposed would therefore represent an increase of no more than about 3-4 per cent.
99. Looking specifically at the junction's Boughton Lane arm, here the same numerical increase would represent a larger percentage, in the region of 15%-30%, depending on the time of day<sup>108</sup>. It is also acknowledged that queuing already occurs on this arm. However, the appellants argue that, during a typical 'green phase' on Boughton Lane, of 15-30 seconds, the whole of the queue is usually discharged, or nearly so, within a single cycle of the traffic signals<sup>109</sup>. The additional traffic resulting from the proposed development would only amount to about two extra cars for every signal cycle. If necessary, it is said, this could easily be accommodated by a small adjustment to the signal timings, especially given the capabilities of the 'MOVA' technology that is already installed there<sup>110</sup>.

<sup>101</sup> Doc. CD-19 (Standing Advice for Ancient Woodland)

<sup>102</sup> Mr Baxter's Appendix (Doc. AP-2/A) Appx 12 – buffer zone in approved development North of Loose Road

<sup>103</sup> Mr Baxter's proof (Doc. AP-2) paras 5.8.3 – 5.8.6; and AP-2A/Plan AB7 (buffer zones specification)

<sup>104</sup> Docs AR-4 (Dec 2013 Transport Assessment) Table 4.9; and AP1A/Appx7 (June 2015 Transport Report) Table 4.5

<sup>105</sup> The 2013 Transport Assessment (Doc AR-4) paras 4.2.6 – 4.2.12; and 2015 Transport Report (AP1A/Appx7) section 4.6

<sup>106</sup> Doc. NL-9.3 (KCC consultation response, 5 March 2014)

<sup>107</sup> The 2013 Transport Assessment (Doc AR-4) Table 6.3; and 2015 Transport Report (AP1A/Appx7) Table 4.1

<sup>108</sup> The 2013 Transport Assessment (Doc AR-4) Table 6.3

<sup>109</sup> Doc. AR-4 (the 2013 Transport Assessment) - Appendix D: Boughton Lane Signals Survey

<sup>110</sup> Doc. AR-4 (the 2013 Transport Assessment), paras 6.8 – 6.10; and Doc. AP1A/Appx7 (the 2015 Transport Report) paras 5.2.8 and 5.19 – 5.2.20

100. In addition, the appellants contend that much of the congestion that occurs now at the Swan junction is because of traffic tailing back from the Wheatsheaf. Without that problem, and the resulting blocking of exit routes, it is said that the 'Linsig' modelling shows that the Swan junction would work satisfactorily, and the development now proposed would not overload it<sup>111</sup>.
101. The issues at both the Swan and Wheatsheaf junctions are being looked at as part of the A229 corridor study that is being pursued jointly by the Borough and County Councils<sup>112</sup>. Funding for that study is already in place, and potential highway improvements have already been identified, such as moving a bus stop further from the Swan traffic lights, creating a lay-by to free up carriageway space, and restricting the use of Cranbourne Avenue. These kind of small-scale measures could make a significant difference<sup>113</sup>.
102. The S.106 undertaking entered into by the appellants provides for a substantial contribution of £660,000 to off-site highway works<sup>114</sup>, and this would go a long way towards implementing whatever recommendations emerge from the A229 study. The Highway Authority has confirmed that it is happy with the contribution from this proposed development, and that it expects to receive further contributions from other planned developments in the area.
103. Aside from the junctions, it is argued by the appellants that the number of vehicles that would be added to the network is well within the link capacity of Boughton Lane itself, even allowing for future traffic growth and other committed developments, including spare capacity and unimplemented permissions at the school campus<sup>115</sup>.
104. Overall, it is contended that the development's traffic impacts would be adequately mitigated by the highway and transport-related contributions in the undertaking.

#### *Highway safety*

105. A short section of new off-site pedestrian/cycleway route would be needed alongside Boughton Lane, from the site access, to join the existing footway at the School's southern entrance. However, this could be provided within land controlled by KCC and FST<sup>116</sup>.
106. The 30mph speed limit on Boughton Lane would also need to be moved further south, beyond the proposed southern access to the development. But the highway Authority has no objection to this, and the undertaking provides for an agreed sum to cover the necessary costs.

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<sup>111</sup> Doc. AP1A/Appx7 (the 2015 Transport Report) paras 4.7.2 – 4.7.3, 5.2.7, and 5.2.17 – 5.2.22

<sup>112</sup> Doc. AP-1A/ Appx7 (the 2015 Transport Report) – Appendix H, Maidstone Joint Transportation Board paper

<sup>113</sup> Mr Lewis's oral evidence

<sup>114</sup> Doc. GD-3 (the S.106 undertaking)

<sup>115</sup> Doc. AR-4 (the 2013 Transport Assessment), paras 6.2 – 6.3; and Doc. AP1A/Appx7 (the 2015 Transport Report) paras 6.1.29 – 6.1.32

<sup>116</sup> In connection with this proposed new foot/cycle path, the appellants refer to the plan at Doc. AR-4/Appendix J; however, this appears to show the existing path between the School campus's two access points

## The Appellants' submissions on other matters

### *Air quality*

107. Matters relating to air quality have been considered by the appellants, and the conclusion is drawn that the proposed development would not result in any significant or unacceptable impacts in this respect<sup>117</sup>.

### *Alternative access*

108. The possibility of an alternative or additional road access to the east has been investigated, and discussions held with the Police Authority's Estates Officer. However, the appellants do not wish to pursue this any further, because the expected ransom payments and extra construction costs would be likely to make the scheme in its present form unviable<sup>118</sup>. There would also be impacts on the landscape and open countryside. In the appellants' view there is no need to consider such an alternative, because the proposed access from Boughton Lane is satisfactory.

### *Sustainable development*

109. The appellants submit that the proposed development would have social, economic and environmental benefits, and would accord with the development plan and NPPF, and therefore would constitute sustainable development.

## **2.2 The Case for the Council**

110. The Council no longer wishes to oppose the grant of planning permission. The Council's position is now as set out in the Statement of Common Ground<sup>119</sup>. Its change of position results from new evidence submitted by the appellants after the date of refusal, together with the adverse housing land supply situation, which is agreed to be 2.1 years' worth at the required annual rate.

111. With regard to Five Acre Wood, the Council sees no reason to disagree with the wood's designation as ancient woodland. However, the Council accepts that the part that would be affected by the proposed access road has already been damaged, and indeed that damage occurred before the designation took place. The Council therefore considers that the scheme now proposed would not cause any significant further loss or deterioration of its habitat<sup>120</sup>.

112. The Council considers all of the requested contributions and obligations to comply with the relevant CIL regulations<sup>121</sup>. The justifications in relation to Regulation 122 are set out in the consultation responses of the various service providers, including the relevant Borough and County Council departments and the NHS<sup>122</sup>, and specific projects have been identified for which each contribution would be needed<sup>123</sup>. The Council also confirmed at the inquiry that, in so far as any of the contributions would be 'pooled' for the purposes of regulation 123, none would exceed the limit of 5 such contributions, in accordance with that regulation<sup>124</sup>.

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<sup>117</sup> Doc. AP-13 (Air quality report)

<sup>118</sup> Doc. AP-9 (Note on alternative access)

<sup>119</sup> Doc. GD-1 (Statement of Common Ground)

<sup>120</sup> Mr Atkinson's opening statement (Doc. CO-2)

<sup>121</sup> Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010

<sup>122</sup> Consultation responses in the Questionnaire File

<sup>123</sup> Miss Marks' proof (Doc. CO-1) paras 7.4 – 7.12

<sup>124</sup> Miss Marks' oral evidence

## 2.3 The Case for North Loose Residents' Association

### Submissions with regard to policy matters

113. NLRA argues that the appeal proposal would conflict with MBWLP Policy ENV32, relating to the SACB, and a number of policies in the emerging GNP, including Policy GSSR2 relating to the protection of open spaces and ancient woodlands<sup>125</sup>.

### NLRA Submissions with regard to traffic issues

#### *Existing congestion and background traffic*

114. NLRA argues that the appellants' assessments understate the amount of traffic on the local network, both existing and future. The Association carried out its own traffic counts in October 2012, November 2014, and January 2015<sup>126</sup>. It is submitted that these show much higher levels of background traffic flows than are suggested in the appellants' Transport Assessment (TA). It is also contended that the results show a significant increase between these two dates, resulting partly from the development and occupation of the new buildings for NLLA and TPS. As a result, it is suggested that the TA figures are out of date.
115. At the Swan junction, it is argued that there is already chronic and severe congestion. The NLRA's surveys show that the junction as a whole currently has to cope with 1,650 vehicle movements an hour during the morning peak hours of 07.00 to 10.00; and 1,700 movements an hour in the afternoons between 15.00 – 18.00<sup>127</sup>. Further surveys were also taken in June 2015, between 06.00 – 07.00, and 19.00 – 20.00, which show levels of around 1,000 and 1,300 vehicles per hour even during these periods<sup>128</sup>. It is submitted that this shows that peak traffic conditions in the area now extend to a total of eight hours a day. On this basis, NLRA contends that the Swan junction is already over-loaded. They also believe that this view is shared by a senior KCC Cabinet Member with responsibility for transport matters<sup>129</sup>.
116. On Boughton Lane, NLRA's survey in 2012 showed the lane was carrying around 3,100 vehicle movements over the course of a day<sup>130</sup>. During the morning peak hour of 08.00 – 09.00 alone, the 2-way flow is over 400 vehicles an hour<sup>131</sup>. This, combined with the congestion at the Swan, results in daily queuing which often extends all the way from the traffic lights back to the School entrance. Existing residents have no alternative routes, except for the potential rat-run through Paynes Lane, Berwyn Grove/Pear Tree Lane, and Norrington Road, none of which are suited to taking extraneous traffic.
117. On top of this existing traffic, NLRA draws attention to the continuing growth in pupil numbers on the school campus. The new NLLA and TPS buildings are filling up but are not yet full, and both NLLA and FAWS have permission for further development. Overall, NLRA suggests that the campus has capacity for

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<sup>125</sup> NLRA Closing Statement (Doc. NL-22) paras 6.1 and 6.5

<sup>126</sup> Doc. NL-9 (NLRA Traffic proof) – pp 7-9, Tables 1 and 3

<sup>127</sup> Doc. NL-9 (NLRA Traffic proof) – p10, and Table 3

<sup>128</sup> Doc. NL-9 (NLRA Traffic proof) – p11

<sup>129</sup> Doc. NL-9.12 (letter from Helen Grant MP)

<sup>130</sup> Doc. NL-2 (NLRA submission 13 Feb 2014)

<sup>131</sup> Doc. NL-9 (NLRA Traffic proof) – Diagram A



over 500 more pupils, and this will mean a large number of extra vehicles in the morning and afternoon peaks. NLRA's surveys have counted over 1,100 vehicle movements to and from the school campus in the morning peak<sup>132</sup>; and that is with the campus at only two-thirds of its full capacity. NLRA contends that the expected future school growth is nowhere near being accounted for in the appellants' figures<sup>133</sup>.

118. In the same vein, NLRA points to the potential effects of the new Sainsburys store which is about to open, and a large number of sites which are currently proposed for development in the draft MBLP. These include a total of around 1,500 dwellings planned at the villages of Marden, Staplehurst, Coxheath and Boughton Monchelsea, which lie to the south of Loose and would be likely to feed traffic into the Swan and Wheatsheaf junctions, and a further 3,000 or so proposed dwellings in the A274 corridor<sup>134</sup>. Some of these sites are already permitted or under construction.

#### *Impact of the proposed development traffic*

119. NLRA draws attention to the formal consultation response on the appeal proposal, sent by KCC as Highway Authority on 5 March 2014<sup>135</sup>. That letter stated that there was concern over the 73%:27% directional split assumed in the appellants' TA, and the transport officer's view was that a 'much higher' proportion would head north, because of the poor quality of the route to the south. As a result of this, the officer considered that in the submitted TA, the development's impact was understated. NLRA concurs with this assessment.
120. The KCC letter went on to confirm that the congestion at the A229 (Swan) junction was seen as critical, and that any further traffic generation would exacerbate this, causing further delays. In the worst case scenario, the KCC letter envisaged that the additional loading on the junction could be up to 100 – 120 vehicles in each peak hour, which would be an increase of 30% and 50% respectively over the existing the morning and evening peak flows. NLRA points out that these levels would be around 40-45% higher than suggested in the TA. However, the Association's own estimates are that the numbers would be higher still.
121. With regard to the appellants' impact figures, NLRA contends that these are underestimated because, amongst other factors, the TA under-represents the number of user-generated pedestrian phases. This is said to be due to the fact that the analysis in Appendix D of the TA is limited to Boughton Lane, and ignores the number of multi-directional pedestrian phase 'calls' from the junction's other arms<sup>136</sup>.
122. Attention is drawn to the wording that appears in the Planning Officer's report with regard to the proposed contribution towards strategic highway improvements. The report states that the sum of £3,000 per dwelling is necessary to mitigate against the development's "severe impact" on congestion and highway safety<sup>137</sup>.

<sup>132</sup> Mr Carter's oral evidence

<sup>133</sup> Docs NL-9 (NLRA Traffic proof) – p9; and NL-9.9 (note on school places and planned developments )

<sup>134</sup> Doc. NL-9 (NLRA Traffic proof) – p12, and Table 2; and doc. NL-6 (NLRA submission Dec 2014), p5

<sup>135</sup> Doc. NL-9.3 (KCC letter 5 March 2014)

<sup>136</sup> Doc. NL-9 (NLRA traffic proof), p8

<sup>137</sup> Doc. BG8 (Planning Officer's report), paras 8.72 and 10.01

123. Consequently, NLRA submits that the proposed development would have a severe impact on traffic congestion and delays in Boughton lane and at the Swan junction traffic lights.

*Prospects for highway mitigation*

124. NLRA submits that although the Highway Authority is prepared to accept a financial contribution to mitigate the development's impact, the Authority itself admits that there is little prospect of any mitigation being effective. In the letter of 5 March 2014<sup>138</sup>, referred to above, KCC's transport officer states that it is unlikely that more 'green' time would be given to the Boughton Lane arm, because the priority at the Swan junction is to maximise capacity on the major road. The letter also says that any capacity improvements that could be achieved would be likely to be minor, and would not prevent further delays for existing residents and school traffic.
125. In addition, NLRA points also to two further letters from KCC, in respect of a proposed development at Cripple Street<sup>139</sup>. The letters state that the KCC Signals Team have considered options for potential capacity improvements to the Swan junction but have been unable to identify any that would be worthwhile. In particular, there is little scope to adjust the phasing or timings any further. Consequently it is felt to be inappropriate to seek contributions towards a joint study of the Swan junction.
126. This last comment ties in with the fact that, in relation to the present appeal proposal, KCC as Highway Authority initially sought a similar contribution for such a study, and this was seen as providing part of the mitigation package which justified their acceptance of the scheme from a transport point of view<sup>140</sup>. But KCC has since dropped that request. NLRA draws the inference that it is now clear that nothing useful can be done.
127. In the light of these comments, NLRA notes that the appellants propose no solution at all for the Swan junction, save for an adjustment to the signal timings, and even that has already been ruled out by the Highway Authority.

*Relationship to wider transport planning*

128. The NLRA draws attention to the apparent lack of any agreed overall transportation strategy for the emerging local plan proposals, of which the present appeal proposals form part. In this context, particular attention is drawn to a letter from KCC's Corporate Director for Transport, to the Borough Council's Chief Executive, regarding the draft local plan proposed site allocations<sup>141</sup>. In that letter, KCC expresses the view that the local plan proposals would have an unacceptably severe impact on the transport network, the travelling public, and the local economy. The letter states that the transport evidence base is incomplete, including traffic modelling work, and until that work has been completed, it will not be possible to determine the nature of the mitigation required, or the viability of proposed sites. An agreed infrastructure delivery plan is also said to be lacking.

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<sup>138</sup> Doc. NL-9.3 (KCC letter 5 March 2014)

<sup>139</sup> Docs NL-9.5 and 9.7 (KCC letters re Cripple St, 29 Oct and 4 Dec 2014)

<sup>140</sup> Doc. NL-9.3 (KCC letter 5 March 2014)

<sup>141</sup> Doc. NL-11.11 (KCC letter 19 January 2015 re local plan allocations)

129. In this context, NLRA also refers again to the earlier letter of 5 March 2014<sup>142</sup>, in which the transport officer refers to KCC's 'great concern' about the difficulty of creating an overall transport strategy for the development envisaged in the emerging local plan. The Association also produces a note from the same transport officer, intended as part of a meeting note, which states that, as at April 2014 at least, KCC did not have any agreed overall transport strategy<sup>143</sup>.
130. These are echoed in in the Borough Council's officer report, which states that KCC does not have any strategic highways plan, nor any strategic study for what can be accommodated at the Swan junction<sup>144</sup>.

*Other matters relating to traffic congestion*

131. NLRA argues that the position taken by KCC as Highway Authority, in not objecting to the proposed development, is inconsistent. The Authority's letter of 5 March 2014<sup>145</sup> identifies impacts that are clearly unacceptable and appear to have no solution, and yet the Highway Authority concludes that the development should go ahead. In this context the Association also draws attention to an email dated 11 June 2015 from KCC's head of transportation, which seeks to explain the Authority's decision by stating that NPPF paragraph 32 prevents authorities from objecting to schemes on the grounds of worsening existing congestion<sup>146</sup>. NLRA say this indicates that the Highway Authority's position has been driven by a fear of costs rather than achieving a satisfactory outcome.
132. NLRA also contend that the Planning Officer's report on the application misrepresented the Highway Authority's consultation response, by reporting that KCC state that improvement works to reduce delays at the Swan can be accommodated within the junction<sup>147</sup>. It is argued that this comment does not properly reflect the contents of KCC's consultation response, and that the Planning Committee may have been misled by this.

*Highway safety*

133. NLRA's principal concerns regarding safety relate to the unimproved part of Boughton Lane, which is almost the whole of the Lane from the school campus entrance southwards, including the section adjacent to the site itself. It is argued that the Lane is narrow and winding, with numerous sharp bends, and no footways. This is regarded as potentially dangerous for any increase in usage either by vehicles or by pedestrians and cyclists.
134. The point is made by NLRA that the appellants rely on 27% of all vehicles from the development going south, and this would increase traffic levels on this section of Boughton Lane substantially.
135. It is argued that the most dangerous section of the Lane is that adjacent to the site itself, where there is a series of blind bends close together, and where the danger would be increased by introducing the two proposed new accesses,

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<sup>142</sup> Doc. NL-9.3 (KCC letter 5 March 2014)

<sup>143</sup> Doc. NL-9.10 (KCC email from P Rosevear, 17 April 2014)

<sup>144</sup> Doc. BG-8 (report to Planning Committee 24 July 20140, para 8.49)

<sup>145</sup> Doc. NL-9.3 (KCC letter 5 March 2014)

<sup>146</sup> Doc. NL-9.13 (T Read email, 11 June 2015)

<sup>147</sup> Doc. BG-8 (report to Planning Committee 24 July 20140, para 8.49)

increasing the level of activity around this area. Although alternative routes are proposed within the site, some pedestrians and cyclists would still be likely to travel along this section of road, and the mixing of traffic here would increase the danger. Although it is proposed to extend the 30mph limit, speeds would be difficult to enforce. Any widening or other safety measures would be likely to destroy the Lane's attractive rural character.

136. Particular concern is expressed by NLRA regarding the need for pedestrians and cyclists to reach the footpath link to Eddington Close, opposite the site's south-western corner. A dedicated connection to this route is proposed within the development, but this would require users to cross Boughton Lane at its most dangerous point, on the inside of the bend, with little visibility in either direction<sup>148</sup>.
137. Attention is drawn to the agricultural cold store and fruit packing operation at Boughton Mount Farm, to the south of the appeal site. This is said to generate large numbers of lorries on Boughton Lane, increasing the dangers<sup>149</sup>.
138. To the north of the school campus, where footways do exist, NLRA points out that these are mostly narrow.
139. It is argued that, as a result of the increased queuing at the Swan junction, there would be more rat-running through Paynes Lane and other residential side-streets, bringing safety and amenity issues. Paynes Lane is seen as a particular concern, because it has no footways, and is too narrow for vehicles to pass, but is also another likely pedestrian route from the proposed development to Loose Road.
140. At the Swan junction itself, it is argued that the additional delays to traffic would result in drivers taking more risks due to frustration.

#### NLRA submissions on ancient woodland

141. NLRA sees Five Acre Wood as an invaluable landscape feature and an irreplaceable natural habitat. The ways in which ancient woodlands are of value to the community are identified in NE's Standing Advice<sup>150</sup>, and NLRA fully supports that view.
142. The process through which Five Acre Wood was designated as ancient woodland is robustly described in the Inventory<sup>151</sup>, and needs no further justification. The appellants' own survey which found 16 species of vascular plants, which are indicators of ancient woodland, lends further weight to the designation<sup>152</sup>. The fact that the wood was not designated before 2012 is only because of the change of the size threshold, to include woodlands of less than 2ha for the first time.
143. The proposed scheme would cut a swathe right through the middle of the woodland. In NLRA's view, this would damage it irreparably. Not only would it mean the direct loss of part of the wood itself, but it would also open the

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<sup>148</sup> Mr Carter, in oral evidence

<sup>149</sup> Mr Osborne's proof (Doc. NL-7) para 6.2

<sup>150</sup> Doc. CD-19 (NE Standing Advice) para 4.8.1

<sup>151</sup> Doc. CD-5 (Maidstone Ancient Woodland Inventory)

<sup>152</sup> Doc. AP-2A/Apx 1 (Mr Baxter's botanical survey)

remainder up to impacts from noise, fumes, light pollution, not to mention people and domestic pets. The woodland's shape and size already make it particularly vulnerable to such influences, but the fragmentation now proposed would leave the residual areas even more fragile. NLRA submits that the loss of connectivity at ground level would restrict the migration of ground-dwelling invertebrates and fauna, and the likely management regime for trees adjacent to a highway would prevent aerial connectivity<sup>153</sup>.

144. Although the proposed access strip was disturbed during the construction of the NLLA, NLRA believes that the original topsoil was saved and re-laid when the site was reinstated. It is also understood that the subsoil was protected during the building works, using a 'Cellweb' mesh, and that the temporary access road was constructed using approved no-dig techniques. NLRA contends that these measures were set out in the Arboricultural report<sup>154</sup> which supported the application for TPO consent, and were referred to in the officer's delegated report<sup>155</sup>, and were required by a planning condition<sup>156</sup>. Mr Beavis, the former project manager for the contractors Carillion, has confirmed that this condition was complied with<sup>157</sup>. And even if it was not, a failure to comply with such a condition would be the responsibility of at least two of the present appellants, and therefore this could not amount to a justification for causing further destruction now.
145. In addition, it is pointed out that the Inventory specifically states that the ancient woodland designation includes any temporary clearings, which are regenerating back to woodland<sup>158</sup>. NLRA contends that this is the case here, as trees and other vegetation within the access strip are re-growing from their base. In the circumstances, it is argued that the access strip is as much part of the ancient woodland as any other part of it.
146. NLRA submits that additional harm to the ancient woodland would be likely to be caused by the proposed off-road foot/cycleway connection to the school campus entrance. This would run along the edge of the woodland, and there is no evidence that it could be achieved without causing further tree losses.
147. Although the proposed scheme claims to provide 15m buffer zones around the woodland, NLRA highlights the fact that these would be encroached upon by private gardens and communal pathways<sup>159</sup>. The NE advice stipulates that buffers should be kept clear of such uses, and allowed to develop into semi-natural habitat<sup>160</sup>. There is no support in the advice for widths of less than 15m, and indeed it is said that larger buffers may be required. In this context, the NLRA also points out that in an appeal decision at Bolnore Village, the SoS endorsed a minimum width of 15m<sup>161</sup>. The Woodland Trust, in its consultation response on the present appeal scheme, advocates a buffer of 30m<sup>162</sup>.

<sup>153</sup> Doc. NL-12 (Mr Barkel's proof/written statement) paras 4.7.8, 4.7.11 and 4.7.12

<sup>154</sup> Doc. NL-10.11 (Arboricultural report 28 Oct 2008)

<sup>155</sup> Doc. NL-15.3 (officer's report on the TPO application)

<sup>156</sup> Doc. NL-10.12 (TPO consent TA/0153/08)

<sup>157</sup> Doc. NL-10.13 (A Beavis email)

<sup>158</sup> Doc. CD-5 (Maidstone Ancient Woodland Inventory), section 2.2.2

<sup>159</sup> Layout plan No 2084-10C

<sup>160</sup> Doc. CD-19 (NE Standing Advice) para 6.4

<sup>161</sup> Doc. CD-30 (Bolnore appeal decision): SoS para 21, IR para 13.92

<sup>162</sup> Doc. NL-10.7 (Woodland Trust letter)

148. Furthermore, whilst the appellants claim the benefit of the opportunity for improved management of the woodland, the NLRA points out that no actual management plan is offered for consideration. It is also noted that the appeal site does not cover the whole of the designated ancient woodland; it draws a line across it, which takes in about 0.45 ha but excludes a further 0.24ha of the designated area. It is suggested that this leaves a lack of clarity as to how a holistic management regime would be secured<sup>163</sup>.
149. Attention is drawn to the objections by the respective landscape and ecology officers of both the Borough and County Councils, for reasons reflecting many of the above concerns<sup>164</sup>. Similarly, NLRA draws support from the Haslemere appeal decision, where the Inspector found even a small loss of ancient woodland to be unacceptable<sup>165</sup>.

#### NLRA submissions on site accessibility

150. NLRA submits that the appeal site is poorly connected to the urban area. From the centre of the proposed housing development, the distance to the nearest bus stops and other facilities at Loose Road is over 860m, and from the furthest dwellings, it would be more like 1,200m. Although the appellants say the distances are less than this, it is argued that their measurements are unrealistic, being taken either from the site access or as-the-crow-flies. The MBWLP definition of good accessibility is 200m in urban areas, and 400m elsewhere. On any basis, the appeal site cannot meet these standards.
151. NLRA has established that the bus company Arriva will not run buses to the appeal site, because buses would have to double back<sup>166</sup>. Boughton Lane does not lend itself to being incorporated into a loop, because of the lack of any suitable connections to Loose Road, other than the single point of entry at the Swan junction.
152. The range of facilities available at Loose Road is seen as limited. A wider range is available at Sutton Road, but in the present appeal scheme, accessibility in that direction is poorer still: the distance is greater, the footpaths are through open countryside, and the connection to Lansdowne Avenue relies on a gated access at the end of Pested Bar Road, which is not always open.
153. The nearest play space for children is at Mangravet recreation ground, but that requires a long walk, via little-used paths, which is an unsuitable location for young children and mothers<sup>167</sup>.
154. Consequently, NLRA contends that the surrounding area lacks permeability, and the appeal site is effectively isolated from important facilities and the public transport network. Future residents would thus be car-dependent<sup>168</sup>.

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<sup>163</sup> Doc. NL-12 (Mr Barkel's proof/written statement) paras 2.3 and 5.3 – 5.6

<sup>164</sup> Docs NL-19 and NL-20 (MBC Landscape Officer); and Doc. NL-10.9 (KCC Landscape Officer)

<sup>165</sup> Doc. CD-20 (Haslemere appeal)

<sup>166</sup> Doc. NL-11.17 (Arriva email)

<sup>167</sup> Doc NL-14 (NLRA's Position Statement) section 3.8

<sup>168</sup> Mr Osborne's proof (Doc. NL-7) paras 4.17 and 5.8

### NLRA submissions on countryside impact

155. NLRA submits that the appeal site occupies a highly sensitive location on the edge of the built-up area. The character of the site and its surroundings are mainly rural. Built development as proposed would be prominent in views from the south, and would appear to intrude into an area of open countryside<sup>169</sup>. It is therefore argued that the effect would be to urbanise this part of the site and the adjacent section of Boughton Lane.
156. In addition, the whole site lies within the MBWLP's Southern Anti-Coalescence Belt (SACB) and one of the draft NLNDP's green corridors. NLRA argues that the area protected by these policies fulfils an important role as an open gap within the urban area. Built development would encroach into these important strategic countryside areas and erode the separation between communities. Even the proposed new sporting facilities, it is argued, would weaken the countryside setting in this location<sup>170</sup>.

### NLRA submissions on the quality of the scheme

157. NLRA contends that the density of the proposed scheme, at 35-40 dph, is too high, and that the number of 3- and 2½-storey buildings proposed is too high for the semi-rural location. It is also argued that there would be insufficient open space within the site<sup>171</sup>. Together, these features would result in a cluttered and cramped development, at odds with the character and appearance of the North Loose area<sup>172</sup>.
158. In terms of design, it is suggested that the proposed house types pay insufficient regard to the local Kentish vernacular. They are seen as unsympathetic 'anywhere' housing, lacking individuality and character<sup>173</sup>. The layout would put houses too close to the important boundary trees in many areas.
159. The location and grouping of the affordable housing is criticised by NLRA, on the grounds that these dwellings would be arranged in enclosed groups, tucked away behind the open-market housing, and separated from it. They would also be on the periphery of the site, at the furthest distances from buses and other facilities. It is said that this would discourage interaction and fail to promote social cohesion<sup>174</sup>.
160. In addition, it is argued that the layout as a whole is excessively inward-looking, so that the whole development would appear to turn its back on the area's existing community. It would also turn away from the adjoining public footpaths, particularly footpath KB26, thus missing an opportunity to improve the surveillance and security of that route<sup>175</sup>. This adds to the impression of a scheme lacking in social or physical integration<sup>176</sup>.

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<sup>169</sup> Mr Osborne's proof (Doc. NL-7) para 5.5

<sup>170</sup> Mr Osborne's proof (Doc. NL-7) para 4.22

<sup>171</sup> Mr Osborne's proof (Doc. NL-7) paras 5.12, 5.13

<sup>172</sup> Doc NL-14 (NLRA's Position Statement) sections 3.2 – 3.4, and 3.8

<sup>173</sup> Mr Osborne's proof (Doc. NL-7) para 5.13

<sup>174</sup> Mr Osborne's proof (Doc. NL-7) paras 5.11, 5.13; and Doc NL-14 (NLRA's Position Statement) para 3.3.3

<sup>175</sup> Doc NL-14 (NLRA's Position Statement) para 3.3.2

<sup>176</sup> Mr Osborne's proof (Doc. NL-7) para 4.14

### NLRA's alternative proposals

161. If housing were to be built anywhere on the appeal site, NLRA contends that it should be on the eastern field, with road access from Sutton Road, via Lansdowne Avenue<sup>177</sup>. This is seen as making better use of the site and much better use of highway capacity, avoiding the safety and congestion problems of Boughton Lane and the Swan junction. It would have a greater potential housing capacity, and would give occupiers easier access to a wider range of facilities. The ancient woodland would be left untouched.
162. Although access rights would need to be negotiated with Kent Police, they have stated that they are open to discussion<sup>178</sup>. Whilst the appellants have held one meeting with the Police Estates Officer, matters have evidently gone no further<sup>179</sup>. There was apparently no discussion about financial matters, so the effect on the scheme's viability cannot yet have been explored. There may also be the potential to link the development with the Police training ground, which already has a resolution to grant permission for housing.
163. NLRA argues that as long as their potentially better option has not been eliminated, it would be wrong to contemplate allowing the present less satisfactory scheme to go ahead.

### NLRA submissions on other matters

#### *Air quality*

164. There is concern about the development's effects on air quality. The area around the Wheatsheaf junction is a designated Air Quality Management Area (AQMA)<sup>180</sup>. Pollution levels there are said to be more than 50% above the recommended level. The Swan area is also seen as being at risk. It is argued that adding to the traffic volumes in those areas would create a serious health hazard.

#### *Loss of agricultural land*

165. The eastern field is graded as agricultural land mainly in Grade 3a and some Grade 2<sup>181</sup>. It is therefore classified as 'best and most versatile' (BMV), and an important national resource. It is argued that the NPPF seeks to protect such land where possible.

#### *Use of the sports field*

166. With regard to the proposed new sports field, it is argued that the School's existing sports pitches often appear to be under-used, and the case for needing a larger one has not been made. Sport England regards the existing facilities as adequate. The new facilities would be further from the school buildings, with the furthest being over 800m away, or up to a 10-minute walk for younger children<sup>182</sup>. This would introduce practical problems in terms of the extra time needed during the school day, and it could act as a disincentive

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<sup>177</sup> Raised initially in NLRA's February 2014 submission (Doc. NL-1), and elaborated on in all subsequent submissions

<sup>178</sup> Doc. NL-11.6 (Kent Police email)

<sup>179</sup> Doc. NL-11 (NLRA 'Communication' proof) p1

<sup>180</sup> Mr Osborne's proof (Doc. NL-7) para 4.13; and Doc. NL-6 (NLRA Dec 2014 submission) p5

<sup>181</sup> Doc. BG-8 (officers' report) paras 8.26 – 8.29

<sup>182</sup> Mr Osborne's proof (Doc. NL-7) paras 5,4, 6.6



to casual or extra-curricular use. And although the FST says that there will be increased opportunities for community use, there is no firm commitment to this. These issues reduce the benefits to pupils and to the community at large.

#### *Community consultation*

167. Although the appellants held an exhibition for the local community, the emphasis of the event was mainly on the proposals for the new school, with few details of the residential element<sup>183</sup>. The NRLA feels strongly that this was unfair to those who might be affected. Subsequently, NRLA has tried to engage in a positive dialogue with the appellants, and some meetings have taken place, at the Association's initiative, but members feel that their suggestions have not been properly considered. As a result, it is argued that the present scheme is not the best or the most suitable that could be achieved for the site. This is reflected in NRLA's survey results<sup>184</sup> and the petition of 1,500 signatures against the development.

#### *Draft Local Plan procedure*

168. Although it has been resolved that the appeal site should remain amongst the draft MBLP housing allocations at the next stage, NRLA contends that the site was never debated in Committee like the other proposed allocation sites. Debate was curtailed because of the present appeal<sup>185</sup>. That is why the site is not mentioned in the minutes of any of the three the PTDOSC meetings in January 2015<sup>186</sup>, and the subsequent Cabinet minutes deal with the site only briefly. The Council's intention to allocate the site for development should therefore carry less weight than it otherwise would.

#### *Sustainability*

169. In the light of all the harm that the development would cause, and the shortcomings of the site and of the proposed scheme itself, the NLRA submits that the proposal cannot amount to sustainable development.

## **2.4 The Submissions by Other Interested Persons**

### Oral submissions - supporters

#### *Councillor Ian Ellis*

170. Cllr Ellis is a member of the Boughton Monchelsea Parish Council (BMPC), and a trustee of the Boughton Monchelsea Amenity Trust (BMAT). The trust is a registered charity, established in 1984, whose aim is to provide amenity land for the benefit of the community. Cllr Ellis confirms that BMAT holds a legal agreement with Ward Homes, to the effect that, if planning permission is granted for the appeal scheme, the developer will hand over 98 acres of land at Boughton Mount Farm, at effectively nil cost<sup>187</sup>.

171. The future use of the land has not yet been decided. It could become public open space, or it might remain agricultural, but with the creation of a network

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<sup>183</sup> Doc NL-11.1 (exhibition leaflet)

<sup>184</sup> Doc. NL-11.2 (NRLA survey results); and petition in Questionnaire folder

<sup>185</sup> Docs. NL-14 (NRLA Community consultation proof) para 2.3.2; and NL-22 (closing submissions) para 6.3

<sup>186</sup> Docs. BG-12, 13 and 14 (PTDOSC minutes)

<sup>187</sup> Shown coloured blue on the plan at Doc. OP-3; and confirmed in a letter and plan from Gill Turner Tucker solicitors, dated 30 June 2015 (written representations – red sub-folder to main file)

of new pedestrian and cycle routes for the public. The Trust already owns around 200 acres of land within the parish, and has options and agreements on around a further 200 acres, including the Boughton Mount land. The options and agreements are all contingent upon planning permissions for housing development<sup>188</sup>. Ultimately the Trust's aim would be to create a country park, with a fully worked-out master plan.

172. Cllr Ellis states that the agreement with Wards depends on achieving a minimum of 220 dwellings. If permission is granted for any number less this, BMAT will lose its right to exercise their option.

*Councillor Steve Munford*

173. Councillor Munford represents Boughton Monchelsea on both the Borough and Parish Councils<sup>189</sup>. He supports the development because of the benefits that it would provide, including the BMAT land, the new sports field, the contributions to highway improvements, footpaths, and primary school places, and enabling the planned improvements to the FAWS and the school farm. He agrees that the proposed housing is needed.

174. Cllr Munford knew Five Acre wood when it used to be coppiced, so the trees themselves are not old. He also saw the soil being removed to create the former construction access. Consequently, he sees limited value in the section that would need to be removed.

175. Although there would be some increase in traffic, Cllr Munford believes this will occur anyway, because of the need for housing. Here the location next to a school campus should help to reduce the traffic generation somewhat.

Oral submissions - objectors

*Councillor Brian Clark*

176. Cllr Clark represents the Loose area on both the Borough and County Councils<sup>190</sup>. In his view, the development would urbanise the green wedge between Loose and Parkwood, causing coalescence, loss of openness and a loss of rural character. These impacts would in his view be contrary to planning policies in both the adopted and emerging Local Plans, the draft Neighbourhood Plan, and the NPPF.
177. It is argued by Cllr Clark that the proposed scheme would be over-intensive for the location, and there is a lack of open space to soften it. The affordable housing clusters would be isolated and poorly integrated, and would fail to meet the policy requirement in the adopted DPD. The traffic would have a severe impact on congestion and safety, due to the poor standard of Boughton Lane, especially to the south.
178. With regard to the ancient woodland, it is further argued that the designation should be supported. The Inventory is an authoritative piece of work, and nothing has been produced to disprove its conclusions. If the woodland has suffered neglect, or has been damaged by construction works, the

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<sup>188</sup> Doc. OP-4 (BMAT plan): BMAT land coloured green, proposed housing sites hatched red

<sup>189</sup> Doc. OP-2 (Cllr Munford's notes)

<sup>190</sup> Doc. OP-5 (Cllr Clark's statement)

responsibility lies with certain of the present appellants. Conditions were put in place on the NLLA and TPS planning permissions that sought to ensure the wood's future protection and management.

179. The proposed new sports field would be larger than the existing, and would have potential benefits to pupils. But Cllr Clark believes that similar arguments were made in 2008, when the NLLA development was applied for. Better use could have been made of the existing sports field, as proposed in FST's 2008 application, but the layout then proposed has never been implemented<sup>191</sup>. There is therefore no certainty that the benefits of the new facility would be fully realised.
180. Cllr Clark agrees with NLRA that debate on the proposed allocation of the appeal site in the draft MBLP was restricted to avoid prejudicing the present inquiry. Consequently the site has not been examined to the same extent as the other draft allocations.

*Councillor Ian Chittenden*

181. Cllr Chittenden is a local member on both the Borough and County Councils<sup>192</sup>. The Councillor shares the concerns of NLRA and Cllr Clark regarding the process by which the allocation of the appeal site in the draft MBLP was dealt with at the PTDOSC in January 2015 and subsequent Cabinet meeting. He suggests that the site's inclusion in the draft plan should have very limited influence on the present appeal.
182. With regard to traffic, Cllr Chittenden argues that the delays at the Swan junction are primarily a function of the signal timings, but these have already been fine-tuned to give the best possible performance, and there is now no further capacity that can be released in that way. It is argued that the situation will get worse, because several major developments are planned in the villages to the south. The total number of these envisaged in the draft local plan is over 2,000, but more importantly, around 580 of these are already permitted. In the Councillor's view, the appellants' TA greatly underestimates the amount of committed development and its effects.
183. Although a financial contribution is provided for, it is argued that there is no identified solution that this money can be applied to. Attention is drawn to South Maidstone Action for Roads and Transport (SMART), a campaign group which has published proposals for improvements<sup>193</sup>, but these have yet to be tested or accepted by the Highway Authority.
184. Regarding the ancient woodland, it is stated that this is highly valued by the local community. The buffer zone proposed is seen as inadequate. The works in connection with the previous temporary access were closely controlled. Although the soil in that area may be different from the remainder of the wood, that does not necessarily mean that it is not the original, nor that it cannot support continued regeneration.

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<sup>191</sup> Doc. OP-5/ Apx 3 (NLLA 2008 application - sports pitch layout)

<sup>192</sup> Doc. OP-6 (Cllr Chittenden statement)

<sup>193</sup> Doc. OP-8 (SMART leaflet)

*Councillor Derek Mortimer*

185. Cllr Mortimer is a Borough Council ward member for North Loose, and a member of the NLNDP steering group and the SMART team. Traffic is seen as the major issue. At times there is continuous queuing on the A229 through Loose and South Maidstone for over 4 miles. There is fear that the development now proposed would produce gridlock. No positive solution has been identified by any of the parties.
186. Air quality is also seen as a significant concern. The site is believed to be within an AQMA, and the local level is already on the limit for NO<sub>2</sub> and diesel particulates.
187. Concerns are also expressed with regard to the quantity and location of the affordable housing, and the procedure through which the site's allocation in the next stage of the draft local plan was determined.

*Mr Richard Hunt*

188. Mr Hunt is a resident of North Loose of over 30 years' standing. Over that time the area has deteriorated greatly in his view, due to traffic growth and the associated congestion, fumes, dust and dirt. Short journeys now take around half an hour. The disruption to travel is becoming intolerable.
189. Mr Hunt is also concerned about the impact of the proposed development on other services, including the sewerage system, and GP doctor provision. In his view, the situation requires a complete halt to further building until solutions have been put in place.

*Mr Roy Lane*

190. Mr Lane is a resident of Boughton Monchelsea. He considers that urban sprawl is altering the character of the area. In his view, the proposed scheme is too dense for the appeal site, especially with the number of proposed buildings of more than two storeys. There is also too little affordable housing proposed.
191. The present level of traffic congestion restricts the ability of residents to travel, lengthens their working day, and causes stress. The area has become so notorious that delivery companies are reluctant to visit, especially in the afternoons. Congestion at the Wheatsheaf forces vehicles to look for other routes. But the rural fringe is typified by narrow country lanes, such as Boughton Lane, and also Pested Bar Road where there is nowhere for vehicles to pass.
192. The Boughton Mount Farm fruit packing business has worsened this, with its large lorries. Sometimes these overturn or get stuck, causing complete blockages. Emergency services have difficulty getting through. Conditions for pedestrians and cyclists are very dangerous. But there is little prospect of any bus service along Boughton Lane because of the lack of turning opportunities or routing options.

*Councillor Tony Harwood*

193. Cllr Harwood is a member of the Borough Council's planning committee. He is particularly concerned about the threat to Five Acre Wood. Ancient woodland is seen as an irreplaceable resource. Kent has a high proportion of the

national total. The appellants' own surveys show the presence of numerous indicator species, both floral and faunal. Some of these are seldom found outside of ancient woodlands.

194. The proposed layout would put development close to the ancient woodland, and in time, this would be bound to have adverse effects on the habitat and its ecological balance. It is argued that the best way to counter that threat would be by means of a buffer zone with sympathetic planting and management, but in the appeal scheme, the buffer would be too narrow and would be encroached upon by development. This would make it much less effective.
195. With regard to the BMAT land, it is submitted that the biodiversity value of this arable farmland is very limited. Its potential use by the public would therefore be a lesser benefit than the protection of the existing ancient woodland, despite the difference in size.

### Written Representations

196. The written representations cover similar issues to those discussed above. The letter from Mr Paul Thomas<sup>194</sup> supports the proposed development in principle, but raises concerns about traffic levels, and seeks solutions in the form of new roads and links that are outside the scope of the present proposals, or what could reasonably be achieved through conditions or obligations. The remaining representations are against the appeal proposals. The main grounds for objection are traffic congestion, highway safety, damage to the ancient woodland, loss of open countryside, and perceived shortcomings of the proposed design and layout.
197. Dr Sansum states in his letter<sup>195</sup> that he was formerly the project officer responsible for the Maidstone Ancient Woodland Inventory, but he is writing now as a private individual and as an independent ecologist. He submits that the earlier historical maps, prior to the Tithe Map, cannot be relied on as evidence that Five Acre Wood did not exist before then. He contends that the way the wood is depicted on that map is consistent with it being semi-natural rather than planted, and that in this particular area the theory that it might have originated at that time because of changes in the Tithe laws does not fit with what actually happened in this particular area. Dr Sansum points to the evidence from Mr Baxter's botanical survey, and argues that the finding of 16 indicator species suggests that the wood is highly likely to be ancient. He also contends that it is not uncommon for any woodland to contain within it small patches of disturbed ground, such as that at Five Acre Wood where the access road is now proposed, and that such areas are part and parcel of the woodland and contribute to its diversity.

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<sup>194</sup> Doc. OP-10 (P Thomas letter)

<sup>195</sup> Doc. OP-11 (Dr Sansum's letter)

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### **3. INSPECTOR'S REASONING**<sup>196</sup>

#### **3.1 Main Issues**

198. In the light of all the evidence and submissions before me, the main issues in the appeal seem to me to be as follows:

- i) Whether, in principle, the proposed development would accord with the relevant policies of the development plan, taken as a whole;
- ii) The effects of the proposed development on the character and appearance of Maidstone's rural fringe;
- iii) Whether the appeal site is an appropriate location for the development, having regard to considerations of accessibility to local facilities;
- iv) The development's effects on traffic congestion;
- v) The effects on highway safety;
- vi) The effects on Five Acre Wood;
- vii) The quality of the proposed scheme's design and layout;
- viii) Other matters raised by objectors;
- ix) And the weight to be given to the scheme's benefits.

#### **(i) Accordance in principle with the development plan [25-30, 57-58, 113]**

##### *Compliance with general land-use policies [25-27, 29]*

199. Section 38(6) of the 1990 Act requires that the starting point for the decision is the development plan. For this purpose, the relevant policies are those of the adopted MBWLP.
200. With regard to the appeal site's western field, where the proposed housing development would be located, this part of the site is within the boundary of the urban area. In general, there is no policy objection to housing development in that area.
201. The loss of the existing playing field has to be considered against Policies ENV22 and ENV23. However, ENV23 is satisfied, because the scheme makes provision for a replacement facility elsewhere within the site. In the case of Policy ENV22, a judgement may be required as to the effects on the townscape, but in terms of the principle of development, the policy does not give rise to any in-principle objection.
202. Turning to the eastern field, where the new sports pitches would be located, that part of the site is in the countryside, but open air recreation is one of the types of development allowed in that area by Policy ENV28.
203. Thus far, therefore, in terms of the principle of the development, the policies of the development plan are either favourable or neutral.

##### *Compatibility with the Southern Anti-Coalescence Belt policy [28]*

204. However, that is not the end of the matter, because in this part of the Maidstone fringe there is also Policy ENV32, which provides for the Southern

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<sup>196</sup> In this section, the numbers in square brackets refer to earlier paragraphs of this report

Anti-Coalescence belt (the SACB). The whole of the appeal site is included within this area. The proposed development would significantly extend the existing built-up area. It would also consolidate the development pattern to the east of Boughton Lane, where at present there are the school buildings but little else. It would narrow and urbanise the remaining open countryside in the area. All of these are the types of effect that Policy ENV32 seeks to prevent.

205. I accept that, to some extent, the wedge-shaped portion of the SACB between North Loose and Parkwood seems to play more of a role in separating neighbouring parts of the urban area, rather than any smaller rural settlements. But nevertheless, at its southern end, immediately beyond the appeal site, this wedge broadens out into the more open countryside around Boughton Monchelsea. This part of the SACB therefore plays an important role in preserving the separation of that village from Maidstone. To my mind, development on the appeal site would reduce this separation, at least in visual terms if not also physically.
206. I note the view expressed in the Planning Officer's report<sup>197</sup>, and adopted by the appellants, that the proposed development would not conflict with Policy ENV32's underlying aims. But that view is not shared by NLRA and other objectors. And in any event, I must form my own view, based on my own reading of the policy itself and its context within the MBWLP.
207. For the reasons that I have explained, I find as a matter of fact that the development now proposed would be contrary to Policy ENV32. I also consider that the development's actual effect would be contrary to the policy's aims.

*Relationship to the adopted development plan as a whole*

208. The proposed development would therefore accord with some of the relevant policies, including ENV23 and ENV28, and would conflict with only one, ENV32. However, the question of overall compliance is not a mathematical one. The SACB boundary has been drawn in such a way that in places it overlaps with other policies. If compliance with those other policies were sufficient to outweigh Policy ENV32, the effectiveness of the SACB would clearly be undermined. In my view, this could not have been the intention. Rather, for Policy ENV32 to fulfil its purpose, it must have been intended to outweigh other policies within the area to which it applies.
209. It therefore seems to me that, when the adopted MBWLP is looked at in the round, taking account of all of the relevant policies together, the proposed development is contrary to the development plan.

*Whether any relevant policies are out of date or inconsistent with NPPF*

210. It has not been argued by any party that any of the policies identified above are out of date or inconsistent with the NPPF. The adopted MBWLP is old, but its saved policies still have statutory force, and have not become out of date simply because of the passage of time. Given the shortage of land for housing [34, 59-60, 110], the MBWLP's housing policies are out of date, but I agree with the parties that Policy ENV32 is not such a policy. Neither am I aware of any other reason why the SACB should be considered inconsistent with the NPPF,

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<sup>197</sup> Doc.BG-8 (Officers' report) para 8.02

and indeed it seems to me that its aim of protecting the identity of rural settlements is broadly in line with the NPPF's core principle of taking account of differing areas' roles and character.

211. Neither of the emerging draft plans at Borough or neighbourhood levels proposes a designation equivalent to the SACB, and ultimately it is anticipated that the policy will be superseded. But at present, for the reasons that I have already given, the emerging policies carry limited weight [39, 46]. It follows that, in the meantime, the weight which attaches to the existing policies is unaffected.

(ii) The effects on the character and appearance of the rural fringe [66, 155, 176, 190]

212. The appeal site lies on the edge of the urban area. It is open in nature. At present this part of Boughton Lane and the surrounding footpaths have an attractive and distinctive rural or semi-rural character [13, 17, 19, 155-156]. The development of the western field for housing would change its character completely. The present sense of openness would be lost, and this part of the site would take on a fully built-up appearance. With the eastern field developed as a sports ground, whilst the land would remain open, its pastoral nature would be lost. Consequently, to a greater or lesser degree, the whole of the site would become more urbanised.
213. Although the site boundaries are screened to some extent by Five Acre Wood, and by other existing tree belts and hedgerows, the development would be clearly visible at the two access points, and in intermittent views from elsewhere along Boughton Lane and the footpaths adjoining the site. Whilst little change is proposed to the Lane itself, its present rustic charm would be compromised by the obvious changes to its immediate surroundings. The footpaths would also undergo significant change, with the introduction of hard surfacing [68], as well as built development alongside. Both Boughton Lane and the footpaths would become busier, with people and vehicles or bicycles. Overall therefore, the area's rural character would be considerably diminished.
214. These effects would be contrary to the aims of MBWLP Policies ENV28 and ENV22, in so far as these seek to protect the character and appearance of the countryside and the townscape respectively [27, 29].
215. However, these impacts have to be considered in the context of the Borough's unmet housing needs [34, 59-60, 110]. If those needs are to be met, it seems inevitable that some fairly large greenfield sites will be needed. Although the appeal site and its surroundings are pleasant, the area has no special environmental designations (not counting the SACB which is purely a policy tool, and the ancient woodland, which I consider elsewhere). Neither is the site particularly prominent. In the case of the western field, although the site is currently open, that part of it is already in an urban land use, and as the appellants point out, it is technically PDL. In terms of its intrinsic landscape quality and visual amenity value, there is nothing in particular about any part of the appeal site that would justify giving greater protection to this site than most other areas of urban fringe countryside. Whilst the NPPF seeks to ensure that the countryside's character is recognised, it also gives particular emphasis to the importance of meeting housing needs [50, 52].



216. In the circumstances, although the proposed development would cause some harm to the area's character and appearance, due to the loss of openness and rurality, I conclude that this harm on its own would not be so great as to justify the refusal of planning permission.

**(iii) Accessibility to local facilities [67-69, 150-154]**

217. North Loose forms part of the main urban area of Maidstone, and the appeal site is on the edge of that area. The western field, where the proposed housing development would be located, is directly adjacent to schools for all ages [14-16]. It is also reasonably close to the facilities in Loose Road, which include a modern convenience store, a doctors' surgery, an alternative primary school, and bus services [18, 67]. Most of these facilities are within about 1km from the centre of the development, and some are significantly less. In these respects, the site is conveniently located.
218. Undoubtedly NLRA are right in saying that not everyone is either willing or able to walk even this far, but for most people these distances in themselves are unlikely to be an obstacle. For properties in the furthest corners of the site, the distances may be increased by up to a further 200m or so, but that is the same on any large site. Realistically, it is unlikely that the borough's housing needs can be satisfied entirely on sites better located than the appeal site in terms of proximity to a range of facilities.
219. I acknowledge that the facilities available in Sutton Road are more difficult to reach, especially on foot. Although these facilities are in some respects better or more numerous than those at Loose Road [18, 68, 152], the walking or cycling routes via Footpaths KM98 and KB27, or via KB26 and through the Mangravet recreation ground, are far from ideal for any kind of regular journeys. Even with the benefit of the proposed new surfacing, these paths are isolated, lacking in surveillance or potential refuges, and as such they offer little by way of safety or security for users. There is also an unresolved question regarding the gated access at Pested Bar Road, through which there is apparently no public right of way [152]. However, the development now proposed does not need to rely on access via these unsatisfactory routes because, for the reasons that I have explained, the facilities at Loose Road are an adequate and accessible alternative, closer to the site.
220. In the present proposals, there are some specific detailed matters which have a bearing on the question of accessibility, as well as on some of the other main issues that I have identified. Firstly there is an issue with regard to ensuring that the connecting routes to Loose Road, and to the NLLA entrance, for pedestrians and cyclists, are free from highway dangers [136]. Secondly there is a potential issue regarding the effects on the woodland, arising from the proposed new pathway alongside part of Boughton Lane [146]. However, to my mind, these are practical matters, rather than ones of principle. There is also a particular issue regarding access to children's play facilities. The nearest such facility is at Mangravet recreation ground, which can only be reached via Footpath KM98. For the reasons given earlier, this seems to me unsatisfactory for this type of facility, likely to be used frequently by mothers and young children. However, there is no reason why provision for children's play could not be made within the development itself, so again this is an issue that is capable of resolution. In so far as these matters touch upon other issues, I return to them elsewhere in my report.

221. I conclude that the appeal site's accessibility to local facilities, by non-car modes, is adequate. In this respect the proposed development would accord with the aims of MBWLP Policy T21 and with the NPPF's core principle of focussing development in sustainable locations.

**(iv) Traffic congestion [97-104, 114-132, 175, 182-183, 185, 188, 191 ]**

*Existing conditions and future traffic growth*

222. I saw on my various visits that traffic congestion on the main roads through the southern part of Maidstone is quite heavy. That in itself is not an uncommon situation in an urban area, but even by those standards it seems to me, from my observations, that the level of regularly occurring congestion in this part of the town is more than usually severe.
223. On Loose Road, I saw that lengthy and slow-moving traffic queues tend to build up approaching the Swan and Wheatsheaf junctions, and that at times these become effectively grid-locked due to the sheer volumes funnelling into these junctions from different directions, resulting in exits becoming blocked. At the Swan junction, these conditions have a knock-on effect on Boughton Lane, where traffic is especially heavy around school times, and in the mornings and mid-afternoons, traffic can queue from the traffic lights all the way back to the school entrance, around 400m. Moreover, I saw that these conditions were not confined to the main peak hours, but tended to persist for lengthy periods at other times, including in the early morning and evening.
224. The occurrence of serious congestion in the area is not disputed by the appellants [99], and indeed there is some evidence of it within their own TA<sup>198</sup> and June 2015 Transport Report<sup>199</sup>, as well as in the surveys conducted by NLRA [114-116]. In so far as there are some differences between the survey results, it seems to me that these are likely to reflect their respective timing, with the continuing take-up of new school places at the NLLA and TPS having an increasing effect over the last few years. Whilst I am mindful of the fact that my visits were concentrated into a single week, and conditions may vary, I am reassured to some extent, in that my overall impression, albeit unquantified, was of conditions not dissimilar from those described by NLRA.
225. Equally, there can be little doubt that by the time any development at the appeal site could start to be occupied, traffic levels will have continued to grow. There is spare capacity yet to be filled at the NLLA and TPS [117], and it appears that permission for the present appeal proposal might also trigger the implementation of the existing permission for the expansion of FAWS [16, 75]. There are also major housing developments currently under way along Sutton Road, and other permissions have evidently been granted in the Loose and Parkwood areas [118]. Although the NLLA development contributed to the signalisation of the Swan junction, that improvement has now taken place, and any benefit has already been gained. I am not aware of any further measures yet to be implemented in connection with any of the other developments that are already permitted or under way.

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<sup>198</sup> Doc. AR-4 (December 2013 TA, chapter 4

<sup>199</sup> Doc. AP-1A/ Apx 7 (June 2015 Transport Report), chapter 4

226. The present appellants should not be expected to provide mitigation for pre-existing problems, nor for the effects of other developments. But nonetheless, it seems to me that it would be wrong to ignore the fact that the proposed development, if permitted, would take place against a background congestion level which is likely to be even worse than that which exists now.

*The traffic impact of the proposed development*

227. As noted earlier in this report, the appellants' forecasts would represent an increase in traffic in Boughton Lane, on its approach to the Swan junction, in the order of 15-30% [99]. Assuming for the moment that these figures are accepted, in the context of the area's existing traffic problems, and the likely further growth identified above, it seems to me that an increase of this magnitude would be a matter for significant concern.
228. And more than that, to my mind it would be especially significant in the case of Boughton Lane, because of the complete lack of any suitable alternative access roads into or out of the area that the northern part of the Lane serves. Clearly, those residents whose homes are accessed from Boughton Lane depend on it for essential journeys. Many others also use the Lane for access to the school campus as their place of work or study. This is therefore a route where reasonable freedom of movement is desirable and necessary. Based on my observations of the existing peak-hour conditions, it seems to me that an increase of 30%, or even 15%, would be likely to interfere with traffic movements to a degree that would be unacceptable for a road of this nature and function. Indeed, for anyone with an essential need to travel by car at the worst affected times, it would not be an exaggeration in my view to say that the situation would be likely to come close to being intolerable.
229. Even if this were the full extent of the development's impact, it seems to me that on this basis its impact would be likely to be severe. However, that is not necessarily the full extent, because the appellants' figures are not wholly unchallenged. In terms of actual numbers, it is said that the increase would be around 70-85 vehicles in each of the peak hours [98]. At the inquiry, objectors expressed some scepticism about these figures, but did not bring any counter-evidence. In these circumstances, I have some hesitation in departing from the position which is supported by the technical evidence. Yet I find myself unconvinced, for two reasons.
230. Firstly, although the trip generation rate is said to be derived from TRICS data [97], the overall rate is around 0.5 peak hour trips per dwelling, and less than this in the morning peak. This appears unusually low, especially for a development of mainly private, family-sized housing, where there seems a high likelihood that many households would have two or more breadwinners. I recognise that it is not at all uncommon for actual measured trip generation rates to be less than those expected by objectors. But to my mind, on this particular site, such a low rate seems more than usually at odds with popular perception. That does not make the appellants' assumptions wrong, but it seems to me that in these circumstances a great deal rests on the choice of comparator sites from the TRICS database, and the quality of the evidence justifying their selection in preference to others. In the present case that evidence is not before the inquiry.

231. Secondly, I agree with NLRA and KCC's highways officer that the north-south assignment split of 73%:23% is questionable [97, 119]. To the south of the site, there are no major employment centres within 15-20 miles, whereas to the north are Maidstone and the main motorway and railway commuting corridors. I appreciate that the appellants' percentage split is derived from Census data. But it appears that, out of the trips that have been assumed to route southwards, the majority are bound for destinations for which Boughton Lane would not appear to be the most natural route: destinations such as Ashford, Tunbridge Wells, Tonbridge & Malling, and Parkwood<sup>200</sup>. I accept that some traffic might take a more circuitous route to avoid the congestion at the Swan junction, but if so, that is a further indicator of the existing problems, rather than the underlying pattern of demand. Consequently, it seems to me that the assumption of a 73/27 split has the effect of masking the likely full extent of the development's impact.
232. For these reasons, I conclude that there is an appreciable risk that the appellants' traffic generation figures tend towards under-estimation. However, this merely reinforces the view that I have already stated above, which is that even on the appellants' own figures, the likely impact on conditions at the Swan junction would be severe.
233. In any event, it is not disputed that the level of traffic increase predicted would need to be accompanied by some form of mitigation [99-102]. To my mind, this acknowledges that, without effective mitigation, the development's impact on the highway network would be unacceptable.

#### *The proposed mitigation*

234. The undertaking provides for a strategic highway improvements contribution of £3,000 per new dwelling [102]. That is a substantial sum of money. However, even with that funding available, it appears that there is currently no agreed plan as to how the situation at the Loose Road junctions could or should be dealt with.
235. The appellants' proposal regarding adjustments to the signal timings is contradicted by the Highway Authority [99, 124, 125]. The suggested minor changes relating to the positioning of bus stops and lay-bys, and entry to Cranbourne Avenue [101], have apparently been made known to the Authority, but as yet there is no sign that any will be supported. Neither is there any evidence that they would be effective. Although a joint study of the A229 corridor is taking place, it has yet to produce any recommendations or proposals, and there is no certainty that it will deliver a solution.
236. Whilst the Highway Authority does not object to the proposed development, subject to receiving the agreed financial contribution, all of the evidence points to the fact that the Authority has not been able to identify any effective means of mitigating the development's impact [124-127]. I appreciate that the proposed contribution is intended as a step towards securing such mitigation. But for that to carry weight, there would need to be a realistic prospect that a solution would emerge to which the contribution could be applied. Here, there is no evidence that such a prospect exists at present.

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<sup>200</sup> Doc. AR-4 (2013 TA), Appendix H –Traffic Distribution

237. Evidently, the Highway Authority has been actively seeking such a solution for some time, but in view of the lack of any positive outcome, this only increases my concern. The Authority chose not to appear at the inquiry, nor to make any direct written representation (although KCC was represented in its other role, as one of the appellants). However, I have had regard to the various highway officer letters and reports tabled in evidence by the other parties<sup>201</sup>, and I am satisfied that these give me sufficient information from which to understand the Highway Authority's position. In the circumstances, it seems to me that little reliance can be placed on the proposed highways contribution as a means of mitigation for the proposed development.
238. The only other mitigation proposed is in the form of the submitted travel plan<sup>202</sup>. The measures proposed there, although valuable and worthy of encouragement, seem to me unlikely to affect the development's traffic generation to any significant extent. The appellants do not contest this view.
239. I conclude that the proposed development's severe traffic impact would not be effectively mitigated.

*The wider transport planning context*

240. Given the lack of an agreed strategic transport plan for Maidstone as a whole **[128-130]**, it is likely that the present appeal site will not be the only one of the proposed housing sites in the draft MBLP to be affected by traffic issues. There is a case to be made that the solution to the Borough's housing needs should not have to wait until the transport strategy has been resolved. However, the counter-argument is that decisions made in a transport planning vacuum risk missing the opportunity to achieve the best overall solution.
241. I acknowledge the frustration of holding back development when housing is clearly needed. But the transport situation in Maidstone clearly cries out for a coordinated approach to housing and infrastructure. In this case, piecemeal development on the appeal site, exacerbating existing problems rather than contributing to a workable solution, could adversely affect the delivery of a successful plan-led development and infrastructure strategy. These considerations reinforce the conclusions arrived at above.

*Conclusion on traffic congestion impact*

242. For the reasons explained, I conclude that the proposed development would have a severe adverse impact on the highway network, in terms of congestion and inconvenience to local residents and other road users, and on the strategic transport planning of the area generally. This would be contrary to the aims of NPPF paragraph 32.

**(v) Highway Safety [105-106, 133-140, 192]**

243. The highway safety issues relate principally to the standard of Boughton Lane, and its suitability to serve the proposed residential development. For the

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<sup>201</sup> Most conveniently found together at Docs. NL-9.3, NL-9.5, NL-9.6, NL-9.7, NL-9.8, NL-9.10 and NL-9.13

<sup>202</sup> Doc. AR-4 (2013 TA), Chap. 7 – Travel Plan

majority of its length, the Lane is clearly not of the standard that would normally be required for a development of 220 dwellings.

*Boughton Lane - northern sections*

244. To my mind, the only part of Boughton Lane that would normally be considered adequate, in terms of width and geometry, is the section from the Swan cross-roads to the School campus' northern entrance. This section has footways on both sides, albeit narrow in places, until it reaches Paynes Lane, and then on one side only, up to the school. The lack of two full-width footways on this section is not ideal, but is not unduly dangerous.
245. The next section of the Lane is the 150m or so length that runs between the School's northern ('in') and southern ('out') gates. This section reduces to around 5m in width. This presumably reflects the fact that school-related traffic between the two access points is one-way only. With the development now proposed, this would change, in that not only would the traffic volume on this section increase, but the additional traffic would flow in both directions. The width and alignment here are such that two cars travelling at low speed can pass without difficulty, but when larger vehicles are involved, the width is tight and considerable care is needed. On the western side, garden walls and hedges come right up to the carriageway, further reducing any room for error. For cyclists, these conditions would be unpleasant and sometimes dangerous, but I saw that most cyclists seem to use the footway on the eastern side. Given that there is also a wide grass verge on this side, there is enough space for shared use by cyclists and pedestrians. On balance, whilst this second section of Boughton Lane is less than ideal for the volume of traffic, conditions here are not so dangerous that they justify refusal on those grounds.

*Boughton Lane – central section*

246. The most serious problems would arise in Boughton Lane's central section, the stretch of 450m or so that runs from the School exit, along the frontage of the appeal site, until it takes a 90-degree right-hand turn towards Boughton Monchelsea. In this section, the Lane's width reduces further, to around 4.5m or less in places. There are no footways, cycle lanes or verges, and for the most part the edges of the carriageway are tightly contained by woodland and hedgerows on both sides. The alignment becomes more tortuous, with a series of sharp bends close together. These conditions make passing hazardous. The proposed housing development would have both of its access points within this section. The development would generate additional vehicular, pedestrian and cycle flows, accompanied by turning and crossing movements of various kinds. To my mind, taking access to a development of this size from a road of such a poor standard would create significant dangers.
247. In theory, by providing two access roads as proposed, vehicular and pedestrian movements could be largely contained within the site, avoiding this section of Boughton Lane. But in practice, it seems unlikely that the movement pattern would conform in this way. For example, the external route via Boughton Lane might well be seen as a more attractive one for leisure walking; and for vehicles, the internal routes through any development may be affected by on-street parking. For any number of reasons, some users on might choose Boughton Lane in preference to the routes provided through the site, resulting in an increase in usage, and increased mixing of different types

of user. That increase in usage, with inadequate width for additional vehicular traffic, and no provision to separate pedestrians or cyclists, would in my view be dangerous, for the reasons described above.

248. In addition, as NLRA point out, particular danger would arise from the desire line created by the existing footpath link to Loose Road, via Eddington Close [136]. This footpath would be likely to be well used, because from most parts of the site, it would offer the shortest route to the nearest bus stops, and to facilities in the lower part of Loose Road such as the Loose Primary School, the Walnut Tree pub, the hairdressers' and the dentist's [19, 67]. The proposed scheme recognises the importance of this link, by proposing a pedestrian path within the development, that would emerge at the site's south-western corner directly opposite the existing footpath. This arrangement would accord closely with the desire line, but would require pedestrians to cross Boughton Lane at its most dangerous point, where visibility is at its most limited. Omitting the path within the site, or moving it to any other point, would leave pedestrians needing to walk along the road carriageway to reach the footpath. Neither of these options would be any safer.
249. On the northernmost part of this section of the Lane, it is proposed to install a segregated pedestrian/cycle path, connecting with the existing footway at the School exit [105]. I will comment on the effects of this on the woodland in due course, but suffice to say for now that there is no doubt in my mind that, if the development were to go ahead, this proposed new foot/cycleway would be essential. However, this would only deal with about 100m. For the great majority of this central section of Boughton Lane, there is no proposal to provide any similar facility, or to introduce any other safety measures, except for extending the 30mph speed limit [106]. The latter would be of some benefit, but would not overcome the key problems of visibility, width and separation.
250. In many similar situations, a range of possible solutions would be available, by way of traffic calming, traffic management, road improvements, or further segregated routes, and indeed the possible scope for such measures was discussed at the inquiry. However, no obvious answers emerged. Any traffic calming measures would themselves have to meet stringent safety requirements, including adequate visibility on the approaches; here, those might be difficult to meet. In general terms, most of the potential solutions would appear to require the loss of woodland, and other trees and hedgerows, together with engineering works or other alterations to the carriageway itself. All of these could have significant adverse effects on the area's character and appearance, and on its ecology and biodiversity.
251. Apart from the new footpath referred to above, no proposals of any kind are before the inquiry, nor have any apparently been considered by the appellants or the Highway Authority. As things stand therefore, it is not possible to assess the likelihood that an acceptable scheme could be delivered. I have considered carefully whether these concerns could be overcome by imposing a Grampian-style condition, but since there is no evidence that such a condition could be satisfied, it would not be reasonable to impose one.
252. I am conscious that these safety issues were not identified as a problem by KCC as Highway Authority, but I have no information as to the reasons, and

cannot speculate on this. However, safety issues have been raised by third parties, throughout the application and appeal, and I am satisfied that that the appellants have had the opportunity to respond to those issues.

*Boughton Lane – south of the appeal site*

253. For completeness, the remainder of Boughton Lane, south of the proposed development, is typical of a country lane. This section of the road is not of a standard suitable for large volumes of traffic, but it appears adequate for its existing level of usage. No information is before me as to the existing traffic flows, but the appellants describe this section as lightly trafficked.
254. The appeal proposal would add to the existing level, and indeed, the appellants' forecast is that 27% of all traffic to and from the site would travel that way [97]. If that proves correct, either because of congestion problems elsewhere, or for any other reason, then the numbers of vehicles would potentially be significant for a road of this nature. However, for the reasons given earlier [232], I think it unlikely that this forecast would be borne out if the issues at the Swan junction were resolved, and those issues are likely to weigh more heavily in the planning balance. Consequently, although the concerns raised about this section have not been fully answered, I consider it unnecessary to pursue this point further here.

*Conclusion on highway safety*

255. I conclude that, within the central section of Boughton Lane, adjacent to the appeal site, the proposed development would result in significant danger to pedestrians, cyclists and other road users. In this respect the scheme would be contrary to MBWLP Policy T9, which aims to ensure safe and convenient pedestrian access; and NPPF paragraphs 32 and 35, which seek safe and suitable access for all, and to minimise conflicts between traffic and other road users.

(vi) Five Acre Wood [84-96, 111, 141-149, 174, 178, 184, 193-194, 197]

*Ancient Woodland status*

256. Five Acre Wood is identified as Ancient Woodland in the local Inventory, and on the 'MAGIC' Database [13]. Both of these systems are either maintained or endorsed by Natural England, which is the Government agency with special responsibility for such matters. However, there is no statutory procedure for the designation of Ancient Woodlands, and therefore the inclusion of a site in either the Inventory or the Database does not amount to such a designation. Rather, it is an indication that a woodland may be ancient. This is effectively acknowledged by NE in the comments of one of its officers, where it is stated that, "*whilst every effort has been made to make this revision as accurate as possible, the Inventory is still regarded as provisional*"<sup>203</sup>.
257. In the case of Five Acre Wood, although the woodland is 'provisionally' identified as ancient, there is no evidence to that effect. The earliest mapped evidence dates from 1840, whereas the accepted definition requires continuity of woodedness since 1600 [84-85]. Although the appellants' survey found 16 vascular species, which are possible ancient woodland indicators [142], NE

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<sup>203</sup> Doc. AP-3A (Mr Forbes-Laird's appendices) , Apx 15 – email from T Mills, NE, dated 23 March 2015



again acknowledges that such evidence is normally used only for the purposes of confirmation, in situations where there is already other evidence from historic mapping<sup>204</sup>. That is not the case here.

258. It is evident that a good deal of work has gone into the production of the Maidstone Inventory. That work has involved not only painstaking research and analysis, but also an important element of expert judgement by experienced professionals. But for all that, there is no map-based evidence before this inquiry that shows any basis for believing Five Acre Wood to date back to 1600. If any such evidence existed, I can see no reason why it would not have been revealed during the course of Mr Forbes-Laird's lengthy correspondence with NE on this matter<sup>205</sup>. When challenged on such a matter, it seems to me that it is incumbent upon NE to disclose any such evidence. The arguments presented by NE in that correspondence, and indeed by Dr Sansum subsequently [197], suggest merely that ancientness cannot be ruled out. In the absence of any underlying evidence of a positive nature, this is not enough.
259. I make no recommendation as to whether Five Acre Wood's status should be changed, in terms of either the Inventory or the MAGIC database. Those are matters for the bodies responsible for those systems. But for the purposes of this appeal, I see no proper basis for applying paragraph 118 of the NPPF or any other policies that relate only to ancient woodland.
260. Nevertheless, the Wood is evidently long established, and thus still has considerable value, both as a landscape feature and a wildlife habitat. As such, I have borne in mind NPPF paragraph 109 which aims to contribute to and enhance the natural and local environment in various ways, including by recognising the benefits of ecosystems, and minimising impacts on biodiversity.

#### *The proposed access road*

261. There is no dispute as to the fact that the strip of land where the new western access road is proposed has been considerably disturbed in the recent past.
262. The contention that the soil from this area was stored during the NLLA construction works and then re-laid [144] may or may not be correct, but the borehole sample results show that the soil composition now is clearly inferior to the undisturbed woodland on either side [92].
263. Equally, the alternative argument that this shows that planning conditions must have been breached during those works [144], is not borne out by the evidence. As far as I can see, none of the relevant planning permissions or consents contains any specific requirements in that respect<sup>206</sup>. If any further commitments were entered into, they are not documented in the evidence produced to this inquiry. And even if that were so, it is difficult to envisage any action, that could still be taken now, which could restore this part of the woodland to its original condition.

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<sup>204</sup> Doc. AP-3A (Mr Forbes-Laird's appendices) , Apx 17 – letter from E Goldberg, NE, dated 16 March 2015

<sup>205</sup> Doc. AP-3A (Mr Forbes-Laird's appendices) , Apxs 15-18 – correspondence with NE

<sup>206</sup> Docs. BG-18, BG-21, NL-10.11 and NL-10.12 (the NLLA temporary access)

264. Consequently, these arguments are academic. There is no question that if housing is permitted, this would clearly be the best position for one of the accesses, so that damage to the remaining woodland could be minimised, whether it is ancient or not. The only issue now is whether the creation of such an access would cause unacceptable harm to the woodland. Given the wood's lack of proven antiquity, and the lack of mature vegetation within this disturbed area, I can see no reasonable objection to the provision of an access road in the position now proposed.

*Other matters relating to the woodland*

265. If Five Acre Wood had been shown to be an ancient woodland, then there would have been good grounds for requiring a full 15m buffer zone between it and the proposed development. In the scheme now proposed, that zone would incorporate front gardens, pathways and the like, which would be contrary to NE's Standing Advice. But since the wood has not been shown to be ancient, that requirement does not apply. In the circumstances, the partial buffer proposed is acceptable.

266. It was evident on my visit that the new footway/cycleway that is proposed from the site to the school's southern gate would need to cut into the woodland by a few metres. Although the effects of this are not detailed on any of the submitted plans, to my mind this would be a better option than removing the existing hedge that bounds this part of the woodland. Given the lack of proven ancient woodland status, I can see no clear objection to creating a pathway in this way. Such works would have some adverse effects on the wood, but these would be outweighed by the benefits to highway safety.

267. For the avoidance of doubt, my finding on this matter does not alter my earlier conclusion with regard to the more general highway safety issues [251-252]. Although it is possible that part of the solution to that issue might lie in the extension of the proposed off-road foot/cycleway, involving the removal of more of the woodland, there is no evidence to suggest that this on its own would solve the safety problem. Nor is there any evidence as to how extensive the additional clearance would need to be, and what effect this would have visually. My conclusion with regard to the proposed new foot/cycleway is confined to the proposed connection to the school campus.

*Conclusions on effects on the woodland*

268. For the reasons given above, I conclude that Five Acre Wood should not be treated as ancient woodland for the purposes of this appeal. This being so, the proposed works affecting the wood, including the creation of an access road through it, and the provision of a footway to the school campus, and the proposed development within 15 m of the wood, seem to me acceptable, within the terms of NPPF paragraph 109.

(vii) Quality of the proposed design and layout [70-71, 157-160, 177, 190, 196]

269. The proposed layout provides for a street pattern that would be reasonably clear and legible, whilst also avoiding excessive blandness. The proposed house designs are restrained and yet attractive. The mainly linear arrangement of the dwellings along the street frontages, as proposed, would create coherent streetscapes. These aspects of the proposed scheme would be of an acceptable quality.

270. However, there are also a number of elements that detract from the scheme's quality. Firstly, the layout appears rather over-intensive. This is due to a combination of factors. The spacing between the dwellings, and between terraces and groups of linked units, would in most cases be minimal; the set-back of the buildings from the edges of the streets would be equally so; and the narrowness of some of the streets themselves would exacerbate this effect. Throughout the scheme, there is a lack of variation in the ways that buildings would address the street. And although two smallish central open spaces are proposed, for the most part the scheme lacks any feeling of openness or space. As a result, it seems to me that much of the development would appear cramped, unrelieved and somewhat anonymous.
271. I appreciate the desirability of making efficient use of the land, and certainly the scheme now proposed would do that. But the NPPF also seeks to ensure that developments add to the overall quality of the area, create attractive and comfortable environments, and establish a strong sense of place<sup>207</sup>. My concern is that the appeal scheme would fail to achieve an appropriate balance between efficiency and these other important design objectives.
272. On the issue of open space, the Council raises no issue with regard to the appellants' measurements and calculations [71], or the scheme's compliance with the relevant DPD standards [32]. In strict mathematical terms, these figures may be correct. But the majority of what the appellants identify as open space comprises a fairly narrow margin around the site's southern and western edges. In the context of the layout now proposed, open space provided in this way would be scarcely visible from within the site itself, and thus would fail to make any useful contribution to its townscape or visual environment. I appreciate the reasons for locating open space in this peripheral area: there are important trees there that are to be retained, and part was also intended as the buffer zone around the woodland. I also note that the undertaking provides for the sum of £346,500 to off-site open space enhancements. But these are not good reasons for failing to achieve an acceptable quality of townscape, and a good residential environment, within the development itself.
273. In addition, I have some other concerns. On the eastern side of the development, the proposed accesses to Footpath KB26 would be narrow and uninviting. The houses along this boundary would turn their backs to the path, thus missing the opportunity to make it a more secure and attractive route to the Recreation Ground. In my view, this consideration outweighs the NLLA's desire to keep development away from their proposed new sports field. In some areas on all three of the site's treed boundaries, houses are proposed rather close to those trees, risking future pressures for felling or pruning. And within the centre of the site, two large freestanding Hybrid Poplars are proposed for removal<sup>208</sup>, although they are amongst the few distinctive landscape features that exist within the body of the site itself. I note the reasons, in that this particular species tends to be short-lived, and to drop branches<sup>209</sup>. But in the context of a site which is otherwise largely featureless, it seems to me that the unnecessary loss of mature and attractive trees would

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<sup>207</sup> NPPF paragraph 58

<sup>208</sup> Identified as trees T60 and T61 in the Arboricultural Survey (Doc. AR-9)

<sup>209</sup> Mr Forbes-Laird, oral evidence in response to Inspector's questions

be better avoided, especially where they could be incorporated into an enlarged open space provision.

274. Finally, I turn to the criticisms made by NLRA and others regarding the affordable housing **[159, 177, 187]**. I find myself in agreement with the thrust of those arguments. Due to their siting, layout and form, the three clusters of affordable units would not be well integrated with the remainder of the development, and would be clearly identifiable as separate and different from the private housing. This would not accord with the NPPF's aims for the creation of mixed and inclusive communities<sup>210</sup>.
275. These flaws in the quality of the proposed scheme are of varying degrees of seriousness. Individually some would not justify refusal of planning permission if there were not also other substantial objections. But in the light of my conclusions on some of the preceding issues, that is not the case here. Looking at the proposed scheme as a whole, I conclude that its overall quality does not match up to the NPPF's aims in respect of creating residential environments of genuinely high quality.

(viii) Other matters raised by objectors

*Air quality* **[107, 164, 186, 188]**

276. There is evidently an existing problem with air quality in the area around Loose Road. This is undoubtedly a significant issue. The proposed development would exacerbate the existing problems. But equally, any other development to the south of Maidstone, feeding onto the A229, would have a similar impact. In the light of the Borough's housing needs, it is unlikely that this area can be protected from all further development on this ground. Whilst I sympathise with the objections, I do not consider that this issue should weigh heavily in the present appeal.

*Loss of best and most versatile land* **[165]**

277. The proposed development would result in the loss of 8.65 ha of agricultural land, mostly of grade 3A and some grade 2. Both of these grades are included within the category of 'best and most versatile' (BMV) land. NPPF paragraph 112 states that the economic and other benefits of such land should be taken into account, and that poorer quality land should be used in preference.
278. However, in the present case, this must be weighed against the acknowledged need for housing. Much of the agricultural land in the area appears to be of a similarly high quality. In the circumstances, I give the loss of BMV land only modest weight.

*Affordable housing percentage* **[187,190]**

279. The 30% affordable housing proposed would not accord with the DPD adopted in 2006, which requires 40% **[31]**. However, it would accord with the reduced provision required in the emerging draft MBLP **[36]**. Although the emerging plan has not yet reached the stage where it can attract significant weight, it is nevertheless more up to date than the DPD, particularly in the light of the

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<sup>210</sup> NPPF paragraph 50

significant changes that the housing market has undergone since 2006. The draft MBLP is also supported by viability evidence.

280. The 30% would amount to 66 units, which would help to meet an acknowledged need. The 66 units are provided for in the legal undertaking. The Council's original objection relating to the amount of affordable housing was withdrawn before the start of the inquiry. In all the circumstances, I conclude that the proposed provision for affordable housing is acceptable.

#### *Effects on local services [189]*

281. I note the concern of some local residents, including Mr Hunt who spoke at the inquiry, regarding the pressures on GP services and local infrastructure such as drainage and sewerage. However, there have been no objections to the proposed development from the organisations responsible for providing those services<sup>211</sup>, and nor are the objections backed by any technical evidence.
282. The appellants acknowledge that further work is needed to establish the most suitable means of dealing with foul sewage, in consultation with Southern Water<sup>212</sup>. If permission were granted, this could be covered by a condition. There is no reason to suppose that a technical solution could not be found. The undertaking provides for a contribution to local healthcare services.

#### *NLRA's alternative proposal [108, 161-163]*

283. NLRA's suggested alternative scheme is not before the inquiry, but that does not mean that it is completely irrelevant. Given my conclusions thus far, the ultimate decision on the appeal scheme is likely to be one that has to balance conflicting considerations, for and against. In that situation, it may be relevant to consider whether there are realistic alternatives.
284. On the face of it, the NLRA suggestion of providing access from the east, onto Sutton Road, is not without merit. The fact that this would involve land in separate ownership does not mean that such a scheme could not be viable. From the evidence available, it does seem that this option has not yet been explored with any vigour.
285. However, this is not enough for me to judge whether the alternative is realistic or not. The suggested eastern access has apparently not even been defined on any plan, let alone designed to the point where it could be tested in terms of its practicality or its impact. For these reasons, I am unable to give any significant weight to the NLRA alternative scheme.

#### *Public consultation [167]*

286. I note NLRA's dissatisfaction with the public consultation carried out by the appellants. Early and effective engagement with the public is encouraged by the NPPF. But the planning application and appeal were also subject to the statutory consultation procedures, which includes notifying local residents, and there is no suggestion that these procedures have not been carried out. And a large number of the public have made their views known, either through written representations, or by speaking at the inquiry. In the circumstances, I

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<sup>211</sup> Doc. BG-8 (officers' report)

<sup>212</sup> Doc. AR-13 (Flood Risk Assessment), paras 3.8.2 and 6.1.5

am satisfied that everyone who might have wanted to comment has had the opportunity to do so, and that I am fully apprised of their views.

*Local plan procedure [168, 180]*

287. I note the concerns expressed by NLRA and other objectors regarding the procedure by which the decision was taken to include the appeal site as an allocated site in the next version the draft MBLP. However, the decision has been taken, and any concerns about that process are matters for the Council. In any event, for the reasons stated earlier, I have given limited weight to the draft MBLP [39].

(ix) The scheme's benefits [72-83, 166]

*Benefits to housing provision*

288. The proposed development would provide 220 dwellings, in a Borough with an acute shortage of housing land [59-60, 110]. It would also include 66 affordable dwellings, for which there is an established urgent need. These would be a considerable benefit. I therefore give the benefits to housing provision substantial weight.

*Benefits of the new sports field*

289. The appeal scheme would also provide a new sports field for NLLA. This would be a benefit, because it would be larger than the existing one; and providing the laying-out was carried out to a high standard, it would be capable of providing a facility of higher quality too [72-74].

290. However, it would be wrong to over-state these differences. From my observations, the existing field has some problems with wear, and drainage is said to be an issue, but its condition and quality appear to me no worse than average. There appears no reason why the existing surface could not be improved if necessary, although this would require investment. The size would amount to an increase of nearly 40%, which would be an appreciable difference, but it is not clear to what extent size has been a limiting factor in the past. As NLRA point out, the location of the new facilities would be slightly less convenient, and this could reduce the flexibility for impromptu activities [166]. Any increase in community use would be a particular benefit, but no commitment has been entered into in that respect.

291. Overall, I consider that the new sports field should be given moderate weight, but no more than this.

*Benefits to educational provision*

292. The proposed development would provide a capital receipt to KCC, which it is said could be used to carry out the planned expansion and improvements at FAWS [75]. The development would also provide the necessary land for the relocation of the school farm, which is evidently a prerequisite for the FAWS expansion. To that extent, these would be potential benefits. However, for these to carry any significant weight, it seems to me that there would need to be some form of commitment that if the present appeal is allowed, the FAWS project would then go ahead. Whereas, in fact there is no such commitment.

Indeed, KCC declined to give any verbal guarantees, except that the money would be ring-fenced to education<sup>213</sup>. Whilst I accept that the receipt of monies to the public purse could in some circumstances be a material consideration, in this case I am not convinced that it is, particularly as there is no clear link to any planning purpose. And in any event, the actual amount involved is undisclosed, which makes it impossible to gauge how much weight should be ascribed to it. I therefore consider that the capital receipt to KCC carries little weight.

293. As regards the provision of the land for the school farm, this will only be needed if the FAWS expansion goes ahead. There is no suggestion that the farm needs to move for any other reason, or that its relocation would have any other benefits. It follows from the above that, in the absence of any clear linkage to the development now proposed, the provision of the relocation land also carries little weight.
294. The appeal scheme would also produce a capital receipt for FST, and it is said that this would be used to repay a Treasury loan, and to complete the fitting-out of the TPS [76]. With regard to the loan, it is said that, if the NLLA land is not sold, the loan need never be repaid<sup>214</sup>. I have no reason to doubt any of this information, but again there is no formal commitment, and no documentary evidence. The repayment of the loan to the public purse would have some public benefit, but apparently not to the School itself or to the local area. With regard to the TPS, it is not clear to what extent any works remain to be carried out. To all intents and purposes, the building appears complete, and no other evidence has been put forward. Again, I see no proper basis on which to give these matters anything more than limited weight.

#### *Economic benefits*

295. The proposed development would have net benefits to the local and national economy, in terms of investment and employment in construction, and would boost local spending [81]. On a scheme of this size, these economic benefits would be significant. Bearing in mind the NPPF's aims to build a strong, competitive economy<sup>215</sup>, I give these benefits moderate weight.
296. Although there would also be an injection of additional funding to the area through the New Homes Bonus, this would be redistributive rather than a net benefit, and I therefore give this element little weight.

#### *Benefits to ecology*

297. Granting permission for the development would potentially create an opportunity to secure ecological enhancements and an improved management regime for Five Acre Wood [78-80]. However, in the absence of any specific proposals or undertakings, these works would have to be secured by condition, and their extent would be limited by the test of reasonableness. As such, I cannot assume that they would extend beyond mitigation for the development's own impacts. In any event, given my findings on the status of the woodland, the benefit attaching to any enhancement is somewhat less

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<sup>213</sup> As stated by the appellants' Counsel, in response to questions from the Inspector

<sup>214</sup> Sir Nick Williams, oral evidence

<sup>215</sup> NPPF paragraphs 18-22

than if it were proven to be ancient. Consequently these matters count as neutral rather than as net benefits.

#### *Benefits from the financial contributions*

298. Similarly, although the undertaking provides for various other financial contributions [68, 77, 82, 102], these too are required to be essentially mitigatory in nature. Any obligation which goes beyond what would be necessary to make the development acceptable in planning terms cannot be taken into account as a reason for granting permission, and indeed if any are found to go beyond that, they are effectively dis-applied by the undertaking's own terms<sup>216</sup>. However, the evidence of both the appellants and the Council is that all of the proposed contributions are necessary [112], and there is no evidence that any would have significant benefits over and above making the development acceptable. Consequently these again count as neutral factors rather than net benefits.

#### *Dedication of land to BMAT*

299. The transfer of a large tract of land beyond the appeal site to BMAT would increase the possibility that, at some time in the future, that body might be able to realise its vision of providing a country park, or other facilities in the countryside, for the local community [83, 170-173]. This is a worthy aim, and from Cllr Ellis's comments at the inquiry, I am in no doubt as to the Trust's strength of purpose in pursuing it. And whilst the agreement between BMAT and Ward Homes was not produced to the inquiry, I have no reason to doubt that it does exist, and that its terms are broadly as described.

300. However, there is nothing before the inquiry that provides any certainty that the outcome would in fact be as intended. Firstly, the agreement between the parties is said to be in the nature of an option, but there appears to be nothing that binds BMAT to exercise that option. Secondly, although BMAT is presumably required to act in accord with its stated charitable aims, I can see nothing that binds them to any specific actions in respect of this land. Thirdly, there is no planning permission for any development that might be proposed by BMAT on the transferred land. And fourthly, although the option agreement has apparently been in place for many years, BMAT appears as yet to have no overall plan, and no clear idea of how this land would fit in with such a plan.

301. In all the circumstances, I can find no basis on which to give any weight to the proposed transfer of land to BMAT.

#### *Conclusions on the scheme's benefits*

302. From the above, I conclude that the proposed scheme's principal benefits would be the provision of the affordable and open-market housing, the provision of the new sports field, and the economic benefits that I have identified.

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<sup>216</sup> Clause 3.1 of the Undertaking (Doc. GD-3)



## 3.2 Conditions and obligations

### The undertaking

303. The undertaking provides for affordable housing and various financial contributions, including those noted earlier, to highways and footpath improvements, education, open space and other infrastructure **[68, 77, 82, 102]**.
304. The relevant legal tests relating to planning obligations are contained in Regulations 122 and 123 of the CIL Regulations. Obligations must be necessary to make the proposed development acceptable in planning terms; and should be directly related to the development, and fair and reasonable in scale and kind. Where relevant, obligations must also fall within the pooling provisions.
305. The Council has produced evidence showing how the contributions in this case are considered to comply with these regulations **[112]**. No party has disputed this evidence. Based on the Council's evidence and reasoning on these matters, I find no reason to disagree.
306. In the case of the contributions to highway improvements and off-site open space, these would offer at best only partial mitigation for the harm that I have identified in respect of traffic matters and the lack of on-site open space **[243, 273]**. These contributions would therefore not make the development acceptable. But nonetheless, for the avoidance of doubt, if the appeal were to be allowed, the partial mitigation that they would provide would in my view still be necessary.
307. Similarly, with the exception of the affordable housing, I have found that none of the other obligations would weigh in the planning balance as anything more than neutral **[299]**. But this does not prevent them from being necessary, or from complying with any of the other relevant tests.
308. I am therefore satisfied that Regulations 122 and 123 are complied with.

### Conditions

309. In the event that planning permission were to be granted, conditions similar to those on the Council's draft list<sup>217</sup> would be needed in respect of commencement, materials, boundary treatments, external finishes, landscaping and landscape management, tree retention, hard surfacing, levels, lighting, access, drainage, the travel plan, facilities for electric vehicles, waste storage, archaeology, construction management, ecology, and approved plans (draft conditions Nos 1-10, 12-14, 16- 19, 23, 24, 26, 28-30, 33, 35-37).
310. Of these, in the case of Condition 8, concerning tree retention, it was agreed that such a condition should be worded to incorporate a positive obligation to retain all trees and hedges unless otherwise approved. Condition 13, relating to the provision of parking areas, would be better expressed as a requirement for a phased scheme of provision. No 19, regarding the proposed new pedestrian/cycleway, should be expressed in 'Grampian' form. With regard to Condition 37, an updated list of the relevant plans is appended to this decision.

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<sup>217</sup> Doc. GD-2 (draft conditions)

311. Turning to the other proposed conditions, Nos 20-22, relating to the new sports field, would be better combined and simplified, and the timing made less onerous. A requirement for further details and a phasing plan would suffice. Condition 31 relating to works within the vicinity of trees would be better as part of the tree retention condition (No 8); and if my finding on the question of ancient woodland status is accepted, it is no longer necessary to refer specifically to a buffer zone.
312. Proposed Conditions Nos 11 (large scale details) and 25 (meter cupboards etc) seem to me to impose an unnecessary degree of control over minor details, and Nos 15 (delivery of materials) and 19 (wheel washing) are insufficiently related to planning considerations. Given my earlier conclusion on the matter of air quality [277], Condition 27 (emissions) seems unlikely to be effective. Condition 32 (PD rights) is unreasonable. No 34 (lighting and biodiversity) duplicates others proposed. I recommend that none of these be imposed.
313. In addition to those on the draft list, for the reasons discussed earlier [221], I consider that there should also be a requirement for the provision of an equipped children's play area within the site, in accordance with details to be submitted and approved.
314. I have adapted the Council's draft list of conditions to incorporate the comments I make above and "final" conditions are at Annex A. However, for the avoidance of doubt, in my view none of these proposed conditions would overcome the harm that I have previously identified.

### **3.3 Overall Planning Balance and Conclusion**

315. The proposed development would conflict with the adopted development plan, in that it would be located within the Southern Anti-Coalescence Belt, where it would significantly reduce the gap between Maidstone and the village of Boughton Monchelsea, contrary to saved Policy ENV32. Section 38(6) requires that the appeal is determined in accordance with the development plan unless material considerations indicate otherwise.
316. Against this, Maidstone Borough has an acknowledged shortfall in its 5-year housing land supply. There is therefore an urgent need for more land to be released, and for more housing to be delivered, including affordable housing. The appeal scheme would make a significant contribution in this respect. The site is identified as a proposed housing allocation in the emerging draft local plan, and the Council no longer opposes the grant of permission. The harm caused to the character and appearance of the countryside and the surrounding area would be limited, and accessibility by non-car modes of transport would be adequate. These considerations weigh heavily in favour of allowing the appeal. If there were no other material considerations, it seems to me that these factors would be sufficient to outweigh the conflict with development plan policy. And in addition, the development would provide a new sports field and economic benefits.
317. But on the other hand, the proposed development would have a severe impact on the already chronic traffic congestion on the A229, around the Swan and Wheatsheaf junctions. It would also result in serious highway safety problems on Boughton Lane, with particular danger to pedestrians and cyclists due to the likelihood of their mixing with vehicular traffic on a narrow, winding lane.

The safety issue in particular also gives rise to a further conflict with the development plan, in terms of saved Local Plan Policy T9. Neither of these problems would be overcome by the proposed highway contribution, and nor can they be overcome by conditions, because there is at present no identified solution that would resolve the issues.

318. In addition, the scheme would fail to achieve a sufficiently high quality of development, because of its largely unrelieved and monotonous layout, its lack of open space within the body of the site, its poor relationship to the important Footpath KB26, and to existing trees, and its lack of inclusivity with regard to the affordable housing. Again, these issues would not be overcome by any of the obligations that have been entered into. Nor could they be dealt with by condition, given that the application is for full permission, and the details are thus largely fixed.
319. As a housing proposal, the appeal falls to be considered in the light of the NPPF's presumption in favour of sustainable development. But the issues and the harm that I have identified do not sit well with the concept of sustainability. Although the scheme would have some benefits in terms of the social and economic dimensions, it would also have some serious drawbacks, both social and environmental.
320. Applying the formula in NPPF paragraph 14, the development would not accord with the development plan, and the plan is neither absent nor silent. Its housing policies are out-of-date, but neither ENV32 nor T9 are amongst those. Given the area's unmet need, the provision of housing carries substantial weight; and the other identified benefits, although less weighty in themselves, are over and above this. But the severe harm to traffic conditions, and to highway safety, are weighty matters in their own right. So too is the scheme's lack of quality. These are all matters to which the NPPF gives weight.
321. Weighing up the harm against the benefits, as paragraph 14 requires, it seems to me that the added congestion around the Swan junction would potentially make traffic conditions intolerable, with severe restrictions on movement at some times of the day. That kind of impact would go well beyond mere inconvenience. And worse still, because of the highway safety issue, I have little doubt that lives would be put at risk. The effects of a poor layout would be less dramatic, but nonetheless, securing an acceptable residential environment is important. Although the NPPF seeks to boost housing supply and meet needs in full, it does not seek to do so irrespective of all else.
322. Consequently, paying regard to the NPPF as a whole, it seems to me that the benefits of this proposed development are significantly and demonstrably outweighed by its likely adverse impacts. I therefore conclude that the proposal would not be sustainable development, and should be refused.

### **3.4 Recommendation**

323. I recommend that the appeal be dismissed.
324. In the event that this recommendation is not accepted, and planning permission is granted, I recommend that the conditions at Annex A be imposed.

*John Felgate*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Giles Atkinson, of Counsel      Instructed by Mr John Scarborough,  
Head of the Mid-Kent Legal Services Partnership

He called:

Miss Amanda Marks      Principal Planning Officer

### FOR THE APPELLANT:

Mr Sasha White, QC      Instructed by BDW Trading Ltd

He called:

Sir Nick Williams      CEO, The Future Schools Trust  
Mr Julian Forbes-Laird,      Forbes-Laird Arboricultural Consultancy  
BA(Hons), MICFor, MRICS,  
MEWI, MArborA, Dip Arb  
(RFS)

Mr Alistair Baxter,      Aspect Ecology  
BA(Hons), MA(Oxon), MSc,  
CEnv, MCIEEM

Mr Jason Lewis      DHA Transport  
Mr Matthew Woodhead,      DHA Planning  
BA(Hons), BTP, MAUD,  
MRTPI

### FOR THE NORTH LOOSE RESIDENTS' ASSOCIATION:

Mr Sean Carter      NLRA Chairman and local resident

Mrs Jacqueline Day      NLRA Secretary and local resident

Mr Guy Osborne      Local resident

Mr Alan Moore      Local resident

Mr David Southgate      Local resident

### OTHER INTERESTED PERSONS WHO SPOKE AT THE INQUIRY:

Cllr Derek Mortimer      Borough Council member  
Cllr Brian Clark      Borough and County Council member  
Cllr Steve Munford      Borough Councillor and member of Boughton  
Monchelsea Parish Council

Mr Richard Hunt      Local resident

Mr Roy Lane      Local resident

Cllr Ian Ellis      Parish Councillor and Trustee of the Boughton  
Monchelsea Amenity Trust

Cllr Tony Harwood      Borough Council member

Cllr Ian Chittenden      Borough and County Council member

## **INQUIRY DOCUMENTS**

### **APPLICATION DOCUMENTS** (blue folders Nos 1 - 4)

#### PLANS, SCHEDULES & CORRESPONDENCE (folders 1 & 2)

Correspondence	Bundle of application correspondence - contained in blue folder No 1
Schedules	Schedules of house types, areas and heights – blue folder No 1
Plans	Layout plans, landscaping, street elevations - blue folder No 1 House type plans - blue folder No 2

#### REPORTS (folders 3 & 4)

AR-1	Planning Statement – DHA Planning
AR-2	Design & Access Statement
AR-3	Statement of Community Involvement – DHA Planning
AR-4	Transport Assessment and Travel Plan – Project Centre
AR-5	Affordable Housing and Contributions Statement – DHA Planning
AR-6	Viability Commentary – DHA Planning
AR-7	Code Level 4 Analysis – Julia Lanchberry
AR-8	Ecological Assessment – Aspect Ecology
AR-9	Arboricultural Survey – Tree Fabrik
AR-10	Archaeological Desk-Based Assessment – CGMS
AR-11	Method Statement for Magnetometer Survey - CGMS
AR-12	Detailed Magnetometer survey - CGMS
AR-13	Flood Risk Assessment – Banners Gate
AR-14	Site Utilities Appraisal - TDS
AR-15	Desk Study and Ground Investigation – Hydrock

### **BACKGROUND DOCUMENTS** (blue folders Nos 5 and 6)

#### POLICY DOCUMENTS (folder No 5)

BG-1	Maidstone Borough-wide Local Plan, adopted December 2000
BG-2	As above – Proposals Maps
BG-3	Maidstone Core Strategy – Strategic Site Allocations, December 2012
BG-4	Maidstone Borough Local Plan – Reg. 18 Consultation, March 2014
BG-5	Affordable Housing DPD, adopted December 2006
BG-6	Open Space DPD, adopted December 2006
BG-7	North Loose Neighbourhood Development Plan

#### COMMITTEE REPORTS (folder No 6)

BG-8	24 July 2014 Planning Committee – re: appeal application (Officers' report)
BG-9	24 July 2014 Planning Committee – re: appeal application (Update report)
BG-10	24 July 2014 Planning Committee – re: appeal application (Minutes)
BG-11	20 January 2015, PTDOS Committee – re: Local Plan proposed site allocations (agenda/officers' report)
BG-12	20 January 2015, PTDOS Committee – re: Local Plan proposed site allocations (Minutes)
BG-13	22 January 2015, PTDOS Committee (adjourned from 20 Jan – pt. 2) – re: Local Plan proposed site allocations (Minutes)
BG-14	28 January 2015, PTDOS Committee (adjourned from 20 Jan – pt. 3) – re: Local Plan proposed site allocations (Minutes)

- BG-15 2 and 4 February 2015, Cabinet - re: Local Plan proposed site allocations (Minutes)
- BG-16 4 February 2015, Cabinet - re: Local Plan proposed site allocations (Record of Decisions)
- BG-17 11 May 2015 Planning Referrals Committee – re: reconsideration of the appeal application (Minutes)

**PLANNING HISTORY** (folder No 6)

- BG-18 MA/08/1700: New academy school buildings etc - approval notice, dated 7 Nov 2008
- BG-19 TA/0136/08: Tree works to facilitate temporary access – delegated report, dated 6 Jan 2009
- BG-20 TA/0136/08: Tree works to facilitate temporary access – refusal notice, dated 14 Jan 2009
- BG-21 TA/0153/08: Tree works to facilitate temporary access – Arboricultural report accompanying application, dated 28 Oct 2008
- (see NL-10.11) TA/0153/08: Tree works to facilitate temporary access – Arboricultural Implications report dated 19 Nov 2008
- BG-22 TA/0153/08: Tree works to facilitate temporary access – delegated approval report, dated 9 Jan 2009
- (see NL-10.12) TA/0153/08: Tree works to facilitate temporary access – approval notice, dated 14 Jan 2009
- (see AP-4/Apx 3) MA/14/504946: Five Acre Wood School - extensions and refurbishment – approval notice, 21 April 2015
- BG-23 MA/15/501363: Five Acre Wood School – relocation of school farm, and erection of buildings – approval notice, 18 May 2015; and related plans

**CORE DOCUMENTS** (blue folder No 7 )

- CD-1 (Omitted - duplicated elsewhere)
- CD-2 Plan: interpretation of Local Plan proposals map
- CD-3 (Omitted - duplicated elsewhere)
- CD-4 NPPF
- CD-5 Ancient Woodland Inventory for Maidstone Borough, August 2012
- CD-6 Refusal notice (appeal scheme)
- CD-7 – CD-10 (Omitted - duplicated elsewhere)
- CD-11 Maidstone Local Plan Viability Testing - Peter Brett Associates, April 2013
- CD-12 - CD-18 (Omitted - duplicated elsewhere)
- CD-19 Standing Advice on Ancient Woodland – Natural England, April 2014
- CD-20 Appeal decision – North Side Copse, Haslemere (APP/Y9507/A/12/2173809)
- CD-21 DHA letter dated 29 January 2015
- CD-22 - CD-24 (Omitted - duplicated elsewhere)
- CD-25 SoS decision – Hermitage Quarry, Aylesford (APP/W2275/V/11/2158341)
- CD-26 'Indicators of Ancient Woodland: the Use of Vascular Plants' – F Rose, April 1999
- CD-27 'Keepers of Time' : Policy Statement for England's Ancient and Native Woodlands - DEFRA and the Forestry Commission, 2005
- CD-28 (Omitted - duplicated elsewhere)
- CD-29 Forbes-Laird Consultancy advice note, dated 29 January 2015
- CD-30 SoS decision – Bolnore Village scheme, Haywards Heath (APP/D3830/A/05/1195898)
- CD-31 Written Ministerial Statement, 6 Sept 2012

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**GENERAL INQUIRY DOCUMENTS** (blue folder No 8)

GD-1	Statement of Common Ground, dated 16 June 2015
GD-2	Agreed draft list of conditions, with appellants' comments
GD-3	Signed unilateral undertaking
GD-4	S.106 Schedule: Policy Context and CIL summary for obligations

**COUNCIL'S CASE** (blue folder No 8)

CO-1	<u>Amanda Marks</u> – proof of evidence, with attached appendices comprising:
Apx 1	Planning Referrals Committee, 11 May 2015 – re: reconsideration of the appeal application Minutes)
Apx 2	Maidstone Borough Local Plan – reg. 18 Consultation, March 2014 (extract)
Apx 3	Affordable Housing DPD, adopted December 2006
Apx 4	(not used)
Apx 5	Maidstone Local Plan Viability Testing – Peter Brett Associates, April 2013
Apx 6	Maidstone Integrated Transport Strategy, August 2012
Apx 7	Maidstone Joint Transportation Board, 15 April 2015 – officers' report re: A229 corridor study
Apx 8	KCC letter dated 28 March 2014
Apx 9	Local Plan policy ENV26
Apx 10	Maidstone Infrastructure Delivery Plan
Apx 11	Open Space DPD, adopted December 2006
Apx 12	Draft conditions list (superseded by GD-2)
CO-2	Opening submissions by Mr Atkinson

**APPELLANTS' CASE** (blue folders Nos 9 and 10)

APPELLANTS' PROOFS OF EVIDENCE

AP-1	<u>Matthew Woodhead</u> - proof of evidence (planning)
AP-1A	Mr Woodhead's Appendix – separate bound volume comprising:
Apx 1	Appeal site planning history (schedule)
Apx 2	DHA representation on NLNDP
Apx 3	Woodcock Holdings Ltd v. SoS & Mid-Sussex DC: [2015] EWHC 1173 (Admin)
Apx 4	SoS decision – Sandbach (APP/R0660/A/10/ 2140255)
Apx 5	Appeal decision – Wincanton (APP/R3325/A/12/ 2170082)
Apx 6	SoS decision – Rothley (APP/X2410/A/13/ 2196928)
Apx 7	Transport Report – DHA Transport, June 2015
Apx 8	'Bold Steps for Kent' – Medium Term Plan: KCC, Dec 2010
Apx 9	Sport England consultation response, dated 17 April 2014
Apx 10	Bridge Nursery site, London Rd - Officers' report, Sept 2014
Apx 11	Cripple Street site, N Loose – Officers' report, Dec 2014
Apx 12	Land North of Sutton Road, Otham – officers' report, Feb 2014
Apx 13	Langley Park site, Sutton Rd – officers' report, Feb 2014
Apx 14	Hermitage Lane site – officers' report
AP-2	<u>Alistair Baxter</u> – proof of evidence (ecology)
AP-2A	Mr Baxter's Appendix – separate bound volume comprising:
Plans	Plans & Photographs, numbered AB1 – AB9
Apx 1	Woodland Botanical Survey – Aspect Ecology, May 2015



- Apx 2 'MAGIC' Ancient Woodland database – the appeal site's designation  
 Apx 3 Bat Survey – Aspect Ecology, June 2015  
 Apx 4 Review of the site's woodland status – Aspect Ecology, June 2015  
 Apx 5 UK Biodiversity Action Plan – Priority Habitat description for 'lowland mixed deciduous woodland'  
 Apx 6 Ancient Woodland Assessment Guide – The Forestry Commission & Natural England  
 Apx 7 Further review of potential effects on ancient woodland – Aspect Ecology, June 2015  
 Apx 8 Buffer design advice (various extracts)  
 Apx 9 Review of woodland restoration and management – Aspect Ecology, June 2015  
 Apx 10 Review of planning policy and appeal decisions re ancient woodland – Aspect Ecology, June 2015  
 Apx 11 Consultation responses - KCC ecology and the Woodland Trust  
 Apx 12 Approved layout for N of Sutton Rd development, showing footpaths within buffer
- AP-3 Julian Forbes-Laird – proof of evidence (woodland)  
 AP-3A Mr Forbes-Laird's Appendix – separate bound volume, comprising:
- Apx 1 The author's qualifications and experience  
 Apx 2 'MAGIC' Ancient Woodland database – the appeal site's designation  
 Apx 3 Tree Survey (western half of proposed housing site)  
 Apx 4 Tree Survey plan, showing proposed development superimposed  
 Apx 5 TPO No 17 of 2002  
 Apx 6 Soil Investigation report – Tim O'Hare Associates, October 2014  
 Apx 7 'The Ancient Woodland Concept as a Practical Conservation Tool': E Goldberg et al, 2007  
 Apx 8 'A Landscape History Approach to the Assessment of Ancient Woodland' – Prof. Ian. Rotherham, 2011  
 Apx 9 'The Identification of ancient woodland demonstrating antiquity and continuity': P Glaves et al, 2009  
 Apx 10 Ancient Woodland – Post Note, June 2014  
 Apx 11 Natural Resources Wales – website information on ancient woodland, Feb 2015  
 Apx 12 Woodland Trust website information, Jan 2015  
 Apx 13 Historic mapping compilation, 1768 – 1856  
 Apx 14 Historic maps comparative detail assessment  
 Apx 15 Email correspondence with Natural England  
 Apx 16 Mr Forbes-Laird's letter to Natural England, 5 Feb 2015  
 Apx 17 Natural England letter, 16 March 2015  
 Apx 18 Mr Forbes-Laird's letter to Natural England, 19 March 2015  
 Apx 19 Figure Ground Plan of small woodlands on historic maps
- AP-4 Sir Nick Williams - proof of evidence (educational matters); with bound-in appendices comprising:
- Apx 1 Phasing plan for provision of new sports facilities  
 Apx 2 Sport England consultation response, dated 17 April 2014  
 Apx 3 Planning permission for Five Acre Wood School extensions and refurbishment – 21 April 2015 (MA/14/504946)  
 Apx 4 Planning permission for New Line Learning Academy school farm – 18 May 2015 (MA/15/501363)

OTHER DOCUMENTS TABLED BY THE APPELLANTS DURING THE INQUIRY (folder No 10)

AP-5	Opening submissions by Mr White
AP-6	Government response to the CLG Select Committee inquiry into the operation of the NPPF, Feb 2015
AP-7	Appeal decision – Broadway, Worcs (APP/H1840/A/14/2224292)
AP-8	'Timeline' list of consultation meetings
AP-9	Note regarding NLRA's alternative access proposal via Police Authority land (by Mr Woodhead)
AP-10	Plan and schedule of open space areas (tabled by Mr Woodhead)
AP-11	Mr Lewis' qualifications and experience
AP-12	Aerial photographs of key junctions, tabled by Mr Lewis
AP-13	Air Quality report – SLR Consultants, July 2015
AP-14	Mr White's closing submissions
AP-15	Final comments by Mr Forbes-Laird, received 24 July 2015, in response to Dr Sansum's letter

**NLRA DOCUMENTS** (blue folder No 11)

NLRA OBJECTIONS

NL-1	Objection to planning application, dated February 2014
NL-2	Submission dated 13 February 2014
NL-3	Submission dated 24 April 2014
NL-4	Comments on revised details, 2 July 2014
NL-5	Objection dated September 2014
NL-6	Objection statement dated 19 Dec 2014

NLRA PROOFS AND APPEAL STATEMENTS

NL-7	<u>Guy Osborne</u> – expert witness report
NL-8	Guy Osborne – summary
NL-9	<u>Traffic proof of evidence</u> , accompanied by a bundle of appendices, comprising:
NL-9.1	Apx 1 PINS' guide to taking part in an inquiry
NL-9.2	Apx 2 Extract from BG-8, report to 24 July 2014 Planning Committee (re: appeal application)
NL-9.3	Apx 3 KCC consultation response dated 5 March 2014
NL-9.4	Apx 4 Transport Assessment and Travel Plan – Project Centre, Dec 2013 (also at AR-4)
NL-9.5	Apx 5 KCC letter re Cripple St site, dated 4 Dec 2014
NL-9.6	Apx 6 Email correspondence from KCC re Postley Rd site
NL-9.7	Apx 7 KCC letter re Cripple St site, dated 29 Oct 2014
NL-9.8	Apx 8 KCC letter re draft Local Plan site allocations, dated 20 Jan 2015
NL-9.9	Apx 9 Email re school capacities and housing proposals, Jan 2015
NL-9.10	Apx 10 Email from P Rosevear of KCC, re TRACE meeting, April 2014
NL-9.11	Apx 11 MBC 'housing sites running totals'
NL-9.12	Apx 12 Letter from the Rt Hon Helen Grant MP, to KCC, 27 May 2015
NL-9.13	Apx 13 Email from Mr Tim Read, KCC Highways, 11 June 2015

NL-10		<u>Ancient woodland evidence statement</u> , accompanied by a bundle of appendices, comprising:
NL-10.1	Apx W1	NPPF extract
NL-10.2	Apx W2	Extract from the Ancient Woodland Inventory for Maidstone Borough, August 2012 (CD-5)
NL-10.3	Apx W3	Protection for ancient woodland through appeal decisions – Forestry Commission website
NL-10.4	Apx W4	Extract from DHA statement of case, Oct 2014
NL-10.5	Apx W5	Further extract from the Ancient Woodland Inventory for Maidstone Borough, August 2012 (CD-5)
NL-10.6	Apx W6	Extract from DHA Design & Access Statement (AR-2)
NL-10.7	Apx W7	Woodland Trust consultation response, dated 8 July 2014
NL-10.8	Apx W8	Extract from BG-8, report to 24 July 2014 Planning Committee (re: appeal application)
NL-10.9	Apx W9	Extract from KCC consultation response, 27 Feb 2014
NL-10.10	Apx W10	Extract from DHA Planning Statement (AR-1)
NL-10.11	Apx W11	Marishal Thompson arboricultural implications report, accompanying application TA/0153/08 for tree works, 28 Oct 2008
NL-10.12	Apx W12	Tree works to facilitate temporary access (TA/0153/08) - approval notice, dated 14 Jan 2009
NL-10.13	Apx W13	Email from Andrew Beavis of Carillion Building, 1 July 2014
NL-11		<u>Statement on communication with the public</u> , accompanied by a bundle of appendices, comprising:
NL-11.1	Apx A1	DHA public consultation leaflet for New Line Learning Academy
NL-11.2	Apx A2	NLRA public opinion survey results
NL-11.3	Apx A3	NPPF extracts
NL-11.4	Apx A4	Letter from Barratt Homes, dated 4 Nov 2014
NL-11.5	Apx A5	Letter from Paul Carter CBE of KCC, to Helen Grant MP, 25 March 2015
NL-11.6	Apx A6	Email from Kent & Essex Police Estates Services, 26 April 2015
NL-11.7	Apx A7	Leaflet from Cllr Chris Garland
NL-11.8	Apx A8	NLRA submission dated 24 April 2014 (also at NL-3)
NL-11.9	Apx A9	Population forecasts for Maidstone wards
NL-11.10	Apx A10	Extract from Maidstone Borough-wide Local Plan, 2000 (BG-1)
NL-11.11	Apx A11	KCC letter re draft Local Plan site allocations, dated 19 Jan 2015 (duplicate of NL-9.8)
NL-11.12	Apx A12	Extract from KCC consultation response, 27 Feb 2014
NL-11.13	Apx A13	Extract from Loose Road Character Area SPD, Dec 2008
NL-11.14	Apx A14	NPPF extract
NL-11.15	Apx A15	Extract from Maidstone Borough-wide Local Plan, 2000 (BG-1)
NL-11.16	Apx A16	NPPF extract
NL-11.17	Apx A17	Email from Arriva bus company, 19 August 2014
NL-11.18	Apx A18	NLRA representation on school farm application, 18 March 2015
NL-12		Written submission by Curtis Barkel, arboricultural consultant
NL-13		NLRA summary of evidence
NL-14		NLRA Position Statement, 23 June 2015
NL-15		NLRA email dated 2 July 2015, enclosing:
NL-15.1	Enc. 1	Photograph of Five Acre Wood, 22 June 2015
NL-15.2	Enc. 2	Appeal decision – Bearsted Road (APP/U2235/W/15/3002874)
NL-15.3	Enc. 3	TA/0153/08: Tree works to facilitate temporary access – delegated approval report, dated 9 Jan 2009

## OTHER DOCUMENTS TABLED BY NLRA AT THE INQUIRY

NL-16	Ancient Woodland – Post Note, June 2014 (also at AP-3A/Apx 10)
NL-17	Ofsted report on NLLA, 15 June 2015
NL-18	Letter from the Rt Hon Helen Grant MP, to KCC, 6 July 2015
NL-19	Landscape Officer's consultation response, 18 Feb 2014
NL-20	Landscape Officer's consultation response, 10 July 2014
NL-21	NLRA leaflet, June 2015
NL-22	NLRA closing statement
NL-23	NLRA final comments dated 23 July 2015, in response to Dr Sansum's letter

## **DOCUMENTS SUBMITTED BY OTHER INTERESTED PERSONS** (blue folder No 11)

### REPRESENTATIONS MADE BEFORE THE INQUIRY

Bundle of individual letters to the Council, at application stage, including petition with approx. 1500 signatures (in Questionnaire file)  
Bundle of individual letters to PINS, at appeal stage (main file - red sub-folder)

### DOCUMENTS TABLED DURING THE INQUIRY

OP-1	Letter from Kevin Overton, local resident, dated 30 June 2015
OP-2	Cllr Munford – speaking notes
OP-3	Mr Ellis – plan of land optioned by BMAT
OP-4	Mr Ellis – plan of all land owned or optioned by BMAT
OP-5	Cllr Clark – statement, with bound-in appendices: Apx 1 Quoted extracts from appeal decision re site at Horseshoes Lane, Langley (APP/U2235/A14/2226963) Apx 2 Aerial photo Apx 3 Proposed playing fields layout plan for application MA/08/1700 (new academy school buildings etc, 2008) Apx 4 Lease plan of Five Acre Wood School expansion, and commentary Apx 5 Extract from draft NLNDP, and commentary Apx 6 Title plan form 1955 conveyance Apx 7 Title plan form 1949 conveyance Apx 8 Commentary on NPPF Review re ancient woodland Apx 9 Note on neighbourhood planning and Government select committee Apx 10 Photographs of rush-hour traffic in Loose
OP-6	Cllr Chittenden – statement, with bound-in appendices: Apx 1 Draft local plan allocations south of Boughton Lane junction Apx 2 KCC consultation response dated 5 March 2014 Apx 3 Natural England letter, 16 March 2015 Apx 4 Email from Andrew Beavis of Carillion Building, 1 July 2014 Apx 5 TA/0153/08: Tree works to facilitate temporary access – delegated approval report, dated 9 Jan 2009 Apx 6 Extracts from Marishal Thompson arboricultural report, accompanying application TA/0153/08 for tree works, 19 Nov 2008 Apx 7 Landscape Officer's consultation responses, 18 Feb and 10 July 2014
OP-7	Cllr Chittenden – abridged statement
OP-8	South Maidstone Action for Roads and transport ('SMART') – proposals, Spring 2015 (tabled by Cllr Chittenden)
OP-9	'Some facts and figures to cause concern' – SMART (Cllr Chittenden)
OP-10	Letter from Mr Paul Thomas, local resident, dated 8 July 2015
OP-11	Letter from Dr Philip Sansum, BSc, PhD, re ancient woodland status, dated 7 July 2015

**PLANS**

<b>Drawing Number</b>	<b>Description</b>	<b>Scale</b>
FOLDER 1		
DHA/6723/01	Site Location Plan	1:1250
6723-SK01-P1(1)	Proposed Access	1:500
2084-001	Location Plan & Development Boundary	1:1000
2084-002	Existing Site Plan and Topography (survey plan)	1:1000
2084-09-C	Site Layout with Playing Field	1:1000
2084-10-C	Site Layout - Ground Floor Plan	1:500
2084-11-C	Site Layout - Roof Plan	1:500
2084-12-C	Refuse Collection Strategy	1:500
2084-13-C	Building Heights Strategy	1:500
2084-14-C	Parking Strategy	1:500
2084-15-C	Accommodation Mix Strategy	1:500
2084-16-C	Adoptable & Management Area Strategy	1:500
2084-17-C	Boundaries, Fences and Walls	1:500
2084-18-C	Access Strategy	1:500
2084-19-C	Affordable Strategy	1:500
2084-20	Street Elevations - Section A-A, B-B & C-C	1:200
2084-21	Street Elevations - Section D-D, E-E & F-F	1:200
2084-22	Street Elevations - Section G-G & H-H	1:200
2084-23	Street Elevations - Section I-I, J-J & K-K	1:200
2084-24	Street Elevations - Section L-L & M-M	1:200
2084-25	Street Elevations - Section N-N & O-O	1:200
2084-26	Entrance arrangement sketch	1:100
D1977L.100.A	Site Context	1:2500
D1977L.101.A	Landscape General Arrangement Plan	1:500
D1977L.102.A	Landscape Masterplan	1:500
D1977L.110.A	Tree Removals Plan	1:500
FOLDER 2		
2084-29	House Type A Floor Layouts	1:100
2084-30	House Type A Elevations (sheet 1 of 2)	1:100
2084-31	House Type B Floor Layouts	1:100
2084-32	House Type B Elevations (sheet 1 of 2)	1:100
2084-33	House Type B Elevations (sheet 2 of 2)	1:100
2084-34	House Type C Floor Layouts	1:100
2084-35	House Type C Elevations (sheet 1 of 2)	1:100
2084-36	House Type C Elevations (sheet 2 of 2)	1:100
2084-37	House Type D Floor Layouts	1:100
2084-38	House Type D Elevations (sheet 1 of 2)	1:100
2084-39	House Type D Elevations (sheet 2 of 2)	1:100
2084-40	House Type E Floor Layout	1:100
2084-41	House Type E Elevations - Brick/Tile finish	1:100
2084-42	House Type E1 Floor Layout	1:100
2084-43	House Type E1 Elevations - Render finish	1:100
2084-44	House Type E2 Floor Layout	1:100
2084-45	House Type E2 Elevations - Brick/Tile finish	1:100
2084-46	House Type E3 Floor Layout	1:100

2084-47	House Type E3 Elevations - Brick/Tile finish	1:100
2084-48	House Type F Floor Layouts	1:100
2084-49	House Type F Elevations - Brick finish	1:100
2084-50	House Type G Floor Layout	1:100
2084-51	House Type G Elevations - Brick finish	1:100
2084-52	House Type G Elevations - Render finish	1:100
2084-53	House Type H Floor Layout	1:100
2084-54	House Type H Elevations - Brick finish (1 of 2)	1:100
2084-55	House Type H Elevations - Brick finish (2 of 2)	1:100
2084-56	House Type H Elevations -Render finish (1 of 2)	1:100
2084-57	House Type H Elevations -Render finish (2 of 2)	1:100
2084-58	House Type H1 Floor Layout	1:100
2084-59	House Type H1 Elevations - Brick finish	1:100
2084-60	House Type H1 Elevations - Render finish	1:100
2084-61	House Type I Floor Layout	1:100
2084-62	House Type I Elevations - Brick finish	1:100
2084-63	House Type I Elevations - Render finish	1:100
2084-64-A	House Type J Floor Layout	1:100
2084-65-A	House Type J Elevations - Brick finish	1:100
2084-66-A	House Type J Elevations - Render finish	1:100
2084-67	House Type K Floor Layout	1:100
2084-68	House Type K Elevations - Brick finish (1 of 2)	1:100
2084-69	House Type K Elevations - Brick finish (2 of 2)	1:100
2084-70	House Type K Elevations - Render finish (1 of 2)	1:100
2084-71	House Type K Elevations - Render finish (2 of 2)	1:100
2084-72	House Type L Floor Layout	1:100
2084-73	House Type L Elevations - Brick finish (1 of 2)	1:100
2084-74	House Type L Elevations - Brick finish (2 of 2)	1:100
2084-75	House Type L Elevations - Render finish (1 of 2)	1:100
2084-76	House Type L Elevations - Render finish (2 of 2)	1:100
2084-77	House Type M Floor Layout	1:100
2084-78	House Type M Elevations - Render finish	1:100
2084-79	House Type N Floor Layout	1:100
2084-80	House Type N Elevations - Brick/Tile finish (1 of 2)	1:100
2084-81	House Type N Elevations - Brick/Tile finish (2 of 2)	1:100
2084-82	House Type N Elevations - Render finish (1 of 2)	1:100
2084-83	House Type N Elevations - Render finish (2 of 2)	1:100
2084-84	House Type O Floor Layout	1:100
2084-85	House Type O Elevations - Brick finish (1 of 2)	1:100
2084-86	House Type O Elevations - Brick finish (2 of 2)	1:100
2084-87	House Type O Elevations - Render finish (1 of 2)	1:100
2084-88	House Type O Elevations - Render finish (2 of 2)	1:100
2084-89	House Type P Floor Layout	1:100
2084-90	House Type P Elevations - Brick/Tile finish (1 of 2)	1:100
2084-91	House Type P Elevations - Brick/Tile finish (2 of 2)	1:100
2084-92	House Type P Elevations - Render finish (1 of 2)	1:100
2084-93	House Type P Elevations - Render finish (2 of 2)	1:100
2084-94	House Type Q Floor Layout	1:100
2084-95-A	House Type Q Elevations - Brick finish (1 of 2)	1:100
2084-96-A	House Type Q Elevations - Brick finish (2 of 2)	1:100
2084-97-A	House Type Q Elevations - Render finish (1 of 2)	1:100
2084-98-A	House Type Q Elevations - Render finish (2 of 2)	1:100
2084-99	House Type R Floor Layout	1:100

2084-100-A	House Type R Elevations - Brick finish (1 of 2)	1:100
2084-101-A	House Type R Elevations - Brick finish (2 of 2)	1:100
2084-102-A	House Type R Elevations -Render finish (1 of 2)	1:100
2084-103-A	House Type R Elevations -Render finish (2 of 2)	1:100
2084-104	House Type R1 Floor Layout	1:100
2084-105-A	House Type R1 Elevations - Brick finish (1 of 2)	1:100
2084-106-A	House Type R1 Elevations - Brick finish (2 of 2)	1:100
2084-107	House Type S Floor Layout	1:100
2084-108	House Type S Elevations - Brick finish (1 of 2)	1:100
2084-109	House Type S Elevations - Brick finish (2 of 2)	1:100
2084-110	House Type T Floor Layout	1:100
2084-111-A	House Type T Elevations - Brick finish (1 of 2)	1:100
2084-112-A	House Type T Elevations - Brick finish (2 of 2)	1:100
2084-113-A	House Type T Elevations - Render finish (1 of 2)	1:100
2084-114-A	House Type T Elevations - Render finish (2 of 2)	1:100
2084-120	Car-port 1a. - Plans & Elevations	1:100
2084-121	Car-port 1b. - Plans & Elevations	1:100
2084-122	Car-port 1c. - Plans & Elevations	1:100
2084-123	Car-port 1d. - Plans & Elevations	1:100
2084-124	Garages 1e. - Plans & Elevations	1:100
2084-125	Garages 1f. - Plans & Elevations	1:100
2084-126	Garages 1g. - Plans & Elevations	1:100
2084-127	Garages 1h. - Plans & Elevations	1:100
2084-128	Car-port 2a. - Plans & Elevations	1:100
2084-129	Car-port 2b. - Plans & Elevations	1:100
2084-130	Car-port 2c. - Plans & Elevations	1:100
2084-131	Car-port 2d. - Plans & Elevations	1:100
2084-132	Garages 2e. - Plans & Elevations	1:100
2084-133	Garages 2f. - Plans & Elevations	1:100
2084-134	Garages 2g. - Plans & Elevations	1:100
2084-135	Garages 2h. - Plans & Elevations	1:100
2084-136	Garages 2i. - Plans & Elevations	1:100
2084-137	Garages 2j. - Plans & Elevations	1:100
2084-138	Car-port 3a. - Plans & Elevations	1:100
2084-139	Car-port 3b. - Plans & Elevations	1:100
2084-140	Car-port 3c. - Plans & Elevations	1:100
2084-141	Garages 3d. - Plans & Elevations	1:100
2084-142	Car-port 4a. - Plans & Elevations	1:100
2084-150	Apartment GF Plots 161-172 & 201-212	1:100
2084-151	Apartment FF Plots 161-172 & 201-212	1:100
2084-152	Apartment SF Plots 161-172 & 201-212	1:100
2084-153	Apartment Front Elevation Plots 161-172 & 201-212	1:100
2084-154	Apartment Rear Elevation Plots 161-172 & 201-212	1:100
2084-155	Apartment Side Elevations Plots 161-172 & 201-212	1:100
2084-156 A	Apartment GF Plots 188-196	1:100
2084-157 A	Apartment FF Plots 188-196	1:100
2084-158 A	Apartment SF Plots 188-196	1:100
2084-159 A	Apartment Front Elevation Plots 188-196	1:100
2084-160 A	Apartment Rear Elevation Plots 188-196	1:100
2084-161 A	Apartment Side Elevations Plots 188-196	1:100

## **Annex A – Recommended Conditions**

1. The development hereby permitted shall be commenced not later than three years from the date of this permission.
2. No part or phase of the development shall be commenced until written details and samples of the materials to be used on the external surfaces of the proposed buildings in that phase have been submitted to the local planning authority and approved in writing. These details and samples shall include the colours of the external finishes to all areas of external rendering. Thereafter, the development shall be carried out using only the materials and colours thus approved.
3.
  - (i) Notwithstanding the submitted proposals, no part or phase of the proposed development shall be commenced until a detailed scheme of boundary treatments has been submitted to the local planning authority and approved in writing. The scheme shall include full details of the fencing, walling, and other boundary treatments to be used on the individual plot boundaries, and around the proposed new sports field, and any such treatments to be provided elsewhere within the site, including within or around the public and communal areas.
  - (ii) No new dwelling shall be occupied until the boundary treatments relating to that particular plot have been provided in accordance with the scheme and details thus approved.
  - (iii) The proposed sports field shall not be brought into use until new boundary fencing has been erected around it in accordance with the scheme and details thus approved.
  - (iv) Throughout the remainder of the site, no boundary treatments shall be erected other than in accordance with the scheme and details thus approved.
  - (v) The boundary treatments provided in accordance with this condition shall thereafter be retained and maintained in good order, or shall be replaced with others of a similar type and height.
4.
  - (i) No development shall take place until a landscaping implementation plan has been submitted to the local planning authority and approved in writing. The plan shall include a phased timetable for the implementation of all of the proposed planting, seeding, turfing and other hard and soft landscaping works shown on the submitted plans. The landscaping shall be carried out in accordance with the timetable thus approved.
  - (ii) Thereafter, within a period of 5 years from the completion of the development, any trees or plants which die or are removed or become seriously damaged or diseased for any reason shall be replaced in the next available planting season, with others of the same size and species.
5.
  - (i) No development shall take place until a tree and hedgerow protection scheme has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees and



hedgerows on or adjacent to the site, and should identify those for removal, in accordance with Plan D1977L.110.A. All other existing trees and hedgerows shall be retained unless otherwise agreed with the local planning authority.

(ii) The scheme shall also contain details of measures for the protection of those trees and hedgerows to be retained, before, during and after the construction of the development. These measures shall include protective fencing, and such fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought on to the site, and shall remain in place until otherwise agreed by the local planning authority. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

(iii) No retained tree shall be cut down, uprooted or destroyed, nor be topped, lopped or pruned other than in accordance with the approved details. Any works which may be thus approved shall be carried out in accordance with BS 5837(2012).

(iv) Within a period of five years from the completion of the development, if any retained tree is removed, uprooted or destroyed or dies, replacement planting shall be carried out in accordance with details to be approved by the local planning authority.

6. No new dwelling shall be occupied until a landscape management plan for the whole site has been submitted to the local planning authority and approved in writing. The plan shall include detailed proposals for the management and maintenance of all of the proposed public or communal open space areas, and details of the proposed arrangements for such management and maintenance to be financed in perpetuity. Thereafter, the open space areas shall be managed and maintained in accordance with the details thus approved.

7. Notwithstanding the previously submitted details, no development shall take place until full details of the surfacing materials proposed for all access roads, parking and turning areas, pathways, kerbs and crossing points have been submitted to the local planning authority and approved in writing. The details to be submitted shall also include a phased timetable for the completion of these works. Thereafter, the surfacing of these areas shall be carried out using only the materials thus approved, and in accordance with the approved timetable.

8. No development shall be commenced until full details of the existing and proposed ground levels and finished floor levels have been submitted to the local planning authority and approved in writing. Thereafter, the development shall be carried out in full accordance with the levels thus approved,

9. No new dwelling shall be occupied until a scheme of external lighting has been submitted to the local planning authority and approved in writing. The lighting scheme shall provide for the illumination of the access roads, parking areas, footways and cycleways, to meet the needs of public safety, whilst also having regard for the need to minimise the effects on wildlife, and shall also include a phased programme for implementation. Thereafter, the proposed

lighting shall be installed, operated, maintained and retained, in accordance with the details thus approved.

10. No development shall be commenced until a highway phasing scheme has been submitted to the local planning authority and approved in writing. The highway phasing scheme should contain details as to the timing of provision of the proposed site accesses, estate roads, footways, cycleways, and parking and turning areas shown on the submitted plans, so as to ensure that no new dwelling is occupied until the relevant facilities serving that dwelling have been constructed and made available for use. These facilities shall thereafter be provided in accordance with the details and phasing thus approved.

11. (i) No development shall be commenced until a detailed scheme of foul and surface water drainage has been submitted to the local planning authority and approved in writing. The drainage scheme shall include a phased programme of implementation, so as to ensure that no new dwelling shall be occupied until the relevant foul and surface water drainage infrastructure serving that dwelling has been installed and brought into use. The required drainage infrastructure shall be installed in accordance with the details and phasing thus approved.

(ii) The drainage scheme shall also include details of the proposed arrangements for the future management and maintenance of the foul and surface water drainage systems. Thereafter, the drainage systems and infrastructure shall be managed and maintained in accordance with these approved details.

12. The Travel Plan contained within the submitted Transport Assessment shall be implemented in full, in accordance with the timescales proposed within that document. Monitoring reports on the implementation of the required measures shall be provided to the local planning authority at intervals of no more than 6 months, from the start of the development, until 2 years after the occupation of the last dwelling.

13. No new dwelling shall be occupied until a new combined footpath and cycleway route has been provided, from the proposed western site access, to the existing southern entrance to the New Line Learning Academy site, in accordance with a detailed scheme to be submitted to the local planning authority and approved in writing. Thereafter, the new footpath and cycleway shall be retained and kept available for public use, and shall be maintained in a good and safe condition at all times.

14. No development shall be commenced until a phasing scheme for the proposed new sports field has been submitted to the local planning authority and approved in writing. The scheme shall set out detailed proposals as to the works required for the proposed sports field, including preparation, drainage and seeding; and the timing of its provision in relation to the proposed housing development. The new sports field shall be laid out and made available for use in accordance with these approved details, and thereafter shall be retained and used only for the purposes of outdoor sports and recreation.

15. No new dwelling shall be occupied until a scheme has been submitted to the local planning authority and approved in writing, for the provision of facilities for the recharging of electric vehicles. The scheme shall include details of the

location of the required facilities, their electrical specification, and the timing of provision. The said facilities shall thereafter be provided in accordance with the approved details.

16. No dwelling shall be occupied until provision has been made for the storage of household waste and recyclables, pending collection, in accordance with details to be submitted to the local planning authority and approved in writing. The facilities thus provided shall thereafter be retained and kept available for the purposes of waste storage.

17. The proposed new sports field shall not be used on any day outside the hours of daylight, nor outside the hours of 08.00 – 22.00, whichever is the shorter.

18. No development shall be commenced until a programme of archaeological work has been implemented, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

19. No development shall be commenced until an ecological mitigation scheme has been submitted to the local planning authority and approved in writing. The scheme shall provide for the protection of existing wildlife and habitats during and after construction, and the long-term enhancement of the site's biodiversity value, including a phased timetable for the required works. The development shall be carried out in full accordance with the ecological scheme and timetable thus approved.

20. No dwelling shall be occupied until an equipped children's play area has been provided within the site, in accordance with details to be submitted to the local planning authority and approved in writing.

21. Except where these conditions require otherwise, the development shall be carried out in full accordance with the approved plans listed on pages 64-66 of the Inspector's Report, dated 7 September 2015.



## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS**

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act). This new requirement for permission to bring a challenge applies to decisions made on or after 26 October 2015.

#### **Challenges under Section 288 of the TCP Act**

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the date of the decision.

### **SECTION 2: ENFORCEMENT APPEALS**

#### **Challenges under Section 289 of the TCP Act**

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### **SECTION 3: AWARDS OF COSTS**

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

#### **SECTION 4: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Councillor Steven Claymore  
Castle Ward

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Mr Jon Allison,  
Development Services,  
District Council House,  
Frog Lane,  
Lichfield,  
Staffordshire. WS13 6YZ

12<sup>th</sup> January 2017

Dear Jon

**Application No:** 14/00516/OUTMEI - (Outline Application (Major) with EIA)  
**Applicant:** Barwood Strategic Land II  
**Location:** Arkall Farm, Ashby Road, Tamworth, Staffordshire  
**Proposal:** Construction of up to 1000 homes, primary school, local centre, public open space, landscaping and associated infrastructure

Thank you for consulting with us on the above application and for confirming to our officers revised deadline for submitting comments. I am writing on behalf of Tamworth Borough Council as our official response to the application.

The Borough Council has previously submitted comments on this application which still stand and these comments are in addition to those.

Tamworth Borough Council continues to object strongly to this application. We have concerns that the proposal will place additional pressure on the infrastructure within Tamworth Borough resulting in a severe impact on this infrastructure and on our local communities and does not mitigate this impact. Furthermore, the Borough Council is concerned about the proposed 'monitor and manage' approach.

#### Infrastructure

From the information available on Lichfield District Council's website there is no modelling evidence to demonstrate how more than 300 properties can be provided on the site without a severe impact on the local highway network. The Borough Council believes that beyond 300 units the impact on the local highway network would be 'severe'. We refer you back to our previous consultation response dated 28<sup>th</sup> July 2016 and references to the Secretary of State recovered appeal, land at

Boughton Lane, Loose, Maidstone, Kent ME15 9QL (ref: 2227839 - 3 March 2016) (the decision is attached and our previous response), that supports this position.

It is noted that Staffordshire County Council have indicated that a new primary school is required at 500 units. Until that school is in place there is concern that (if the application is permitted) the new residents will either drive their children to school, placing additional peak hour trips onto the network which have not been accounted for in the transport modelling, or will attempt to walk their children to either an existing primary school or the new school on Anker Valley on the other side of Ashby Road. In terms of walking children to school off site, there is concern that in both cases there are not sufficient crossing places of the Ashby Road in place.

Furthermore, until the school is provided travel behaviour of those residents will already be established and it is unlikely to be changed.

If the application is approved, the development should conform to Tamworth's housing needs and the level of affordable housing required. The mix of housing types should also be in-line with meeting the requirements set out in Tamworth's adopted Local Plan. Nominations rights for these dwellings should be given to Tamworth Borough Council. The level of affordable housing, housing mix and nomination rights should be secured through a s.106 agreement.

Given that if approved the development would be part of the urban area of Tamworth, new residents will use Tamworth infrastructure. Tamworth Borough Council's Joint Indoor and Outdoor Sports Strategy identifies the need for the provision of sports facilities in response to housing growth and we request that financial contributions are made to Tamworth Borough Council to contribute to these facilities from this development. Using the Sport England calculator, assuming a household size of 2.3 people, we have estimated that the contribution for indoor and outdoor sports to mitigate the impact of this development on the infrastructure of Tamworth is £846,610.

It is our expectation that Tamworth Borough Council should be a signature to any s106 agreement.

#### Monitor and Manage / Conditions

The applicants have submitted a legal opinion to support the suggested 'monitor and manage' approach. Their legal opinion suggests that in this regard the conditions should be sufficiently detailed, contain specific mitigation and specific triggers. Indeed, as an example of the approach the opinion cites the "Silverstone" case which the opinion states is *"notable for the level of detail in the conditions attached....with reference to highways drawings, the highways improvements which must be implemented at certain levels of development and / or occupation. This approach provides the highway authority with the certainty that detailed and agreed schemes / improvements will be secured through the phased development of the scheme"*. The opinion goes on to state that *"the Silverstone scheme has better application to the circumstances at Arkall Farm"*.

We have requested that Lichfield District Council forward us the proposed draft conditions and have been directed to section 3 of the PBA "Technical Note 30.11.16". This document contains three proposed conditions, 13, 24 and 25.

We do not believe that these three proposed conditions satisfy the criteria that the applicants own legal advisor sets. The Borough Council is of the opinion that three proposed conditions do not provide sufficient detail to give certainty that there are detailed or agreed schemes or improvements that would be implemented at particular times of the phased development of the scheme. The proposed conditions refer to a pre-commencement condition to prepare a 'monitor and manage' mitigation strategy. It is the Borough Councils view that in order to give sufficient clarity and certainty for delivery then this level of detail should not be postponed to a future date and needs to form part of the conditions which should set out:

- each trigger point;
- the detail of each mitigation scheme, with referenced drawings;
- when each scheme will be implemented; and
- time limits for applying for each phase of development to ensure that if delivery doesn't happen then there is flexibility to seek delivery elsewhere and the remainder of the application falls.

Furthermore, we maintain that it would be more appropriate to use a Section 106 agreement rather than conditions to control the phasing of the development and the infrastructure required along with the tests needed to be passed. For the reasons set out earlier there needs to be a tie in between the highway mitigation, phasing of units on the site and provision of the primary school.

#### Meeting future needs / delivery

The Borough Council is concerned that Lichfield District Council and the applicant is 'grasping at straws' to attempt to approve this application. The Borough Council recognises that Lichfield District Council are under considerable pressure to meet their own housing needs, the 500 homes already planned for to meet some of Tamworth's unmet needs, as well as those in the Greater Birmingham HMA (including some more of Tamworth's unmet needs). It is worth noting that a plan for those wider HMA unmet needs is yet to be established across the wider HMA and therefore this proposal will have little impact on meeting those unmet needs. It is recognised that 165 units at Browns Lane have already been granted permission which goes some way to meeting the 500 required for Tamworth. When considering this broad location the Inspector examining Lichfield's Local Plan concluded:

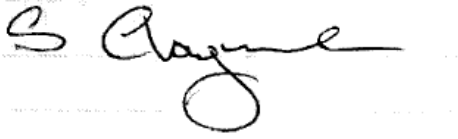
*If it transpires that the Broad Development Location as a whole is not capable of delivering something in the order of 1,000 dwellings then MM1 provides the mechanism through which additional land could be identified either through a review of the Plan or through the preparation of the Lichfield District Local Plan: Allocations document*

It is noted that Lichfield District Council in their most recent draft of their allocations document have continued to allocate the broad location despite the highways issues not being resolved. Furthermore, the Inspector suggested that Fazeley would be a more sustainable location and is noted that Lichfield District Council are now proposing to allocate 209 dwellings at Fazeley, including removing land from the Green belt to allocate 102 dwellings. Again these would contribute to meeting the 500 homes in the adopted Lichfield Local Plan. Therefore there is no need for the scale of development proposed at Arkall farm and the broad location as a whole.



Indeed, the Borough Council is concerned that in approving the application, this would constrain any future growth within Tamworth Borough which would in turn place additional burdens on Lichfield District to meet this need.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Claymore', written over a set of horizontal dashed lines.

Cllr Claymore

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