

# NON-CONFIDENTIAL



## **Borough of Tamworth**

9 July 2018

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 17TH JULY, 2018** at 6.00 pm in the **COUNCIL CHAMBER, MARMION HOUSE, LICHFIELD STREET, TAMWORTH, B79 7BZ**, for the transaction of the following business:-

### **AGENDA**

#### **NON CONFIDENTIAL**

**1 Apologies for Absence**

**2 To receive the Minutes of the previous meeting (Pages 5 - 10)**

**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 To receive any announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive**

**5 Question Time:**

- (i) To answer questions from members of the public pursuant to Procedure Rule No. 10.
- (ii) To answer questions from members of the Council pursuant to Procedure Rule No. 11

**6 Community Infrastructure Levy** (Pages 11 - 124)

(Report of the Portfolio Holder for Heritage and Growth)

**7 Appointment of a Deputy Electoral Registration Officer** (Pages 125 - 126)

(Report of the Chief Executive)

**8 Exclusion of the Press and Public**

To consider excluding the Press and Public from the meeting by passing the following resolution:-

*“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”*

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

**9 Local Authority Trading Company** (To Follow)

(Report of the Chief Executive)

(The draft confidential report is available as part of the agenda for Corporate Scrutiny on 11 July 2018).

Yours faithfully



**CHIEF OPERATING OFFICER**

*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.*

Marmion House  
Lichfield Street  
Tamworth



**MINUTES OF A MEETING OF THE  
COUNCIL  
HELD ON 6th JUNE 2018**

**PRESENT:** Councillor P Thurgood (Chair), Councillors R Kingstone, M Bailey, J Chesworth, D Cook, C Cooke, S Doyle, J Faulkner, R Ford, M Gant, S Goodall, M Greatorex, A James, T Jay, J Oates, M Oates, Dr S Peple, S Peple, B Price, R Pritchard, P Standen, M Summers and M Thurgood

The following officers were present: Andrew Barratt (Chief Executive), Anica Goodwin (Executive Director Organisation) and Jane Hackett (Solicitor to the Council and Monitoring Officer) Jodie Small (Democratic Services Assistant)

**18 THE MAYOR MOVED A MOTION WITHOUT NOTICE IN TERMS OF RULE 4.13 (C)**

To change the order of business in the agenda, Proposing that item 6 be heard after items 7, 8 and 9, and to re number the items accordingly.

*(Moved by Councillor P Thurgood and seconded by Councillor Dr.S Peple)*

**19 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S Claymore, R Claymore, T Clements, R Rogers, K Norchi, A Bishop and R Bilcliff.

**20 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 22<sup>ND</sup> May 2018 were approved and signed as a correct record.

*(Moved by Councillor D Cook and seconded by Councillor Dr.S Peple)*

**21 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**22 TO RECEIVE ANY ANNOUNCEMENTS FROM THE MAYOR, LEADER, MEMBERS OF THE CABINET OR THE CHIEF EXECUTIVE****Councillor Dr. S People made the following announcements;**

“First of all Mr Mayor can I ask the council’s indulgence to make a small announcement on behalf of councillor Ken Norchi who cannot be here today to make it himself which is to recognise that we have Gary Hunt who is one of the key people who organised the carnival that was so successful at the weekend. I’m sure they are grateful for the judging of the best float not entirely sure Councillor Clements agreed but that’s another matter, and can I take this opportunity to extend my best wishes to Councillor Clements who came and told us all about the injury and so one can only hope everything goes smoothly today and she’s back on her feet in good time.

Gary is here Mr Mayor and Councillor Norchi has asked me to say that he is very grateful to Gary for his leadership and to Dave Bradley. Ken Gordon is with him who is one of the key people who was getting everything ready and one of my former colleagues and your current colleague, former Councillor Dennis Powick who all played a key role in Achieving what was a fantastic community event at the weekend. I understand that subject to pennies finally been counted we raised £4,000 for the charity itself and in addition to that there is the money that was raised by the community groups and others, so Councillor Norchi said he booked his holiday before he knew any of this and therefore would like to say Mr Mayor thank you for coming along and to Gary and his colleagues for the tremendous work they did and also thank you to the council for their tremendous support and that he is feeling on the back of this success to look forward to a conversation with you as to continuing it next year.

So that’s the first announcement Mr Mayor I’m sure we would all agree Gary deserves a massive thank you.”

**Councillor Mayor P Thurgood made the following comment**

“I would endorse everything you have said it was a proud moment that I was able to go with the parade and see the people of the town enjoying themselves, everyone done a cracking job and I really do hope we see it again next year, Thank you.”

**Councillor Dr. S People went on to announce**

“Mr Mayor I have been asked by my Colleagues to be the leader of the Labour group and can I announce the committee allocations which we have agreed following the recounting of the numbers of the people of the council, I have a copy for the controlling group and for the officers and one for the leader of the council, I also need to announce I have asked for Councillor Bishop to Shadow Councillor Doyle I understand they like going for drinks so would give them something to talk about. The work that is done in communities is very important therefore it can continue to be very important to both of you.

I am very privileged it isn’t often I get to make these decisions that councillor S People continues to shadow Councillor Thurgood with regards to housing and related matters and I’m absolutely delighted to have the strength of someone like Councillor Faulkner to shadow the deputy leader of accounts and his portfolio of assets and finance . John brings 20 years of experience to the council.



I've asked Councillor Standen to continue to shadow Councillor Claymore with some input from myself because of circumstances of particular interest overlap. In addition to that to shadow the IT part of councillor Chatsworth's role in which we will deal with between us.

Thankyou Mr Mayor for that one other thing I should announce is that of next time because it wasn't needed this time we will be sat slightly differently. Councillor Norchi asked me last January if he could sit where Councillor Seekings use to sit because Councillor Seeking s has been his mentor and brought him in to politics, I asked him to delay that whilst we were running the election.

I have kept my promise so I will be asking them to do that, so we will be sitting 3 and 3 because I can't really put him there on his own and it means an awful lot to him. Thank you."

**Councillor D Cook made the Following announcements;**

"Thank you Mr Mayor couple of points from me, firstly I'm hoping to email all Councillors tomorrow we are hoping the secretary of state will release the judgement on Arkall Farm tomorrow hopefully it's in our favour either way I would like to thank all my colleagues across all sides of the chamber for the energy that's gone in I'm sure we are all on the same page, the speed in which we all signed a letter a couple of months ago gave me great heart we are all on the same page. As soon as I see the judgment I will send it round.

Can't go in to too much detail at the moment but let's just say monies have been placed with a solicitor for a certain purchase that I won't go in to many details for and I hope for confirmation in the morning that the purchase has finally been done.

Final one for me before I do the committee I would like to echo Councillor People's point about the work of Gary Hunt and the committee. Gary has driven me absolutely mental for the last couple of months with emails to resolve some issues; it's been a pleasure to help resolve those. You do a fantastic job and thank you.

As Councillor People raised Mr Mayor the adjusted committee structure one for yourself Mr Mayor, one for the monitoring officer and one for each of the opposition group as per tradition and that's me done Mr Mayor Thank you."

**23 QUESTION TIME:**

**QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 1**

**Under Procedure Rule No 11, Councillor Dr S People will ask the Portfolio Holder for Heritage and Growth, Councillor S Claymore, the following question:-**

"Would the Portfolio holder agree that it is important to do all we can to raise educational attainment in Glascote?"

**Councillor S Claymore gave the following reply:-**

Councillor S Claymore will provide a written response.

**24 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That members of the press and public be now excluded from the meeting on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)

*(Moved by Councillor D Cook and seconded by Councillor Dr. S Peaple)*

**25 APPOINTMENT OF CHIEF EXECUTIVE AND HEAD OF PAID SERVICE**

Report of The Leader of the Council and Chair of Appointments & Staffing Committee to seek formal approval to Appoint to the statutory posts of Chief Executive & Returning Officer and the Executive Director Organisation (Head of Paid Service & Deputy Chief Executive) in accordance with the Council's Constitution and the Local Authority (Standing Orders) Reg 2001.

**RESOLVED** That Members:

- 1) Approved the appointment of Andrew Barratt to the post of Chief Executive & Returning Officer; and
- 2) Approved the appointment of Anica Goodwin to the post of Executive Director Organisation (Head of Paid Service & Deputy Chief Executive).

*(Moved by Councillor D Cook and Seconded by Councillor Dr. S Peaple)*

**26 APPOINTMENT STATUTORY POSITIONS INCLUDING SENIOR MANAGEMENT REVIEW**

Report of the The Leader of the Council and Chair of Appointments & Staffing Committee to seek formal approval to appoint to the statutory posts of Section 151 Officer and Monitoring Officer in accordance with the Council's Constitution and the Local Authority (Standing Orders) Reg 2001

**RESOLVED** That Members:

- 1) Approved the appointment of Stefan Garner to the post of Executive Director Finance (Section 151 Officer); and
- 2) Angela Struthers to the post of Head of Audit and Governance (Monitoring Officer and Deputy Returning Officer).

*(Moved by Councillor D Cook and Seconded by Councillor Dr. S Peale)*

**27 REVIEW OF THE CONSTITUTION AND SCHEME OF DELEGATION**

The Leader of the Council and Solicitor to the Council & Monitoring Officer ensures lawfulness and operational functionality of the Governance Process of the Council, as required by the endorsement and approval of the Constitution and Scheme of Delegation as required by Local Government Legislation

**RESOLVED** That Members

- 1) Endorsed the Constitution and Scheme of Delegation as presented in Appendix 1;
- 2) Adopted and approved the Constitution and Scheme of Delegation; and
- 3) Agree to the Constitution Review Group, organising a review of the business items for Council and report to Audit and Governance Committee to consider and review the proposals prior to a report back to Council with all additional recommendations

*(Moved by Councillor D Cook and seconded by Councillor R Pritchard)*

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The Mayor

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TUESDAY, 17<sup>TH</sup> JULY 2018

### REPORT OF THE PORTFOLIO HOLDER FOR HERITAGE AND GROWTH

#### COMMUNITY INFRASTRUCTURE LEVY

##### EXEMPT INFORMATION

None

##### PURPOSE

To consider the outcome of public consultation on the Regulation 123 List, Infrastructure Delivery Plan and Planning Obligations Supplementary Planning Document and to approve the Tamworth Borough Council Community Infrastructure Levy (CIL) Charging Schedule arising from the Planning Inspectorate's report of the examination for adoption and implementation. The Infrastructure Delivery Plan and Regulation 123 List that sit alongside the Charging Schedule to be published and a new Planning Obligations Supplementary Planning Document to be adopted.

##### RECOMMENDATIONS

1. Council resolves to adopt and publish the Tamworth Borough Council Community Infrastructure Levy Charging Schedule and Local Policies contained in Appendix 1 and that the Charging Schedule and Local Policies be implemented from 1<sup>st</sup> August 2018, in line with the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended).
2. Council resolves to publish the Infrastructure Delivery Plan contained in Appendix 2 alongside the CIL Charging Schedule and that arrangements for the approval of subsequent revisions to the Infrastructure Delivery Plan be considered by Cabinet.
3. Council resolves to publish the Regulation 123 List, in accordance with the Community Infrastructure Levy Regulations 2010, contained in Appendix 3, alongside the CIL Charging Schedule and that arrangements for the approval of subsequent revisions to the Regulation 123 List be considered by Cabinet.
4. Council resolves to adopt the Planning Obligations Supplementary Planning Document (2018), contained in Appendix 4 and it will be a material consideration in future decision making on planning applications.
5. Council resolves to revoke the existing Planning Obligations Supplementary Planning Document (2007) and the Open Space for New Development Supplementary Planning Document (2007).
6. Council resolves that a report will be submitted to a future Cabinet meeting to consider governance arrangements for the distribution of CIL funding.
7. Council note Appendix 6 CIL notice of adoption (required under the CIL regulations 2010); Appendix 7 notice of revocation of existing SPD's (Planning Obligations July

2007 and Open Space for New Residential Development SPD July 2007); and Appendix 8 Obligation SPD Adoption Statement (Planning Obligations 2018). The notices in Appendix 7 and Appendix 8 are required under the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and will be published following the decision of Council.

## **EXECUTIVE SUMMARY**

The Community Infrastructure Levy (CIL) is a means of securing funding from development towards the provision of infrastructure to support the development of the Borough. Once CIL is adopted it will replace Section 106 agreements that secure developer contributions to deliver infrastructure improvements in many cases but not all. Affordable housing will continue to be secured through a Section 106 Agreement as well as any site specific mitigation measures.

The Tamworth Borough Council Draft Charging Schedule (DCS) and supporting evidence was submitted to the Planning Inspectorate in August 2017 in order to facilitate a Public Examination including a public hearing on 1<sup>st</sup> November 2017 at Marmion House. The examiner recommended that changes be made to some of the information supporting the Draft Charging Schedule (the charging rates remained as submitted) and that further public consultation on the proposed modifications to the DCS be carried out. The Council amended the schedule and consulted on it between 22<sup>nd</sup> November 2017 and 20<sup>th</sup> December 2017 during which a small number of responses were received.

The final examiners report was issued 13<sup>th</sup> February 2018 and stated "...the Tamworth Borough Council Community Infrastructure Levy Draft Charging Schedule For Submission provides an appropriate basis for the collection of the levy in the area. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk".

The DCS includes policies on instalments, exceptional circumstances relief and payment in kind. The regulations allow councils to set a local instalment policy (The Community Infrastructure Levy (Amendments) Regulations 2011) to assist with development cashflow and reduce up-front costs to ensure economic viability. There is provision for providing relief where development cannot afford to pay CIL where a Section 106 Agreement exists, appropriate financial evidence showing that paying the full CIL charge would make the development unviable and that any relief would not constitute state aid. A payment in kind policy will allow the Council to receive land or items of infrastructure (subject to appropriate valuations procedures) provided by a developer in place of CIL monies. In adopting the Charging Schedule, Council will also be adopting these local policies.

The CIL Regulations require that the Tamworth Borough Council Community Infrastructure Levy is approved through a resolution of the Full Council. The Cabinet report of 5<sup>th</sup> April 2018 'CIL and Planning Obligations' requested Council to adopt the Charging Schedule as well as approval to commence consultation on the Regulation 123 List, Infrastructure Delivery Plan and Planning Obligations Supplementary Planning Document and for Council to consider adoption.

During the examination of the DCS, it was evident that the Regulation 123 List and Infrastructure Delivery Plan required further work to bring them up to date to support the DCS. Officers have updated both documents in consultation with internal service areas, Staffordshire County Council and partner organisations. The updated documents were then consulted on between 16<sup>th</sup> April 2018 and 30<sup>th</sup> May 2018. The comments received during the consultation and the responses to them, including any changes made to the documents as a result, are contained in Appendix 5. Where appropriate, the documents have been amended in light of the comments received. The Regulation 123 List can be amended should spending priorities change without the need for an examination but consultation on the changes will need to be carried out. The Assistant Director Growth and Regeneration has delegated

authority to amend and publish the Regulation 123 List under the Council's scheme of delegation.

Similarly the Planning Obligations SPD has been updated and consulted on at the same time as the Reg 123 List and IDP. The opportunity has been taken to prepare a new SPD to take account of CIL and changes to the application of Section 106 agreements and other relevant matters.

It is likely that there will be a lead in time before any money is received by the authority through CIL and some time before funds start to accumulate. The Council will be required to allocate at least 15% of Levy receipts to spend on priorities agreed with the local community. A future Cabinet report will set out the arrangements for distributing and spending CIL funds and decision making processes.

Following decision of Council, the documents will be reformatted as final documents and 'Draft' removed from them and a date of August 2018 will be attached.

### **OPTIONS CONSIDERED**

There is no requirement to have a CIL in place and the Council could decide not to adopt CIL and continue to secure contributions through Section 106 Agreements. CIL provides a more efficient and transparent process to secure higher contributions towards vital infrastructure that also avoids pooling restrictions posed by the Section 106 agreements

### **RESOURCE IMPLICATIONS**

The cost of preparing and submitting the Draft Charging Schedule and subsequent consultation as well as the examination in public has been funded from existing service budgets. There will be ongoing revenue implications of administering the CIL (staff time, potential purchase of new system and maintenance of) however the Council can use funds from the levy to recover the costs of administering the levy. Regulation 61, as amended by the 2014 Regulations allows the Council to spend up to 5% of the total levy receipts on administrative expenses. This is to ensure that the overwhelming majority of revenue from the levy is directed towards infrastructure provision. Where an authority spends less than its permitted allowance on administrative expenses, it must transfer the remaining allowance for use on capital infrastructure projects.

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

The Planning Act 2008 (as amended) and CIL Regulations 2010 (as amended) list the requirements for adopting a levy. The Charging Schedule has undergone an Examination by an Independent Examiner and was found to be compliant with the relevant legislation and statutory guidance. The Council has had regard to the Examiner's recommendations and incorporated them within the Charging Schedule in accordance with the Planning Act 2008 (as amended).

The CIL Regulations and Planning Practice Guidance state that the Charging Schedule shall be formally approved by a resolution of Full Council and that the resolution should include an appropriate implementation date. The proposed commencement date is 1<sup>st</sup> August 2018.

An Annual Report of CIL income and expenditure will be required and Officer's will ensure this is provided. In addition, governance arrangements will need to be considered and approved for allocation and spending of CIL funds including the neighbourhood portion that should be identified separately. This will be the subject of a future Cabinet report.

The CIL regulations also require publication, by local advertisement, of a notice of adoption of the Charging Schedule a copy of which is attached in Appendix 6. A notice of revocation of the Planning Obligations SPD (July 2007) and Open Space for New Residential

Development SPD (July 2007) is also required under the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). A copy of the notice is included in Appendix 7. An Adoption Statement relating to the Planning Obligations SPD 2018 is also required under the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and this will be published on the Council's website shortly after adoption.

### **SUSTAINABILITY IMPLICATIONS**

The Community Infrastructure Levy with the IDP and Reg 123 List will support the development of the borough and secure necessary infrastructure investment. This will mitigate potential adverse development impact and support the principle of sustainable development as promoted within the Tamworth Local Plan and the National Planning Policy Framework.

### **BACKGROUND INFORMATION**

#### **REPORT AUTHOR**

Sushil Birdi x279

Matt Bowers x276

#### **LIST OF BACKGROUND PAPERS**

Cabinet report 5<sup>th</sup> April 2018 – 'Community Infrastructure Levy'.

#### **APPENDICES**

Appendix 1 Tamworth Borough Council Charging Schedule and Local Policies

Appendix 2 Tamworth Infrastructure Delivery Plan

Appendix 3 CIL Regulation 123 List

Appendix 4 Planning Obligations Supplementary Planning Document 2018

Appendix 5 Summary of consultation – Planning Obligations SPD, IDP and Reg 123 List.

Appendix 6 CIL Notice of Adoption

Appendix 7 Notice Revocation of Existing SPD's

Appendix 8 SPD Notice of adoption





# **Tamworth Borough Council Community Infrastructure Levy**

**Draft Charging Schedule and Local  
Policies**

**April 2018**

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## **1. Introduction**

- 1.1 The Community Infrastructure Levy (CIL) is a tariff upon development which Local Authorities can charge in order to raise funds to contribute towards the delivery of new infrastructure which is needed to support the future development of the area. The Community Infrastructure Levy Regulations 2010 (subsequently amended) (the Regulations) provided the ability to charge a CIL on development.

## **2. Regulations and evidence base**

- 2.1 The Council adopted the Tamworth Local Plan 2006-2031 in February 2016. Two reports<sup>1</sup> were prepared to illustrate the impact of the Local Plan on development viability and demonstrate a range of potential CIL charges on different types of development. A third report<sup>2</sup> was commissioned to address issues raised during the Draft Charging Schedule consultation. All three reports were consolidated and updated in the Tamworth CIL Update Report 2017.
- 2.2 The Infrastructure Delivery Plan sets out a range of strategic and local infrastructure needs which support the Local Plan and forms the basis of the list of infrastructure projects or types of infrastructure which will be wholly or partly funded by CIL (referred to as the Regulation 123 list).
- 2.3 The Draft Charging Schedule document comprises the Draft Charging Schedule and accompanying plans within Appendix A. The Draft Charging Schedule and CIL Maps in Appendix A have been through examination.
- 2.4 The Local Policies within Section 5 are not part of the Charging Schedule but support the implementation of the schedule. The Local Policies provide clarity in circumstances that may require flexibility in order to assist development viability and deliverability. Local Policies will be updated as necessary within a revised document, however, the Draft Charging Schedule and CIL maps will only change following examination.
- 2.5 Together the Local Plan, the IDP and the Whole Plan Viability Assessment form the basis of the CIL evidence base. It is these documents which have shaped the Charging Schedule.

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<sup>1</sup> Whole Plan Viability, Affordable Housing and CIL Study 2014; Whole Plan Viability Addendum 2015

<sup>2</sup> Tamworth Preliminary Draft Charging Schedule responses Review and Technical Note, 2016

### 3. **CIL Charging Schedule**

3.1 The Schedule has been issued, approved and published in accordance with Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended).

3.2 The CIL rates in the table below expressed as pounds per m<sup>2</sup> apply to eligible development within the charging areas shown in Appendix A.

**Date of approval:** To be inserted

**Date charging schedule takes effect:** To be inserted

<b>Land Use</b>	<b>Criteria</b>	<b>CIL Rate per square metre</b>
Residential	One or two unit residential schemes	£0
Residential	Residential schemes between 3 and 10 units	£68
Residential	Residential schemes of 11 or more units	£35
Specialist Residential	Retirement dwellings, extra care and care homes*	£0
Out of Centre Retail	Comparison and convenience retail development located outside the Town Centre, Local Centres and Neighbourhood Centres as defined in the accompanying Charging Zones Maps	£200
In Centre Retail	Comparison and convenience retail development located inside the Town Centre, Local Centres and Neighbourhood Centres as defined in the accompanying Charging Zones Maps	£0
All other development	None	£0

## Definitions:

\* Retirement dwellings – Also known as sheltered housing, these are usually groups of dwellings, often flats and bungalows, which provide independent, self-contained homes often with some element of communal facilities, such as a lounge or warden.

Extra care – Also known as assisted living, this is housing with care whereby people live independently in their own flats but have access to 24-hour care and support. These are usually defined as schemes designed for an elderly population that may require further assistance with certain aspects of day to day life.

Care homes – Residential or nursing homes where 24-hour care is provided together with all meals. Residents usually occupy under a licence agreement.

## **Exemptions and Relief**

3.2 Part 6 of the Regulations sets out a number of types of development which are eligible for exemption or relief from CIL. Further details can be found within the Regulations however the main types of relief from CIL are:

- Minor development – where the gross internal area of a new build would be less than 100 square metres;
- Charitable relief - where a charity has a material interest in the land and the development will be used wholly or mainly for charitable purposes;
- Social housing relief;
- Residential extensions and annexes;
- Self-build properties including communal self-build development.

## **Calculation of Chargeable Amount**

3.3 CIL liability is calculated in £s per square metre applied to the gross internal floorspace created by the development. Where more than one chargeable rate applies to the development, each of the appropriate rates will be applied to the relevant floorspace in accordance with Regulation 40 of the Regulations.

3.4 The chargeable rate is also subject to an annually updated index of inflation using the national All-In Tender Price Index of Construction Costs published by the Royal Institute of Chartered Surveyors.

3.5 Payment is due when development commences for which permission was granted after adoption of the Charging Schedule. Further details can



be found in the CIL guidance on the Tamworth Borough Council website: [www.tamworth.gov.uk/CIL](http://www.tamworth.gov.uk/CIL).

#### **4. Monitoring and Review**

- 4.1 As part of the Council's annual monitoring regime a report will be published which will set out how much CIL money has been received and the infrastructure to which that money will be applied.
- 4.2 The Council needs to ensure that the CIL rates remain appropriate over time. The Tamworth CIL Charging Schedule will be kept under review, taking into account changing economic circumstances and viability. In addition to taking account of changes in market conditions the Council will consider revising the charging schedule in conjunction with any substantive review of the Local Plan

#### **5. Local CIL Policies**

##### **Instalments**

- 5.1 The Regulations allow councils to set an instalments policy to assist with development cash flow, reducing up-front costs to ensure economic viability. The table below sets out the instalments policy that will be applied:

Total CIL Liability	Number of Instalments	Payment period and amount
Amount less than £25,000	Single payment	100% payable within 60 days of commencement date
Amounts between £25,001 and £100,000	2 instalments	1st instalment – 25% payable within 60 days of commencement date 2nd instalment – 75% payable within 240 days of commencement date
Amounts between £100,001 and £500,000	3 instalments	1st instalment – 25% payable within 60 days of commencement date 2nd instalment – 25% payable within 240 days of commencement date 3rd instalment – 50% payable within 540 days of commencement date But the full balance is payable on completion of the development if this occurs before any of the due instalment dates

Amounts between £500,001 and £1,000,000	4 instalments	1st instalment – 20% payable within 60 days of commencement date 2nd instalment – 20% payable within 240 days of commencement date 3rd instalment – 30% payable within 540 days of commencement date 4th instalment – 30% payable within 730 days of commencement date The full balance is payable on completion of the development if this occurs before any of the due instalment dates
Amounts over £1,000,000	4 instalments	Negotiated on a case by case basis

### ***Exceptional circumstances***

5.2 In exceptional circumstances, such as where a particular development proposal cannot afford to pay CIL, the Council offers a process for giving relief from CIL. This will avoid making sites which have very significant abnormal additional development costs unviable. Claims for relief will be considered on a case by case basis providing the following conditions are met:

- A S106 agreement relating to the permitted chargeable development must exist.
- Evidence must be submitted to the Council to show that paying the full CIL charge would make the development unviable. Any viability evidence must be prepared by a suitably qualified independent professional.
- Relief from CIL must not constitute notifiable state aid.

### ***Payment in kind***

5.3 There may be circumstances where it would be appropriate for the Council to receive land or items of infrastructure provided by the developer in lieu of CIL monies. The Regulations allow the Council to accept land transfers and/or construction of infrastructure as payment for the whole or part of the CIL liability, subject to appropriate valuation procedures. This will be considered on a site by site basis in accordance with the Regulations.

5.4 The types of infrastructure that the Council will consider accepting as payment will be the same as those set out in the Regulation 123 list and a land or infrastructure agreement must be entered into.

## **6. *How will CIL be spent?***

- 6.1 In accordance with Regulation 123 of the Regulations, the Council has produced, and will maintain and update, a list of infrastructure projects that it intends to fund in full or in part from CIL receipts. The contents of the list are informed by the IDP. Where items on the Regulation 123 list are to be delivered by other bodies, such as Staffordshire County Council, the Council will pass funds on to those bodies for the purposes of delivering the specific items of infrastructure.
- 6.2 The Regulations require that a proportion of CIL receipts are passed to Parish or Town Councils where development is taking place. Tamworth is unparished and therefore the Council will establish a separate process to define meaningful neighbourhood(s) across the Borough. The regulations set this amount at 15%, which then rises to 25% where a group has an adopted Neighbourhood Plan.

## **7. *Other planning obligations***

- 7.1 The CIL is intended to provide infrastructure to support the development of Tamworth, rather than to make individual planning applications acceptable in planning terms. As a result, dependent on the nature and scale of the proposed works, a developer may still be required to enter into other agreements to provide site specific impact mitigation even where the development is eligible to pay CIL. This could include agreements under S106 of the Town and Country Planning Act 1990 (as amended) and S278 of the Highways Act 1980 (as amended).
- 7.2 Planning obligations will only be required for specific items of infrastructure required to make a development acceptable in planning terms and cannot be applied to any item of infrastructure that is listed on the Council's up to date Regulation 123 list. This is intended to avoid developments paying for the same item of infrastructure twice.



# **Appendix A – CIL Charging Zones Maps**



# CIL Residential Charging Zones Map



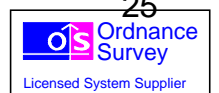
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## CIL Residential Charging Zones

Residential charging zone

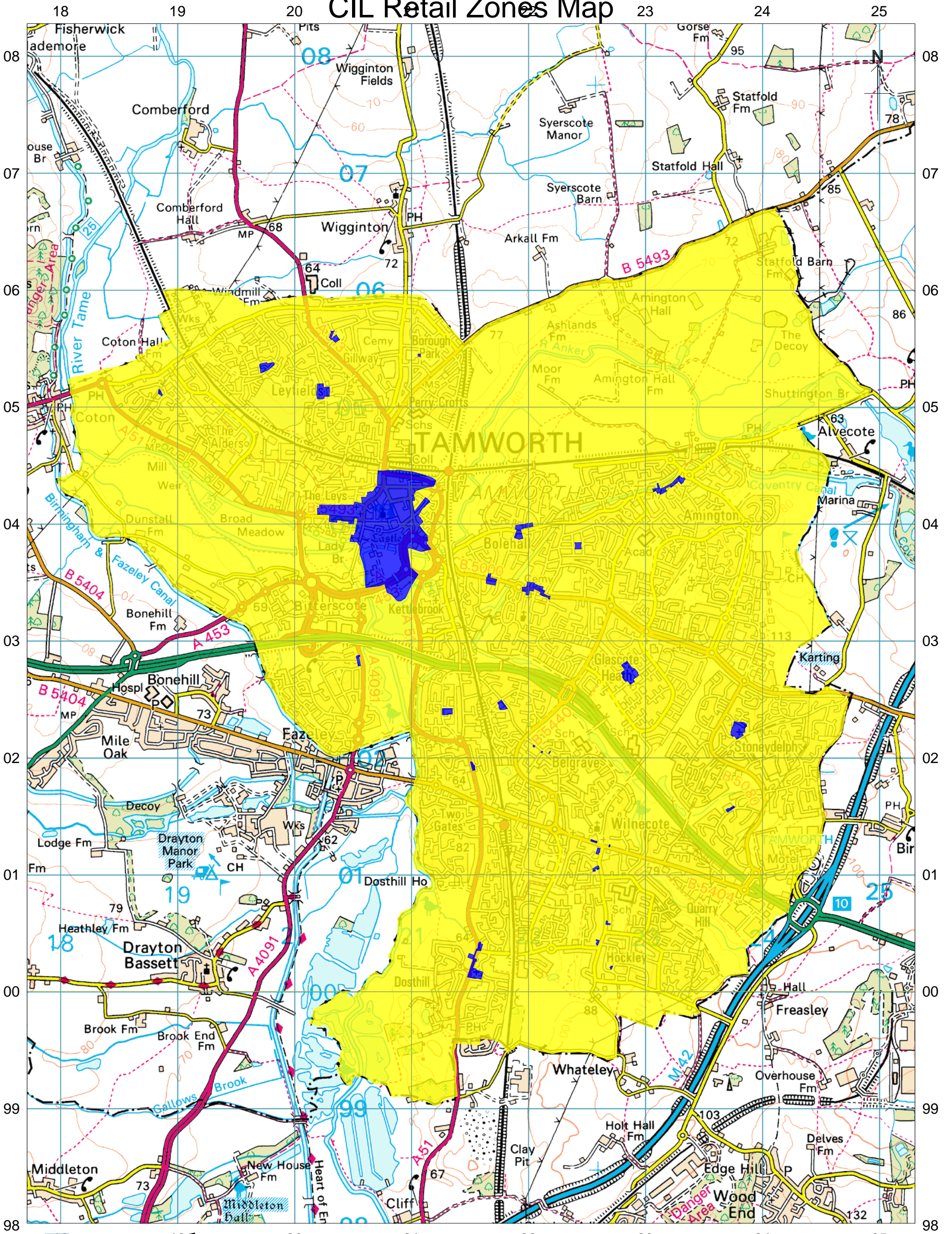
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# CIL Retail Zones Map



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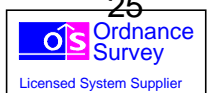
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## CIL Retail Charging Zones

- In centre retail zone
- Out of centre retail zone

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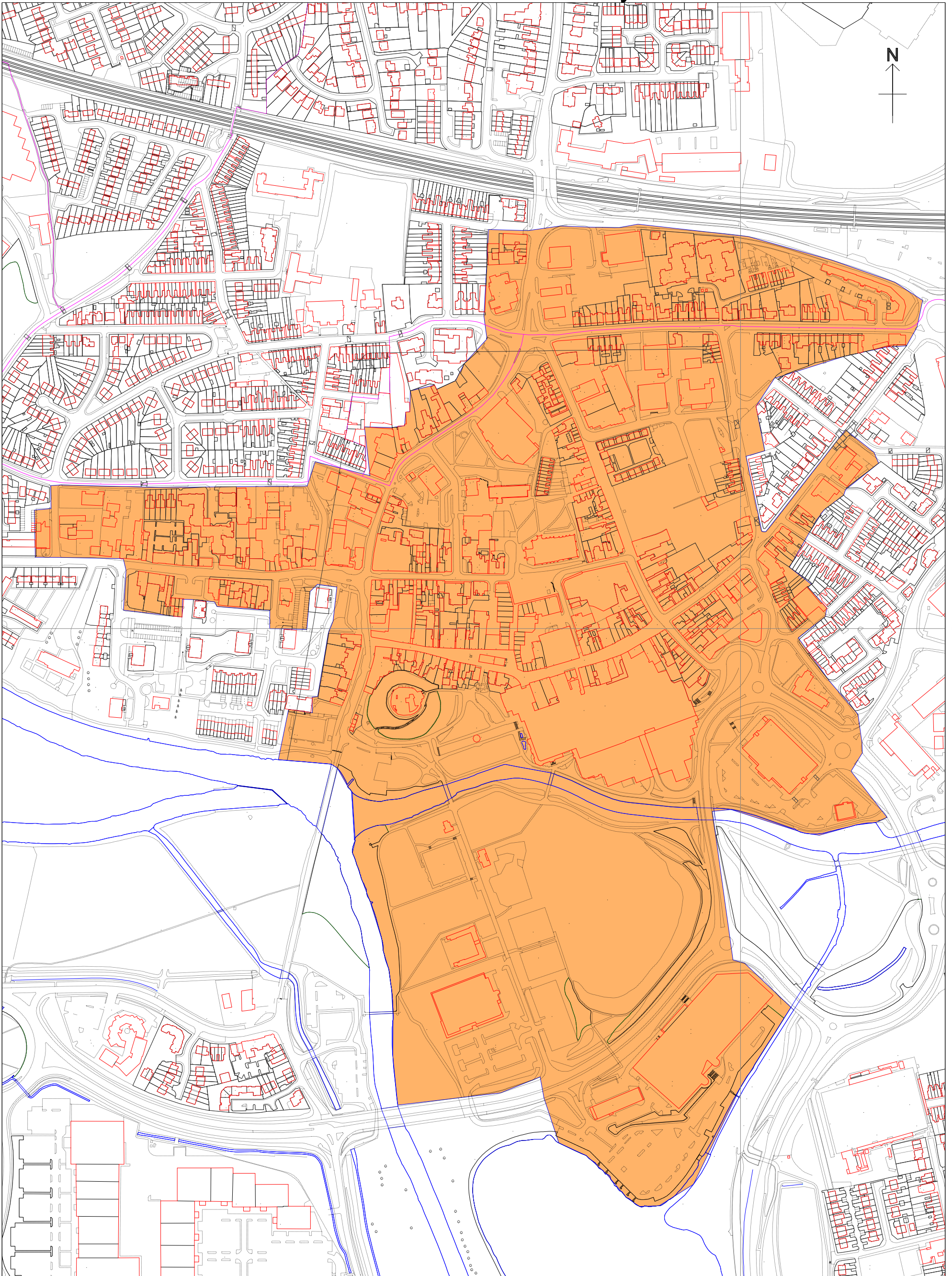


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# Town Centre Boundary

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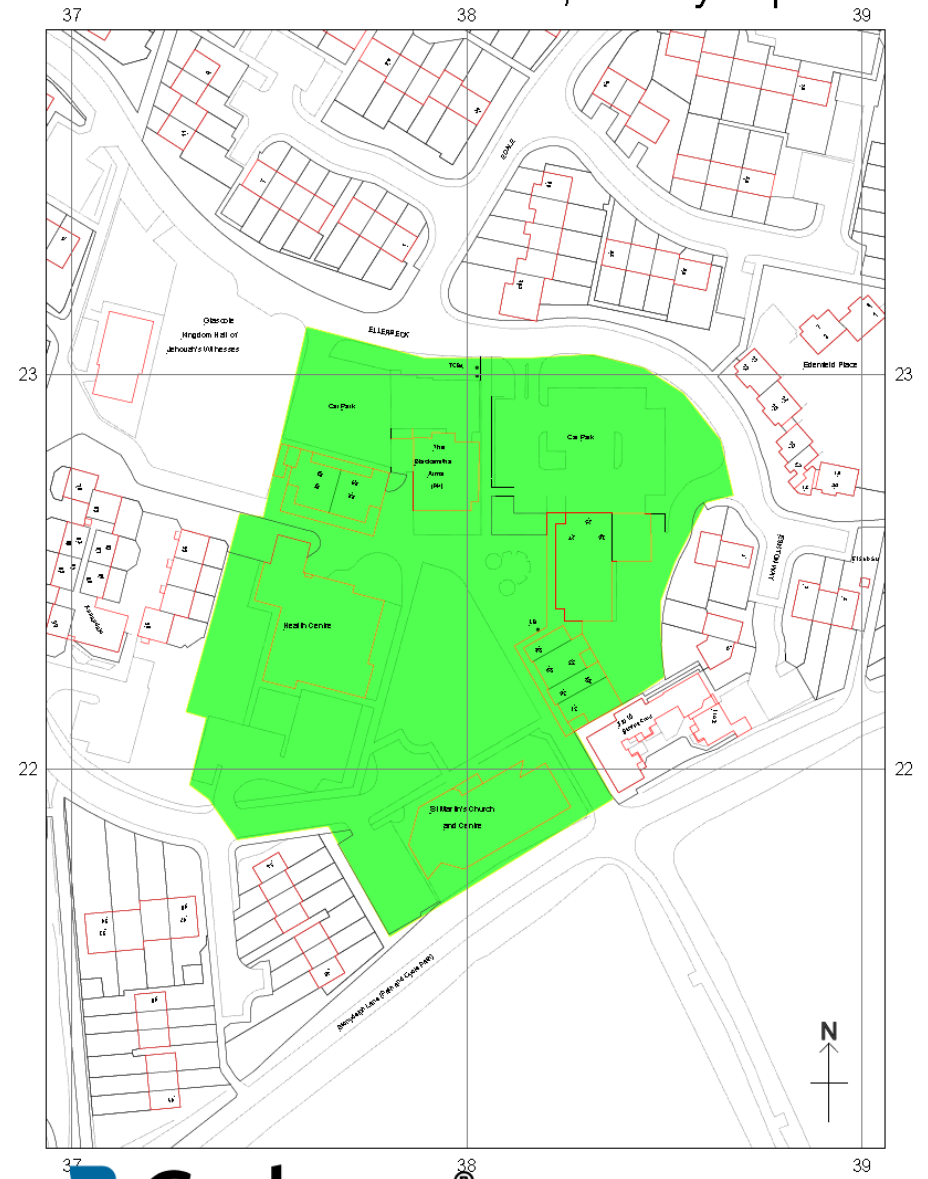


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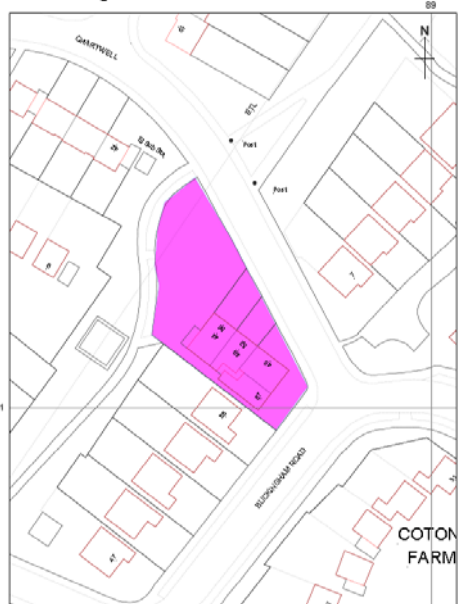
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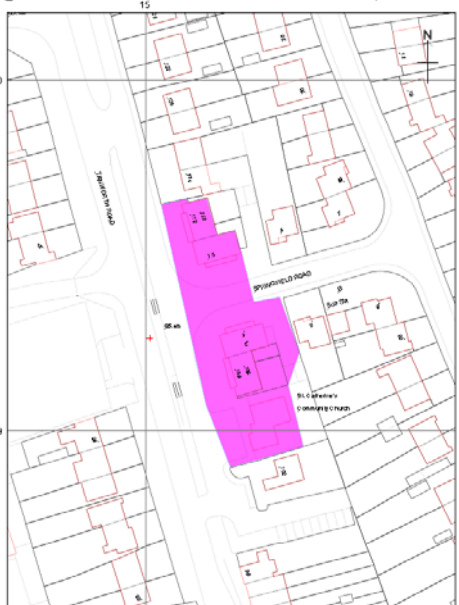
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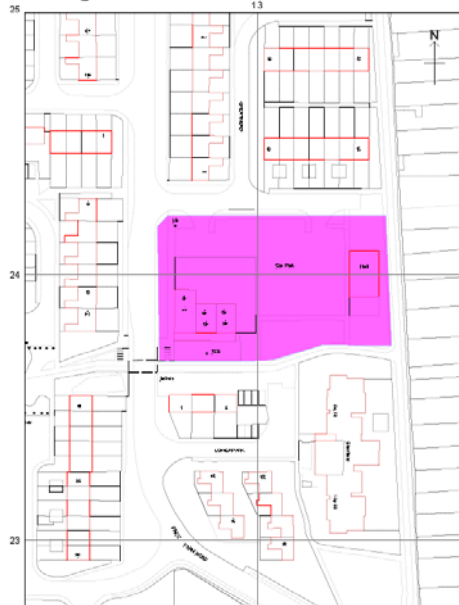
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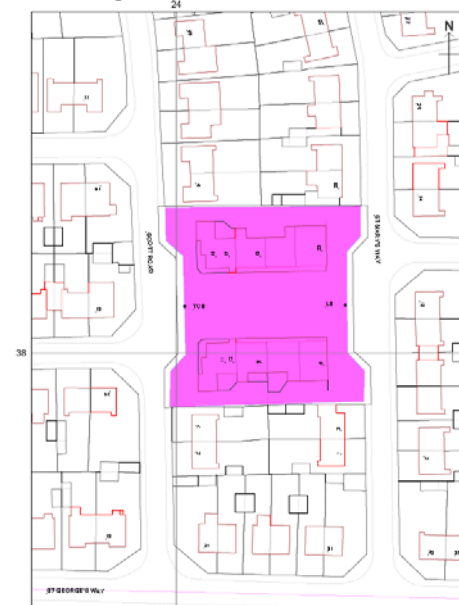
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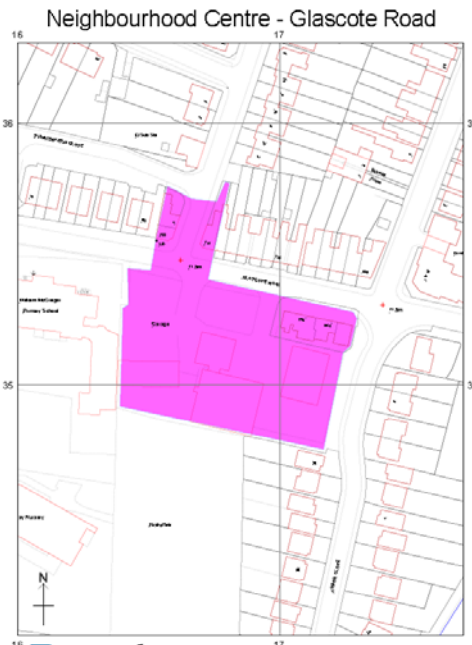


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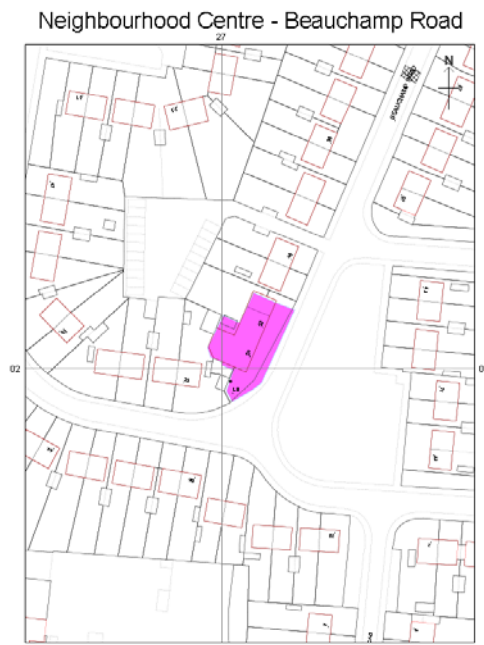
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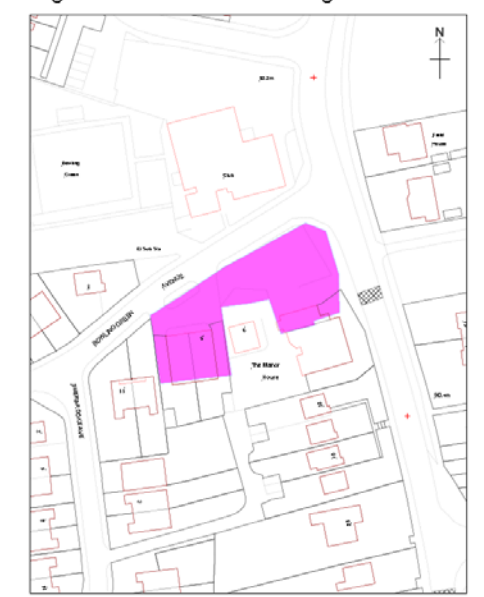


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**Tamworth Borough Council  
Infrastructure Delivery Plan  
DRAFT XXXX 2018**

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## **Introduction**

The Infrastructure Delivery Plan (IDP) is a key part of the Tamworth Local Plan 2006-2031. The IDP is an important document which details what infrastructure projects are required to deliver the growth outlined in the Local Plan. The IDP is a 'live' document and as such is monitored and updated periodically. During the process of writing this document, infrastructure partners updated progress on projects in the original IDP. Projects still ongoing or yet to start have been transferred to the 2018 IDP. New projects suggested by infrastructure partners were detailed and included in the new IDP. For information, completed projects from the previous IDP are set out in Appendix A.

## **Background**

The 2014 IDP was put together by the Infrastructure Delivery Board, which brought together partners from Tamworth Borough Council, Staffordshire County Council, neighbouring authorities and infrastructure delivery partners such as Highways England and the Environment Agency.

The 2014 IDP formed part of the Local Plan 2006-2031, which was adopted in February 2016. The IDP is an important part of the Local Plan, ensuring that it is robust and deliverable; setting out the transport, public realm, green infrastructure, sport, culture, education and employment infrastructure required to support the borough's growth to 2031.

## **Scope of the Infrastructure Delivery Plan**

The aim of the IDP is to establish what infrastructure needs to be delivered, when and by which provider, to support the development set out in the Local Plan. Where appropriate the sources of funding and possible cost of infrastructure are provided. The costs are based on best available information at the time of publication and may be subject to change.

This IDP focuses on meeting the infrastructure priorities for Tamworth and should be seen as a tool to ensure that the Local Plan is deliverable. Infrastructure requirements in this IDP have been compiled from Infrastructure still to be delivered from the 2014 IDP (Appendix B of the Local Plan) and further consultation with Infrastructure Providers.

## **Policy context**

### **National policy**

The National Planning Policy Framework (NPPF), paragraph 162, states in relation to infrastructure that:

*'Local planning authorities should work with other authorities and providers to:*

- *Assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat). Telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands: and*
- *Take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.'*

Of particular importance for the Tamworth IDP is Core Planning Principle 12 in paragraph 17 of the NPPF, that planning should:

*'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.'*

The Council is aware that the Government is undertaking a review of the NPPF. At the time of writing there are draft proposals out to consultation. Whilst this has a potential to affect how the Council deals with infrastructure needs it is not anticipated that any changes will be so significant as to affect the contents of this document in the short term. This document will be kept under review and where any changes to national policy or guidance require it, the document will be updated accordingly.

### **Local policy**

The Local Plan was adopted by full Council in February 2016. It sets out the vision and spatial strategy for Tamworth up to 2031 and allocates parts of the town for new homes and employment required to meet local needs. It also sets out policies and guidance for new development in Tamworth including policies to ensure that appropriate supporting infrastructure is delivered and the area's built and natural environment is protected and enhanced. An overview of how the Local Plan is progressing can be found in the Tamworth Borough Council Monitoring Report 2016-17.

Providing Infrastructure to enable growth as set out in the Local Plan is outlined in:

**Strategic Spatial Priority 6 (SP6):** *To ensure that appropriate infrastructure is in place to support the delivery of development across the borough; and*

**Policy IM1** – Infrastructure and Developer Contributions, which aims to address SP6 and states that developer contributions will be sought towards the provision of appropriate infrastructure where needs arise as a result of new development.



<b>This policy aims to address Strategic Spatial Priority SP6</b>
<b>IM1 Infrastructure and developer contributions</b>
<p>Planning permission for new development will only be granted if it is supported by appropriate infrastructure at a timely stage. Developer contributions will be sought where needs arise as a result of new development, the infrastructure delivery plan specifies the infrastructure required, when and where it will be needed in the plan and how it could be funded.</p> <p>Key strategic infrastructure required to support development:</p> <ul style="list-style-type: none"><li>a) improving quality, access and links to; the town centre and local and neighbourhood centres; green and blue infrastructure and the open space network; and public realm in accordance with policies EC2, EC4, EC5, HG2, HG3, EN2, EN3, EN4 and EN6.</li><li>b) provision of appropriate sport and recreation facilities and new and improved open space in accordance with policy SU7.</li><li>c) improving accessibility and links by means of public transport, cycleway and pedestrian access to, community facilities and open space to deliver strategic urban extensions and housing allocations in accordance with policies HG1, HG2, EC5 and EC6.</li><li>d) cross-boundary infrastructure to help deliver and mitigate the effects of Tamworth related future development.</li><li>e) improvements to transport infrastructure, in accordance with policies EC6, HG1, HG2, SU1 and SU2.</li><li>f) climate change mitigation measures in accordance with policy SU3.</li><li>g) water management measures where required, in accordance with policy SU4.</li></ul> <p>Key service and site-specific infrastructure required to support development are:</p> <ul style="list-style-type: none"><li>h) affordable housing, as set out in policy HG4.</li><li>i) new and expanded community facilities, in accordance with policy SU6.</li><li>j) new and expanded school facilities, in accordance with policies HG2 and SU6.</li><li>k) emergency services related infrastructure, including police services, in accordance with SU6.</li><li>l) water supply and waste water drainage</li><li>m) supporting service infrastructure.</li></ul>

Delivery of policy IM1 is the basis for the IDP, which details infrastructure projects that will assist the delivery of the Local Plan. Projects set out in the IDP are intended to support delivery of the objectives set out in the Local Plan and may receive funding from a number of sources including being funded wholly or partly by developer contributions.

## **Wider context**

The administrative boundary of Tamworth Borough is tightly drawn around the urban form and it is widely acknowledged that it cannot provide all the housing and infrastructure required within the borough. To that end a Memorandum of Understanding was signed in 2014 with Lichfield District Council and North Warwickshire Borough Council to agree that part of Tamworth's unmet housing and employment needs will be provided by the two neighbouring authorities. This commitment to provide Tamworth's unmet need has been carried forward into the latest iterations of both the Lichfield and North Warwickshire Local Plans.

Cooperation and joint working on developments on the border of Tamworth, where populations will inevitably utilise Tamworth infrastructure, is key. Work is continuing with these partners to look at wider infrastructure requirements to deliver growth required in all three areas. Tamworth infrastructure requirements from developments outside the administrative boundary will be negotiated on a case by case basis, dependent on need.

## **Developer contributions**

Developers may be asked to provide contributions towards infrastructure in several ways such as by way of the Community Infrastructure Levy or planning obligations in the form of section 106 agreements and section 278 highway agreements. In some instances a combination of these methods may be required. Further details on the types of contributions that may be sought can be found in the Tamworth Borough Council Planning Obligations Supplementary Planning document, available on the Council's website.

## **Infrastructure requirement categories**

1. Water and flooding
2. Waste
3. Transport
4. Energy
5. Communications
6. Sport and culture
7. Open space and recreation
8. Health and emergency services
9. Education
10. Environmental and strategic green infrastructure
11. Public realm

## 1. Water and flooding

Water and flooding infrastructure	
Main providers/partners	Environment Agency, Staffordshire County Council, Tamworth Borough Council, Severn Trent Water, South Staffordshire Water
Existing capacity and recent provision	<p>Tamworth Borough has developed alongside the confluence of the Tame and the Anker rivers with 25% of the Borough within floodplain. The 2009 Humber Basin Management Plan States that the River Tame has a 'poor' ecological status and the River Anker 'moderate' ecological status, with both rivers being assigned protected status under the Freshwater Fish (2006), Nitrates (1991) and Urban Wastewater Treatment (1991) European Directives.</p> <p>Tamworth Borough Council is responsible for an extensive network of blue infrastructure, including Sustainable Urban Drainage Systems (SUDS), ponds and flood plains and ordinary watercourses.</p>
Specific provision initiatives	Tamworth Borough Council work in partnership with infrastructure providers to deliver projects that mitigate the increase in population. Severn Trent Water are investing in upgrades to the local sewerage network to cope with future additional flows from the developments in the north-east of the borough and across the border in Lichfield district. A number of persistent flooding problems occur in the borough, mainly due to ageing land drainage infrastructure. Specific projects have been added to the IDP.
Underlying demand trend	New development in Tamworth and on its borders will create increased demands. Sensitive areas will be used more and management will need to reflect this and mitigate any increased use.
Non-developer funding sources	Environment Agency, Tamworth Borough Council, Tame Valley Wetlands Partnership, Severn Trent Water, Staffordshire County Council.
Developers funding arrangements	Developer contributions via Community Infrastructure Levy. S106 contributions for site-specific mitigation.

Identified projects

Scheme	Strategic spatial priorities	Cost	Funding sources	Delivery agencies	Project progress	Status
Flood Defences	SP11	£75,000 yearly	Environment Agency (EA), developer contributions where they meet the tests of Reg122 of CIL Regulations 2010 (as amended)	Environment Agency	Yearly cost of maintaining existing flood defences	Ongoing
Canoe Trail	SP8, SP11	£unknown	TBC, Tame Valley Wetlands Partnership(TVWP), EA	TBC, EA, TVWP	Work started on improving the ingress and egress at particular points along the river to assist canoeists taking a circular route in Tamworth.	Ongoing
A5 balancing ponds	SP8, SP11	£600k	TBC, developer contributions	TBC	20 year management plan for all balancing ponds owned by TBC. Additional funding will be required	Ongoing
Management of watercourses	SP8, SP11	£40,000	TBC, developer contributions	EA, TBC	Management of TBC owned and managed watercourses, to improve access and/or environmental protection.	Ongoing
Access improvements to blue infrastructure	SP8, SP11	£unknown	TBC, developer contributions, EA	TBC, EA	TBC own and maintain numerous watercourses and bodies of water and wetland areas. Increasing appropriate/sensitive access to these is a priority.	Ongoing

Sewerage improvements	SP11	£1million	Severn Trent Water	Severn Trent Water	Severn Trent Water are upgrading the local sewerage network to cope with future additional flows from the Anker Valley, Browns Lane and potentially Arkall Farm	Due to complete in 2019
Amington Road under viaduct	SP8, SP11	£unknown	Developer contributions	SCC	Work required as road floods due to high levels in main river	Not started
Amington Hall Lodge, Ashby Road	SP8, SP11	£unknown	Developer contributions	SCC	Remedial work required as house floods due to ageing land drainage system	Not started
Dunstall Lane, Ventura Park	SP8, SP11	£unknown	Developer contributions	SCC	Roadside ditch requires work (confusion over land ownership)	Not started
Emberton Way and Whitley Avenue, Amington	SP8, SP11	£unknown	Developer contributions	SCC	Work required on ageing land drains	Ongoing
Glascote Road/Neville Street	SP8, SP11	£unknown	Developer contributions	SCC	Work required on ageing land drainage infrastructure	Not started
Hedgeing Lane, Wilnecote	SP8, SP11	£unknown	Developer contributions	SCC	Work required on ageing land drainage infrastructure	Not started
Jonkel Avenue, Tamworth	SP8, SP11	£unknown	Developer contributions	SCC	Work required on ageing land drainage infrastructure	Not started
Kettle Brook culverts	SP8, SP11	£unknown	Developer contributions	SCC	Work required on ageing land drainage infrastructure	Not started
Lichfield Road Industrial	SP8, SP11	£unknown	Developer contributions	SCC	Work required on land drainage, particularly debris problems and water held	Not started

Estate					back during events in the Tame (query over ownership)	
Orchard Street, Tamworth	SP8, SP11	£unknown	Developer contributions	SCC	Work required on ageing land drainage infrastructure	Not started

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## 2. Waste

Waste infrastructure	
Main providers/partners	Staffordshire County Council (SCC) and Warwickshire County Council (WCC)
Existing capacity and recent provision	<p>In 2007, planning commenced to procure an “Energy from Waste” facility in South Staffordshire. This facility would treat waste from surrounding areas, like Warwickshire, but appropriate bulking facilities and infrastructure was required to maximise logistical efficiency for waste deliveries. During this time, it was also recognised that the residents of Tamworth and North Warwickshire required a Household Waste Recycling Centre (HWRC).</p> <p>The Lower House Farm HWRC and Waste Transfer Station (located at Baddesley Ensor) was therefore constructed as a combined facility between Staffordshire County Council and Warwickshire County Council, providing capacity for local district/borough councils to deliver kerbside collected waste, and providing a convenient location for residents to dispose of additional waste not collected through their kerbside collections.</p> <p>Both the HWRC and Transfer Station were designed with growth in mind, with sufficient capacity to accept additional waste created by additional housing development in the area, through both the kerbside collections and waste delivered to the HWRC.</p> <p>Recent work conducted by Warwickshire County Council indicates that current facility provision for the area is sufficient for existing and future housing stock in the area. Therefore, it is unlikely that additional waste facility capacity will be required as a result of the Local Plan proposals.</p>
Specific provision initiatives	<p>Would need to consider liaising with Lichfield and Tamworth Joint Waste Service (Lichfield DC and Tamworth BC waste team) to ensure developments take account of the waste collection service and vehicle access.</p> <p>Consideration of underground waste storage, different initiatives to encourage reuse/recycling, thus reducing residual waste where possible.</p>
Underlying demand trend	Additional houses will create additional waste, thus increasing demand on



	waste facilities, but as stipulated above, there is sufficient capacity.
Non-developer funding sources	Staffordshire County Council, Tamworth Borough Council.
Developers funding arrangements	Contributions towards kerbside collection infrastructure for additional houses (e.g. bins, storage facilities) via S106.

Identified projects

No specific projects identified as of March 2018.

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### 3. Transport

Transport infrastructure	
Main providers/partners	Tamworth Borough Council, Staffordshire County Council, Highways England, Department for Transport, Network Rail, Train Operating Companies
Existing capacity and recent provision	<ul style="list-style-type: none"> <li>- Capacity improvements on Gungate/Aldergate Corridor delivered 2015</li> <li>- Junction improvements and additional car park exits at Ventura Park implemented</li> <li>- Bus service provided between Tamworth and Birch Coppice employment area</li> <li>- Improvements to Tamworth rail station through National Station Improvement Programme 2013 – lighting, CCTV, platform access, cycle parking, wash rooms and waiting areas</li> <li>- West Coast Mainline regular rail services between Crewe and London via Stoke, Stafford, Lichfield, Tamworth and Rugby introduced late 2008 and has since been streamlined offering shorter journey times to and from London. From December 2018 these services will run direct from Stafford to Crewe shortening journey times. Capacity on these services will also be increased and there will be later last services.</li> </ul>
Specific provision initiatives	A number of schemes are being proposed that support the Local Plan in delivering needed infrastructure and mitigating traffic congestion around Tamworth. Highways England has proposed improvements to A5(T) Stonydelph and Mile Oak junctions and M42 junction 10.
Underlying demand trend	<p>There is a general trend towards increased congestion on the key radial routes in Tamworth</p> <p>TBC are awaiting Department for Transport Traffic Master data analysis for further up to date information.</p>
Non-developer funding sources	Staffordshire County Council – Integrated Transport Capital Programme, Highways England

Developers funding arrangements	S106, S278, CIL
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Identified projects

Scheme	Strategic spatial priorities	Cost	Funding sources	Delivery agencies	Project progress	Status
Footpath/cycleway Orkney Drive to Glascote Lane	SP2, SP4, SP5, SP6, SP7, SP12	£unknown	SCC, TBC, developer contributions	SCC, TBC	Opportunity to connect existing footpath network identified.	Not started
Footpath connection Tame village-Peel heights	SP2, SP4, SP5, SP6, SP7, SP12	£15,000	SCC, TBC, developer contributions	SCC, TBC	Temporary solution identified, long term solution currently being identified.	Ongoing
Midlands Rail Hub including Water Orton Rail Corridor Enhancement and New Local Train Service	SP2, SP12	Circa £1bn for Midlands Rail Hub	Unknown	Network Rail, Midlands Connect, WMR Ltd, Train Operating Companies and other partners	Midlands Rail Hub is a Midlands Connect priority scheme. It has also been identified within Network Rail's West Midlands and Chilterns Route Study This scheme is at a very early stage in development and does not have committed funding. The network along this corridor and in Birmingham is at capacity and this scheme is essential for creating the	Ongoing

					<p>extra capacity to enable new services to be operated.</p> <p>SCC is an active member of Midlands Connect and is working to shape the outcomes of the Midlands Rail Hub and rail corridor studies.</p> <p>This scheme is not expected to be delivered in full until 2032. In the meantime SCC is working with WMR Ltd on its Rail Investment Strategy to identify any early improvements that could enable a local service to be operated at an earlier date.</p>	
Platform Lengthening and Station Improvements at Wilnecote	SP2, SP12	unknown	TBC/SCC/developers, Network Rail, WMR Ltd, Train Operating Companies	TBC/SCC/developers, Network Rail, WMR Ltd, Train Operating Companies	<p>Wilnecote regeneration corridor masterplan/SPD will look at station and will inform specific projects</p> <p>SCC has identified Wilnecote its rail strategy within its rail strategy and will with the rail industry to identify any improvements that can be reasonably delivered.</p> <p>The Tamworth Integrated Transport Strategy will reflect improvements</p>	Ongoing

					identified as part of the regeneration masterplan.	
Canal corridor and Towpath	SP8, SP9	cost unknown	developer contributions	canal and river trust	Getting an update from canal and river trust	Ongoing
Gateways project Phase 3 Corporation Street/Church Street – sustainable transport and public realm enhancements.	SP2, SP7, SP8, SP9, SP10, SP12	£400,000	SCC, TBC, developer contributions	SCC/TBC	£20,000 integrated transport funding from SCC spent in 2017/18 for option appraisal and design work. Further phases to be identified. Utilise remaining S106 funding in first instance. Project identified in the Tamworth Integrated Transport Strategy 2015 – 31.	Ongoing
Gateways project Phase 4 Tamworth Rail Station	SP2, SP7, SP8, SP9, SP10, SP12	£400,000	SCC, TBC, Network Rail, /Train Operating Companies, WMR Ltd, developer contributions	SCC/TBC/ Network Rail/Train Operating Companies, WMR Ltd	A number of art projects are currently being delivered at the station to improve its appearance including the station frontage to complement the Tamworth Gateway Project (Ventura Park to the Town to the Rail Station). Project identified in the Tamworth Integrated Transport Strategy 2015 – 31.  Network Rail are currently making improvements to	Ongoing

					<p>the station stairwells and the new Franchisee will be investing in additional car-parking together with community rail initiatives.</p> <p>During 2018/19 SCC will be working with partners to undertake feasibility and design works to deliver station forecourt improvements in order to facilitate a multi-modal interchange, provide enhanced information and wayfinding, expand pedestrian areas and provide improved footways, crossings and public realm within the vicinity of the station.</p>	
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#### 4. Energy

Energy infrastructure	
Main providers/partners	Western Power and National Grid, Staffordshire County Council
Existing capacity and recent provision	<p>Tamworth's Climate Change Strategy 2011 quotes Government figures that show Tamworth has relatively low carbon emissions, with 5.4 tonnes of CO<sup>2</sup> per person compared with 9.1 tonnes of CO<sup>2</sup> per person for Staffordshire as a whole. This is partly due to the tight border around the borough and the absence of many major highways that pass through the area.</p> <p>Opportunities for renewable and low carbon energy generation will be supported through the Local Plan and the Climate Change Strategy 2011, but as Tamworth is a primarily built up borough the available space for large scale solar farm developments, for example, will be limited. Achieving zero carbon development through exploiting opportunities for energy from waste, combined heat and power and district heating schemes are seen as more achievable.</p> <p>WPD is working with the Electric Vehicle (EV) Market (<a href="http://www.electrification.org.uk">www.electrification.org.uk</a>) to understand the effects of charging various vehicle and battery types on the network and how vehicle usage affects charging behaviour.</p>
Specific provision initiatives	Western Power Distribution (WPD) is investing £7.1 billion in the electricity distribution network between 2015 and 2023 in the UK. In the Coventry and Warwickshire area, which Tamworth sits within, will see £23 million of investment in 2018.
Underlying demand trend	Growth in Tamworth as set out in the Local Plan will put greater pressure on existing services.
Non-developer funding sources	UK Government Sources, National Grid, Western Power Distribution, Staffordshire County Council, Tamworth Borough Council
Developers funding arrangements	Individual negotiations from planning applications via s106 and in some cases CIL.

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Identified projects

Scheme	Strategic spatial priorities	Cost	Funding sources	Delivery agencies	Project progress	Status
Upgrading network to deal with increased demand	SP4, SP6, SP7	£2.3 million	Western Power Distribution (WPD)	WPD	Replacement of the 132kV Switchgear and 132/ 33kV transformers due to increased load in the area. This project will maintain the network within limits and allow future capacity in the network for planned growth. The project is due to complete Q3 2018.	Ongoing

## 5. Communications

Communications infrastructure	
Main providers/partners	British Telecom, Staffordshire County Council, Virgin Media, Tamworth Borough Council, Mobile telephone operators
Existing capacity and recent provision	The “Superfast Staffordshire” project led by the County Council aims to bring superfast broadband to 96% of premises in Staffordshire by 2018. Tamworth is well covered by superfast broadband, with the majority of properties already covered or in the process of being connected to the fibre network. This project has invested £32 million in Staffordshire, from Staffordshire County Council, the Government’s Broadband Delivery UK (BDUK) and British Telecom.
Specific provision initiatives	Superfast Staffordshire by Staffordshire County Council.
Underlying demand trend	Increasing demand for superfast broadband and mobile internet usage.
Non-developer funding sources	British Telecom, Staffordshire County Council, Virgin Media, Tamworth Borough Council, Mobile telephone operators
Developers funding arrangements	S106

### Identified projects

No specific projects identified as of March 2018.

## 6. Sport and culture

Sport and culture infrastructure	
Main providers/partners	Tamworth Borough Council, Staffordshire County Council, private (e.g. Tamworth Snow Dome)
Existing capacity and recent provision	Tamworth has 4 swimming pools as classed by Sport England’s Facilities Planning Model (FPM), 3 of which are available for the public to use. TBC subsidise the pool at Wilnecote for free public swimming sessions. The borough has 8 sports halls, over 6 school sites; therefore they are not available to the general public during school opening hours. The borough council own and manage an activity centre in the castle grounds and owns the crazy golf and tennis courts. There are 11 health and fitness facilities, with a mixture of pay and play, registered membership and sports club run.
Specific provision initiatives	Feasibility study into the provision of a swimming pool through the development of community leisure centre. 2 <sup>nd</sup> stage feasibility study with the Football Association regarding a new 3G pitch at Belgrave School. Further recommendations from the 2014 Indoor and Outdoor Sports Strategy include provision of a new skate park and a new multi-use play area (MUPA) to the west of the borough.
Underlying demand trend	New development in Tamworth and on its borders will create increased demands. With decreasing revenue budgets future development may need to concentrate on differing models of improving health and wellbeing in the borough, including informal/outdoor health and fitness provision.
Non-developer funding sources	Sport England, Tamworth Borough Council, Heritage Lottery Fund, Football Association.
Developers funding arrangements	S106, CIL, external funding

### Identified projects

Scheme	Strategic	Cost	Funding	Delivery	Project progress	Status
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	<b>spatial priorities</b>		<b>sources</b>	<b>agencies</b>		
Multi-Purpose Community Use Leisure Centre	SP4, SP6, SP7	£10million	TBC, SCC, Sport England, funding bids, developer contributions	TBC	Preparatory work being carried out. Next Stage: Detailed feasibility study	Ongoing
Multi use play area (MUPA), west of borough	SP4, SP6, SP7	£200,000	developer contributions, TBC	TBC	MUPA required in west of the borough, due to saturation of existing MUPAs. No progress as yet – medium to long term project	Ongoing
3G sports pitch	SP4, SP6, SP7	£520,000	developer contributions, TBC	TBC	Currently at feasibility study stage. Preferred site has been identified	Ongoing
New Skate Park	SP4, SP6, SP7	unknown	developer contributions, TBC	TBC	New floodlit skate park in the borough due to saturation of only skate park in Castle Grounds. No progress as yet – medium to long term project	Ongoing
Enhancement of existing TBC owned sports facilities	SP4, SP6, SP7	unknown	developer contributions, TBC	TBC	no progress as yet – medium to long term project	Ongoing
Assembly Rooms enhancement	SP2, SP4, SP9	£4,800,000	TBC, Heritage Lottery Fund, Local Growth Fund	TBC	Project has commenced. Funding: £1million TBC, £900,000 Heritage Lottery Fund, £2,900,000	Ongoing
Castle - Mercian Trail	SP2, SP4, SP9	£733,000	TBC/HLF/small grants	TBC	“Battle and Tributes” project has commenced. Funding secured.	Ongoing
Historic Townscape Improvements	SP9	unknown	developer contributions, TBC	TBC		Ongoing
Improvements to health and	SP7	Unknown	developer contributions,	TBC	Medium to long term project	Not started

wellbeing			TBC			
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## 7. Open space and recreation

Open space and play infrastructure	
Main providers/partners	Tamworth Borough Council, Staffordshire Wildlife Trust, Tame Valley Wetlands
Existing capacity and recent provision	<p>The borough is well served for open space and play with several main parks and numerous play areas. The main town recreation facilities are located in the Castle Grounds, well serviced by public transport and accessible via footpaths and adjacent car parks.</p> <p>The most recent Open Space Review in 2012 assessed all publicly accessible open space in terms of quantity, quality, value and accessibility. The review found that when applying a 400m buffer there was no overall shortage of open space in the borough, the issue was more one of low quality. The priority is therefore to improve access to good quality open space and improve the quality of strategic but low quality open spaces.</p> <p>The Borough has a BMX track, a skate park and 5 green gyms as well as the more traditional children’s play areas.</p>
Specific provision initiatives	Play area enhancements to strategic parks: Castle Grounds, Wiggington, Dosthill. Programme of park enhancement ongoing.
Underlying demand trend	<p>Large Sustainable Urban Extensions put pressure on existing strategic open spaces and play areas. Policy EN3 ensures that open space is provided on site on SUEs. Smaller new developments should either provide 2.43Ha of open space per 1000 population OR should contribute to the quality and accessibility of nearby off-site open spaces.</p> <p>In 2014 the Council made the decision to stop adopting and maintaining open space on new developments (apart from in special circumstances), mainly due to budgetary pressures.</p>
Non-developer funding sources	Tamworth Borough Council, Tame Valley Wetlands Partnership
Developers funding arrangements	S106, CIL

Identified projects

<b>Scheme</b>	<b>Strategic spatial priorities</b>	<b>cost</b>	<b>Funding sources</b>	<b>Delivery agencies</b>	<b>Project progress</b>	<b>Status</b>
Castle Grounds Play Area refurbishment	SP6, SP7	£500,000	developer contributions, TBC	TBC	Castle Grounds play area is the main town park in Tamworth, which is very popular. TBC will look to fully replace/refurbish the play area within 5 years.	Not started
Refurbishment and enhancements of strategic TBC owned recreation and play areas	SP6, SP7	Unknown	developer contributions, TBC	TBC	Programme of refurbishment of strategic parks in Tamworth, particularly Wigginton and Dosthill.	Ongoing
Refurbishment and enhancement of smaller TBC owned recreation and play areas	SP6, SP7	£39,000 annual budget	developer contributions, TBC	TBC	Programme of refurbishment of smaller neighbourhood recreation and play spaces.	Ongoing
Enhancements to TBC owned open spaces	SP6, SP7	£unknown	Developer contributions, TBC	TBC	Programme of improvements and enhancements to TBC owned open spaces in accordance with latest Open Space review.	Ongoing

## 8. Health and emergency services

Health and emergency services infrastructure	
Main providers/partners	NHS, West Midlands Ambulance Service NHS Trust
Existing capacity and recent provision	NHS South East Staffordshire and Seisdon Peninsula CCG covers Tamworth. Within the CCG there are nine surgeries, including a number of Health Centres. There are two fire stations covering Tamworth, one in the centre of Town and one in Belgrave to the south of the borough. Tamworth is covered by the West Midlands Ambulance Service NHS Trust.
Specific provision initiatives	Work is ongoing with the CCG to review and identify strategic sites in order to provide community health hubs.
Underlying demand trend	Increasingly ageing population, extra care a priority. Increased population in Tamworth and its borders will put pressure on existing services. Coordinated approach to provision required.
Non-developer funding sources	CCG, NHS
Developers funding arrangements	CIL, s106 for site specific mitigation.

### Identified projects

Scheme	Strategic spatial priorities	cost	Funding sources	Delivery agencies	Project progress	Status
Community Health Hubs	SP4, SP6	£unknown	developer contributions, CCG	CCG	CCG has commenced preliminary work to review and identify strategic sites in order to provide community health hubs.	Not started



## 9. Education

Education infrastructure	
Main providers/partners	Staffordshire County Council (SCC), Entrust, Department for Education (DfE), Regional Schools Commissioner (RSC), Tamworth Borough Council, Education and Skills Funding Agency (ESFA)
Existing capacity and recent provision	<p><b>Primary phase</b> - There are currently 31 primary-phase schools consisting of 26 primary schools, 3 infant schools and 2 junior schools in Tamworth. There are 11 primary phase schools which are Academies, and several other primary schools are in the process of converting to Academy status.</p> <p><b>Secondary phase</b> – There are currently 5 secondary schools in Tamworth, all of which are Academies.</p> <p><b>Post-16</b> - There is one Sixth Form Centre in Tamworth.</p>
Specific provision initiatives	<p>New primary schools are planned at Tamworth Golf Course SUE and Dunstall Farm SUE, to be fully funded through S106 contributions.</p> <p>Additional expansions to existing primary schools are planned, which are required to provide additional places for future population as a result of residential growth across Tamworth; these are also to be fully funded through S106 contributions.</p> <p>Expansions to two/three secondary schools are planned, which are required to provide additional places as a result of residential growth across Tamworth; these are to be fully funded through S106 contributions.</p> <p>It is likely that there will be increased demand at Tamworth secondary schools as a result of higher primary populations moving through to secondary schools over the coming years, as a result of Basic Need and growth from residential development. Historically, a small but significant cohort of Staffordshire pupils gained a place at secondary school in neighbouring North Warwickshire. As a result of proposed residential development in North Warwickshire we may</p>

	experience increased demand from Staffordshire pupils at Tamworth secondary schools if Warwickshire schools are unable to sustain demand from Staffordshire pupils and meet increased demand as a result of their own residential development.
Underlying demand trend	Population growth in Tamworth as a result in residential development, and proposed residential development along Tamworth’s borders may increase demand on education infrastructure in the coming years.  As of May 2018 demand from housing development is under investigation through pupil projections, and are subject to change.
Non-developer funding sources	Only Basic Need funding, but this is for Basic Need growth only and NOT growth as a result of residential development. Education and Skills Funding Agency (ESFA).
Developers funding arrangements	S106 Contributions only.

Identified projects

Scheme (as at May 2018)	Strategic Spatial Priorities	*Estimated Costs	Funding Sources	S106 Contributions secured/received	Delivery agencies	Delivery agencies	Scheme Progress
Primary - New School at Anker Valley – 210 places	SP4, SP6	£4,704,000	S106 Developer contributions	£4,704,000.00 secured	SCC, Entrust, Regional Schools Commissioner (RSC)	New school to open September 2020. Project Board meets regularly. S106 contributions have been secured from Anker Valley development and Browns Lane development and land for school site secured on Anker Valley development. Free School Presumption	ongoing

						route to be followed Summer 2018.	
Primary – Enlargement to Coton Green Primary School – 105 places	SP4, SP6	£1,000,000	S106 Developer contributions	£1,149,741.00 secured	SCC, Entrust, RSC	S106 contributions have been paid and pooled from developments in the area. Currently required from 2021, although will depend on the pace of development at Windmill Farm and Coton Hall Farm. No feasibility studies have been commissioned at this time, although the possible project is currently being investigated.	Not Started
Primary - New School at Tamworth Golf Course -210 places	SP4, SP6	£4,256,250	S106 Developer contributions	£3,681,630.00 secured Shortfall to be funded by S106 Contributions and/or Basic Need	SCC, Entrust, RSC	Required from 2023+ onwards. Project Board meet regularly and planning permission has been granted. S106 contributions have been secured from the Tamworth Golf Course development plus land for the school site.	ongoing
Primary - Enlargement to existing Tamworth South school – 105 places	SP4, SP6	£1,000,000	S106 Developer contributions	£88,954.00 secured Shortfall to be funded through S106	SCC, Entrust, RSC, Academy Trusts	Required from 2023+ onwards. S106 contributions have been secured and pooled from two developments in this area. Three strategic sites are located within this Cluster Area, to be delivered 2023/24 – 2030/31 (as per agreed 5 Year Housing Land Supply, August 2017). No feasibility studies have been	Not started

						commissioned and no project identified at this stage. Any shortfall in funding to be secured through S106 and/ or Basic Need funding.	
Primary - New school at Dunstall Farm – 210 places	SP4, SP6	£4,454,238	S106 Developer contributions	£4,454,238.00 secured	SCC, Entrust, RSC	Required from 2023+. New 1 FE school required as a result of strategic residential development at Dunstall Farm SUE. School is only required as a result of growth from housing and the REM has not been submitted yet. S106 contributions towards the new school have been secured, plus land for the school site.	Not started
Primary - Enlargement to existing Tamworth East school – 105 places	SP4, SP6	£1,000,000	S106 Developer contributions	£1,000,000 to be funded through S106	SCC, Entrust, RSC, Academy Trusts	S106 contributions have been paid and pooled from two developments in this area. Required from 2023+, although 105 places may be required earlier depending on delivery of local residential development. Eight strategic sites are located within this Cluster Area, many are to be delivered 2023/24 – 2030/31 (as per agreed 5 Year Housing Land Supply, August 2017). No feasibility studies have been commissioned at this time. Any shortfall in funding to be secured through S106.	Ongoing

<p>Primary- Enlargement to existing Tamworth West Schools — 105 places</p>	<p>SP4, SP6</p>	<p>£1,000,000</p>	<p>S106 Developer contributions</p>	<p>£1,000,000 to be funded through S106</p>	<p>SCC, Entrust, RSC, Academy Trusts</p>	<p>S106 contributions have been paid and pooled from two developments in this area. Required from 2023+, although 105 places may be required earlier depending on delivery of local residential development. Eight strategic sites are located within this Cluster Area, many are to be delivered 2023/24 – 2030/31 (as per agreed 5 Year Housing Land Supply, August 2017). No feasibility studies have been commissioned at this time. Any shortfall in funding to be secured through S106.</p>	<p>Ongoing</p>
<p>Primary - Enlargement to existing Tamworth Rural Schools – possibly two projects – 210 places</p>	<p>SP4, SP6</p>	<p>£2,000,000</p>	<p>S106 Developer contributions</p>	<p>£2,018,370.00 secured  Possible shortfall to be funded through S106 contributions and/ or Basic Need</p>	<p>SCC, Entrust, RSC, Academy Trusts</p>	<p>Previous projections indicated there may be a need for additional places in this cluster area, over and above the new schools being provided at Anker Valley and Dunstall Lane. Project required from 2023+. Additional places may be required as a result of Basic Need and growth from Local Plan residential development. No project has been defined and no feasibility study has been commissioned. Potential additional places would only be required as a result of</p>	<p>Not started</p>

						housing growth, and housing has not come forward yet. Any shortfall in funding to be secured through S106.	
Primary - Phase 2 of new school on Tamworth Golf Course – 210 places (total 420 places)	SP4, SP6	£2,333,100	S106 Developer contributions	£2,018,370.00 secured  Possible shortfall to be funded through S106 contributions and/ or Basic Need	SCC, Entrust, RSC, Academy Trust	Phase 2 of project - to provide 2nd 1FE of 2FE new school after 2028+. Phase 1 of the project is to provide 1 FE of a 2 FE new school, to open in September 2023+. Required as a result of strategic housing development. Delivery date for Phase 2 of this project has been moved back towards the end of the plan period to accommodate build-out rate of the development and changing pupil demographics. S106 contributions have been secured from the Tamworth Golf Course development plus land for the school site.	Not Started
Secondary – Expansion to The Rawlett School – up to 300 places	SP4, SP6	£3,000,000	S106 Developer contributions	£2,231,093.00 secured.  Shortfall to be funded through S106.	SCC, Entrust, RSC, Academy Trust	Projections indicate additional places are required in North of Tamworth from September 2020. Project required due to growth as a result of strategic housing developments in North of Tamworth. Any expansion is likely to be delivered across four distinct projects to provide additional capacity. School Org to	Ongoing

						<p>monitor housing and demographic changes locally. Projects have not yet been identified or agreed, and School Org are looking at capacity at Landau Forte QEMS.</p> <p>S106 contributions have been secured, any shortfall in funding to be secured through S106.</p>	
<p>Secondary – Expansion to Landau Forte Amington – up to 150 places</p>	<p>SP4, SP6</p>	<p>£2,000,000</p>	<p>S106 Developer contributions</p>	<p>£3,141,558.00 secured</p>	<p>SCC, Entrust, RSC, Academy Trust</p>	<p>Project required due to growth as a result of strategic housing developments in the area. Current projections indicate that 1FE expansion required September 2022. S106 contributions have been secured, any shortfall in funding to be secured through S106.</p>	<p>Not started</p>

## 10. Environmental and strategic green infrastructure

Environmental infrastructure	
Main providers/partners	Tamworth Borough Council, Staffordshire Wildlife Trust, Tame Valley Wetlands Partnership
Existing capacity and recent provision	Tamworth has an extensive network of Green Infrastructure with 7 Local Nature Reserves.
Specific provision initiatives	Projects are ongoing to enhance and improve the Local Nature Reserves. LNRs are on the whole managed by volunteer groups with assistance from the 'Wild About Tamworth' Officer and Tamworth Borough Council. The Hodge Lane LNR will be extended into the new development to the East of Tamworth (Golf Course). A new TBC owned and maintained community woodland will also be created on the South West of the Golf course site.
Underlying demand trend	Existing Green Infrastructure will have to cope with increased use, as the population of Tamworth increases.
Non-developer funding sources	TBC, Staffordshire Wildlife Trust, Living Landscapes, Higher Level Stewardship (HLS), Tame Valley Wetlands Partnership, Heritage Lottery Fund, Environment Agency
Developers funding arrangements	CIL, s106 for specific mitigation

### Identified projects

Scheme	Strategic spatial priorities	Cost	Funding sources	Delivery agencies	Project progress	Status
Three circular walking routes through Tamworth	SP6, SP7, SP12	£unknown	Developer /TBC/TVWP	Developer / TBC/TVWP	Routes take in new GI from SUEs in plan.	Ongoing



Central Rivers Initiative	SP6, SP7, SP12	£3,000,000	Heritage Lottery Fund	CRI/TBC	CRI is currently bidding for a HLF living landscape grant of £3million +. They are compiling project in second phase of bidding, part of this involves a community consultation event in Tamworth in January 2018 to engage the residents of Tamworth in the project.	Ongoing
Community Woodland, Golf Course development site	SP6, SP7	£500,000	Developer contributions	TBC	Feasibility work in 2018. £500,000 secured through s106.	Ongoing
Broadmeadow footbridge	SP6, SP7	£1 million	Developer contributions, TBC, LEP, SCC	TBC and/or SCC	A raised pedestrian/footpath from the Sustainable Urban Extension at Dunstall Lane to existing properties off Lichfield Road, feasibility and costings to be established in 2018. £300k secured through s106 but more funding will be required.	Ongoing
Kettlebrook LNR woodland management	SP6, SP7	£200,000	TBC/SWT/developer contributions	TBC/SWT	Work to be planned and costed summer 2018	Not started
Improvements to Local Nature reserves	SP6, SP7	£unknown	TBC/SWT/developer contributions	TBC/SWT/local community groups	Management plans to be reviewed in summer 2018 and ongoing works planned	Ongoing

## 11. Public realm

Public realm infrastructure	
Main providers/partners	Tamworth Borough Council, Staffordshire County Council
Existing capacity and recent provision	TBC own and maintain a high proportion of the public realm and structures such as bridges, footpaths and car parks in the borough. The Gateways Project has been a partnership project between TBC and Staffordshire County Council, to improve the main gateways into Tamworth Town Centre, including the route from the station into the town and the route from the south of the town to the shopping centre. More information on the Gateways Project phases 3 and 4 can be found in the 'Transport' section.
Specific provision initiatives	Further phases of the Gateways Project, enhancement and diversification of the market offer in the town.
Underlying demand trend	The increased population in Tamworth will put pressure on existing structures, which will require more maintenance. It is a priority to make the retail and tourism offer in Tamworth Town Centre first class, to draw in visitors from the borough and further afield.
Non-developer funding sources	TBC, Staffordshire County Council
Developers funding arrangements	S106, CIL (when adopted)

### Identified projects

Scheme	Strategic spatial priorities	Cost	Funding sources	Delivery agencies	Project progress	Status
Enhance market	SP2, SP7, SP9, SP10, SP12	£unknown	TBC, developer contributions	External company	New contract for running Market in 2018. Looking at different locations and types of market to expand offer in Tamworth	Ongoing

Improvements to TBC owned highway-related assets	SP2, SP3, SP5, SP6	£unknown	TBC, developer contributions	TBC	Improvements to TBC owned assets such as footpaths and bridges	Ongoing
Environment and public realm improvements to Wilnecote Regeneration Corridor	SP6, SP7, SP12	Unknown	Developer contributions, SCC, TBC	Developer, TBC, SCC	TBC to draw up masterplan of Wilnecote Regeneration Corridor to promote high quality development including GI. Masterplan will inform projects and identify projects going forward.	Ongoing

## Appendix A - Completed projects from the 2014 Infrastructure Delivery Plan

### Transport

Scheme	Strategic spatial priorities	Cost	Funding sources	Delivery agencies	Scheme progress	Status
Borough Wide cycle and pedestrian network links (phase 1)	SP2, SP4, SP5, SP6, SP7, SP12	£60,000	SCC, developer contributions	SCC	£60,000 integrated transport funding from SCC spent in 2017/18 for improvement works to cycle network at Lichfield Road Industrial estate.	Complete
North Tamworth local transport package	SP2, SP4, SP5, SP6, SP7, SP12	£500,000	S106	SCC/developer	Pedestrian/cycle bridge installed by SCC and paid for via developer contributions Summer 2017.	Complete
The Ventura Park/Town Centre/Rail Station Corridor Local Transport Package: Bus	SP2, SP4, SP5, SP6, SP12	£200,000.00	Developer contributions	bus companies	Provided by developer and bus companies via developer contributions. This will be utilised in the gateways project in phases 3 and 4. See 'Public Realm' for details	Complete
Real-Time Passenger Information for Bus Stops	SP2, SP4, SP5, SP6, SP12	£100,000	Integrated transport (SCC) funding	SCC	Real time passenger information installed at bus stops on key routes.	Complete
North Tamworth Bus service (Anker Valley)	SP2, SP4, SP5, SP6, SP12	£360,000	S106/developer	developer/bus companies	New bus route secured through s106 agreement	Secured
Dunstall Lane Bus Service	SP2, SP4, SP5, SP6, SP12	£360,000	S106/developer	developer/bus companies	New bus route secured through s106 agreement	Secured

Golf Course Bus Service	SP2, SP4, SP5, SP6, SP12	£360,000	S106/developer	developer/bus companies	New bus route secured through s106 agreement	Secured
Coton Lane Bus Service	SP2, SP4, SP5, SP6, SP12	£360,000	s106/developer	developer/bus companies	New bus route secured through s106 agreement	Secured
Ventura Park/town centre road transport package	SP2, SP3, SP5, SP6	£220,000	s106/SCC	SCC	Pinch points work around Ventura Park completed including signalisation of roundabouts, second exit from Sainsburys and second exit from new Next.	Complete
North Tamworth Local Transport package - Road	SP2, SP3, SP5, SP6	£2,000,000	SCC/dept for transport Local Pinch Point funding	SCC	pinchpoint scheme completed. Identification of further improvements will be subject to further housing development north of Tamworth	Complete
<b>Transport Infrastructure costs</b>		<b>£4,460,000</b>				

### Green Infrastructure

Scheme	Strategic spatial priorities	Cost	Funding sources	Delivery agencies	Scheme progress	Status
Dunstall Farm	SP6 SP7 SP8 SP12	£360,000.00	developer	developer	GI secured through planning application and developer	complete

Anker Valley	SP6 SP7 SP8 SP12	£260,000.00	developer	developer	GI secured through planning application and developer	complete
Tamworth Golf course	SP6 SP7 SP8 SP12	£360,000.00	developer	developer/TBC	GI secured through planning application and developer	complete
<b>GI Infrastructure Costs</b>		<b>£980,000.00</b>				

### Open Space

Project	Strategic spatial priorities	Cost	Funding sources	Delivery agencies	Project progress	Status
Broadmeadow LNR	SP7 SP8	£200,000	s106/Derbyshire Env Trust/High level Stewardship	Staffs WT/TBC	2014 IDP projects complete including access improvements, interpretation, cattle grazing established.	complete
Tameside LNR	SP7 SP8	£36,818	s106/higher level stewardship	Wild About Tamworth/Staffs WT/TBC/TWV P	2014 IDP projects complete including re-profiling project to recreate backwater	complete
Kettlebrook LNR	SP7 SP8	£71,942	s106/higher level stewardship	Wild About Tamworth/Staffs WT/TBC/TWV P	2014 IDP projects complete including bins, benches, interpretation and lighting	complete

Dosthill Park LNR	SP7 SP8	£17,817	s106/higher level stewardship	Wild About Tamworth/Staffs WT/TBC/TVWP	Improved access and interpretation	complete
Warwickshire Moor LNR	SP7 SP8	£25,228	s106	Wild About Tamworth/Staffs WT/TBC/TVWP	2014 IDP projects complete including DDA compliant boardwalk.	Complete
Hodge Lane LNR	SP7 SP8	£10,337	s106/higher level stewardship	Wild About Tamworth/Staffs WT/TBC	2014 IDP projects complete including improved public access around the site.	Complete
Town Wall LNR	SP7 SP8	£8,000	higher level stewardship	Wild About Tamworth/Staffs WT/TBC	2014 IDP projects complete including improved public access around the site.	Complete
Open Space Infrastructure costs		<b>£370,142</b>				

### Play

Scheme	Strategic spatial priorities	Cost	Funding sources	Delivery agencies	Scheme progress	Status
Pennine Way	SP6, SP7	Unknown	S106	developer	Secured via s106	Complete
Tame Valley Alloys / Peel Heights	SP6, SP7	Unknown	S106	developer	Secured via s106	Complete
Former Doulton Works,	SP6, SP7	Unknown	S106	developer	Secured via s106	Complete

Marlborough Way						
Anker Valley Site	SP6, SP7	Unknown	S106	developer	Secured via s106	Secured via s106
Dunstall Lane Site	SP6, SP7	Unknown	S106	developer	Secured via s106	Secured via s106
Golf Course Site	SP6, SP7	Unknown	S106	TBC	Open space secured via s106.	Secured via s106
<b>Play Infrastructure costs</b>		<b>Unknown</b>				





**Tamworth Borough Council  
Draft Regulation 123 List  
April 2018**

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DRAFT

## **Introduction**

### **What is the Community Infrastructure Levy?**

- 1.1 The Community Infrastructure Levy (CIL) is a charge on development, calculated on a £ per square metre (£/sqm) basis. CIL income is used to help fund infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of Section 106 Agreements.

### **What is this document?**

- 1.2 CIL income from new development can be spent on anything that constitutes “infrastructure” as defined by Regulation 216 of the 2008 Planning Act and the CIL Regulations 2010 (as amended). This includes infrastructure items such as (but not limited to): roads and other forms of transport, flood defences, open spaces and green infrastructure, medical facilities, sporting and recreational facilities and schools. Regulation 123 of the CIL Regulations (as amended) sets out the need for the charging authority (local authority) to produce a list of “relevant infrastructure” which will be funded in whole or part by CIL.
- 1.3 The Regulation 123 list in Tamworth Borough had been compiled from the latest Infrastructure Delivery Plan, which is a document that infrastructure delivery partners in the Borough have contributed to, based on development outlined in the Tamworth Local Plan 2006-2031. The IDP provides further details about the overall infrastructure requirements including other sources of funding such as Section 106, external grant funding etc.
- 1.4 CIL regulations 2010 (as amended) restricts the use of planning obligations secured through Section 106 Agreements for infrastructure that will be funded in whole or part by CIL. This is to ensure that there is no duplication or “double dipping” between CIL and planning obligations in funding the same infrastructure projects. More information can be found on the Tamworth Borough Council website ([www.tamworth.gov.uk/CIL](http://www.tamworth.gov.uk/CIL)) and in our Draft Planning Obligations Supplementary Planning Document ([www.tamworth.gov.uk/planningpolicy](http://www.tamworth.gov.uk/planningpolicy)).
- 1.5 The list below sets out those infrastructure projects that Tamworth Borough Council currently intends may be wholly or partly funded by CIL together with explanatory notes. The order in the table does not imply any order of preference for spend. The list will be updated on a regular basis, taking into account the Council’s Infrastructure Delivery Plan (IDP) and any changes to the CIL regulations.

## ***Regulation 123 List***

Canoe Trail
Access improvements to blue infrastructure
Footpath/cycleway Orkney Drive to Glascote Lane
Footpath connection Tame village-Peel heights
Corporation Street/Church Street – sustainable transport and public realm enhancements - Gateways project phase 3
Tamworth Rail Station – Gateways project phase 4
Multi-Purpose Community Use Leisure Centre
Multi use play area, west analysis area
New skate park
Enhancement of TBC owned existing sports facilities
Castle Grounds Play Area refurbishment
Refurbishment and enhancement of strategic TBC owned recreation and play areas
Three circular walking routes through Tamworth
Broadmeadow cycleway/footbridge
Environment and public realm improvements to Wilnecote Regeneration Corridor





**Tamworth Borough Council  
Planning Obligations  
Supplementary Planning Document  
DRAFT XXXX 2018**

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## Introduction

The purpose of the planning system is to contribute to the achievement of sustainable development, which the National Planning Policy Framework states has three dimensions; economic, social and environmental. One of the key elements of sustainable development is the identification and provision of appropriate infrastructure to support development.

Local planning authorities can use planning obligations to assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure.

Where planning permission is sought for new development within Tamworth, it will be expected to be supported by appropriate infrastructure and, where new or improved infrastructure is required, developers will be expected to contribute towards its provision.

This document sets out how the Council will seek to ensure that developers can make appropriate contributions towards infrastructure to support sustainable development.

## Status of the document

This document is a Supplementary Planning Document that forms part of the development plan for Tamworth and is, where relevant, a material consideration in the determination of planning applications.

The document was adopted on XXXX 2018 and supersedes the previous Planning Obligations Supplementary Planning Document dated July 2007.

## Purpose

The purpose of this document is to build upon and provide more detailed advice and guidance on the policies in the adopted Local Plan, in particular policy IM1 (Infrastructure and Developer Contributions) which states:

*‘Planning permission for new development will only be granted if it is supported by appropriate infrastructure at a timely stage. Developer contributions will be sought where needs arise as a result of new development, the infrastructure delivery plan specifies the infrastructure required, when and where it will be needed in the plan and how it could be funded.’*

It is intended that this document will provide greater clarity and certainty to developers, landowners, the community and the Council by setting out how the Council will seek to collect contributions from developers to support the funding of appropriate infrastructure in Tamworth. It is not a standalone document and should be read in conjunction with the adopted Local Plan and



other supporting documents including the Infrastructure Delivery Plan and the Community Infrastructure Levy Charging Schedule and local policies.

## **Policy context**

### **National policy**

Section 106 of the Town and Country Planning Act 1990 provides the framework for allowing any person interested in land in the area of a local planning authority to enter into a planning obligation for certain purposes. Further information on what obligations can be used for is set out later in this document. In relation to the Community Infrastructure Levy (CIL), the relevant legislation is contained within the Community Infrastructure Levy Regulations 2010 (as amended).

Paragraphs 203 - 205 of the National Planning Policy Framework (NPPF) states that planning obligations should only be sought where they meet the tests of being necessary, directly related to the development, and fairly and reasonably related in scale and kind. The NPPF goes on to say that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Further guidance on the use of planning obligations and CIL is set out in the National Planning Practice Guidance (NPPG).

The Council is aware that the Government is undertaking a review of the NPPF and the use of developer contributions to support housing delivery. At the time of writing, there are draft proposals out to consultation. Whilst this has the potential to affect how the Council collects and/or spends developer contributions, it is not anticipated that any changes will be so significant as to affect the contents of this document in the short-term. This document will be kept under review and, where any changes to national policy or guidance require it, the document will be updated accordingly.

### **Local policy**

The Tamworth Borough Council Local Plan 2006 – 2031 was adopted in February 2016 and the policies within it aim to protect the environment of the town whilst enabling sustainable development to take place to meet identified needs. In order to ensure that development is delivered sustainably, the plan seeks to ensure that the necessary social and environmental infrastructure is delivered at the appropriate time.

In conjunction with the Local Plan, the Infrastructure Delivery Plan (IDP) sets out a list of infrastructure projects that the Council will seek to deliver in support of the objectives of the Local Plan. The IDP forms the basis of the list of infrastructure projects to be funded by CIL.



## **Developer contributions**

Developers may be asked to provide contributions towards infrastructure in several ways such as by way of the Community Infrastructure Levy or planning obligations in the form of section 106 agreements and section 278 highway agreements. In some instances a combination of these methods may be required. Further details on the types of contributions that may be sought are set out below.

## **Planning obligations**

Planning obligations are one of the tools that can be used by a local planning authority to help make a proposed development acceptable in planning terms. They are used where it is not possible to address unacceptable impacts through a planning condition and must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Planning obligations take the form of an agreement entered into by the applicant (and any other interested party) under section 106 of the Town and Country Planning Act 1990 (as amended) and are often referred to as s106 agreements. These agreements can be used for:

- restricting the development or use of the land in any specified way;
- requiring specified operations or activities to be carried out in, on, under or over the land;
- requiring the land to be used in any specified way; or
- requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.

The Council will use planning obligations, where appropriate, to make proposed developments acceptable in planning terms where it would otherwise not be possible to do so. This often takes the form of requiring a financial contribution towards infrastructure.

## **Community Infrastructure Levy**

The Community Infrastructure Levy (CIL) is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area. The levy is a charge on certain types of development at a rate set by the charging authority and set out in the CIL Charging Schedule. Levy rates are expressed as pounds per square metre and are applied to the gross internal floorspace of the net additional development liable for the levy.

Further information on what developments are liable for CIL and calculating the levy rate can be found on the CIL pages of the Council's website.

The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, health and social care facilities, play areas, parks and green spaces, cultural and sports facilities. The Council has published a list of infrastructure projects that it intends to fund wholly or partly through CIL and this can be found along with the CIL charging schedule on the website. This list (the regulation 123 list) will be regularly reviewed in order to ensure that it is effective in helping to deliver the infrastructure required to support development during the plan period.

### **Section 278 agreements**

Section 278 of the Highways Act 1980 (as amended) allows for a highway authority to enter into an agreement with any person for the carrying out of works to the highway, including modifications or additions, where that person will pay the whole or part of the costs associated with the works (a S278 agreement).

S278 agreements are made between the relevant highway authority (in the case of the local road network, Staffordshire County Council and for the strategic road network, Highways England) and the applicant or developer. The Council is not normally party to negotiations or a signatory to any agreement.

### **Pooling**

The current CIL regulations restrict the use of pooled contributions towards items that may be funded via CIL. The restrictions mean that no more contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a S106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

The pooling restrictions relate only to developments granted planning permission within the area of the charging authority (in this case within the Tamworth borough boundary) and, where a S106 agreement makes provision for a number of staged payments as part of a planning obligation, these payments will collectively count as a single obligation in relation to the pooling restriction.

For provision that is not capable of being funded by the levy, such as affordable housing, there is no restriction in terms of the numbers of obligations that may be pooled.

As part of the Government's current review into the use of developer contributions, it is proposed to lift the restrictions on pooling contributions collected through S106 agreements in a number of circumstances including where the local authority has an adopted CIL in place. Therefore, if the Government introduce the proposed changes to the pooling restrictions during the lifetime of this document, the restrictions as set out above, and any further reference in this document to pooling restrictions, will no longer be apply.

### **Other agencies**

Tamworth Borough Council is the local authority responsible for deciding the level of contribution and how it should be secured for Borough Council functions together with enforcing any on-site or off-site measures within the applicant's control. If infrastructure requirements relate to County Council functions, the County Council will be party to negotiations and obligations and will be responsible for the enforcement of any on-site measures and obligations for County Council functions.

In instances where any other third party has a significant interest in the land or the proposed development they may be party to any agreement. In these situations, responsibility for negotiating and monitoring any obligations will be determined with regard to the particular set of circumstances involved.

### **Viability**

Most developments will be expected to satisfy all of the infrastructure requirements identified. Applicants who cite non-viability as a reason for not meeting all infrastructure requirements will be required to support their case with financial evidence, which should be submitted as part of the planning application. This evidence will be open to public scrutiny and, where necessary, will be audited by experts. Where the Council is required to engage the services of an expert to assess viability evidence, it is expected that the associated costs will be met by the applicant.

When applicants submit evidence of non-viability, the Council will expect to see calculations for the important factors set out in enough detail for the viability to be clearly assessed. Any assumptions made must be clearly explained and justified. The Council will consider the evidence and make an assessment as to whether the submitted information sufficiently demonstrates that the proposed development would be unviable if it was required to meet all planning obligation requirements.

The Council expects developers to have considered the total cost of all relevant policy requirements including contributions towards affordable housing and infrastructure, CIL and any other relevant policies or standards when buying land for development or taking an option to buy the land. The Council are aware that developers will often try to maximise the land value for

landowners, however the guidance is clear that relevant policy requirements should be taken into account when defining land value. Land cost will therefore not normally be accepted as an argument for reducing the value of required contributions including the proportion of affordable housing to be provided.

Affordable housing units are eligible for an exemption from CIL. Whilst developments consisting solely or mainly of affordable dwellings are not specifically exempt from making other contributions, the Council appreciates that there are often much tighter margins of viability on these types of developments and so it is not usually expected that financial contributions will be required. Such proposals will be considered on a case by case basis and the Council will take a flexible approach to the assessment of their viability.

### **Planning obligations process**

Where an agreement is required to secure a financial contribution, it may take the form of either a unilateral undertaking or a planning agreement. Applicants and their agents are encouraged to enter into pre-application discussions to help highlight the likely impacts of a proposed development and the most appropriate means of mitigation.

Where any contribution is required solely towards infrastructure for Tamworth Borough Council, developers will be encouraged to use a unilateral undertaking. Unilateral undertakings should ideally be submitted with the planning application, or as soon as practicable after any required contributions have been identified, and must be accompanied by proof of title. Payments required under a unilateral undertaking will usually be required to be paid in full on commencement of development unless otherwise agreed by the Council.

Planning agreements will be used when a contribution is required towards infrastructure which is the responsibility of the County Council or any other relevant third party. Where a legal agreement is required, applicants will be expected to meet the reasonable costs of the Council in negotiating, and producing the obligation. These costs will depend on the scale and complexity of the development, and applicants are advised to seek an estimate of the amount at the earliest opportunity.

The Council will seek to ensure that any agreement has been negotiated and signed by the relevant parties within the statutory timeframe for determination of the application to which it relates. Where an unavoidable delay in completing the agreement would lead to the application process extending beyond the statutory timeframe for a decision, the Council will seek to agree with the applicant an extension of time for the determination of the application.

Where the delay is caused by the applicant without good reason, and no extension of time has been agreed, the Council may seek to take the application forward for determination with a recommendation for refusal.

Where a proposed development is liable for CIL, the Council will follow the relevant CIL procedures set out in legislation or, where appropriate, set out in the Council's own CIL guidance. Further information on CIL processes and procedures can be viewed on the Council's website.

In instances where a developer considers that a S106 Agreement requires amendment, the developer is advised to contact the Council. The Council may wish to enter into a renegotiation voluntarily or may require the developer to make an application under Section 106A of the Town and Country Planning Act 1990 to modify an obligation where it no longer serves a useful purpose or would continue to serve a useful purpose in a modified way. Such an application can only be made where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old. Further information can be found in NPPG.

## **Types of infrastructure**

### **Affordable housing**

Income collected through CIL can't be used to fund the provision of affordable housing, instead the Council expects affordable housing, where appropriate, to be delivered on site. Local Plan policy HG4 Affordable Housing sets out the minimum expected level of affordable housing to be provided on each development which, in most cases, is a minimum 20% for all sites meeting the threshold. The exception to this is the small number of allocated sites that can viably provide a minimum of 25%.

Whilst this level of affordable housing is considered to be deliverable, the Local Plan recognises that there may still be factors which make a site unviable and the Council will need to be flexible on a site by site basis whilst still seeking to deliver an appropriate proportion of affordable housing.

The Council will seek to secure affordable dwellings on appropriate sites through negotiating a S106 agreement to provide an appropriate number of units and mix of sizes and tenure on the site. The precise nature of the affordable housing to be provided shall be determined by negotiation between the Council, acting as planning and housing authority, and the applicant and will reflect national policy and guidance in place at the time.

Previously the Council has sought financial contributions towards affordable housing on developments of between 3 and 9 dwellings. Following the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the written ministerial statement of 28 November 2014, the



Council determined (by way of a Cabinet decision dated 29 September 2016) not to seek affordable housing contributions on residential developments of 10 dwellings or fewer. The exception to this is where the maximum combined gross floorspace would be greater than 1,000 square metres (gross internal area).

On developments comprising 11 or more dwellings, or where the maximum combined gross floorspace would be more than 1,000 square metres, the Council will continue to seek on-site provision of affordable housing in line with the requirements set out in Local Plan policy HG4.

In exceptional circumstances the Council may, as an alternative, consider off-site affordable housing where the required amount of affordable housing is provided on a site other than the one being developed. The provision of such housing will be subject to a planning obligation secured through a S106 agreement. Such housing would be required to be in addition to the amount of affordable housing that would otherwise be required on the alternative site.

If neither the on-site nor off-site provision of affordable housing is possible then, as an alternative, the Council will consider a commuted sum towards alternative affordable housing provision. As part of any settlement the Council will consider accepting suitable land in lieu of all or part of any payment.

In order to calculate off-site contributions, the Council will monitor and update changes to the Land Registry average market values for a range of housing types. Contributions will be calculated using the following formula:

Contribution Amount = Net Number of Units Proposed x Average Market Value X Affordable Requirement (20%) x Transfer Cost (35%)

The transfer cost is based on the equivalent transfer value for an intermediate or shared ownership unit built on site as assumed in the Whole Plan Viability Study that supports the Local Plan.

The Council will monitor development activity, land values and market signals to ensure it adopts a flexible approach to negotiations to achieve the above targets. This monitoring will inform discussions over viability, local needs and where appropriate lead to a review of targets.

### **Open space**

The Council may use a combination of CIL and S106 agreements to contribute towards the enhancement of existing open spaces. Collected CIL funds will be used to enhance existing open space where it would benefit the whole of the borough, for example for the enhancement of the urban parks which would attract visitors from a wider area than local open space.

The Council will expect that, where appropriate, developments will provide on-site open space in accordance with the policies of the Local Plan. Where it is not possible or appropriate to provide on-site open space, residential developments may be required to make a contribution towards the enhancement of existing local open space through a S106 agreement. These obligations will be sought towards local open space projects where they:

- are set out in the IDP;
- relate directly to the proposed development;
- are not included on the regulation 123 list; and
- would not contravene the pooling restrictions.

Where financial contributions are sought for the enhancement of existing open space, the contribution will be based on the size of the proposed dwelling(s) in accordance with the following<sup>1</sup>:

1 or 2 bed dwelling - £660 per dwelling  
3 bed dwelling - £990 per dwelling  
4+ bed dwelling - £1,320 per dwelling

These criteria will apply to changes of use from non-residential properties to residential use and conversion of existing dwellings to flats/apartments/larger Houses in Multiple Occupation. In the case of conversion, the contribution will be based on the net increase in the number of bedrooms.

### **Education**

Education infrastructure is an integral part of new residential development and is important in achieving sustainable communities. Staffordshire County Council is the local authority responsible for education provision across the eight borough/districts of Staffordshire, and has a statutory responsibility to ensure that every child living in the county is able to access a mainstream school place in Staffordshire if they want one. The County Council will therefore be responsible for identifying the potential impact of proposed development on education infrastructure and will seek to secure appropriate contributions from developers where necessary to mitigate those impacts.

Where housing developments are likely to generate demand for additional school places, developers will reasonably be expected to contribute towards education facilities and infrastructure to mitigate the impact of housing development and the likely associated costs. This may include financial contributions towards providing additional school places and, where an appropriate project has been identified, the cost of delivering the project will

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<sup>1</sup> The rates set are based on those set out in the previous Planning Obligations Supplementary Planning Document with inflation applied from 2007 to 2017 based on an average of 2.8% per year.

be met relative to the size of the development. Where applicable, contributions may also include the necessary additional land, access and relevant services to enable schools to be extended or completely new schools to be constructed.

In line with national policy, the threshold beneath which contributions will not usually be sought is for housing developments of ten dwellings or fewer (and which have a maximum combined floor space of no more than 1,000 square metres). Where a proposed development would exceed the threshold, the Council will consult the County Council who will determine if a contribution is required to mitigate against the impact of the development.

On receipt of a planning application consultation, the School Organisation Team will consider how many additional pupil places the proposed development would add and will undertake a detailed review of local school places and pupil projections. The detailed analysis is undertaken in line with the latest Staffordshire Education Planning Obligations Policy which is available on the County Council's website.

Any planning obligations required in respect of education infrastructure, whether financial or otherwise, will be secured through a S106 agreement between the applicant or developer, the Borough Council and the County Council.

The School Organisation Team welcomes and encourages discussions before a developer submits a planning application to the Borough Council. All information provided in the pre-application advice will cover the relevant level of detail and supporting information necessary to provide a valid assessment of school place planning issues and whether an education contribution is likely to be required. This advice can be obtained via the Developer Online Advice Form (available on the County Council's website) and there will be an appropriate fee charged determined by the type of enquiry.

### **Highways**

Staffordshire County Council has responsibility for the local highway network within Tamworth, and Highways England has responsibility for the Strategic Road Network (SRN) which includes the A5(T). The County Council will therefore be responsible for identifying the potential impact of proposed development on the majority of roads within Tamworth and Highways England will be responsible for identifying impacts on the SRN.

As statutory consultees, the two highways authorities will be consulted on planning applications where the development would be likely to result in a material increase in the volume or material change in the character of traffic entering or leaving the public highway. The highways authorities will be responsible for identifying measures required to mitigate against the impact of



a proposed development and, where a planning obligation is required, may be party to any negotiation and/or agreement.

As any required mitigation measures would be site and development specific, highways planning obligations will be secured by legal agreement. This could be in the form of a S106 agreement, but will often be secured by an agreement under section 278 of the Highways Act 1980 (as amended) which will be made directly with the relevant highways authority.

### **Other infrastructure**

The list of types of infrastructure set out above should not be considered exhaustive as there may be situations where other contributions will be sought towards mitigating the impact of a specific proposed development. In these instances, specific obligations will be negotiated on a case by case basis between the applicant, the Council and any other relevant third party.

### **Neighbouring authorities**

The Council will work with neighbouring authorities to seek contributions from developments in their areas where those developments would impact on infrastructure within Tamworth.

The Council will also work with its neighbours to ensure that, where development within Tamworth would impact on their infrastructure, suitable contributions are secured towards infrastructure in neighbouring authority areas.

On the basis that development outside of Tamworth's administrative boundary would not fall within the charging zone for Tamworth's CIL, all contributions sought from development in neighbouring authority areas will be through S106 agreements which will be negotiated in collaboration with the relevant neighbouring authority. This includes where the neighbouring authority has CIL in place but development in Tamworth is not included on their list of infrastructure projects on which CIL is to be spent (regulation 123 list).

In any instances where Tamworth infrastructure is included on a neighbouring authority's regulation 123 list, the Council will seek, through the relevant processes and procedures, to secure proportionate contributions towards infrastructure in the borough.

Similarly, where development in Tamworth would require a contribution to infrastructure in a neighbouring authority area, and there is no specific project for that infrastructure on Tamworth's regulation 123 list, contributions will be sought through a S106 agreement which will be negotiated in conjunction with the relevant neighbouring authority.

In the event that an appropriate infrastructure project or specific item of infrastructure in a neighbouring authority area is included on the Council's

regulation 123 list, the relevant neighbouring authority will be expected to seek a contribution through the appropriate allocations process.

## **Monitoring**

The Council will undertake monitoring of planning obligations to ensure that all obligations are complied with, both by the developer and by the Council. The Council will track compliance with each provision contained within each legal agreement as developments proceed to ensure that all developers are paying obligations and delivering on-site obligations in accordance with the legal agreement.

Where an obligation is required by the County Council or another interested party who is a signatory to the agreement, the relevant party will be responsible for monitoring compliance with those provisions of the agreement. The Council will work with the County Council and any other relevant party to ensure that the monitoring process is as comprehensive and efficient as possible.

The Council undertakes monitoring to ensure that Council services are spending the financial obligations in accordance with the terms of the Agreement.

## **Enforcement**

Once Planning Obligations have been agreed it is important that they are implemented or enforced in an efficient and transparent way, in order to ensure that infrastructure is provided in accordance with the terms of the legal agreement, and to ensure that the associated development contributes to the sustainability of the area.

Planning Obligations are enforceable by the Council under Section 106(5), (6), (7) and (8) of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

If it is evident that the Planning Obligations requirements are not being complied with, the Council may instigate the relevant legal or enforcement action.

## **List terms and abbreviations**

For ease of reference, below is a list of terms and abbreviations used in this document and their meaning.

### **Terms used**

Unless the context implies otherwise, the following terms used above have the stated meaning.

The Council – Tamworth Borough Council

The County Council – Staffordshire County Council

The highways authority – Staffordshire County Council highways

Regulation 123 list – The list of those projects or types of infrastructure that the Council intends to fund, or may fund, through CIL

School Organisation Team – Staffordshire County Council School

Organisation Team

S106 agreement – An agreement under section 106 of the Town and Country Planning Act 1990 (as amended)

S278 agreement – An agreement under section 278 of the Highways Act 1980 (as amended)

**Abbreviations used**

CIL – Community Infrastructure Levy

IDP – Infrastructure Delivery Plan

NPPF – National Planning Policy Framework

NPPG – National Planning Policy Guidance

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## **Summary of Consultation Responses**

The Council consulted on the following documents for a period of six weeks between 16 April 2018 and 30 May 2018:

- Draft Infrastructure Delivery Plan
- Draft Regulation 123 List
- Draft Planning Obligations SPD

The consultation was sent directly to relevant infrastructure providers including Staffordshire County Council, Environment Agency, Severn Trent Water, Western Power Distribution and the relevant Clinical Commissioning Group. The consultation was also sent directly to people on the Council's Local Plan consultation database and was advertised on the Council's website.

Responses were received from 10 individuals or organisations in respect of one or more of the documents. A summary of the comments received on each of the documents and how they have influenced the preparation of the document has is set out in the table below.

## Draft Planning Obligations Supplementary Planning Document

Individual or organisation	Comments made	Council's response
<p>Tetlow King on behalf of West Midlands HARP Planning Consortium</p>	<p><b>Exemptions</b> We recommend that the Council include a line in the SPD that states that contributions should not be sought from affordable units. We would like this to be set out clearly in either the 'Developers Contributions' section on page 3 or in a new section. Contributions should not be sought from affordable units or where developments are restricted to occupancy from existing residents as affordable housing developments are generally made available for people on the local housing register and therefore place no additional pressure on local infrastructure.</p> <p><b>Open Space</b> The first line of this section indicates that the Council may use a combination of CIL and S106 payments to enhance existing green spaces. It is prudent to note that double charging on schemes (i.e. financing a scheme through both Section 106 and CIL) falls foul of PPG (Paragraph: 093 Reference ID: 25-093-20140612) which clearly states that: "Where the levy is in place for an area, charging authorities should work proactively with developers to ensure they are clear about the</p>	<p><b>Exemptions</b> The comments on affordable units are noted. Affordable housing units are eligible for an exemption from CIL and, whilst they are not exempt from the possibility of other planning obligations, the Council acknowledges that marginal viability of mainly or wholly affordable schemes. The viability section of the document has been updated to better reflect how the Council deals with such developments.</p> <p><b>Open space</b> The comments on 'double dipping' are noted. The Open space section of the document sets out the specific circumstances in which obligations will be sought through s106 agreements to ensure that there is no 'double dipping'. The Council appreciates that the original wording of the first paragraph could be misleading and so it has been amended for clarity. The draft regulation 123 list was also unclear about the distinction and so this has also been amended for clarity.</p> <p><b>Evidence base</b> The comments in relation to updating the Local Plan evidence base are noted. The Council will be seeking to undertake a Local Plan review in due</p>

authorities' infrastructure needs and what developers will be expected to pay for through which route. There should be not actual or perceived 'double dipping' with developers paying twice for the same item of infrastructure." This section should be amended to make it clear that open space enhancements which are directly for site-specific mitigation and related to each individual development, will be secured through S106 planning obligations, or through identification in the Regulation 123 List. This change is needed as the Regulation 123, S106 Pooling Restrictions (2015) prevents councils from collecting more than five separate planning obligations for a project or type of infrastructure. An applicant could face legal challenge if planning permission granted without appropriate mitigation or if they enter into a S106 agreement which includes contributions towards infrastructure where the pooling restriction has been exceeded.

We ask that the evidence base updated to inform development across Tamworth, including an update to the Recreational Open Space Review which was last produced in 2011.

#### S106 Agreements

Reference is made to utilising S106 Agreements to secure affordable housing. Where S106

course and will consider as part of that review what evidence needs updating to support the Plan.

#### S106

The comments on standard s106 clauses are noted. The Council is currently working on a replacement to the existing standard s106 template which will be made available online alongside the revised SPD. The comments will be taken into consideration when drawing up the revised template.

	<p>Agreements are used we would ask that consideration is given to enabling Registered Providers greater flexibility and less onerous requirements when negotiating affordable housing through using appropriate Mortgage Protection Clauses. This will assist housing associations in maintaining a deliverable development programme.</p> <p>We recommend that the Council uses the National Housing Federation model clause within its S106 Agreements. This model clause recommends the use of ‘reasonable’ endeavours (instead of ‘best’ endeavours) as this unlocks higher borrowing levels and in turn provides greater capacity for delivery of additional affordable housing. We have enclosed the National Housing Federation model clause for ease of reference.</p>	
<p>Mrs Lizzie Marjoram instructed as planning solicitor by Barwood Strategic Land II LLP (“Barwood”).</p>	<p>1. The proposed SPD contains the following statement which should be deleted:</p> <p>“Neighbouring authorities The Council will seek contributions from developments in neighbouring authority areas where those developments would impact on infrastructure within Tamworth. The Council will also work with its neighbours to ensure that, where development within Tamworth would impact on their infrastructure,</p>	<p>The policy basis for seeking contributions towards infrastructure within Tamworth is included in the adopted Tamworth Borough Local Plan 2006 – 2031 as policy IM1 Infrastructure and Developer Contributions, therefore the contents of the SPD is not creating policy, but seeks to clarify the implementation of existing policy.</p> <p>The Council agrees with the statement that Tamworth Borough Council policies cannot compel neighbouring authorities or developments in</p>



suitable contributions are secured towards infrastructure in neighbouring authority areas. On the basis that development outside of Tamworth's administrative boundary would not fall within the charging zone for Tamworth's CIL, all contributions sought from development in neighbouring authority areas will be through S106 agreements which will be negotiated in collaboration with the relevant neighbouring authority. This includes where the neighbouring authority has CIL in place but development in Tamworth is not included on their list of infrastructure projects on which CIL is to be spent (regulation 123 list).

2. Tamworth Borough Council cannot lawfully create such a policy through a SPD; please see the enclosed and recent William Davis case. If the SPD is adopted in this form it cannot be enforced because it would be ultra vires.

3. Regardless of whether it forms part of a DPD or a SPD we assert that Tamworth Borough Council cannot through policy require or compel neighbouring authorities or neighbouring developments to enter such a s106 agreement. The only correct procedure for this is via the duty to co-operate between neighbouring authorities and inclusion within Regulation 123 lists. This was a matter addressed in great detail

neighbouring areas to enter into an agreement to provide contributions to Tamworth infrastructure. The Council can, and will where appropriate, request that neighbouring authorities seek contributions on its behalf. However it is ultimately the responsibility of the relevant neighbouring authority to consider whether to seek such a contribution from the developer. The text of the 'Neighbouring authorities' section of the document has been amended to make it clearer that the Council will work in cooperation with neighbouring authorities to secure appropriate contributions.

Points 4 and 5 of the response are noted.

	<p>at the Arkall Farm inquiry.</p> <p>4. For the reasons given above it would be wrong for Tamworth Borough Council to lead the Secretary of State into an error of law by suggesting that such policy can be lawfully made or enforced through a SPD. Barwood reserves its position if the Council adopts the SPD in this form.</p> <p>5. If Tamworth Borough Council adopts the SPD in this form and encourages (in writing or verbally) the Secretary of State to take this matter into account in his determination of the Arkall Farm application, Barwood is entitled to make submissions to the Secretary of State in response. You must therefore please copy us on any correspondence or make us aware of any contact to encourage this and give us the opportunity to respond to the Secretary of State to avoid an error of law in the determination of the Arkall Farm application.</p>	
Highways England	<p>Highways England considers that the Planning Obligations Supplementary Planning Document is helpful in terms of clarifying the scope of the various mechanisms used to secure developer contributions and their interaction.</p> <p>We would request however that the sections on 'highways' and on 'section 278 Agreements' are both amended to take due account of the key</p>	<p>Comments noted. Changes have been made to the wording of the document to reflect the comments made in relation to the role of Highways England.</p>

role of Highways England in relation to their operation. Suggested amended text is provided below:

#### Highways

“Staffordshire CC has responsibility for the local highways network within Tamworth, which is the majority of roads in the Borough – whereas Highways England has responsibility for the Strategic Road Network (SRN) which comprises sections of the A5(T) and M42.

As statutory consultees, the highways authorities will be consulted on planning applications where the development would be likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving the public highway. The highways authorities will engage with applicants to identify the impacts arising and any necessary mitigation.

Mitigation may be sought through the imposition of planning conditions which, if physical works are required, may require an Agreement under S278 of the Highways Act 1980 (as amended) to be entered into with either the County Council or with Highways England.

In some cases, mitigation may be secured through the use of S106 Agreements and this may include the payment of a financial contribution towards any necessary works. In this case the relevant highways authority will be

	<p>party to any negotiation, although it is only the County Council who can be signatory to the Agreement (not Highways England)”  Section 278 Agreements  2nd Paragraph  “Within Tamworth, Staffordshire CC has responsibility for the local road network and Highways England has responsibility for the Strategic Road Network. S278 Agreements may be made between each (or both) of these authorities in order to deliver necessary highways improvements. Whilst Tamworth BC may impose planning conditions, which necessitate a S278 Agreement being entered into, it is not normally party to any S278 Agreement.”</p>	
Education and Skills Funding Agency	<p>The ESFA welcome the use of s106 contributions for schools. To demonstrate that the approach is robust the ESFA recommends that the document include clearer signposting to the relevant County Council documents including Staffordshire County Council Obligations SPD, and, for example, details of any new survey of new developments (subsequent to the MORI study 2005/6) used to inform up-to-date pupil yield calculations for different size residential units; any discount applied for an assumed proportion of children who are privately or home educated; and the build cost data (and price index, where relevant)</p>	<p>The comments on signposting to the relevant County Council documents are noted. A reference is included within the SPD to other relevant documents but not to a specific link to document available from outside bodies as these could quickly become out of date.</p>

	<p>used to inform the s106 charges. Bedford Borough Council and Essex County Council have developer contribution guides with detailed sections on education contributions that may be useful references for refining the education sections of this SPD.</p>	
<p>Tetlow King Planning on behalf of Rentplus UK Ltd</p>	<p>The SPD can facilitate greater affordable housing delivery by being clear on the interpretation of Local Plan Policy HG4, indicating that the Council will respond flexibly to development proposals that meet or exceed the affordable housing target with a variety of tenures, particularly where this will avoid the need for off-site contributions. The Council's aim to ensure that affordable housing is accessible to those who cannot meet their housing needs in the market is more achievable with the inclusion of rent to buy as this addresses the primary barrier to home ownership by tackling the lack of a mortgage deposit. This is achieved through a combination of a secure affordable rented period (whichever is the lower of 80% of open market rent, including any service charge, or Local Housing Allowance), giving time to save, and a 10% gifted deposit to enable tenants to buy their own home in 5, 10, 15 or 20 years. The specific Rentplus model is not delivered at an intermediate rent, as set out in the draft NPPF definition, but with a rental cost that responds</p>	<p>The SPD does not set out any specific definitions of affordable housing as to do so would risk the document becoming out of date when national policy and guidance changes. The wording of the 'Affordable housing' section of the document has been updated to clarify that negotiations over the number of units and mix of sizes and tenures of affordable housing to be provided on site will reflect national policy and guidance in place at the time.</p>

	<p>directly to local affordability, being more accessible and affordable to working households who aspire to home ownership. The final version of the SPD should note the expanded definition of affordable housing to remain in conformity with national policy and to support more households into home ownership over the whole plan period.</p>	
Environment Agency	<p>We have no comments to make on the above document.</p>	<p>No response required.</p>
Historic England	<p>We do not wish to comment in detail in this instance, but offer the following general comments which I hope you find helpful.</p> <p>Planning obligations can have a notable part to play in the support of the Local Plan's heritage strategy, including through funding the conservation or enhancement of the historic environment through CIL and S106 agreements, and avoiding or helping to address 'heritage at risk' through careful application of CIL levy rates. We encourage careful consideration to be given to the draft SPD in these respects. Our advice note on 'The Historic Environment in Local Plans' has more information on this subject and can be accessed here:  <a href="https://historicengland.org.uk/images-books/publications/gpa1-historicenvironment-local-plans/">https://historicengland.org.uk/images-books/publications/gpa1-historicenvironment-local-plans/</a>.</p>	<p>The comments of Historic England are noted.</p>

## Draft Infrastructure Delivery Plan

Highways England	It is noted, under the 'specific provision initiatives' under the Transport section that reference is made to the need for schemes on the A5 and M42. We can confirm that this remains the case but at this stage we have no further evidence to confirm the details of these. We are continuing to work with applicants as proposals come forward through the planning process to confirm their contribution to strategic infrastructure.	No response required.
Natural England	<p>We have no specific advice to offer in relation to the plan's proposals but offer the following general comments:</p> <p>Natural England welcomes this infrastructure delivery plan as the primary means by which suitable infrastructure will be identified consistent with local plan policy - IM1 Infrastructure and developer contributions</p> <p>With regard to our remit focusing on landscape and biodiversity we note the following components of policy IM1 as being of special relevance:</p> <p>(a) "...green and blue infrastructure and the open space network...in accordance with policies EC2, EC4, EC5, HG2, HG3, EN2, EN3, EN4 and EN6".</p> <p>(b) "provision of appropriate sport and recreation facilities and new and improved open space in accordance with policy SU7"</p> <p>(c) "improving accessibility and links by means of public transport, cycleway and pedestrian access to, community facilities and open space to deliver strategic urban extensions and housing allocations in accordance with</p>	No response required.



	<p>policies HG1, HG2, EC5 and EC6.”</p> <p>(d) “cross-boundary infrastructure to help deliver and mitigate the effects of Tamworth related future development”.</p> <p>Within the theme of ‘Environmental and Strategic Green Infrastructure’ we welcome the identified projects and note the improvements completed in respect of the borough’s suite of local nature reserves.</p>	
Education and Skills Funding Agency	<p>The local planning authority should note that there are two routes available for establishing a new school. Firstly, where a local authority thinks a new school needs to be established, section 6A of EIA 2006 places the local authority under a duty to seek proposals from new school proposers (academy trusts) to establish an academy (free school) and to specify a date by which proposals must be submitted to the local authority. In this ‘local authority presumption route’, the local authority is responsible for finding the site, providing the capital and pre-/post-opening funding and managing the build process. Secondly, an academy trust can apply directly to the Department for Education during an application round or ‘wave’ to set up a free school. For further details please see:</p> <p><a href="https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption">https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption</a></p> <p>Whilst Staffordshire consistently deliver schools via the presumption route, it would be helpful to include reference to these two different delivery routes and/or signpost the above details within the IDP.</p>	<p>The comments on different delivery routes for new school are noted. A reference to the Education and Skills Funding Agency as a potential funding source and delivery partner has been added to section 9 of the IDP.</p>

	<p>Section 9 'Education' confirms that additional need for primary and secondary school places is currently planned to be provided through expansions to existing schools, and new schools are to be funded through s106. For clarity, please add reference to the ESFA as a potential funding source (amount dependent upon the particulars of the scheme) and delivery partner for new schools.</p> <p>Forward Loan Fund In light of the specific provision initiatives identified with Section 9 of the IDP (the primary schools planned for Tamworth Golf Course SUE and Dunstall Farm SUE ) of the Infrastructure Delivery Plan, emerging ESFA proposals for forward funding schools as part of large residential developments may be relevant, for example if viability becomes an issue. The ESFA aims to be able to clarify forward funding options for schools in 2018. We would be happy to meet to discuss this opportunity further once the options have been finalised and if/when relevant. Any offer of forward funding would seek to maximise developer contributions to education infrastructure provision while supporting delivery of schools where and when they are needed.</p>	
Staffordshire County Council	An updated IDP that makes minor changes to education infrastructure provision for accuracy has been provided.	<p>The comments of SCC are noted. Section 9 of the IDP has been updated to incorporate the suggested changes.</p> <p>SCC has made additional comments in</p>

		relation to the regulation 123 list (see below) which have required amendments to the IDP.
Environment Agency	<p>Tamworth and Fazeley have benefited from a substantial system of flood defences which were initially constructed in the 1960s. These were improved between 2012 and 2014 when new defences were constructed at Coton and Fazeley. Over 3,000 properties in the area benefit from the presence of these defences which reduce the risk of flooding from the River Tame.</p> <p>Any new developments in areas benefitting from these flood defences should be required to contribute towards the costs of their maintenance.</p> <p>We support the inclusion of Flood Defences which has been carried forward from the current IDP.</p>	The Environment Agency's comments are noted. There is a reference contained within the IDP to developer contributions being a potential source of funding for maintenance of flood defences where they would meet the tests set out in section 122 of the CIL Regulations.
Historic England	<p>We do not wish to comment in detail in this instance, but offer the following general comments which I hope you find helpful.</p> <p>The Infrastructure Delivery Plan could make a notable contribution to the Local Plan's heritage strategy, through (for example, but not limited to); improvements to open spaces and public realm in historic areas, repairs and improvements to heritage assets such as historic bridges and registered parks &amp; gardens. We note the positive inclusion of heritage related identified projects, which are very welcome, and would encourage any additional opportunities to conserve or enhance the historic environment to be considered as above.</p>	The comments of Historic England are noted.

	<p>We encourage careful consideration to be given to the IDP in these respects to help you meet the requirements of conserving or enhancing the historic environment in line with paragraphs 7, 126 and 157 of the National Planning Policy Framework. Our advice note on 'The Historic Environment in Local Plans' has more information on this subject and can be accessed here: <a href="https://historicengland.org.uk/images-books/publications/gpa1-historicenvironment-local-plans">https://historicengland.org.uk/images-books/publications/gpa1-historicenvironment-local-plans</a></p>	
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### Draft Regulation 123 List

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Highways England	<p>Highways England has previously confirmed that a number of key sections of the SRN will likely be impacted by development in Tamworth and that highways improvements on the M42 and A5 will be necessary, in order to accommodate the individual and cumulative impacts of future development (this is reflected in our comments on the current draft IDP). The nature of these improvements has however not been defined and it is clear that further assessment work will be necessary in order to define appropriate mitigation strategies. On this basis, Highways England is content that there are no SRN schemes included on the Regulation 123 List at present. It is anticipated that infrastructure needs associated with future developments will need to be defined through the transport assessment process, and that any requisite</p>	No response required.
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	infrastructure can be expected to be delivered through traditional S106 and S278 mechanisms.	
Natural England	We note the list's contents and have no specific comments to make at this stage.	No response required.
Education and Skills Funding Agency	We understand that Staffordshire County Council have worked closely with Tamworth Council in developing the Regulation 123 List and that S106 agreements are the preferred method for raising education contributions. The ESFA, therefore, has no comments to make in relation to proposed Regulation 123 List.	No response required.
The Woodland Trust	You refer on page 4 to "enhancement of open space owned by Tamworth Borough Council". The Woodland Trust has done some research which shows that selective conversion of green open space to woodland (perhaps less well used areas around the edge of parks and playing fields etc) can deliver considerable biodiversity and amenity benefits, as well as significantly reducing the Council's landscape management costs. See our report "Trees or Turf" at: <a href="https://www.woodlandtrust.org.uk/publications/search/?query=trees+or+turf">https://www.woodlandtrust.org.uk/publications/search/?query=trees+or+turf</a>	No response required.
Staffordshire County Council	Staffordshire County Council as Lead Local Flood Authority have identified that most of the problems we deal with in Tamworth are with regard to existing surface water infrastructure that is reaching the end of its design life or has been	The proposed flood alleviation works are noted. In order to be included on the regulation 123 list the projects would need to be included on the IDP initially. The IDP has been updated to include the identified projects with a view to potentially including

adversely affected by other factors. Currently, if a flooding problem arises in Tamworth, the LLFA has two accepted routes for funding. Flood Defence Grant in Aid (from DEFRA) and applying for local levy funding through Regional Flood and Coastal Committees. In order to obtain such funding we have to produce business cases and cost benefit analyses through a detailed process. Unfortunately this whole process was designed for the Environment Agency to get funding for large scale schemes on Main Rivers which might protect hundreds or thousands of properties. This usually consists of detailed flood modelling and analysis of the problems. That often costs more than the works that are needed to solve the small scale problems we encounter.

As a result, the smaller scale problems that we are seeking to resolve do not often qualify under this assessment system and we only tend to end up with property level defences, rather than a more pragmatic engineered solution. If smaller scale funding was available through a process like CIL, it might give us the ability to resolve some of these smaller scale flooding problems which are problematic to a small number of residents, but do not qualify under the current funding system.

Currently in Tamworth, there are a number of small scale repetitive flooding problems of this kind, the

them on the regulation 123 list in future. However it is not considered appropriate to include the projects on the regulation 123 list until such time as further details of the projects, including potential costs, have been established.

	<p>problem areas are listed below. These might be added to the list of Identified Projects for the future.</p> <p>Persistent Historic Flood Problems in Tamworth:</p> <ul style="list-style-type: none"> <li>• Amington Road under viaduct – road floods because of high levels in Main River</li> <li>• Amington Hall Lodge, Ashby Road – House flooded from ageing land drainage system</li> <li>• Dunstall Lane, Ventura Park – Roadside ditch with confusion as to ownership</li> <li>• Emberton Way and Whitley Avenue, Amington – Ageing land drains</li> <li>• Glascote Road/Neville Street – Ageing land drainage infrastructure</li> <li>• Hedgeing Lane, Winecote – Ageing land drainage infrastructure</li> <li>• Jonkel Avenue, Tamworth - Ageing land drainage infrastructure</li> <li>• Kettle Brook culverts - Ageing land drainage infrastructure</li> <li>• Lichfield Road Industrial Estate – Confusion as to ownership of land drainage, debris problems and water held back during events in the Tame.</li> <li>• Orchard Street, Tamworth - Ageing land drainage infrastructure</li> </ul>	
<p>Environment Agency</p>	<p>There are currently no flood risk management schemes in the Tamworth BC area included in the FCRM Investment Programme.</p>	<p>No response required.</p>



Historic England	<p>We do not wish to comment in detail in this instance, but offer the following general comments which I hope you find helpful.</p> <p>CIL funding can be used for ‘infrastructure’, which can include (but is not limited to) historic bridges and green and social infrastructure such as registered parks and gardens, civic spaces and public realm in historic places. We encourage opportunities to be taken to identify ways in which CIL funding can be used to reinforce the borough’s policies with respect to conserving or enhancing the historic environment to help you satisfy paragraphs 7, 126 and 157 of the NPPF. Similarly, you may wish to consider discretionary relief where the viable reuse of a vacant heritage site would be less viable if it was subject to CIL, or the asset’s setting degraded by increased density or design restrictions as a result of viability/CIL requirement interaction. Our advice note on ‘The Historic Environment in Local Plans’ has more information on this subject and can be accessed here: <a href="https://historicengland.org.uk/images-books/publications/gpa1-historicenvironment-local-plans/">https://historicengland.org.uk/images-books/publications/gpa1-historicenvironment-local-plans/</a>.</p>	The comments of Historic England are noted.
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**The Community Infrastructure Levy Regulations 2010 (as amended)  
The Planning Act 2008 (as amended)**

**Notice of approval and publication of the Tamworth Borough Council  
Community Infrastructure Levy Charging Schedule (August 2018)**

This statement is published by Tamworth Borough Council in accordance with the requirements of Section 25 of the Community Infrastructure Levy Regulations 2010 (as amended).

Notice is hereby given that Tamworth Borough Council formally adopted the Community Infrastructure Levy Charging Schedule (and associated local CIL policies and Regulation 123 list) at a meeting of the Full Council on 17 July 2018. The Charging Schedule takes effect from 01 August 2018.

Copies of the Charging Schedule and related documents can be viewed on the Council's website: [www.tamworth.gov.uk/CIL](http://www.tamworth.gov.uk/CIL)

The documents are also available for public inspection during normal opening hours at:

- Tamworth Borough Council Office, Marmion House, Lichfield Street, Tamworth, B79 7BZ
- Tamworth Library, Corporation Street, Tamworth, B79 7DN
- Glasgote Library, Caledonian, Glasgote, B77 2ED
- Wilnecote Library, Wilnecote High School, Tinkers Green Road, Wilnecote, Tamworth, B77 5LF

For further information please contact the Planning Policy and Delivery Team:  
Telephone: 01827 709 709

Email: [DevelopmentPlan@tamworth.gov.uk](mailto:DevelopmentPlan@tamworth.gov.uk)

Post: Planning Policy and Delivery

Tamworth Borough Council

Marmion House

Lichfield Street

Tamworth

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**The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)**

**Notice of revocation of a supplementary planning document**

In accordance with section 15(3)(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and section 25 of the Planning and Compulsory Purchase Act 2004 (as amended), notice is hereby given that Tamworth Borough Council has revoked the following Supplementary Planning Documents effective from 01 August 2018.

- Planning Obligations (July 2007)
- Open Space for New Residential Development (July 2007)

As required by Regulation 15(3)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), following the revocation of the above documents, they will no longer be available for inspection at the Council's principal office or on the Council's website.

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**The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)**

**Planning Obligations Supplementary Planning Document  
Adoption Statement**

The Planning Obligations Supplementary Planning Document (SPD) was adopted by Tamworth Borough Council on 01 August 2018. The SPD provides advice and guidance to developers, landowners, the community and the Council by setting out how the Council will seek to collect contributions from developers to support the funding of appropriate infrastructure in Tamworth.

Any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of that decision. Any such application must be made promptly and in any event not later than three months after the date on which the SPD was adopted.

A consultation statement summarising the main issues raised during the formal consultation period and how these were addressed along with a copy of the SPD and this Adoption Statement can be viewed on the Council's website at <http://www.tamworth.gov.uk/supplementary-planning-documents>

Alternatively, the SPD and Adoption Statement can be viewed at the Council's offices at Marmion House, Lichfield Street, Tamworth, B79 7BZ during normal opening hours.

If you require any further information please contact the Planning Policy and Delivery Team:

Telephone: 01827 709 709

Email: [DevelopmentPlan@tamworth.gov.uk](mailto:DevelopmentPlan@tamworth.gov.uk)

Post: Planning Policy and Delivery

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Marmion House

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Tuesday 17 JULY 2018

**REPORT OF THE CHIEF EXECUTIVE****APPOINTMENT OF A DEPUTY ELECTORAL REGISTRATION OFFICER****EXEMPT INFORMATION**

None

**PURPOSE**

To seek Council approval to appoint a Deputy Electoral Registration Officer, with the same duties as the Electoral Registration Officer (ERO) to provide resilience and business continuity in this role.

**RECOMMENDATIONS**

That the Council

- approve the appointment of the Head of Audit & Governance, Mrs Angela Struthers, to the role of Deputy Electoral Registration Officer, under section 52(2) of the Representation of People Act 1983, having the same duties as the Electoral Registration Officer

**EXECUTIVE SUMMARY**

Due to organisation changes, the recently appointed Chief Executive also holds the position of Electoral Registration Officer as is required under legislation. The Chief Executive is also noted to be the "Proper" Officer under section 270 (3) of the Local Government Act 1972.

The Council has a duty to assign officers to assist the ERO in their duties, and further to allocate appropriate resources to enable the required functions be carried out.

Given the Scheme of Delegation is silent on the appointment of a deputy for this critical position, Council is asked to confirm the appointment as detailed in the recommendation above

It is key to have sufficient resilience in this important area of Council responsibility and having a named deputy will ensure business continuity at all times and provide capacity to the ERO.

**OPTIONS CONSIDERED**

The do nothing option was considered but due to the above comments around resilience and business continuity this option is not considered viable.

Other Officers were considered for the role but due to the proposed Officers position as Deputy Returning Officer and as the Head of Service for the area this seems the most appropriate officer to appoint.

**Risk Assessment**

Business continuity is critical in all services, and seeking a deputy in a key role ensures resilience and continuity.

**Community Impact Assessment**

None necessary for this report.

**LEGAL & RESOURCE IMPLICATIONS**

This action supports the principles of good governance and has no resource implications

**BACKGROUND**

**LIST OF BACKGROUND PAPERS**

None

**APPENDICES**

None