



Borough of Tamworth

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**INFRASTRUCTURE, SAFETY AND GROWTH
SCRUTINY COMMITTEE**

15 August 2022

Dear Councillor

A Meeting of the Infrastructure, Safety and Growth Scrutiny Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 23rd August, 2022 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, appearing to be 'A. B.', followed by a long horizontal line extending to the right.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 12)**
- 3 Declarations of Interest**

To receive any declarations of Members' interests (personal and/or personal and prejudicial) in any matters which are to be considered at this meeting.

When Members are declaring a personal interest or personal and prejudicial 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 personal and prejudicial interest in respect of which they do not have a dispensation.

4 Update from the Chair

5 Responses to Reports of the Infrastructure Safety & Growth Committee

Update on responses received to Reports of the Infrastructure Safety & Growth Committee.

6 Consideration of Matters referred to the Infrastructure Safety & Growth Committee from Cabinet or Council

(Discussion item)

**7 Statement of Community Involvement and Local Development Scheme
(Pages 13 - 40)**

(Report of the Portfolio Holder for Skills, Planning, Economy & Waste)

8 Local Plan Issues and Options Consultation (Pages 41 - 72)

(Report of the Portfolio Holder for Skills, Planning, Economy & Waste)

9 Petition to Stop the Netting of Hedges in Tamworth (Pages 73 - 78)

To consider and, if appropriate, make recommendations to full Council following referral of the matters related to the Petition to Stop the Netting of Hedges in Tamworth.

10 Forward Plan

(Discussion item – link to Forward Plan is attached)

[Browse plans - Cabinet, 2022 :: Tamworth Borough Council](#)

11 Working Group Updates

To receive updates from any Working Groups

12 Infrastructure Safety & Growth Scrutiny Committee Work Plan (Pages 79 - 80)

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

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The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.

If a member of the public is particularly concerned about accidental filming, please contact a member of Democratic Services before selecting a seat

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

To Councillors: S Goodall, R Ford, M Cook, A Cooper, S Daniels, J Harper, S Peuple, B Price and P Turner

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**MINUTES OF A MEETING OF THE
INFRASTRUCTURE, SAFETY AND
GROWTH SCRUTINY COMMITTEE
HELD ON 6th JULY 2022**

PRESENT: Councillor S Goodall (Chair), Councillors R Ford, A Cooper, J Harper, S Peale and P Turner

CABINET: Councillor Stephen Doyle

The following officers were present: Andrew Barratt (Chief Executive), Anna Miller (Assistant Director – Growth & Regeneration), Ben Percival (Operations Manager), Nigel Harris (General Manager, Joint Waste Service) and Jo Hutchison (Democratic Services, Scrutiny and Elections Officer)

16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Michelle Cook, Sarah Daniels and Ben Price.

17 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 14th June 2022 were approved as a correct record.

(Moved by Councillor R Ford and seconded by Councillor J Harper)

18 DECLARATIONS OF INTEREST

There were no declarations of interest.

19 UPDATE FROM THE CHAIR

The Chair reminded the Committee of the additional Committee meeting scheduled for 23 August 2022.

20 RESPONSES TO REPORTS OF THE INFRASTRUCTURE SAFETY & GROWTH COMMITTEE

None

21 CONSIDERATION OF MATTERS REFERRED TO THE INFRASTRUCTURE SAFETY & GROWTH COMMITTEE FROM CABINET OR COUNCIL

No new items had been referred.

22 DRY RECYCLING CONTRACT UPDATE

The Chair welcomed the Portfolio Holder for Skills, Planning, Economy and Waste, Councillor Stephen Doyle and the Chief Executive, Andrew Barratt, the Operations Manager, Ben Percival, and Nigel Harris, the General Manager, of the Joint Waste Service to the meeting to update the Committee.

The Operations Manager provided an overview of the implementation phase of dual stream service during which there was concurrent implementation of the new service together with continuation of the old service. Implementation was completed at the end of May 2022 with the full dual stream collections commencing from 30th May 2022. During the first five full weeks of the new service there had been carefully monitoring and whilst it was early to draw firm conclusions it was reported that:

- There had been no appreciable increase in residual waste, suggesting that recyclable materials were not being put into the general (black bin) waste
- Missed bin reports had been reducing since implementation
- Rejected bins and contaminated waste had significantly reduced since implementation
- It was intended that there would be regular reviews, including at month 3 and month 6 to consider whether there were any improvements which could be made.

The Committee commented and sought clarifications in the following areas:

1. Whether there was any comparator data from other local authorities regarding the roll out of the dual streaming systems and how did Tamworth Borough Council's data compare. It was reported that the implementation of dual stream recycling had transformed the quality of the recycling collected and led to a significant reduction in the percentage of contamination rate from around 14 /15% (for co-mingled waste) to <2% for card and paper, and to <5% for glass, plastics and cans which had meant there had been no rejected loads, which was not understood to be the case in all local authority recycling services. Going forwards further data would be available.
2. Information on methods for securing the blue bags, where it was reported that the bag had been specified to fit within the top of the blue bin, and it had never been designed to hook onto the blue bin. It was reported that second blue bags could be requested by residents. It was reported that once there was further data available there would be consideration of whether any improvements could be made. It was highlighted that any changes would need to be made on a round by round basis and not by specific households
3. How many requests for additional blue bags had been made where it was reported that 3500* had been requested.

4. Whether the blue bags delivered had met the specification, whether the decision to use bags for card and paper and the bins for the glass, plastic and tins reflected the volume of waste from households, as well as consideration as to how the card and paper waste in bags would be managed in inclement weather. It was reported that the specification of the bags was currently a matter under discussion with the supplier and an update could be given at a later meeting of the Committee. In terms of reversing the use of bags and bins, this was something under discussion and whilst it was considered that the use of the bags for card and paper and bins for glass, plastic and cans was currently the right way round (in terms of volumes of waste received) this would continue to be kept under review. In terms of the query about inclement weather / working through the winter, the bag and bin service was close to industry standard and was used in other local authorities and there was the velcro lid on the bag to assist, however, there would continue to be work to consider how to provide additional capacity over the Christmas period.
5. An independent review of the implementation of the service had been commissioned which was expected to report back in August 2022 and could be included as part of the next update to this Committee.
6. What was the expected lifespan of the bags, where it was reported that the service had planned to replace 105 of bags per year.
7. Clarification on the assisted service available to residents, where it was reported that details were available on the website and that a modest increase in the number of requests had been received following implementation of the new dual stream service.
8. The plans which would be in place for the Christmas period where it was reported that this was an area considered each year and plans were underway which could involve extra resources being utilised. An update on the Christmas plans was requested to be included in the next update to the Committee.
9. The risk to the service's delivery in terms of HGV driver shortages and any mitigations in place or under consideration. It was reported that this was an ongoing risk for the service and that to address this risk the service had reviewed the pay for drivers and was considering implementing training for its own drivers.
10. The position of the plans in communal housing properties where it was reported that this piece of work was expected to take 12 months and would commence shortly.

The Committee thanked the Portfolio Holder and Officers for their update and attendance and requested that the above comments be considered when preparing the next update for the Committee in 3 months time. The Officers then left the meeting.

** Post Meeting Note: the correct figure for the number of additional blue bags which had been requested was 2000 (not 3500).*

The Head of Economic Development and Regeneration provided an update to the Committee on the progress made since the Committee's last update on Electric Vehicle Charging. The update included confirmation that a contract had been signed with BP Pulse for the installation and ongoing maintenance of electric vehicle points at 2 council owned car parks in the town; Bolebride and Riverside. A map of the intended locations of the points was circulated, which had followed a site visit by BP Pulse to identify the optimal locations. At each location there would be two fast chargers, with 2 charging points on each. The installation had not yet commenced.

The Committee sought clarifications in the following areas:

1. How the usage of the charging points would be monitored where it was reported that this would be done by BP Pulse and the contract included some sharing of information.
2. How long it would take to install the charging points, where it was reported that this would depend upon the locations and proximity to electricity sub stations.
3. Any potential limitations of the infrastructure available in terms of electricity supply, where it was reported that these charging points would assist in identifying the demand for charging points, which would help future conversations in this area. Further it was reported that there was a Corporate Project in the Corporate Plan to develop an EV Charging Strategy which would articulate what as an authority we want to deliver and then discussions on how this could be delivered would commence. Further there was work at a Staffordshire County level on sustainability which also included EV Charging at a Staffordshire level. Over time it was also reported that the range of electric vehicles and other technological developments would develop and this could impact the demand and nature of charging facilities required.

The Chair thanked the Portfolio Holder and Officers for their update and the Head of Economic Development and Regeneration then left the meeting.

24 PETITION TO STOP THE NETTING OF HEDGES IN TAMWORTH

The Chair reminded members that this was report was before the Committee following a petition to full Council, which Council referred to the Committee to review the relevant legislation and any other relevant material before reporting back to full Council.

The Assistant Director, Regeneration and Growth provided an overview of the report and highlighted that the relevant legislation included Section 1 of the Wildlife and Countryside Act 1981 and that the netting of hedges was used by developers to mitigate their risks of undertaking works illegally. It was reported that Natural England did not regulate the use of netting by developers, however,

they would expect developers to take a proportionate approach to netting and they provide guidance about the netting mesh size.

The Assistant Director further reported that Part 6 of the Environment Act 2021, included a requirement for developers to deliver a 10% biodiversity net gain (BNG) as a condition of planning permission in England, and that this requirement was a direct consequence of the petition presented to Government in 2019. This requirement had cascaded into the National Planning Policy Framework 2021, and this was being implemented by Borough Council officers. The result of the BNG was expected to encourage developers to consider their approaches which could involve them retaining the existing habitats to achieve the 10% BNG.

The Assistant Director advised that some other council's included information on their website which could be considered, and further included Informatives on their planning permissions which were of an advisory nature, which highlighted to developers their duties under the Wildlife and Countryside Act.

The Committee commented and sought clarifications in the following areas:

1. Whether there was anything the Council could do to prevent the removal of hedgerows as part of a development, where the Assistant Director reported that it was not unusual for there to be some tree or hedgerow loss as part of an application for development, however the application would normally be accompanied by ecological surveys, which would assess the value of those habitats. Sometimes hedgerows were lost for safety (visibility) reasons. The BNG would now mean that developers would need to consider further any removal of hedgerows / trees given the need to deliver more than the net gain.
2. Could the council put planning conditions on, for example, the timing / period of netting of hedges? The Assistant Director reported that she would need to take legal advice on whether this was possible.
3. To consider ensuring that training for planning committee members included the consideration of the environment / green agenda.

The Chair reported that following receipt of the further information requested regarding what could be included in permissions, the Chair would feedback to the Committee.

The Committee thanked the Assistant Director for her report and for the Assistant Director and the Portfolio Holder's attendance, following which they left the meeting.

25 FORWARD PLAN

No further items were identified at this time.

26 WORKING GROUP UPDATES

There was no further update at this time on the Facilities for HGV Drivers working group.

The Chair reported that in respect of the Travellers working group, he was in contact with the Portfolio Holder who had identified that there was work at a Staffordshire level ongoing. Once there was further information regarding this he would report back as appropriate.

27 INFRASTRUCTURE SAFETY & GROWTH SCRUTINY COMMITTEE WORK PLAN

The Committee considered its work plan and update it as below.

A further working group was identified to look at the integration of transport available to local residents in Tamworth.

Infrastructure, Safety and Growth Scrutiny Work Plan

Work Plan	
DATE	SUBJECT
23 August 2022	Local Plan Issues and Options Consultation
23 August 2022	Statement of Community Involvement and local Development Scheme
23 August 2022	Netting of Hedges (response to Council)
14 September 2022	Net Zero – baseline reporting
14 September 2022	Future High Street Fund
11 October 2022	Amington local centre
11 October 2022	Dual Stream (recycling service) quarterly update
Quarterly updates	Future High Street Fund
Quarterly updates	Dual Stream (recycling service) updates
Quarterly	Reset & Recovery updates
Date to be confirmed	Council Housing Repairs Policy
Date to be confirmed	Review of policy / engagement with stakeholders relating to Travellers
Date to be confirmed	Fire Safety Update
Date to be confirmed	Town Hall
Date to be confirmed	Funding of public toilets (link to HGV working group)
Date to be confirmed	Strategy for older buildings
Date to be confirmed	Review of Taxi Licensing Policy – Points System
Date to be confirmed	CCTV update

Working Groups		
Topic	Possible WG Members	Target IS&G Com meeting date
Review of policy / engagement relating to Travellers		
Facilities for HGV Drivers in Tamworth	Cllrs B Price (WG chair) Cllrs S Daniels and M Cook	
Transport integration	Cllrs R Ford (Chair), A Cooper, S People and P Turner	

**Upcoming Infrastructure, Safety and Growth Scrutiny Committee
Meetings**

Meeting dates:

23 August 2022 (new)

14 September 2022

11 October 2022

22 November 2022

18 January 2023

23 March 2023

Chair

Tuesday, 23 August 2022

Report of the Portfolio Holder for Skills, Planning, Economy & Waste

Statement of Community Involvement and Local Development Scheme

Exempt Information

None.

Purpose

To seek Committee endorsement of the proposal and recommendations to be put before Cabinet in relation to the adoption and publication of a new Statement of Community Involvement and Local Development Scheme.

Recommendations

It is recommended that:

1. Committee endorse the recommendation for Cabinet to resolve to approve the publication of the new Statement of Community Involvement, as included in Appendix A of the report.
2. Committee endorse the recommendation for Cabinet to resolve to approve the publication of the new Local Development Scheme, as included in Appendix B of the report.
3. Authority is delegated to the Planning Policy and Delivery Team Leader to make any minor typographical amendments to the documents before or after publication.

Executive Summary

The Council is required by legislation to publish and keep up to date a number of documents that sit alongside the local plan and provide information to the public and other stakeholders.

- A Statement of Community Involvement (SCI) which sets out a strategy for engagement with the local community and other relevant parties in producing a local plan and determining planning applications.
- A Local Development Scheme (LDS) which enables the local community and other interested parties to keep track of the progress of development plan documents and to identify points in the process where they are able to get involved.

The current SCI was published in November 2018 and a temporary Covid-19 addendum was added in October 2020. The current LDS was published in 2021 and sets out a work programme up to the end of 2024. It is important to ensure that both of these documents kept as up to date as possible, particularly when a new local plan is being prepared.

The existing documents have been reviewed and updated and approval is therefore sought for the adoption and publication of a new SCI (included at Appendix A) and LDS (included at Appendix B). The documents will be adopted from September 2022 to coincide with the publication of the Issues and Option Local Plan Consultation.

Options Considered

The alternative option for both the SCI and the LDS is to not revise the existing documents and to continue to use them both as they are. This option is not considered appropriate for the SCI as legislation requires that the document is updated every five years, and so to not do so by November 2023 would leave the Council not in compliance with the legislation. This could lead to difficulties in preparing local plan documents and making decisions on planning applications. Although there is some time remaining before the legislative deadline, the new

local plan is in its early stages of preparation, and it is important to have an updated SCI prior to the commencement of any associated consultation periods.

It is also not considered appropriate to continue to use the current LDS. The existing document requires multiple amendments to reflect an updated timeframe. As the LDS is intended to enable the public and other interested parties to keep track of development plan progress, it would be beneficial for them to have access to the most up-to-date version which reflects the most accurate timeline at the point of publication.

Resource Implications

There are no resource implications associated with the recommendations contained within this report.

The resource implications associated with the work programme set out within the LDS are included within the document at Appendix B. The main resource required to deliver the work programme is officer time. There is a budget identified for the development of a new local plan of £10,000 per year for the period covered by this LDS. Due to the work commencing later than expected, there remains £244,159 held in a retained fund from previous years that will be used to supplement the existing budget.

The budget setting process for 2025/26 and beyond will need to include appropriate consideration of resources required to deliver the later stages of the local plan, including the examination in public. The costs associated with an examination are not easy to estimate as this point because they will depend on the complexity of the issues raised during the process.

Legal/Risk Implications Background

The requirements to have a Statement of Community Involvement and Local Development Scheme are set out in Regulations 18 and 15 respectively of the Planning and Compulsory Purchase Act 2004 (as amended) and the requirement to update the SCI every five years is set out within the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Section 3A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) also makes provision for the Secretary of State to prepare an LDS on behalf of any local authority who does not have an up-to-date one, and to direct the authority to bring that LDS into effect. Therefore, the risk associated with not having an up-to-date LDS is the possibility of having one imposed on the Council by the Secretary of State.

Equalities Implications

There are no direct equalities implications resulting from the proposals set out in this report.

The work programme set out in the LDS will involve the undertaking of an equalities impact assessment at each relevant stage of local plan production to ensure compliance with the Equality Act 2010 and the Council's own policies on diversity and equality.

A Community Impact Assessment has been carried out for the approach set out in the SCI and no negative impacts were identified.

Environment and Sustainability Implications (including climate change)

Any sustainability implications are set out in other areas of the report.

Background Information

Statement of Community Involvement (SCI)

Regulation 18 of the Planning and Compulsory Purchase Act 2004 (as amended) places a duty on local planning authorities to prepare an SCI, which should explain how they will engage the local community and other interested parties when producing a local plan and determining planning applications. The Council's current SCI was adopted in November 2018.

Under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), local planning authorities are required to review their SCI at least every five years, starting from the date of adoption of the document. As the current SCI was adopted in November 2018, the Council is required to have completed a review of the SCI by November 2023.

Although this legislative deadline has not yet been reached, Regulation 10A permits the document to be updated prior to this point in time if it is deemed necessary. The Council are currently in the early stages of preparing the new local plan, which will involve numerous instances of consultation with the general public and other interested parties. In light of this, and the changes associated with the impacts of COVID-19, it has been determined that the process would be better supported by the publication of an updated SCI. The SCI has been revised to reflect these changes, with the updated processes and procedures set out in Appendix A.

It was confirmed prior to the publication of the current SCI that no consultation period would be required in the instance of any document update and/or replacement. It is therefore recommended that Cabinet determine that the revised document takes effect from September 2022.

Local Development Scheme (LDS)

Regulation 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires a local planning authority to prepare and maintain a scheme (the LDS) that sets out the following:

- The local development documents which are to be development plan documents.
- The subject matter and geographical area to which each development plan document is to relate.
- Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities.
- The timetable for the preparation and revision of the development plan documents.
- Such other matters as are prescribed.

The purpose of the LDS is to allow the local community and other interested parties to keep track of progress on development plan documents. It should be made available publicly and kept up-to-date. There is no specific timeframe for review of the LDS, but the legislation states that local planning authorities should revise the LDS at such time as they consider appropriate. The current LDS was adopted in 2021 and covers the period up to 2024. Whilst the timeline set out in this current version has not yet reached its conclusion, it does include allowance for an annual review. Upon review, it was concluded that the timescales for individual projects have changed significantly enough to warrant the publication of an updated Local Development Scheme. The LDS has therefore been updated to reflect a revised programme for the development of the new local plan for Tamworth. The updated LDS is included in Appendix B.

Report Author

Laura Massey - Planning Policy and Delivery Officer; Richard Powell – Planning Policy and Delivery Team Leader

List of Background Papers

None.

Appendices

Appendix A – Draft Tamworth Borough Statement of Community Involvement
Appendix B – Draft Tamworth Borough Local Development Scheme 2022-2025

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**Tamworth Borough Council
Statement of Community
Involvement
September 2022**

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Part A - Introduction

This statement sets out our approach to involving the community in planning decisions in Tamworth. It aims to explain when and how you can get involved in both the development of a new local plan and decisions on individual planning applications.

The statement is split into three parts. The rest of Part A contains general principles and information; Part B covers the local plan and other planning policy work; and Part C relates to planning applications.

Our approach to engagement

Whenever we engage with you, we will try to:

- **Keep things simple**, by using plain English and explaining any technical terms that we need to use.
- **Communicate clearly**, by explaining why we're engaging with you.
- **Make it easy for you to get involved**, by explaining when and how you can get involved, and by using a variety of approaches where appropriate.
- **Make sure your involvement is effective**, by clearly explaining what we can and can't take into account and making sure you have enough time and notice of opportunities to get involved.
- **Be inclusive**, by providing information in an accessible format where possible and giving clear advice on how the planning system works when requested. We will also encourage involvement from groups that have traditionally not been involved in the planning process.
- **Be consistent** so that you know what to expect, and to ensure fairness for all applicants and residents.
- **Be reasonable and respectful** by treating everyone with respect.

Who will we look to engage with?

Government planning regulations require us to make sure that certain groups are consulted at key stages in preparing the local plan or determining planning applications. This includes, for example, the Environment Agency, Highways England, Historic England and Staffordshire County Council. The full list is updated periodically and is available online on the Government's planning system website.

As well as those groups we have to consult with, we would like anyone who is interested to have the chance to be involved in the preparation of the local plan. To help with this, we have a list of people who have expressed an interest in staying informed about planning matters in Tamworth, and we use this list to help us engage with a wider audience where appropriate. If you would like to be added to the list, please contact the Planning Policy and Delivery team at developmentplan@tamworth.gov.uk

How you can get involved

We will keep you informed through various ways including by letter or e-mail, through our website (www.tamworth.gov.uk) and social media channels, and notices in the local newspaper where appropriate. The methods we use to engage with people will vary depending on the particular document being produced or planning application being considered, and may also include public consultation events. When deciding on the best approach in any situation, we will always try to make sure that the process is proportionate and provides value for money.

The role of Planning Officers

The Council's planning officers are split into two teams:

- **The Planning Policy and Delivery Team** produces the local plan and other development plan documents and administer the Community Infrastructure Levy.
- **The Development Management Team** validates and assesses planning applications and investigate alleged breaches of planning control.

The role of Councillors

Councillors have a key role to play in the planning process:

- Councillors are responsible for approving and adopting all development plan documents such as the local plan.

- Our planning committee is made up of 13 councillors who make decisions on all major planning applications and applications that are called in by a ward councillor or there is a wider public interest.
- Councillors who aren't on the planning committee may also speak at committee meetings on behalf of residents where the development is in their ward. You can contact them to discuss applications in their wards and neighbouring wards where there may be an impact. You can find your local councillor on our website at:
<https://modgov.tamworth.gov.uk/mgMemberIndex.aspx?bcr=1>

The role of councillors in representing the views and concerns of residents is very important, but your views can only be formally taken into account when you make them in writing to planning officers.

Part B - Local Plans

The local plan sets out a vision and objectives for the future development of Tamworth and contains the policies we use to make decisions on planning applications. The current plan for Tamworth is made up of the Tamworth Borough Council Local Plan 2006 – 2031 and a number of other supplementary documents. You can find the current plan and related documents on our website at: <https://www.tamworth.gov.uk/local-plan>

We are currently working on a new local plan for Tamworth. Information on the stages of that process and the ways that you can get involved is set out below. The timetable for the development of the new plan is included in our Local Development Scheme which will be updated throughout the process and can be found on our website at: <https://www.tamworth.gov.uk/local-development-scheme>

Preparing new planning documents

When you can get involved

The new local plan

There are a number of key stages involved in producing a local plan, and there are a number of stages along the way where you can get involved.

Stage 1: Issues and Options

Where we try to identify the key issues that the local plan needs to address and what we can do about them. We'll ask for your input on what those issues and options might be.

Stage 2: Preferred Options

Where we'll use what we've learned from the issues and options stage to set out what we think are the key issues facing Tamworth and what we think is the best approach to tackling them. We don't have to consult at this stage, but we'll be asking for input anyway.

Stage 3: Pre-submission

Where we'll have a draft version of the plan with policies and site allocations based on evidence collected and feedback from the previous stages. We'll be asking for further input at this stage, before we submit the plan for examination.

Stage 4: Examination in Public

Where an independent planning inspector will examine the plan to check if it is 'sound' and able to be adopted by the Council. Comments received at the previous stages will be considered by the inspector and people who have commented may be invited to take part in the examination.

Other related documents

Sometimes we produce other planning policy documents, like Supplementary Planning Documents, which give extra information about the policies in the plan. We'll often ask for your views on these documents too, but how we engage with you will depend on what the document is about.

How we'll engage with you

- **Website** – our website is the main point of access for all planning information. We will use it to keep you informed about the plan making process and to provide opportunities for you to review information and tell us what you think;
- **Press and social media** – we'll use our social media channels, and sometimes press releases too, to put out information about progress on preparing planning documents and to let you know about opportunities to get involved;
- **Letters and emails** – where appropriate, we may write out directly to interested parties to seek their views. This will usually involve contacting individuals whose details are included on the list of interested parties referred to in Part A above;
- **Exhibitions and workshops** – when it's appropriate, we might put on exhibitions and workshops to give you the chance to look at plans and proposals and to speak to planning officers and other members of the community in an informal setting. These sessions may be online or in person depending on topic and who we're trying to engage with.
- **Statutory notices** – where we're required to do so, we'll publish notices in a local newspaper to notify you of certain key events and milestones;
- **Other methods** – there may be times when there are opportunities to use an approach that we haven't listed above. As part of our commitment to make it easy for you to get involved,

we'll try to take these opportunities where they are appropriate and cost-effective.

How we'll make documents available

We'll use our website as the main place for sharing documents and other information that we want your input on because it is accessible and allows you to look at the information in your own time. Because we know not everybody has access to the internet, we'll also try to make paper copies available to look at. These will usually be available at the places listed below during their normal opening hours, but those places may not always be available, and we may have to make alternative arrangements sometimes.

Tamworth Information Centre Tamworth Assembly Rooms Corporation Street Tamworth B79 7DN.	Tamworth Library Corporation Street Tamworth B79 7DN
Glascote Library Caledonian Glascote Tamworth B77 2ED	Wilnecote Library Wilnecote High School Tinkers Green Road Wilnecote Tamworth B77 5LF

Neighbourhood Plans

Neighbourhood planning is another way for communities to have a say in the planning of their area. The process is usually led by parish or town councils, but in places where there are none (as in Tamworth) local residents can form a neighbourhood forum to produce a plan for their area.

Although the Council doesn't prepare neighbourhood plans, we do have a duty to provide advice and assistance to forums wishing to produce one and to take plans through the legal publication, examination, referendum and adoption processes

You can find out more about what's involved in neighbourhood planning online at <https://www.gov.uk/guidance/neighbourhood-planning--2> or <https://neighbourhoodplanning.org/>

There are currently no neighbourhood plans being prepared in Tamworth. In the event that any come forward, we will update this document to include information on how you can get involved.

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Part C - Planning Applications

All applications for planning permission and related consents (such as works to listed buildings and display of advertisements) are assessed by our Development Management team. They are responsible for determining most applications in line with the Council's Constitution, but some applications are determined by the Council's Planning Committee. The types of application that are determined by Planning Committee are Major applications, applications raising issues of considerable public interest, or where a Ward member has requested that the application is 'called in'.

All decisions on planning applications will be made in accordance with the adopted development plan, unless material considerations, including national planning policies and guidance or site specific matters, indicate otherwise.

Whether the decision is made by planning officers or the Planning Committee, your views are important and will be taken into consideration where appropriate. Information on how you can get involved in planning decisions is set out below.

How you can find out about planning applications

You can view the details of planning applications, including supporting documents, plans, and drawings on our website at <http://www.tamworth.gov.uk/planning.aspx>. In exceptional circumstances, we may be able to make paper copies of documents available for viewing. If you are having difficulty viewing the information online, please contact us on 01827 709709 or by email at planningadmin@tamworth.gov.uk to ask about alternative ways to view the documents or to arrange a time to discuss the details with a planning officer.

Government regulations and guidance set out how we're required to publicise different types of application. Those requirements are set out in the table below.

	Letters	Press Advert	Site Notice
Application Type			
Major	x	x	x
Listed Building	x	x	x
Minor application in conservation area	x	x	x
Other Minor application	x		x (where neighbours unknown)
Householder developments in a Conservation Area	x	x	x
Other Householder developments	x		x (where neighbours unknown)
Prior approval	x		x (where neighbours unknown)
Works to TPO trees			x

How you can comment on an application

Once we've sent a letter, or posted a press and/or site notice, you'll have 23 days to send us any comments you'd like to make on the application. If a press and site notice are published on different days, the 23 days starts from the date of whichever is posted later.

23 days is a longer period than we're required to do by the regulations, but we do this to make sure that any public holidays that might fall within the publicity period are taken into account.

It's important that you submit any comments within the 23 day period because we might not be able to take them into account if they are received after that.

If an applicant submits additional information, or significantly changes their proposal, we may carry out an extra period of publicity and consultation to make sure that the full extent of the proposal is known and to allow you time to submit additional comments.

Who we notify about any additional or amended information will depend on the scale of the changes and how significant they are, and that decision will be made by the planning officers on a case by case basis. Any additional or amended information will be made available on our website though, so if you are interested in any particular application you

should check the website occasionally in case any new information has been added.

If you want to make a comment on any planning application, you can send us an email or write to us using the information below. We would recommend using email where you can. If you do choose to send your comments by post, please allow enough time for the letter to arrive within the consultation period.

- **E-mail** – planningadmin@tamworth.gov.uk
- **Post** – Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
B79 7BZ

What we'll do with your comments

All comments received on applications are considered by a planning officer and, where they are relevant to the application being considered, they will be taken into account when we make a decision. Your comments are only one of the considerations however, and they will be weighed against other considerations (such as local and national planning policies and guidance).

All planning application documents are available online and only information exempt under the Freedom of Information Act 2000 and the Data Protection Act 1998 is withheld from public view. Comments received on planning applications will be summarised in the officer's report and will be published in their entirety on our website with the exception of telephone numbers, email addresses and signatures, which will be redacted.

Consultation by applicants

We encourage applicants to engage with neighbouring landowners and the community before submitting any application for planning permission or other forms of consent. This engagement should be proportionate to the scale of the proposed development and for larger scale developments, these consultations should be carried out at an early stage in the process, to make sure feedback can be incorporated into the submitted proposal. Our local list of validation requirements sets out the types of application which should be accompanied by a statement of community involvement.

Our planning officers would not normally participate in these public meetings or exhibitions.

Decision making and Planning Committee

Most planning applications are determined by planning officers under delegated powers (as set out in the Council's Constitution and Scheme of Delegation). Where decisions are made by the Planning Committee, people who have commented on the application have the opportunity to speak at the committee meeting.

Planning Committee is a public meeting, and anyone can attend, but you (or a representative speaking on your behalf) will only be allowed to speak at the committee meeting if you have commented on the application, in writing, within the appropriate time period mentioned above.

When you submit comments on any application, please make it **very clear** that you may wish to speak at the meeting if the application is determined by committee. We will then let you know the meeting date by email and provide guidance on speaking at the meeting if you would still like to do so.

The Assistant Director - Growth and Regeneration has the discretion to refuse a request to address the Planning Committee but, if this happens, they will write to you letting you know the reason for their decision.

A maximum of two objectors to a planning application are allowed to speak and are allowed a maximum of 3 minutes each.

A maximum of two supporters (one slot reserved for the agent/applicant) of a proposal will also be allowed to speak for a maximum of 3 minutes each.

Councillors for the wards affected by the proposal will, subject to giving prior notification to the Assistant Director - Growth and Regeneration, be allowed to speak either in favour or against planning applications for a total of 3 minutes each.

There may be exceptional cases where the time allowed for public speaking may be extended at the discretion of the committee chair. If this happens every speaker's slot will be extended by the same amount of time.

There may be cases where there are more people who wish to speak than slots available. If this happens, we will encourage you to nominate a spokesperson to speak on behalf of everyone.

If, after the speakers have had chance to address the committee, a decision on the application is deferred to a later meeting, public speaking will not usually be allowed at the later meeting, unless significant changes are made to the planning application. Then a further opportunity may be given to people who spoke at the original meeting and, if there are any free slots available, new speakers may also be allowed.

Planning Committee agendas are usually published five days before the meeting on our website at:
<https://democracy.tamworth.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

Notification after Planning Committee

We will not usually write out to people who have submitted representations to let them of a decision. Decisions on all planning applications, including those made by the Planning Committee, are published on our website as soon as possible following the decision.

Planning appeals

If a planning application is refused, or conditions are put on a permission that an applicant is unhappy with, the applicant can appeal to the Planning Inspectorate (PINS) against the decision. If this happens, we'll let those people who were notified on the original application, and anyone else who commented on it, know that the appeal has been lodged. Any comments received on the application will be forwarded to PINS and, in some cases, you may have the opportunity to make further comments directly to them.

If the appeal will include a public inquiry, we'll also post a site notice to let the public know.

Tamworth Borough Council
Local Development Scheme 2022-2025
Published XXXXXXXXX

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1. Introduction

This Local Development Scheme (LDS) forms part of the Development Plan for Tamworth and sets out our programme for the preparation of Local Development Documents (LDDs) between 2022 and 2025. The purpose of this document is to let you know about our progress with the plan-making process and upcoming opportunities to get involved.

Producing an LDS is currently a requirement under the Planning & Compulsory Purchase Act 2004 (as amended). Guidance on their preparation states that the LDS should specify the development plan documents, and other documents, which will be part of the development plan for the area. The LDS should be kept up to date, so that local communities and interested parties can keep track of progress, and should be published on the Council's website.

2. Summary of current Local Development Documents

Development Plan Documents

The following documents are considered to be Development Plan Documents.

Tamworth Borough Council Local Plan 2006-2031

The local plan was adopted in February 2016 and, along with the proposals map, is the main document of Tamworth's development plan. It sets out the policies and guidance that help to shape new development in Tamworth up to 2031 and allocates parts of the town for new homes and employment land required to meet local needs.

Saved Policies of the Tamworth Local Plan 2001-2011

The majority of the policies in the old local plan (Local Plan 2001-2011) have been superseded by the policies contained within the current local plan (2006-2031) with the exception of policy EMP7 Working from Home which remains in effect.

The Local Plan and saved policy apply to the whole of the borough.

A review of the local plan was undertaken in 2020 and it was determined that, although the plan is generally still in accordance with national policy and is performing relatively well, some changes would be needed to make sure it continues to comply with national policy and to reflect changes in local priorities. It was therefore determined that the level of changes required were significant enough to warrant producing a new plan rather than a partial update to the existing Plan.

Work has begun on a new local plan and an indicative timetable for work on that plan up to 2025 is set out later in this document.

Other Local Development Documents and Supplementary Planning Documents

The following documents are not considered to be Development Plan Documents but are still an important part of the development plan for Tamworth.

Statement of Community Involvement (SCI)

The SCI sets out our approach to involving the community and other stakeholders in producing Local Development Documents and assessing planning applications.

The SCI must be reviewed at least every five years. The previous version was published in November 2018 and in October 2020, as a result of the global COVID-19 pandemic, an addendum to the SCI was published setting out temporary changes to the way consultations are carried out as a result of social distancing measures.

Although it has been less than five years since the previous version was published, we have recently reviewed and updated the document in advance of consulting on the first stage of a new local plan. The latest version was published in September 2022.

The SCI applies to the whole of the borough.

The SCI will be kept under review to ensure it remains relevant and up to date.

Planning Obligations Supplementary Planning Document

The latest Planning Obligations Supplementary Planning Document (SPD) was adopted on 01 August 2018.

The document is intended to provide greater clarity and certainty to developers, landowners, the community and the Council by setting out how we will seek to collect contributions from developers to support the delivery of appropriate infrastructure in Tamworth.

However, the Government published the revised National Planning Policy Framework (NPPF) around the same time, and policies contained within that document affect the content of the SPD. Therefore a review of the SPD may be required within the timeframe of this LDS to ensure that it remains in compliance with national planning policy and guidance.

The document applies to the whole of the borough.

An updated version of the document will be included as part of the work to develop the new local plan, but the document will be kept under review in case an earlier update is needed.

Design Supplementary Planning Document

The production of the Design SPD was included in the 2018 – 2021 LDS and the document was adopted in July 2019.

The document sets out key guidelines to be followed when developing in Tamworth and seeks to raise the quality of the built environment (including the historic environment) by ensuring that high standards of design are achieved. It also provides guidance to assist applicants in complying with the requirements of historic environment policies set out in the local plan and provides guidance on how the Council expects the historic environment to be taken into account in the development management process.

The document applies to the whole of the borough.

An updated version of the document will be included as part of the work to develop the new local plan, but the document will be kept under review in case an earlier update is needed.

Community Infrastructure Levy (CIL)

The CIL Charging Schedule came into effect on 01 August 2018 and sets out the various chargeable rates for development on which the levy is collected. Money collected through the levy will contribute to the costs of infrastructure projects to support the development of Tamworth. The CIL is closely linked to the Planning Obligations SPD and the Infrastructure Delivery Plan and applies to the whole of the borough with geographical exceptions applying to certain forms of development.

The CIL Charging Schedule should be subject to periodic review and this will take place as part of the wider process of delivering the new local plan. A period of consultation and an examination in public will be required before changes can be made to the rates set out in the CIL Charging Schedule, and this is likely to happen at a similar time to the examination of the new local plan.

3. New Local Development Documents

Development Plan Documents

During the timeframe covered by this LDS, we don't intend to produce any new DPDs, however work will continue on the production of a new local plan for Tamworth, and this will include a number of stages of public consultation.

Setting out a future timetable is not straightforward as the time it takes to move from one stage to the next depends upon the number and type of comments received during consultation and how long it takes to process them. It is also possible that further evidence will need to be gathered which could cause later stages to be delayed.

The indicative timetable in Appendix A is based on the best information available at this time and will be updated at a later date if more up to date information becomes available.

Other Local Development Documents and Supplementary Planning Documents

It is not currently proposed to produce any new LDDs or SPDs during the period covered by the LDS, however the existing Design SPD and Planning Obligations SPD will be kept under review and may require some changes that could trigger a period of public consultation.

4. Joint working/duty to cooperate

It is the Councils intention to continue to engage with both Lichfield and North Warwickshire councils to address any issues that can't be dealt with within the borough. The three local authorities have already committed to co-operate on strategic planning issues to deliver the unmet housing and employment needs identified in the adopted local plan through a statement of common ground.

Where there are opportunities to work with the neighbouring councils (or other relevant bodies) to collect evidence to support the new local plan, we'll look to take them, especially where it would save money.

The Council is also a non-constituent member of the West Midlands Combined Authority and so will be required to work with other members of the Combined Authority on issues which could affect the wider Combined Authority area.

5. Resources

The main resource required to deliver the work programme is officer time. The following table sets out the proportion of their time that the existing officers will contribute towards delivering the programme.

Officer Role	% of officer time
Assistant Director Growth and Regeneration	5%
Planning Policy and Delivery Team Leader	80%

Planning Policy and Delivery Officer	90%
Monitoring and Information Officer	70%
Development management Service team	Input as required

Due to the small size of the existing Planning Policy and Delivery team, there is currently limited capacity within the team to carry out the local plan development work alongside other commitments and there is no capacity to deal with any unexpected absences. There will therefore be a need to explore options for temporarily increasing the size of the team to meet demand and be more resilient.

Consultants will also need to be engaged on specific projects where there is a requirement for specialist skills or knowledge.

There is a budget identified for the development of a new local plan of £10,000 per year for the period covered by this LDS. Due to the work commencing later than expected, there remains £244,159 held in a retained fund from previous years that will be used to supplement the existing budget.

The budget setting process for 2025/26 and beyond will need to include appropriate consideration of resources required to deliver the later stages of the local plan, including the examination in public. The costs associated with an examination are not easy to estimate at this point because they will depend on the complexity of the issues raised during the process.

8. Programme Management and Responsibilities

Management responsibilities for all areas of work are:

Assistant Director Growth and Regeneration (programme overview)

Planning Policy and Delivery Team Leader (day to day programme, staff & resource management).

The LDS and preparation of LDDs is reported to the Corporate Management Team meetings as appropriate.

Regular meetings are held between the Assistant Director Growth and Regeneration and the Planning Policy and Delivery Team Leader to ensure lines of communication are working and to review progress. E-mail and shared work directories are used to facilitate joint working and link all officers engaged on the project and a project team meeting is held on a regular basis.

9. Council Procedures and Reporting Protocols

The Council's procedures and reporting protocols are set out in the Tamworth Borough Council Constitution which is updated periodically and is available to

view online at
<https://democracy.tamworth.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13229&path=0>.

10. Risk Assessment

In preparing the Local Development Scheme, it is considered that the main areas of risk relate to:

Staff resources

Having regard to the current staff levels there is a risk to the delivery of the work programme set out in the LDS should the Council be unable to recruit appropriately qualified/experienced staff or where existing staff leave or there is a prolonged absence. The Council has established good working relationships over the years with specialist consultants who have an understanding of the town but their support is subject to available budget allocations and procurement processes. As set out in the resources section above, consideration will need to be given to temporarily expanding the team to increase both capacity and resilience.

Political conflicts

In an effort to reduce any potential conflict a cross-party working group has been established to seek early input from members and to guide the development of Development Plan Documents including the new local plan.

Capacity of PINS and other agencies to cope with demand nation-wide

Lack of availability of the Planning Inspectorate (PINS) or any other outside agency required to have input into the delivery of any aspects of the work programme has the potential to cause delays. This is not something which the Council can influence, however early warning will be given to PINS of any part of the work programme which is required to go through an examination.

Legal challenge

The risk of legal challenge will be minimised by ensuring that DPDs are “sound” and founded on a robust evidence base and well-audited stakeholder & community engagement systems.

Programme slippage

This will be affected if resources are not secured or they are reduced. Slippage of any planned part of the programme could have a knock-on effect on later parts of the programme. The programme attempts to ensure that the key milestones are not affected should there be a need to put contingency arrangements in place.

The impact of local elections and the associated purdah period has already caused delays in the programme up to this point. The overall programme should remain unaffected, but the time between stages has been affected. The

indicative timetable included in Appendix A has been updated to take account of this.

Changes to relevant legislation and guidance

The Government have announced a number of proposals that may have an impact on the contents of local plans and how they are prepared. At this point, it is too early to say exactly what impact this may have on the planned programme, because the timeframe for implementation of any changes and any transitional arrangements are not currently known. There is however significant potential for delay and/or changes to the work programme. Any changes will be reflected in a future update to the LDS if required.

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Appendix A – Indicative Timetable

Document	Preparation Stage	LDS Target Date
New Local Plan	Issues & Options consultation	September 2022
	Preferred Option Consultation (non-statutory stage)	Early 2024
	Pre-Submission (Regulation 19) consultation	Early 2025
	Submission to PINS	Late 2025
Obligations Supplementary Planning Document	Update	As required, by early 2025 at the latest
Design Supplementary Planning Document	Update	As required, by early 2025 at the latest
Statement of Community Involvement	Review/update	As required, by August 2027 at the latest

Tuesday, 23 August 2022

Report of the Portfolio Holder for Skills, Planning, Economy & Waste

Local Plan Issues and Options Consultation

Exempt Information

None.

Purpose

To seek the committee's endorsement of the proposals and recommendations to be made to Cabinet in respect of the launch of an issues and options consultation as part of the development of the new local plan for Tamworth.

Recommendations

It is recommended that:

1. Committee endorse the recommendation for Cabinet to approve the issues and options public consultation based on the document set out in Appendix A; and
2. Committee endorse the recommendation for Cabinet to delegate authority to the Assistant Director – Growth and Regeneration to make any final typographical and formatting amendments to the document prior to publication.

Executive Summary

Progress on the new local plan for Tamworth has now reached the stage where it is intended to run the first of a number of public consultations to seek input from local residents and other stakeholders. The document in Appendix A has been written by planning officers in consultation with a cross-party working group of councillors, and sets out the issues that the new plan will need to address and, where appropriate, potential options for achieving that.

It is intended to publish a version of the document in Appendix A (subject to final formatting and typographical amendments) for consultation for a period of approximately seven weeks during September and October 2022. Feedback received through the consultation exercise will then be used to inform the next stage of the plan making process.

Options Considered

The possible alternatives to the proposed approach are either to not carry out the public consultation; to carry out the public consultation at a later date; or to carry out the public consultation based on different proposals to those set out in Appendix A.

The consultation forms an important part of the early stages of the development of the new local plan for Tamworth and is required by the relevant regulations, as set out later in this report. Without undertaking the public consultation, the Council would be unable to progress to the next stage of development of the plan. Similarly, if the public consultation were to be delayed, the timetable for the development of the new plan would be affected and the adoption of the new plan could be significantly delayed.

The document in Appendix A was drafted by officers based on available evidence, current national planning policy and guidance, and the Council's corporate plan vision and objectives. The proposals within it have been drawn up by officers in consultation with a

cross-party working group of members and so are considered to be the most appropriate option at this time.

Resource Implications

The consultation will be open to the general public as well as other stakeholders including neighbouring councils, landowners, and developers. It will be publicised so as to attract the best possible response, as any input at this stage will be valuable for the next stage of production of the plan. This could potentially draw a significant number of responses, and each response will need to be appropriately processed. An amount of additional officer time may therefore be required to carry out the work.

A review of existing resources is currently underway, taking into account the whole local plan timetable including this consultation stage. If additional resource requirements are identified, the appropriate procurement and budget setting processes will be followed.

With regards to the new plan itself, whilst at this time it would not be possible to quantify the potential financial costs and benefits, it is possible that there would be additional income to the Council associated with the Community Infrastructure Levy or other infrastructure payments. There may also be additional business rates income from economic growth and additional council tax income from new housing, however there will also be potential additional funding pressures from additional service demands arising from new development.

Legal/Risk Implications Background

The relevant regulations to the actions proposed are the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Regulation 18 of those regulations states that a local planning authority must notify certain consultation bodies of the subject of a local plan which the local planning authority propose to prepare, and invite them to make representations about what that plan ought to contain. Any representations made should then be taken into

The consultation bodies referred to are:

- such of the “specific consultation bodies” listed in the regulations as the local planning authority consider may have an interest in the subject of the proposed local plan;
- such of the “general consultation bodies” listed in the regulations as the local planning authority consider appropriate; and
- such residents or other persons carrying on business in the local planning authority’s area from which the local planning authority consider it appropriate to invite representations.

The full list of “specific consultation bodies” is set out in regulation 2 of the above regulations and contains such bodies as the Coal Authority, the Environment Agency and Natural England. The full list of “general consultation bodies” is also set out within regulation 2 and contains such bodies as voluntary groups whose activities benefit any part of the local planning authority’s area, and bodies which represent the interests of persons carrying on business in the local planning authority’s area.

The consultation exercise proposed is therefore required by legislation as part of the plan making process. Failure to carry out an appropriate consultation, and take account of the responses received, could potentially lead to any proposed new local plan not being found sound at examination, or being open to legal challenge. In both instances there would be a financial implication for the Council as a result of having to redo some parts of the process in order to make sure the plan was compliant with the regulations. It could also lead to the Council not having an adopted local plan in place to guide development of the borough.

Equalities Implications

There are no direct equalities implications resulting from the proposals set out in this report. The consultation document contains broad proposals that may form the basis of policies that are eventually adopted by the Council. At this stage it is not possible to properly assess any

impact as the proposals are not clearly defined. At each appropriate stage later in the plan making process, an equalities impact assessment will be carried out to ensure compliance with the Equality Act 2010 and the Council's own policies on diversity and equality.

Environment and Sustainability Implications (including climate change)

There are no direct sustainability implications resulting from the proposals set out in this report.

With regard to the wider development of a new local plan, the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development and the need for sustainable economic growth on which local plans are to be based and includes clear policies that guide how the presumption should be applied locally. Sustainability is therefore at the heart of plan making and will be appropriately assessed at each stage of the process.

Background Information

At the meeting of 19 March 2020, Cabinet resolved to begin work on a new local plan for Tamworth. The process of developing a new local plan involves a number of stages, ending with an independent examination by a Planning Inspector and, ultimately, the adoption of the plan by the Council.

Work has begun on collecting evidence and to establish the potential issues faced by the borough over approximately the next 20 years. Work is also underway to consider the possible options open to the Council for addressing the identified issues through the new local plan. This work forms the basis of the draft Issues and Options consultation document in Appendix A. Although the document is currently in a rough draft form, the fundamentals of the proposals are included, and the formatting will be finalised prior to the consultation being launched.

The document has been developed by planning officers in consultation with members through a cross-party working group. It is intended to put the finalised version of this document out to public consultation for a period of approximately seven weeks to gather the views of the public and other stakeholders to help develop the next stages of the new local plan.

Further information on the timeline for the development of the plan is included in the Council's Local Development Scheme, an updated version of which is also being considered (under a separate report) at this meeting.

Report Author

Richard Powell – Planning Policy and Delivery Team Leader

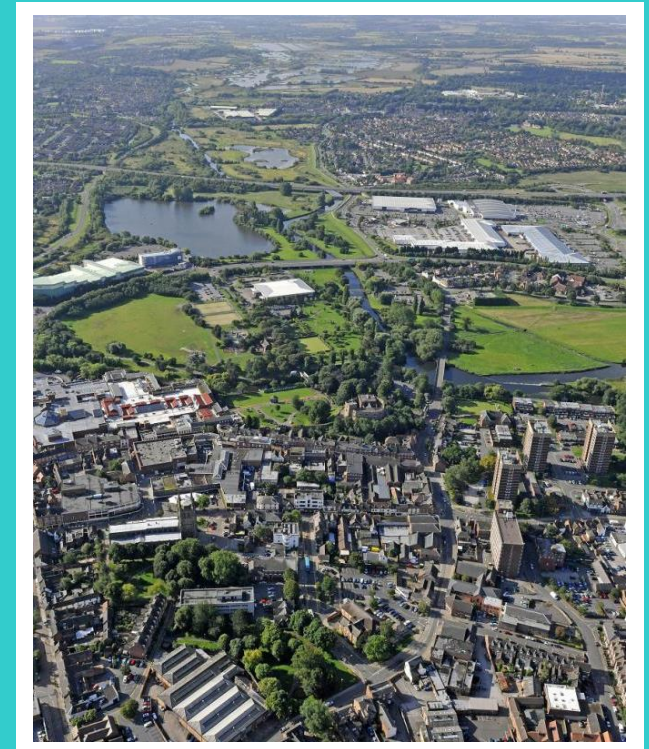
List of Background Papers

19 March 2020 - Report of the Portfolio Holder for Regulatory & Community Safety – Local Plan Review

Appendices

Appendix A – Draft Issues and Options Consultation Document

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Local Plan 2043 Issues and Options Document

Consultation Document
September 2022

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Section 2 How to get

Section 3 Tamworth at a

Section 4 Our Proposed

Section 5 Vision and

Section 6 Issues and

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Section 1:

Introduction

What is the purpose of this document?

This document is the first consultation stage in the Local Plan process. It provides an opportunity for you to get involved in developing our future Local Plan, and offer comments on how we should seek to address some of the key issues that our Borough faces.

Section 3 contains a spatial portrait, which builds a picture of our Borough today and forecasts what it may look like in the future. The spatial portrait helps to identify some of the key **issues** our Borough may face in the period up to 2043. Section 6 sets out these key issues and suggests ways in which they can be addressed through the Local Plan. These are regarded as the **options**.

This consultation invites your views on how these issues should be addressed by proposing a series of questions throughout the document.

What is a Local Plan?

The Government requires all local councils to produce a long-term plan which sets out a vision for their area. It should identify where and how development should take place in the future. This document is known as a **Local Plan**.

A Local Plan sets out all the planning policies and proposals for an area. It addresses needs and opportunities in relation to housing and the economy, whilst ensuring that we have sufficient community facilities and infrastructure to support the growing population. It also contains policies to safeguard the environment, mitigate and adapt to climate change, and achieve well-designed neighbourhoods. Local Plans are an essential part of the planning system because they are the basis against which applications for planning permission are assessed.

The current Local Plan for Tamworth was adopted in 2016. It sets out the vision and framework for development up to 2031.

Why does Tamworth need a new Local Plan?

Over the last six years, our current Local Plan (2016) has helped to deliver new homes and job opportunities in sustainable locations across the Borough, whilst ensuring that we make the most efficient

use of our limited land supply. In 2018, the Government introduced a requirement for all councils to review their Local Plans every five years.

In March 2020, we carried out a review of our current Local Plan. This review process concluded that, although the Plan remained generally in accordance with national policy and was performing

relatively well, a number of changes would be required to ensure continued compliance.

The extent of changes identified by the 2020 review are significant enough to warrant the production of a new Local Plan. The new Local Plan will set out where and how new development will take place in Tamworth over the period to 2043.

Section 2:

How to get involved

What do we want your comments on?

This document will suggest various ways that the new Local Plan can help to address some of the Borough's key issues. We would like to hear your views on these proposals, and have posed some questions along the way to help focus the discussion.

The issues and options are arranged by topic area. You are welcome to comment on every issue, or alternatively, you can just focus on the ones that specifically interest you.

How can you submit your comments?

You can submit your comments:

- ✓ **Online**
Complete the form online using the link on our website. Alternatively, click [here](#) to access the form directly.
- ✓ **By Email**
Download and complete the Microsoft Word version of the form. Return this by email to us at developmentplan@tamworth.gov.uk.

✓ By Post

Download and complete the Microsoft Word version of the form, either electronically or by hand. Return this by post to us at:

*Development Plan Team
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
B79 7BZ*

The closing date for responses is **Monday 31st October 2022 at 5pm**. Any responses which are received after this time may not be taken into account at this stage.

What happens next?

This Issues and Options Document is part of Stage 1 of the Local Plan Development Process. Your feedback will be collated and analysed to inform the next stage of the process, where Tamworth's new Local Plan will begin to take shape. There will be further opportunities for you to get involved at each stage. A timetable for the various stages of Local Plan development is included in our Local Development Scheme, which is available on our website at: <https://www.tamworth.gov.uk/local-development-scheme>.

Section 3:

Tamworth at a Glance

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This brief spatial portrait takes a look at Tamworth in the past, present and future. It identifies some of the potential issues that our Borough faces, and sets the scene to begin considering how they could be addressed.

This section is only a quick snapshot of Tamworth. If you fancy a more detailed insight into our Borough, then the full version of our spatial portrait can be found online at

Our Geography

The Borough of Tamworth is situated within the south-eastern corner of Staffordshire, extending across approximately 12 square miles. Such a compact urban area establishes our Borough as one of the smallest local authority districts in England.

Our Wards

Tamworth comprises of ten wards, all of which are unique in both character and spatial features. Each ward is home to different strengths, opportunities, and challenges, against which a range of issues and options must be considered.

Our Origins

Our Borough has strong historical links with Birmingham as an overspill settlement, which has had a lasting effect on our urban form, population, and housing provision. The overspill agreement prompted the relocation of

Our Population

Tamworth is home to approximately 76,454 residents (2020). There is a higher proportion of over 65s compared to the regional and national average, with the ageing population accounting for 19.6% of all residents. The ageing population has grown by 5.5% in the last decade, with differences in concentration across wards. By 2030, the ageing population is projected to account for 23% of all residents. Such growth in the ageing population means that the working population is getting smaller. Residents aged between 16 and 64 currently represent 62.3% of



Our Housing

The average house price in the Borough is £201,607, which is £17,989 below the regional average of £219,596. Although the average Tamworth house price has consistently fallen below the regional average over the last decade, housing affordability remains an issue in the Borough. House price inflation has led to a housing market that first time buyers find difficult to access, with the lowest quartile house price 7.91 times the lowest quartile income (2020). This is significantly higher than housing affordability in both Staffordshire (6.62) and the wider West Midlands (6.79). This shows how challenging it is to purchase a house within the Borough,



Our Historic Environment

Tamworth has a rich legacy of historic buildings and landscapes, boasting a compact urban area concentrated with conserved history. The Borough possesses a wealth of historic assets, which have moulded a local identity defined by its unique tapestry of architectural styles. There are seven conservation areas, a large number of listed buildings and a selection of nationally-significant Scheduled Monuments. Tamworth is particularly renowned for its motte and bailey castle which sits at the heart of the town centre. The conservation of these historic sites and their settings is of significant importance as they contribute to the distinctive character of



Our Natural Environment

The Borough boasts an extensive green and blue infrastructure network, including fourteen wildlife sites and seven local nature reserves. The south of Tamworth is home to approximately 210 hectares of the West Midlands Green Belt, covering around 6.8% of the Borough's total land area. A large proportion of the Borough is located within designated Flood Zone areas, with particular spatial concentration along the western boundary and to the northeast. As such, much of the town's essential infrastructure is prone to flood vulnerability, and large areas of



Our Employment

The Borough's unemployment levels have significantly improved over the last decade. Currently, approximately 4.1% of the total population currently out of work, compared to 10.8% in 2010-2011. Now, a lower proportion of our working population are unemployed compared to the West Midlands (5.0%) and Great Britain (4.4%) averages.

Just under 17% of all VAT-registered businesses in the Borough are in the construction industry, with approximately 13% of firms related to either professional, scientific or technical

Our Town Centre

Our town centre is home to a range of services and facilities, all which help to support both the Borough and its surrounding rural areas.

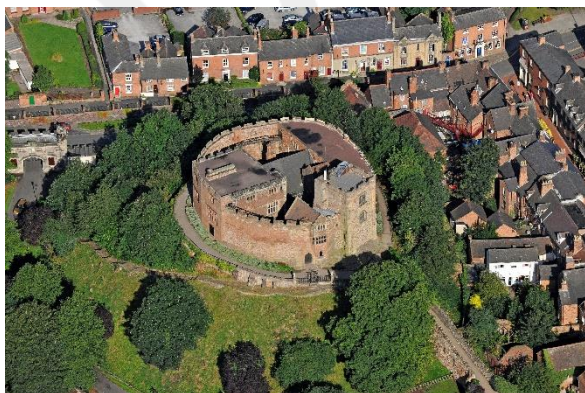
Over recent years, our town centre has experienced some changes to both its composition and use. Between 2008 and 2019, the annual comparison goods spend has fallen from £117.28 million to £37.2 million, meaning that Tamworth's ranking compared to other town centres in the UK has fallen from 219 to 782. Over the same period of time, the town centre's market share from its primary catchment area decreased from 34% to 12%, whilst Ventura Retail Park's market share has increased from 21% to 58%. Footfall has also significantly decreased in recent years. Data from Ankerside Shopping Centre shows that the annual footfall fell between 2005 and 2018 from 7.3 million to 4.1 million.

Our town centre is due to undergo extensive regeneration following the Council's award of £21.65 million from the Government's Future High Street Fund. This will be filtered into a variety

Our Connectivity

Tamworth's compact urban form offers an opportunity for strong transport connectivity within the Borough and with the wider West Midlands region.

The Borough is well-connected by road and rail, as well boasting infrastructure to support more sustainable travel methods, such as cycling and walking. Although Tamworth is well connected, the use of public transport and sustainable travel methods to commute to work remain low. Just under 65% of residents use vehicular means to get to work, which falls short in contributing



Section 4:

Our Proposed Timeline

Local Plans must be equipped to anticipate and respond to long-term requirements and opportunities. To ensure that this can be achieved, they should look ahead over a minimum of 15 years from their point of adoption.

In the case of Tamworth Borough, we are still in the early stages of developing our new Local Plan. As such, we need to determine an end date that not only looks 15 years ahead, but also takes into account an additional time allowance to complete and adopt the new Plan.

We are therefore proposing to set the end date of the new Plan to 2043.

Have your say...

Feedback Point 1

Do you agree that 2043 is an appropriate end point for the plan?
If not, what alternative end point would you suggest?

DRAFT

Section 5

Our Vision and Objectives

In February 2022, the Council adopted a new vision. This sets out our overarching aspiration for the Borough as we look towards the future. The vision applies to all functions of the Council, and as such, it is proposed that it be used as the starting point for the new Local Plan. The proposed vision is: “Celebrating our heritage, creating a better future.”

To deliver this, we are proposing to set the following 11 objectives. These are intended to cover a range of issues and topics, and will form the basis for the policies in our new Local Plan.

Objective 1: Tackle the causes and adapt to the effects of climate change.

Objective 2: Make the most efficient and sustainable use of the Borough's limited supply of land.

Objective 3: Provide a supply of high quality and affordable homes to meet the needs of all sections of our community.

Objective 4: Support the existing local economy whilst being flexible enough to respond positively to new economic opportunities.

Objective 5: Regenerate and diversify the town centre to create a thriving destination and vibrant evening economy.

Objective 6: Protect and enhance the Borough's heritage including through facilitating appropriate reuse of heritage assets.

Objective 7: Deliver sustainable neighbourhoods through the provision and protection of local services and facilities.

Objective 8: Encourage active and healthier lifestyles by providing accessible green and blue linkages and open spaces, as well as formal indoor and outdoor recreation facilities.

Objective 9: Promote sustainable transport modes for all journeys through improving walking, cycling, public transport, and electric vehicle facilities.

Objective 10: Protect and enhance ecological and biodiversity assets.

Objective 11: Ensure that appropriate infrastructure is in place to support new development across the Borough including digital infrastructure.

Have your say...

Feedback Point 2

Do you agree that these are the right vision and objectives for the Local Plan? If not, what changes would you like to see and why?

Section 6

Issues and Options

This section sets out what we consider to be the key issues for our Local Plan. Each key issue is related to an objective, and focuses on the matters where we need your input to help us agree a way forward.

Each sub-section will be generally set out in this format:

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6.1. Topic

6.1.1. Issue

An **Option** box that relates to that issue and supporting questions. We want to hear from you about which of the options you prefer. This will help us decide the policy that will go in the Local Plan.

Have your say...

Feedback Point

These boxes indicate an opportunity for you to provide your views on either an issue or set of options. You can respond with your feedback through our online or paper form, as explained in

A list of **additional policy approaches** relating back to the Objective. These are policy approaches that we intend to include in the Local Plan. We ask a question about whether you agree with these

DRAFT

6.1. Climate Change and Biodiversity

that go beyond that level of reduction, but it's likely that the Future Homes and Buildings Standards will be introduced before the new local plan is adopted, and those standards would then be the new minimum standards.

Objective: Tackle the causes and adapt to the effects of climate change.

Objective: Protect and enhance ecological and biodiversity assets.

Staffordshire is exposed to a number of climate-related risks, in particular flooding. Climate change is expected to exacerbate these risks, and is expected to result in warmer, wetter winters and hotter, drier summers, with an increase in the frequency and intensity of extreme weather events (Aecom baseline report 2020). In November 2019 the Council declared a climate emergency and set a target of making our own activities net-zero carbon by 2050 with an aspiration to achieve it by 2030 if possible. Through the local plan, we will also look to reduce the impact of new development on climate change.

6.1.1. Issue: Achieving carbon reduction from new development.

National Government introduced new Building Regulations which came into effect in June 2022 requiring a 30% reduction on carbon emissions from new homes and a 27% cut in carbon emissions from non-residential buildings. The Government also intends to publish Future Homes and Buildings Standards by 2025 with the intention of reducing carbon emissions further, to 75-80% below the levels allowed by current standards.

As the current 27% and 30% reduction are set by other regulations outside of the planning system, those requirements don't need to be reproduced in the local plan. We could look to include requirements

Option 6.1 (a): Achieving carbon reduction from new development.

Rely on national standards and building regulations to set the carbon reduction levels for new buildings;

Look to set our own reduction standards that are stricter than the national requirements (acknowledging that the introduction of any Future Homes and Buildings Standards will set a new minimum

Have your say...

Feedback Point 3

Which of the above do you feel is the most appropriate option? If we were to set our own standards, what levels should they be, or what evidence should we be using to do this?

6.1.2 Issue: Mitigating impacts of flooding

An increase in the frequency and intensity of extreme weather events as a result of the climate emergency gives rise to a greater risk of flooding. This poses an increasing threat to new and existing development close to the areas which are at risk from river flooding. As part of the plan making process, we will be updating our Strategic Flood Risk Assessment to ensure we avoid siting new development in areas of greatest flood risk.

Have your say...

Feedback Point 4

Are there any specific measures that you would like to see that could help to mitigate the impact of flooding?

6.1.3 Issue: Achieve 10% biodiversity net gain on all developments

Our natural environment is of huge value to local people in terms of health, well-being and recreation but is at risk due to a number of reasons, including the cumulative effects of development. National planning policy also now requires net gains in biodiversity from new development, and so our new local plan will need to make sure that new developments can achieve that either on-site, or through off-site contributions. We will also look to work with other relevant bodies, such as Staffordshire Wildlife Trust, to identify any opportunities to improve biodiversity in the area.

Have your say...

Feedback Point 5

Are there any specific measures that you would like to see new developments deliver to improve biodiversity locally?

6.1.4 Issue: Delivering low carbon and renewable energy infrastructure

Although Tamworth has the lowest greenhouse gas emissions per person in Staffordshire, around 68% of those emissions come from fuel use within buildings. The introduction of stricter standards for new buildings should help to reduce this in future, but there are also opportunities to improve existing buildings and to generate more renewable energy.

Given the limited amount of land available in the borough and the competition from other uses, large scale renewable energy developments (like solar farms and wind farms) not considered to be feasible. Instead, we intend to focus on encouraging small scale energy generation as well as other opportunities to reduce fossil fuel consumption in buildings.

Have your say...

Feedback Point 6

- Do you agree that we should focus on small scale energy generation, rather than looking for opportunities for larger developments like solar farms?
- Do you agree that we should look to encourage alternative ways of heating buildings to reduce carbon emissions?
- Are there any other ways that we could look to reduce

Before you continue to the next section...

Feedback Point 7

Do you have any further comments that you wish to make on any aspect relating to climate change and/or biodiversity?

6.2. New and Affordable Homes

Objective: Provide a supply of high quality and affordable homes to meet the needs of all sections of our community.

Housing is one of the key elements of any local plan, and we'll need to include policies that provide for the right amount of new housing, in the right locations, and of the right type to meet the needs of residents both now and in the future.

6.2.1. Issue: Setting the right level of housing need.

Government policy encourages local authorities to use the Standard Method to calculate how much new housing we will need. The Standard Method uses a formula to identify the minimum number of homes that we need to plan for. It takes into account how our population will grow. The Standard Method calculates that we would need to deliver 141 new homes per year. This would mean a total of 2,961 homes would be required by 2043.

However, Government policy also permits local authorities to set an alternative target if they want to plan for growth. This may include instances where new employment developments would lead to a need for more housing.

The current adopted plan identified a need that was not able to be met within Tamworth, and that unmet need is being delivered through the local plans of Lichfield and North Warwickshire. On that basis, we propose to use the standard method figure of 2,961 as the starting point for this plan. However, to make sure the number is considered up to date when the plan reaches examination, it will need to be updated later in the process.

Option 6.2 (a): Setting the right level of housing need.

These are the options that we propose to ensure that we set the right level of housing need for our Borough:

- i) Use the Standard Method figure as a starting point and aim to provide at least 2,961 new homes by 2043. This option acknowledges that this figure may change at a later date.
- ii) Use a higher figure than Option i). This figure would be determined following further work informed by:
 - Economic growth strategies;
 - The need to support strategic infrastructure

Have your say...

Feedback Point 8

Do you agree that the standard method figure of 2,961 should be used as the starting point for setting our housing need? If not, what alternative figure do you think should be used, and why?

6.2.2 Issue: Delivering the housing need

We are currently carrying out a Strategic Housing Land Availability Assessment (SHLAA) to establish where there is land available for new housing to be built and we will publish the results of that assessment once it's completed.

However, our borough covers a small geographic area of only 12 square miles, and development in recent years has seen many of the larger, more easily developable sites come forward for development. This means our options for accommodating an extra 2,961 homes are likely to be limited.

Option 6.2 (b): Delivering the housing need

These are the options that we propose to ensure that we deliver the housing need for our Borough:

- i) Look to make the best use of previously developed land before allocating any greenfield land for housing.
- ii) Increase housing density for new developments, especially in more sustainable locations such as the town centre and close to existing local and neighbourhood centres.
- iii) Look for support from neighbouring councils to deliver any need that is unable to be met within the Borough.
- iv) Look to release land from the Green Belt to meet housing

Have your say...

Feedback Point 9

Which approach, or combination of approaches, detailed above do you think would be most appropriate?

6.2.3 Issue: Providing sufficient affordable homes

Despite the number of new homes currently being built in the borough, housing in Tamworth remains relatively unaffordable for local people. The current local plan seeks a minimum of 20% affordable housing on qualifying developments, and 25% on some sites where it was considered viable. This approach aimed to strike a balance between providing affordable homes and contributions towards other types of infrastructure, such as schools, open spaces, and leisure facilities.

Through the new plan, we'll need to consider what amount of affordable housing would be appropriate. However, the amount of affordable housing on any development has the potential to impact on the overall viability of the scheme and could affect contributions towards those other types of infrastructure.

Option 6.2 (c): Delivering the housing need

These are the options that we propose to ensure that we deliver a sufficient amount of affordable homes in the Borough:

- i) Maximise the amount of affordable housing delivered at the expense of collecting some of the contributions towards other infrastructure.
- ii) Continue to try and strike a balance between providing affordable housing and contributions towards other infrastructure.

Have your say...

Feedback Point 10

- Should we look to maximise affordable housing over other forms of infrastructure, or take a more balanced approach?

6.2.4 Issue: Providing the right type of homes

The population of Tamworth is ageing, and older people have different needs when it comes to housing. Not only that, but the Covid-19 pandemic has changed the way that people use their homes with many people now working from home significantly more than in the past. We will be collecting some evidence to help us identify the types of housing that we need to be delivering in the Borough to reflect these changing needs. We'll also be exploring ways in which people's homes can be more flexible, to suit their changing needs over time.

Have your say...

Feedback Point 11

- Are there any particular housing needs that you think can or should be addressed through the plan?
- Do you agree that we should explore ways in which housing can be more flexible to meet people's needs?

6.2.5 Issue: Providing custom and self-build opportunities

The Government expects us to give suitable permission to deliver enough plots of land to meet the demand for custom and self-build identified through the register. Up to now, all of the custom and self-build plots in Tamworth have been delivered by individuals looking to build their own home without any intervention from the Borough Council. This has led to the number of plots delivered being lower than the demand identified through the register.

Option 6.2 (d): Providing custom and self-build opportunities

These are the options that we propose to ensure that we are able to provide custom and self-build opportunities:

- i) Continue to leave the housing market to deliver plots as and when demand arises, but include policies that encourage the delivery of self-build opportunities.
- ii) Allocate sites exclusively for custom and self-build development.

Have your say...

Feedback Point 12

Should we look to allocate sites and/or make sure a percentage of housing developments are for self-build plots for people wanting to build their own homes?

6.2.6. Additional Policy Approaches

We propose these additional policy approaches to meet our objectives relating to new and affordable homes.

- i) No specific provision for permanent residential Gypsy and Traveller sites to be included because the most recent needs assessment identified no need; but include policies to deal with any applications that are received.
- ii) Require a mix of dwelling sizes to reflect need.
- iii) Set an appropriate tenure mix for affordable dwellings including First Homes.
- iv) Include internal space standards within policy.
- v) Policies on design to guide development.

Page
60

Have your say...

Feedback Point 13

Do you agree with the additional policy approaches proposed? If not, why not? Are there any additional policy approaches that you think we should include?

Before you continue to the next section...

6.3. Economy

Objective: Support the existing local economy whilst being flexible enough to respond positively to new economic opportunities.

Planning policies should help create the conditions in which existing businesses can adapt and grow, as well as providing opportunities for new and innovative businesses to develop.

6.3.1 Issue: Making the best use of existing employment sites

Ensuring we retain existing employment sites where the evidence suggests it should be retained

6.3.2 Issue: Ensuring the right amount of land is available for growth.

The 2019 Housing and Economic Development Needs Assessment (HEDNA) projected a requirement for 8.8ha of new employment land between 2018 and 2036 (see table below). This is significantly less than the requirement included in the current local plan.

Acknowledging that this information is from before the pandemic and only covers the period up to 2036, it is still the most up to date information we currently have available. It is therefore proposed to use this target as the starting point with an updated assessment to be carried out in future.

Use	Floorspace (sqm)	Land requirement (ha)
B1a/b (now class E)	8,000	2.0
B1c/B2	12,400	3.1
B8	13,500	2.7
Total	33,900	8.8

Have your say...

Feedback Point 15

Do you agree with the proposal to use HEDNA employment land requirements as a starting point? If not, what other information should we use. and whv?

Have your say...

Feedback Point 16

Which approach do you think we should use? Are there any alternative approaches that you think should be considered?

The current local plan allocated approximately 18ha of land for employment development. A number of those sites have since been developed, but there remains enough undeveloped employment land to meet the needs identified in the 2019 HEDNA. Once a new assessment of need has been completed, we may find that the existing allocations provide more land than is required. If that is the case, we will need to decide whether to retain the additional land or release it for alternative uses (where appropriate and subject to landowner intentions).

Option 6.3 (a): Allocating land to meet employment need

These are the options that we propose to ensure that we are allocating the right amount and type of land to meet our employment needs:

- i) Retain all currently allocated employment sites.
- ii) Allow the loss of specific sites for alternative uses, but retain a buffer of land above the identified need to allow flexibility.
- iii) Allow the loss of specific sites for alternative uses, but remove any buffer. This would mean that we would not

Before you continue to the next section...

Feedback Point 17

Do you have any further comments that you wish to make on any aspect relating to the economy?

6.4. Retail, Town Centre, Local and Neighbourhood Centres

Objective: Regenerate and diversify the town centre to create a thriving destination and vibrant evening economy.

Objective: Promote sustainable transport modes for all journeys through improving walking, cycling, public transport, and electric vehicle facilities.

The National Planning Policy Framework (NPPF) states that planning policies should support the role that centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. The retail landscape has changed significantly since the current local plan was adopted, and the new local plan will need to reflect those changes.

6.4.1 Issue: Defining the town centre boundary and primary shopping area

The NPPF requires us to define the extent of the town centre and primary shopping area, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre.

The primary shopping area is the area where retail development is concentrated, and the town centre is defined as the primary shopping area and areas predominantly occupied by 'main town centre uses' within or adjacent to the primary shopping area. 'Main town centre uses' are the types of use that would attract visiting members of the public, such as retail, leisure, offices, food and drink, and arts, culture and tourism uses.

Based on these definitions, we propose to define the primary shopping area as the area of Church Street, Colehill, George Street and Market Street, as identified on the map in Figure 1. We also

propose to define the town centre as the area shown on the map in Figure 2.

Have your say...

Feedback Point 18

Do you agree with the proposed boundaries for the primary shopping area and town centre? If not, what streets do you think should and/or should not be included in either of the areas?

Figure 1: Map of Proposed Primary Shopping Area

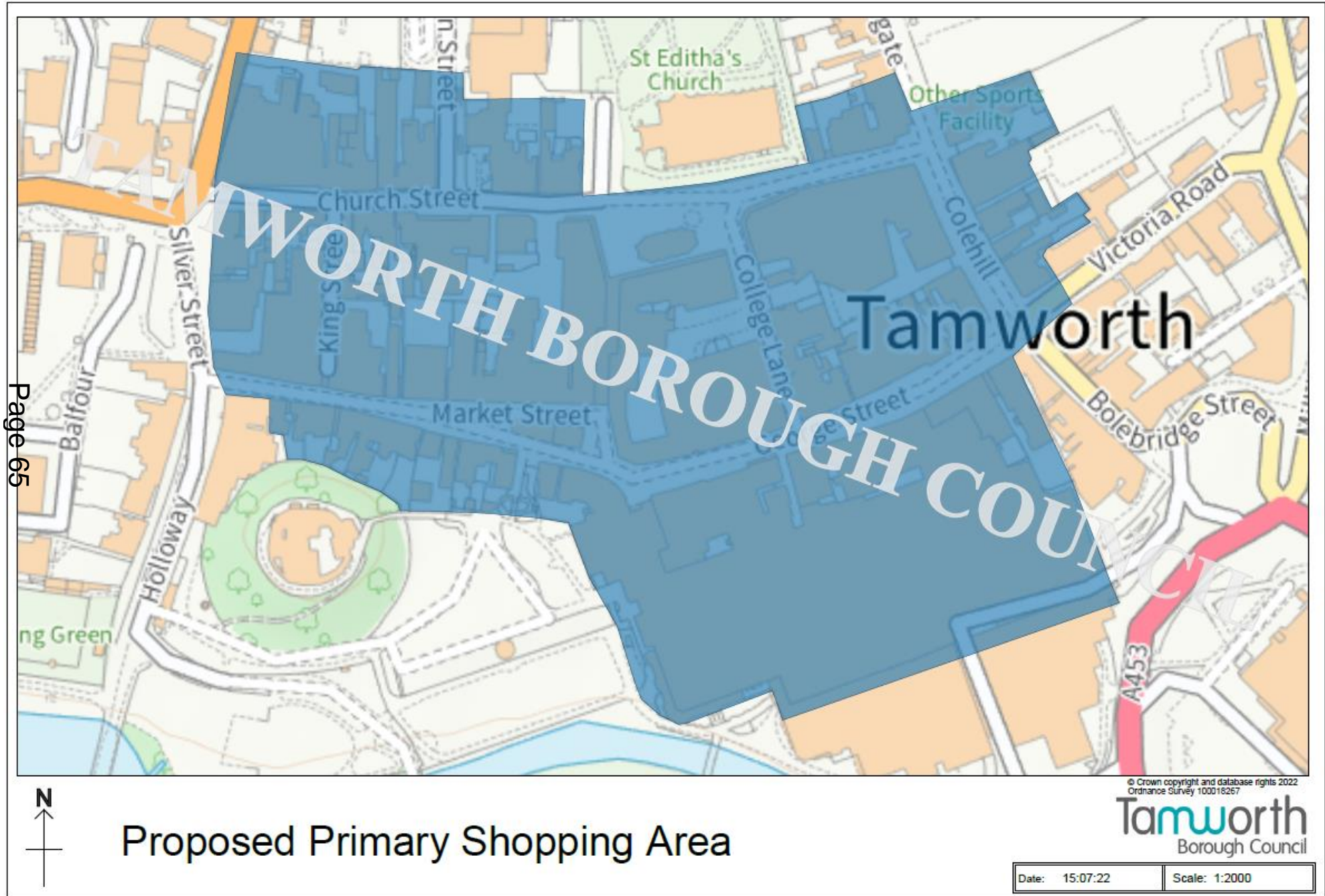
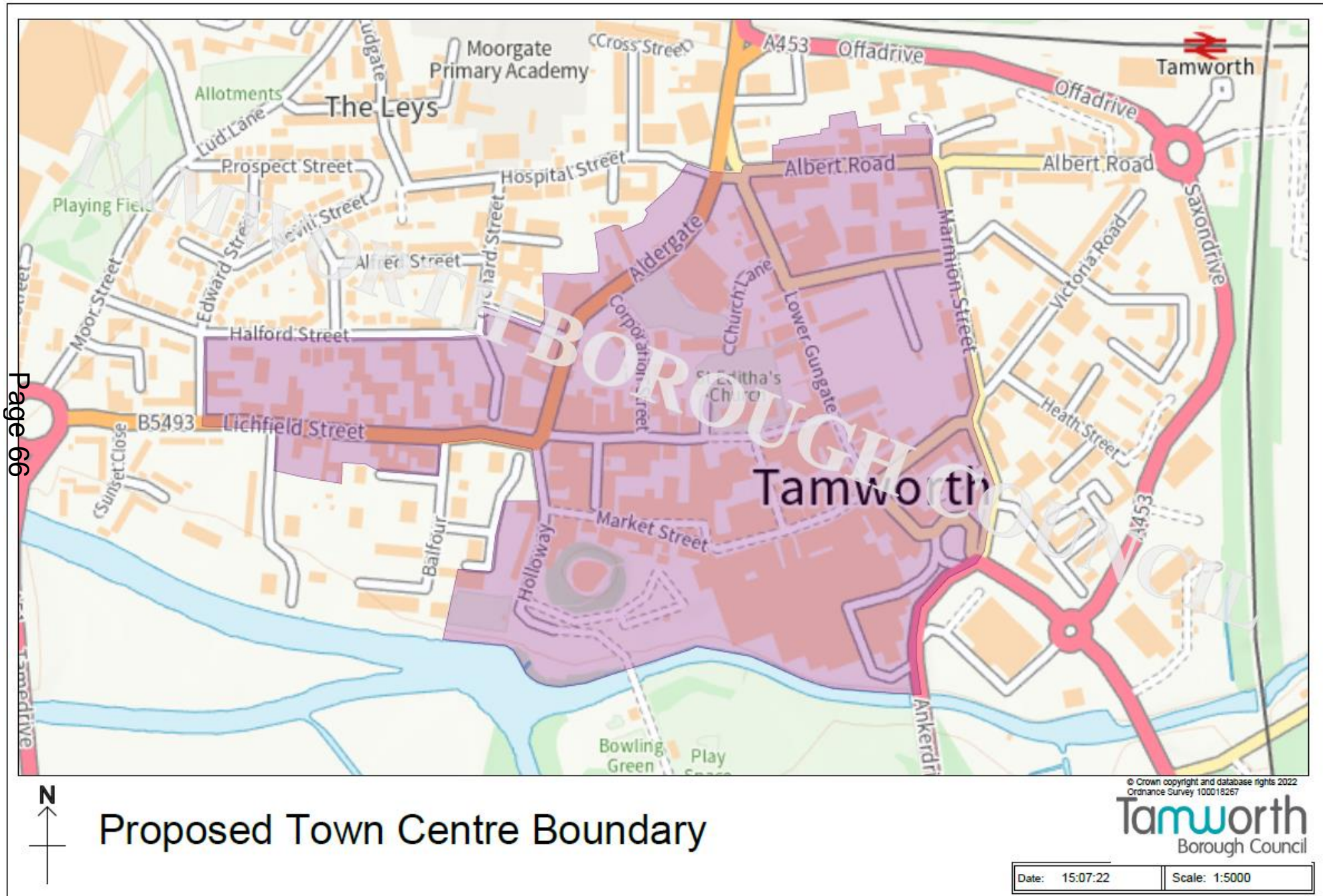


Figure 2: Map of Proposed Town Centre Boundary



6.4.2 Issue: Providing local shops and services

Access to local shops and services has always been an important part of sustainable neighbourhoods, and this has been further underlined by the Covid-19 pandemic.

6.4.3 Issue: The impact of existing retail parks

Ventura Park and the adjacent Jolly Sailor Retail Park contain a significant amount of retail floorspace outside the town centre and is also a destination in its own right, drawing visitors in from the wider region. There are also a number of smaller out of centre retail areas in the borough that have the potential to negatively impact on the viability of the town centre.

Option 6.4 (a): The impact of existing retail parks

These are the options that we propose to ensure that we take the correct approach to managing our existing retail parks:

- i) Give the existing out of centre retail areas their own designation and policies within the plan to mitigate their impact on the town centres.
- ii) Rely on national policy and other, more broad, local

Have your say...

Feedback Point 19

Do you think that we should have a specific designation and set of policies for the out-of-town retail areas?

Before you continue to the next section...

Feedback Point 20

Do you have any further comments that you wish to make on any

6.5. Heritage

Objective: Protect and enhance the Borough's heritage, including through facilitating appropriate reuse of heritage assets.

Tamworth is home to a wealth of historic buildings and landscapes, with our heritage offering an invaluable contribution to the Borough's distinct identity and sense of place. Our historic environment includes individual buildings, groups of buildings and areas of interest, some of which have been designated as conservation areas.

Our heritage assets are a significant economic driver and contribute towards a healthy tourism economy, with the town centre a particular focal point for historic character. Collectively, our built heritage plays a crucial role in attracting people into the Borough, with Tamworth Castle a notable destination for major tourism.

6.5.1. Issue: Protecting the vitality of our historic environment without restricting its use unnecessarily.

The conservation and enhancement of our heritage assets is critical in sustaining Tamworth's cultural, economic and social vitality. As such, our historic environment is highly valued, and should be protected from unauthorised demolition, alteration or extension.

The current Local Plan, in conjunction with National Policy, actively supports the conservation of heritage assets, seeking to enhance the value that they bring to our wider society. As we look towards the future, we need to consider how our heritage can continue to be conserved, but also adapt to, and thrive within, modern society.

Heritage-led regeneration will play a significant role in this approach. The new Local Plan will promote greater flexibility in how heritage

assets can be used, ensuring that any appropriate use is not restricted unnecessarily. Our priority is for heritage assets to be actively integrated within the urban environment, and serving the most effective purpose for society whilst retaining their historic character. Any proposed use must be in line with both local and

national policy, and sympathetically enhance the vitality of both the individual asset and the wider historic environment.

The Government is quite prescriptive in how local authorities must manage their built heritage, as detailed in Section 16 of the NPPF (2021). Whilst we should not be reproducing these requirements in our new Local Plan, we can consider whether there are any further measures that we wish to implement in Tamworth, that go above and beyond those outlined by the Government.

The current framework that we have in place to protect and enhance our heritage assets has proven successful. It implements national policy, but looks to identify any local issues which may fall outside of this remit. On account of this, we would welcome your thoughts on any additional measures which you feel would specifically benefit our local heritage.

Have your say...

Feedback Point 21

- Considering the prescriptiveness of national policy, do you agree with our current approach? If not, what alternative approach would you like to see?
- Do you feel that there are any specific local heritage matters that you would like to see addressed through the

Before you continue to the next section...

6.6. Open Spaces and Green Infrastructure

Objective: Encourage active and healthier lifestyles by providing accessible green and blue linkages and open spaces, as well as formal indoor and outdoor recreation facilities.

Our Borough has an expansive network of green infrastructure, including parks, open spaces and natural habitats. Collectively, these spaces are a crucial resource for our residents and wildlife. They offer attractive environments for outdoor recreation and exercise, encouraging healthier lifestyles and improved wellbeing. They equip the Borough with pleasant areas for residents to relax and socialise, which helps to strengthen our community relationships and sense of place.

Our network of open spaces also support the existence and protection of a range of species and wider biodiversity. They offer invaluable habitat enhancement opportunities, whilst assisting in improving our air quality, mitigating climate change and reducing the likelihood of flooding.

6.6.1. Issue: Managing, protecting and enhancing our green infrastructure network.

Our key aim is to manage and protect our existing network of green spaces, to ensure that they all remain functional, of high quality, and both socially and environmentally beneficial.

We are currently in the process of undertaking a review of all of our open spaces located within the Borough. This will assess how many green spaces we currently have allocated, how well they are

performing and how significantly they contribute to our social and environmental vitality.

This review will inform the next steps that we take with our open space. If the review finds that any individual pieces of open space are under performing, or of particularly low quality, then they may be subject to further consideration. We may look at whether the quality of the open space can be enhanced through intervention, or

alternatively, whether it may need to be released and reallocated for a more appropriate purpose.

Have your say...

Feedback Point 23

- Are there any particular types of open space that you feel should be specifically revaluated?
- If particular examples of open space are found to be under performing or of low quality, would you prefer to see them enhanced and retained as open space, or released and reallocated for a new purpose.
- If quality enhancement works were either unfeasible or ineffective, and the open space was reallocated for another purpose, what would you wish to see that land

Before you continue to the next section...

Feedback Point 24

Do you have any further comments that you wish to make on

6.7. Infrastructure

either the funding of new infrastructure, or the maintenance and improvement of our existing provision.

Objective: Ensure that appropriate infrastructure is in place to support new development across the Borough including digital infrastructure.

The term 'infrastructure' encompasses a broad range of examples. It relates to things like transport, health, education, leisure, community facilities and the digital network. They are the services and facilities that are required to meet the day to day needs of our residents.

6.7.1 Issue: Ensuring the timely delivery of the right infrastructure to meet community needs.

A key role of the new Local Plan is to ensure that the correct types of infrastructure are provided at the right time. Our aim is to create healthy and sustainable neighbourhoods which offer an accessible range of services and facilities to its residents. It is essential that these services are planned in a coordinated manner, in partnership with the relevant infrastructure providers and other local authorities.

When development occurs, developers are expected to deliver the necessary infrastructure that will be required by future occupiers. This commitment can be met in two ways: either the provision of infrastructure on-site, or the payment of an equitable contribution to the Council. These contributions are collected either through the Community Infrastructure Levy (CIL) or Section 106 Legal Agreements:

- a. CIL is a fixed charge which is collected when a development commences. This money is then pooled by the Council and put into funding the infrastructure which is needed to support new homes and businesses in the Borough. This may involve

- b. Section 106 payments are made to fund specific types of infrastructure that are required to make individual developments acceptable. Examples of this include affordable housing, access improvements and the provision of children's play spaces. They are secured through a legal agreement and must be paid at the time specified within that agreement.

Our current Local Plan only permits development where it can be demonstrated that there is either a sufficient amount of existing infrastructure to meet arising needs, or that any new or improved facilities will be provided at the time they are needed. Our new Local Plan will continue this approach, looking at providing the right type of new infrastructure and improving our existing provision.

Have your say...

Feedback Point 25

Are there any current deficits that you feel exist in our current infrastructure provision?

6.7.2 Issue: Ensuring that our policy requirements do not impact the financial viability of developments.

When development takes place, housebuilders are expected to deliver the necessary services and infrastructure that will be required by future occupiers. These can be provided on-site by the developer, or alternatively, an appropriate cash contribution will be calculated and paid to the Council.

There are many types of infrastructure that the Council could require developers to provide. There may be some types of infrastructure that are required across the Borough, and some that are only needed in specific neighbourhoods. It is important that we achieve the right balance between what we would like to see in our Borough, and what developers can feasibly afford to deliver.

A key factor which influences the amount of infrastructure which the Council can require is financial viability. In this context, this is how much infrastructure a developer can afford to deliver. If we require too much, then we risk making a development financially unviable.

In the new Local Plan, we must continue to be transparent about what we expect from new development, both in terms of on-site infrastructure and financial contributions. This will prevent developers from paying too much for a piece of land and then calculating that they cannot afford to meet our policy requirements. We will be commissioning viability assessments to help us set any new policy requirements at a level that is viable for development to go ahead.

All of the Council's planning policy requirements are important, but no requirement should be so high that it makes a development unviable. Consequently, if one policy requirement is raised, another may need to be reduced. The Council wants to understand what type of infrastructure you feel is most important to our Borough, and which you would like to see prioritised. Over time, our priorities may change as the Borough evolves, and the new Local Plan must be flexible enough to allow any future changes to requirements.

Have your say...

Feedback Point 26

- Looking to the future, which type(s) of infrastructure would you like to see given the highest priority, and why?
- Which type(s) of infrastructure do you think we should give the lowest priority, and why?

Before you continue to the next section...

Feedback Point 27

Do you have any further comments that you wish to make on any aspect relating to infrastructure?

Wednesday 6 July, 2022

Report of the Assistant Director - Growth & Regeneration

Petition to stop the netting of hedges in Tamworth

Not Exempt

Purpose

To provide evidence to the scrutiny committee which will support the preparation of a report from the Committee to Cabinet in the Autumn, in response to a public petition on the netting of hedges.

Recommendations

It is recommended that:

1. The report is endorsed and forms part of the ISaG response to Cabinet, later in the year.

Executive Summary

A petition was submitted to the Council on 1st March 2022 seeking to stop the netting of hedges in Tamworth. The petition contained over 4,600 signatures.

The petition was presented at the Council meeting dated 15 March 2022. The minutes of the meeting are set out as follows:

The Leader of the Council:

1. Noted the petition and shares the sincere concerns of the signatories to protect our local natural wildlife;
2. Noted and that a prima facie review, or initial impression of the issue, suggested that the power to act may lay outside the Council's statutory powers;
3. Agreed that given the importance of this issue, the matter be referred to the Infrastructure, Safety and Growth Scrutiny Committee (ISG) with the brief that they review the relevant sections of the National Planning Policy Framework (NPPF) and new Environmental legislation currently before the Commons, and any other material they believe relevant and;
4. Agreed that the Infrastructure Safety & Growth Committee bring a report to Council by the Autumn so that there would be time to act on the report by the next breeding season.

This issue of netting hedges came to the fore in 2019 when a number of national newspapers and TV programmes reported on the increasing use of netting on hedgerows and trees by developers. The Wildlife and Countryside Act (1981), which is set out below, has resulted in developers using nets to cover hedgerows and trees with netting in and around their sites before any bird nesting activity begins, as this could stop or restrict building during the summer months.

Legislation protecting Nesting Birds

It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 (WCA) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built, or to intentionally kill, injure or take chicks or adults, or intentionally take or destroy any eggs.

Within the WCA no dates are legally stated between which hedges cannot be trimmed, cut, laid or coppiced, however the main bird breeding season is recognised as being between 1 March and 31 August. The risk of committing any of the above offences is therefore increased between these dates.

If any work is to be undertaken on a hedge (or tree) within these dates it is recommended that the hedge is checked for any signs of breeding activity first, such as observation from a distance using binoculars and direct searching of the hedge for nests.

Developers who are removing a hedgerow or tree as part of a planning consent, net the hedges and trees, so that they do not undertake works illegally should wild birds be present. Netting is therefore mitigation for the developer so that they don't fall foul of the WCA.

If it is suspected that an offence is/has been committed in relation to wild birds then the first point of contact should be with the local Police Force. An investigation will then be held by a Wildlife Crime Officer (101) and there will be an incident number so that you can go back to them if necessary.

Natural England does not regulate the use of netting however developers must look for the most suitable options for complying with the law. For example, as part of the planning process survey reports and mitigation plans will form part of that process for projects that could affect protected species. Mitigation plans need to show how developers will avoid or manage any negative impacts on protected species. In some limited circumstances Natural England acknowledge that netting may have a role to play in avoiding temporary impacts. It is also important to consider the netting mesh size to ensure that it is suitable for the species involved and is properly maintained so that offences against wild birds are not committed.

National Wildlife Crime Unit

The National Wildlife Crime Unit (NWCU) is a police led, stand-alone, multi-agency unit with a UK-wide remit for wildlife crime (see [National Wildlife Crime Unit](#)). The NWCU Investigative Support Officers also offer free assistance to police forces. Part of the NWCU strategy is to identify organised crime groups involved in wildlife crime. The priorities for the NWCU include monitoring:

- Badger persecution.
- Bat persecution.
- Illegal trade in endangered species protected under CITES. It includes illegal trade in raptors, ivory, medicinal and health products (including rhino horn), reptiles and timber. For more information on CITES (see [Practice note, Habitats and wildlife: international conventions: UK implementation](#)).
- Poaching.
- Raptor persecution.

The National Police Chiefs' Council, Crown Prosecution Service, Natural England and Natural Resources Wales have signed a memorandum of understanding on the prevention, investigation and enforcement of wildlife crime (see [NWCU: Memorandum of understanding on the prevention, investigation and enforcement of wildlife crime](#)).

Environment Act 2021

Part 6 of the Environment Act deals with nature and biodiversity. Paragraph 98 specifically references Schedule 14 which makes provision for biodiversity gain to be a condition of planning permission in England.

During the netting debate in 2019 the Government's response was twofold; firstly they wrote to developers setting out their responsibilities in relation to netting and secondly they planned to require developers to deliver biodiversity net gain (BNG) which is now incorporated into the Environment Act.

The Act requires all development schemes in England to deliver a mandatory 10% BNG to be maintained for a period of at least 30 years. The concept seeks measurable improvements for biodiversity by creating or enhancing habitats in association with development. Development proposals must "leave biodiversity in a better state than before".

BNG means developers and land owners in England must determine and evidence a project's final BNG value using the specified Defra biodiversity metric if they want their plans to move through the planning process swiftly.

The introduction of the requirement to provide a 10% net gain of biodiversity for all new developments is as a response to the government's goal to leave the environment in England in a better state than it is found over the next 25 years, as set out in their policy paper "*A Green Future: Our 25 Year Plan to Improve the Environment*".

The National Planning Policy Framework 2021

The National Planning Policy Framework expects planning policies and decisions to enhance the natural environment by minimising the impacts of development on, and providing net gains for, biodiversity. The relevant paragraphs from the NPPF are in Appendix 1. There is no direct reference to netting but it does pick up the requirements from the Environment Act around biodiversity net gain or BNG.

Borough Council officers have been implementing BNG and refer applications to the County ecologist to assess and advise. Policy EN4 provides the hook within the local plan which will in due course be reviewed to reflect more recent legislation, as set out in this report.

There are application exemptions and these include applications for development proposals which result in negligible impacts or minimal impacts to low or medium 'distinctiveness' habitats such as agriculturally productive land, householder applications; and change of use applications.

The Government's response to the netting debate in 2019 was with the BNG agenda – which is not about netting hedges but about improving habitats. Biodiversity Net Gain requires developers to either mitigate harm from their proposals by ensuring that more habitats are retained on site and/or that habitats provision is improved post development on or off site.

Conclusion

All wild birds are protected by law and disturbing them and their habitats is a criminal offence; however there is no specific regulation of the use of netting and it does not require planning permission to do it.

Appendix 2 provides an example by Shopshire Council who have dedicated a website page to the issue, which is something that we may wish to consider.

Additionally Shropshire put an information note on their decision notices to outline developer responsibility when it comes to netting hedges. This is also something that we could consider.

We cannot though, as a planning department, enforce against the netting of hedges. We often speak with developers about the issue but ultimately refer concerned residents onto the Wildlife Crime Officer.

We are currently in the process of developing a new local plan for Tamworth which will reflect Government policies and guidance including requirements around BNG which may influence how developers consider existing trees and hedgerows in future.

Options Considered

n/a

Resource Implications

n/a

Legal/Risk Implications Background

The relevant legislation to protect wildlife is set out in this report.

Equalities Implications

n/a

Environment and Sustainability Implications (including climate change)

Netting hedges by developers is their way of protecting birds during the development process. Legislation is recently enacted to enhance and improve biodiversity on development sites which could have a positive impact on the retention of hedges and trees.

Background Information

A petition titled 'Make 'netting' hedgerows to prevent birds from nesting a criminal offence' received 365,508 signatures was submitted to Parliament for consideration. The topic was debated on the 13 May 2019.

On 8 April 2019, in response to public concern about anti-bird netting around permissioned or potential development sites, a letter from the Secretary of State for Housing, Communities and Local Government was forwarded to major house-builders. It reminded them of their legal obligation to consider the impact of any project on local wildlife and take precautionary action to protect habitat. The Government also responded by outlining that Biodiversity Net Gain was an important feature in forthcoming legislation, now the Environment Act.

Report Author

Anna Miller – Assistant Director – Growth & Regeneration

List of Background Papers

None.

Appendices

Appendix 1: Paragraph 179 – 182 of the NPPF 2021.

Appendix 2. Shropshire Council guidance on netting hedges and the planning process

Appendix 1: Relevant Paragraphs from the NPPF 2021

Paragraph 179: To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 180: When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Paragraph 181: The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites⁶⁴; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Paragraph 182: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Netting, nesting and the planning process – some guidance

Following national coverage of the issue of netting vegetation to prevent birds from nesting, Shropshire Council has been receiving phone calls from residents. Where planning applications are involved we have been passing on the reports to the developers.

Normally we don't put a condition on planning decisions regarding nesting birds as they have legal protection under the Wildlife and Countryside Act 1981 and, as such, birds are protected whether or not the planning process is involved. But, we do raise awareness of the legal protection of nesting birds by putting information on the planning decision notice. The responsibility therefore rests with the persons authorising and installing the netting, and their ecological advisors, to ensure that an offence is not committed under wildlife legislation.

We would always encourage developers to plan their work to avoid the bird nesting season and hence prevent the need to use other methods such as netting vegetation.

If members of the public see vegetation being cleared, which they know is supporting nesting birds, or birds are being trapped under netting and the owners cannot be contacted, they should call the **Wildlife Crime Officer on 101**.

Infrastructure, Safety and Growth Scrutiny Work Plan

Work Plan	
DATE	SUBJECT
23 August 2022	Local Plan Issues and Options Consultation
23 August 2022	Statement of Community Involvement and local Development Scheme
23 August 2022	Netting of Hedges (response to Council)
14 September 2022	Net Zero – baseline reporting
14 September 2022	Future High Street Fund
11 October 2022	Amington local centre
11 October 2022	Dual Stream (recycling service) quarterly update
Quarterly updates	Future High Street Fund
Quarterly updates	Dual Stream (recycling service) updates
Quarterly	Reset & Recovery updates
Date to be confirmed	Council Housing Repairs Policy
Date to be confirmed	Review of policy / engagement with stakeholders relating to Travellers
Date to be confirmed	Fire Safety Update
Date to be confirmed	Town Hall
Date to be confirmed	Funding of public toilets (link to HGV working group)
Date to be confirmed	Strategy for older buildings
Date to be confirmed	Review of Taxi Licensing Policy – Points System
Date to be confirmed	CCTV update

Working Groups		
Topic	Possible WG Members	Target IS&G Com meeting date
Review of policy / engagement relating to Travellers		
Facilities for HGV Drivers in Tamworth	Cllrs B Price (WG chair) Cllrs S Daniels and M Cook	
Transport integration	Cllrs R Ford (Chair), A Cooper, S People and P Turner	

Upcoming Infrastructure, Safety and Growth Scrutiny Committee Meetings

Meeting dates:

23 August 2022 (new)

14 September 2022

11 October 2022

22 November 2022

18 January 2023

23 March 2023