

THURSDAY, 12 MARCH 2015

REPORT OF THE PORTFOLIO HOLDER FOR ECONOMY AND EDUCATION

NORTH WARWICKSHIRE BC MEANINGFUL GAP CONSULTATION

EXEMPT INFORMATION

PURPOSE

To consider the councils proposed consultation response to North Warwickshire Borough Council on their "Meaningful Gap"

RECOMMENDATIONS

- 1) Tamworth Borough Council do not support the Assessment because
 - a. it is likely to create uncertainty for Tamworth residents about the scale and location of future development in the area between Tamworth and Polesworth;
 - b. of the unclear purpose and assessment of the 'meaningful gap';
 - c. it is not clear whether a designation is proportionate or necessary in advance of allocating sites for development;
 - d. of concerns about whether the Assessment is legally compliant and therefore the weight that can be attributed to it in decision making;
 - e. of the lack of joint working or prior consultation on the Assessment in conflict with the signed Memorandum of Understanding and the Duty to Cooperate.
- 2) The completed response sheet in Appendix A is sent with this Cabinet paper as the Councils formal response to the consultation; and
- 3) Tamworth Borough Council continues to commit officer time and appropriate resources on collaborative working, including undertaking joint pieces of evidence, with North Warwickshire and Lichfield Councils on addressing meeting Tamworth's needs and identifying the required infrastructure to mitigate its impact on Tamworth in line with the Duty to Cooperate and the signed Memorandum of Understanding.

EXECUTIVE SUMMARY

North Warwickshire Borough Council (NWBC) has informed Tamworth Borough Council that it has prepared a "meaningful Gap" document for public consultation between the 29th January and 12th March 2015. NWBC have confirmed that Tamworth Borough Council can submit its response to the consultation after the end date of the consultation to allow Cabinet to consider a formal Council response.

The consultation is relevant to Tamworth as it concerns the introduction of additional planning policies which would affect development proposals over a large area of land adjacent to Tamworth stretching eastwards to Polesworth.

Purpose of Consultation

The purpose of the document is not clear although the covering letter states that the "consultation draws upon existing policy and other background information for evaluating the

requirement and justification for what constitutes a “meaningful gap” policy in the Councils Core Strategy”. However, the document does not seem to evaluate any requirement for a “meaningful gap” and neither does it justify if there is or isn’t a requirement for the policy. Given that the NWBC Adopted Core Strategy already contains a Policy on a “Meaningful Gap” (Policy NW19) it is not clear what this document will add. Furthermore, when NWBC Local Development Framework Sub Committee resolved that the document was consulted upon and the responses brought back for them to consider, they also resolved to designate some areas under the policy, to exclude others and to adopt the gap identified in the consultation as Policy “and to start using it for planning purposes from the date of this Committee” (21st January 2015). The 2012 Local Plan Regulations governing SPDs make it clear that this ‘policy document’ has not been prepared in conformity with them, nor does the ‘policy document’ conform to the remit of an SPD as set out in the regulations. Furthermore the recently adopted LDS lists the meaningful gap as only ‘policy advice’. Therefore, it is not clear what status this document has and if it has been adopted as policy prior to the consultation taking place it has to be questioned if this consultation is meaningful in itself.

Officers infer from the consultation documents that NWBC seek to add stricter policy constraints over and above those contained within their recently adopted Core Strategy and the National Planning Policy Framework to restrict development and to direct development to certain areas (area 5 which abuts the southern part of the former golf course and extends to Robeys Lane taking in the go-kart track and area 7 which covers the area of land stretching to the M42 and south of the B5000).

Comment

Communities often aspire to avoid coalescence between settlements to ensure they maintain their distinct identities and to avoid urban sprawl. There is no specific policy in the NPPF on this, other than Green Belt policy, which doesn’t apply to this area of land which is outside of Green Belt designation. Notwithstanding this, at the heart of the NPPF is “a **presumption in favour of sustainable development**” (para 14) and the core planning principles in the NPPF aim to “encourage the effective use of land by reusing land that has been previously developed (brownfield land)”, “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. Whilst preparing a Plan to meet the needs of an area, an LPA may well consider the environmental and landscape qualities of an area which may be worth retention. Therefore, the retention of some form of gap may be retained between settlements but it would need to be justified and not just for the sake of it.

Tamworth as the majority of other places in the country have development needs that require planning for, be that housing or employment land. Tamworth is a small Local Authority which is constrained by its administrative boundary, environmental designations, Green Belt and areas of flood risk which means it is unable to meet all of its development needs within its boundary. There is therefore an accepted requirement that neighbouring Districts (Lichfield and North Warwickshire) will have to plan to accommodate unmet need. Indeed, there is a Memorandum of Understanding in place between the three authorities and both Lichfield and North Warwickshire have policies in their recently adopted Local Plans which state they will work collaboratively with Tamworth Borough Council to plan for these unmet needs. The location of this unmet need is the focus of future work between the three authorities and clearly there will be a need to ensure development planned for Tamworth’s needs is well related to Tamworth and that the supporting infrastructure (schools, roads, open space etc) is provided in both Tamworth and the local authority area where it takes place. There is therefore a question as to how this consultation will impact on that future work.

The proposed response to the consultation questions is attached in Appendix A. Officers have a number of concerns about this consultation exercise relating to the unclear purpose and assessment of the ‘meaningful gap’, whether a designation is proportionate or necessary in advance of allocating sites for development and the way the piece of work has been undertaken in the context of the Duty to Cooperate.

It is important that communities as well as developers and land owners have clarity and certainty on the policy position and unfortunately we do not feel that the process or the document itself gives either of those. Officers believe that very little weight can be given to the policy / document in decision making and there is a risk that if it is used for determining planning applications made in the area between Tamworth and Polesworth it is likely to lead to successful appeals. This would not give confidence, clarity or certainty to Tamworth residents. It is in this context that it is proposed that Tamworth Borough Council **does not** support the Assessment, expresses reservations about the way it has been undertaken and questions the authenticity of the consultation given that the North Warwickshire LDF sub-Committee has already resolved to “apply the meaningful gap area identified as policy and to start using it for planning purposes from the date of the committee”.

OPTIONS CONSIDERED

The Council could chose not to respond to the consultation, however this would be counterproductive and inadvisable given the importance of the issue.

RESOURCE IMPLICATIONS

There are no resource implications arising from this report. A budget is already established to progress Local Plan evidence base and Development Plan Documents. Any work commissioned by the three authorities will be funded through this budget.

LEGAL/RISK IMPLICATIONS BACKGROUND

The concerns regarding the legality of the policy position and the potential uncertainty this creates are outlined in the report and consultation response.

SUSTAINABILITY IMPLICATIONS

At the heart of the NPPF is “a **presumption in favour of sustainable development**”. Tamworth Borough Council has committed to work with North Warwickshire and Lichfield Councils on addressing its development needs. The consultation raises concerns about whether these future needs will be met in a sustainable way, including providing the necessary infrastructure to mitigate the impact of development.

BACKGROUND INFORMATION

The report is set against the context of our emerging Local Plan and the Duty to Cooperate including the Memorandum of Understanding between the local authorities as previously reported to cabinet.

REPORT AUTHOR

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LIST OF BACKGROUND PAPERS

Meaningful Gap Assessment Consultation Document
Memorandum of Understanding between Tamworth Borough Council, North Warwickshire Borough Council and Lichfield District Council, 2014
North Warwickshire Local Plan : Core Strategy (adopted October 2014)
North Warwickshire Local Plan : Core Strategy Inspectors Report

APPENDICES

Appendix A – Response to consultation

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