

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MEANINGFUL GAP CONSULTATION RESPONSE FORM

Please send us your comments on the consultation named above by completing this form and returning it to the address below.

All comments must be received by the Borough Council, no later than Thursday 12<sup>th</sup> March 2015

Name:

Responding as an Organisation/ Community Group/ Individual etc (please state)

Address:

Email:

Do you support the Meaningful Gap Assessment

YES

NO

If yes, why? If no, please tell us which parts you do not support and why, explaining what changes you would like to see made and how you think the assessment can be improved. If you would like to suggest an alternative approach please tell us:

Tamworth Borough Council (TBC) 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, the Duty to Cooperate and how the document will be used in determining planning applications.

The Council is concerned that this will lead to uncertainty and confusion for Tamworth residents about the long term plans for development around Tamworth.

#### **Purpose of the 'meaningful gap'**

Contradictory positions in different parts of the report leave the assessment unclear about the purpose of the meaningful gap.

Section 2 sets out the intention that the gap should not be a countryside or landscape designation or green belt and confirms no exceptional circumstances were established at the core strategy examination last year to designate new green belt. It goes on to presume the Inspector's term of 'meaningful gap' refers to an approach to gaps and green wedges from deleted national guidance.

In Section 3 however, core strategy policy NW19 is quoted and although the policy requires development to maintain a meaningful gap between

settlements, it does not state that the council would or should designate a specific protected area in advance.

The NWBC inspector's report states with regard to this gap:

It is not necessary, in my view, to modify Policy NW4 to identify an area of search between Tamworth and Polesworth and Dordon. The modifications will enable options to be explored through the Site Allocations DPD taking into account the need to maintain a gap and landscape considerations.

The Inspector is quite clear that

- a) The Core Strategy should **not** place a blanket restriction on development in this gap and that it should not do this to provide flexibility. This meaningful gap consultation is doing just that, placing a blanket restriction on areas within the gap
- b) That the Site Allocations DPD should be used to explore options for development in this gap and that the gap and landscape considerations should be taken into account. The publication of this consultation does not take into account the main factors in site selection and by doing so places far greater weight on landscape and maintaining the gap than is necessary.

In Section 8, the criteria for assessment (Landscape, Heritage, Infrastructure, Properties, Environmental Constraints) do not appear to be concerned with the separate identities of settlements or preventing their coalescence. Great weight is given to cursory landscape comments for instance that do not reflect on that purpose.

In the concluding paragraph 10.1, although referring to the purpose of policy NW19, the assessment recommends designation of a very large area of land to be kept open, where development is restricted. Again, it is not clear that this is necessary to fulfil the purpose accepted by the Inspector for the core strategy examination.

### **Assessment**

Perhaps inevitably given the confusion about the purpose of the assessment, it is unclear whether it is fit for purpose. As already mentioned, none of the criteria in Section 8 relate to the purpose of the gap stated in the core strategy. There is also no rationale for the division of land parcels in the gap for assessment and no consideration of whether constraints within each parcel apply to the whole area or just part of it.

Paragraph 6.3 suggests that the landscape character of the overall assessment area is not broadly sensitive but this character becomes a key consideration in the recommendation to include various areas in the proposed gap. Paragraph 6.1 refers to a landscape character assessment Appendix 8 which is not included with the report published for consultation.

A landscape character assessment should be prepared as part of the

evidence base for the Site Allocations DPD and it should be used in conjunction with the rest of the evidence base to make a proportionate and evidence based driven assessment of all potential land use allocations in this gap.

**Is a designation necessary or proportionate?**

The assessment does not effectively justify why a designation is required in order to have a meaningful gap between Polesworth/Dordon and Tamworth or why it should be of a scale that precludes the majority of land between them. Other options would be to make sufficient allocations to meet the level of development expected in North Warwickshire or to provide guidance on the application of the principle in core strategy policy NW19 to planning applications.

The proposed designation would not be green belt but the assessment sets out in paragraph 2.5 that it would be something similar. As exceptional circumstances have not been demonstrated there is no justification for the designation under the NPPF. If the intention is to create a landscape policy, then this should be criteria-based, not a blanket restriction.

There is no explanation for the size of assessment areas in section 8. They are insufficient to define a designation boundary as they are not sufficiently subdivided according to physical features on the ground. A more detailed assessment would be required to justify a definitive line on a map to allocate more and less appropriate areas for development.

The assessment does not appear to have been informed by a Sustainability Appraisal, which would look at a broader range of sustainability criteria than those in this assessment. The national Planning Practice Guidance makes it clear that appraisal should be carried out at the same time as evidence gathering and engagement. There is a risk that the outcomes of this consultation could prejudice the ability of NWBC to take into account the findings of the appraisal required as part of the preparation of the Site Allocations DPD.

Section 9 summarises the consideration of the assessed areas and why development would not be supported on the majority of the total area considered. No explanation is given for extent of area proposed for designation and why this amount is required to maintain the identity of settlements.

**Duty to Cooperate**

TBC were not invited to discuss this evidence in advance of this consultation. The TBC Duty to Cooperate statement makes it clear that this relates to a strategic cross boundary issue: meeting Tamworth's development needs and the options for future growth of Tamworth as a settlement. Therefore, we suggest that this piece of evidence should be discussed further in a meeting between officers. TBC have repeatedly proposed to undertake joint evidence base preparation to deal with the unmet need to be delivered in North

Warwickshire and Lichfield.

Two points of inaccuracy are also relevant in paragraph 3.3 of the assessment. Regarding the 2000 homes to be delivered outside Tamworth: in calculating this shortfall all deliverable/developable sites in Tamworth were taken into account, including the Golf Course. Development of that site will not reduce the amount of housing to be delivered in North Warwickshire. Secondly, it is stated that NWBC do not accept the Tamworth Future Development and Infrastructure Study 2009, commissioned by themselves with TBC and Lichfield District Council. At the time of completion of this piece of work officers from the three authorities 'signed it off' but we are not aware of any Council decision to 'not accept' the Study from North Warwickshire or what specific issues with the Study are. Furthermore, despite offers from TBC to review and update this work or a similar piece jointly, no more recent evidence of the comparative suitability or achievability of the options for Tamworth's growth across authority boundaries exists.

It is not clear how this consultation will feed into the Site Allocations DPD, or how it will be used in the site selection process.

Furthermore paragraph 15 of the Inspector's report states "The Council has proposed a main modification which commits it to continue working collaboratively with its neighbours and to an early review of the Plan should it be demonstrated that any unmet need should be accommodated in the Borough." This work has not been carried out in a collaborative manner.

### **Determining Planning Applications**

The report to the Sub-Committee recommended:

*c) To apply the meaningful gap area identified as policy and to start using it for planning purposes from the date of this committee...*

It is not clear what status the 'policy document' has, and how it will be used when determining planning applications. 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'. It should not be left to a document which has no formal status in North Warwickshire's adopted or emerging development plan to set a strategy or identify preferred sites within this area. Such decisions should be made through the preparation of a development plan document, in North Warwickshire's case: a review of the Local Plan or through the emerging Site Allocations Local Plan.

**Please return the form to the following address:**

Forward Planning Team, North Warwickshire Borough Council, The Council

House, South Street, Atherstone, Warwickshire, CV9 1DE, or by e-mail to:  
[planningpolicy@northwarks.gov.uk](mailto:planningpolicy@northwarks.gov.uk)

Any representation received will be a public document, all details of which will be stored on a database, and may be made available for inspection and on the council's website.

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