

TUESDAY, 23 FEBRUARY 2016

REPORT OF THE PORTFOLIO HOLDER FOR ECONOMY AND EDUCATION

TAMWORTH LOCAL PLAN

EXEMPT INFORMATION

None.

PURPOSE

Following the submission (February 2015), examination (June 2015) and main modification consultation (October 2015) of the Tamworth Local Plan 2006 – 2031 the appointed Planning Inspector has issued his final report to the Council.

This report to the Council seeks to gain approval from Council to adopt the Tamworth Local Plan 2006 – 2031 in-line with the Inspector's report and the listed Main Modifications to make the Plan sound and legally compliant. Once adopted the new Local Plan will replace the current Local Plan (2001 – 2011) and become the statutory development plan for Tamworth.

RECOMMENDATIONS

1. That the Tamworth Local Plan 2006 – 2031 and Policies Map are adopted through formal resolution of the Council in line with the Inspector's report and Main Modification recommendations to ensure the submitted Plan is sound and legally compliant and in accordance with the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Localism Act.
2. That the Other Modifications identified during the examination process are made to the Local Plan and Policies Map.
3. That the Council endorse the Sustainability Appraisal Adoption Statement which has been prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.
4. That in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, The Local Plan, Adoption Statement and Sustainability Appraisal are made publicly available and interested parties notified.

EXECUTIVE SUMMARY

This report represents the final stage of 7 years' worth of work in the preparation of a comprehensive Local Plan for the Borough of Tamworth. Of note it has taken approximately 2 and a half years since the withdrawal of the previously submitted plan for this Plan to go through two consultations, an examination and a final modifications stage.

The Council is now in receipt of a final Inspector's Report which closes the examination process (appendix 1). The modified Plan (policies and proposals map) (appendices 4,5 and

6) can now be adopted and become the statutory development plan for Tamworth, which all planning applications will be determined against.

Every local authority is required to produce an up to date Local Plan that takes into account the requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). This includes planning to meet the 'objectively assessed needs' of the area, for housing, employment and retail. This has now been completed for Tamworth. The Tamworth Local Plan 2006 – 2031 sets out the requirements for the scale of different development types, allocates land for where these should be located and provides specific policies to ensure that new development is or can be made sustainable. As well as creating the right conditions for new development to take place, the Plan also contains policies to protect the Borough's extensive natural and built environment.

In October 2014 the Council resolved to approve the pre-submission Local Plan and following consultation submit it for examination. An examination in public was held over the summer of 2015. Following the close of the hearing sessions and further correspondence between the Inspector, Council and participants, the Inspector issued a schedule of 34 Main Modifications which were subject to public consultation in September and October 2015.

After considering the representations the Inspector has now issued his final report. The Inspector has concluded that the Tamworth Local Plan provides an appropriate basis for the planning of the Borough, providing a number of main modifications are made to the plan. The Inspector now considers the plan to be legally compliant, i.e.:

- it is in accordance with the Council's Local Development Scheme (LDS) and Statement of Community Involvement (SCI);
- it has been subject to a Sustainability Appraisal;
- it has regard to national policy;
- and has regard to the sustainable community strategy for Tamworth.

And it can be considered that the Plan is sound i.e.:

- it is justified – in relation to the evidence base and reasonable alternatives;
- it is effective – it is deliverable, flexible and capable of being monitored;
- positively prepared, and
- consistent with national policy and guidance.

Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended) gives power to a local authority to adopt a Local Plan following an independent examination. The 2012 Local Planning Regulations requires the local authority to fulfil a number of obligations as soon as reasonably practicable after the adoption of the Local Plan. To fulfil these the Council will:

1. make available for inspection, the adopted document, the adoption statement (appendix 7) and the final SA report (see Appendix 3 for the Sustainability Appraisal adoption statement) at the Council offices and local libraries;
2. publish the adopted document, the adoption statement and the final SA report on the Council's website;
3. advertise (in the Tamworth Herald) the availability of the adoption statement and the adopted Local Plan;
4. send the adoption statement to all persons on the Local Plan consultation database, and,
5. send the adopted Local Plan and adoption statement to the Secretary of State.

A final published version of the Plan will be prepared by the Council's Graphics Team which will be word for word identical to this adopted Plan.

OPTIONS CONSIDERED

The only other available option is to reject the Inspector's report and recommendations and not proceed with adopting the Local Plan, therefore starting the whole Local Plan process again.

RESOURCE IMPLICATIONS

There are no further resources implications to adopting the Plan. The cost of the plan preparation and examination are covered by existing budgets.

LEGAL/RISK IMPLICATIONS BACKGROUND

There is significant risk of not adopting the Local Plan. Large sections of the current Local Plan are considered to be out of date and carry little weight in decision making. Planning in England is policy led and national planning policy places Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. Without a local plan and local policies the Council will have less control over future development and it will be difficult to resist inappropriate development.

The Government is placing greater emphasis on getting Local Plans in place and has committed for all areas to have a Local Plan in place by 2017. They are currently consulting on changes to New Homes Bonus which would see the Government withhold or stop payments to Authorities without an adopted up-to-date Local Plan. If Tamworth did not have an up-to-date Local Plan in place there is a risk of not only inappropriate development taking place but loss of income from the New Homes Bonus.

The Housing and Planning Bill, which received its second reading in January, contains provision for the Secretary of State to intervene and take over Local Plan preparation and examination where the Secretary of State "thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document". These changes are designed to enable the government to meet its commitment for all areas to have produced a local plan by early 2017. There is therefore a risk that if Tamworth do not have an up to date Local Plan in place the Secretary of State could take over the production of a Local Plan for Tamworth.

Once adopted by Council there is a 6 week period for persons to lodge a legal challenge. At this stage officers do not consider this is a likely scenario, however this cannot be entirely ruled out. Throughout the whole Local Plan process officers have sought Counsel opinion when appropriate and necessary to ensure the legal risk to this process is minimised.

SUSTAINABILITY IMPLICATIONS

The Local Plan and modifications have been subject to a full Sustainability Appraisal and is considered to be a sustainable plan for future development in Tamworth. Sustainability Appraisal is subject to its own regulations and the appraisal for Tamworth has been considered by the appointed Planning Inspector, who has found the process legally compliant.

BACKGROUND INFORMATION

Following the pre-submission consultation of the Local Plan in October to December 2014, the Plan was submitted to the Secretary of State for examination in February 2015. Mr Mike Fox BA (Hons) Dip TP MRTPI was appointed as the Local Plan Inspector.

A Pre-Hearing Meeting was held on the 27th March followed by hearing sessions from the 16th to the 25th June 2015. On the 22nd June the Council formally requested under Section 20 (7C) of the Act for the Inspector to recommend any main modifications to the Local Plan that would make it sound.

Following the close of the hearing sessions and further correspondence between the Inspector, Council and participants, the Inspector issued a schedule of 34 Main Modifications. The Council then prepared a further SA to support the Main Modifications where necessary.

The Council carried out a public consultation on the proposed Main Modifications to the Local Plan, for 6 weeks from Thursday the 10th September to Friday the 23rd October 2015. Letters and e-mails were sent out to approximately 900 persons on the Local Plan consultation database and a public notice was placed in the Tamworth Herald. The Main Modifications schedule and further SA were made available on the Council's website and placed at the Council's office and libraries in the Borough. A total of 42 representations were made to the Main Modification consultation with regards to soundness or legal compliance issues. These representations were made by a total of 17 persons or organisations. A summary of and the individual representations were passed onto the Inspector, who made a number of slight alterations to the Main Modifications when taking into consideration those representations received.

The final schedule of Main Modifications are set out in the Inspector's report and attached to this report. In brief, the Main Modifications cover the followings areas and policies of the Plan:

- Ensure that archaeological assets in Tamworth are fully assessed and appropriate mitigation and or recording takes place;
- Ensure that the views to and from Amington Hall Estate Conservation area arising from the Anker Valley SUE are protected;
- Ensure that development on agricultural land preserves where possible any high quality land;
- That the emphasis on finding sites to meet the needs of the Gypsy and Traveller community should be to first find appropriate sites in Tamworth, then look to neighbouring authorities. The need for 1 Gypsy pitch over the plan period has not changed;
- New criteria were added to Policy HG5 to ensure that the needs of persons requiring non-standard residential could be met, by requiring new development on large sites to consider this specific need;
- The Objectively Assessed Need for Housing arising from Tamworth of 6,250 dwellings from 2006 to 2031 did not change. The housing requirement for a proportion of those to be built in Tamworth did increase slightly, from 170 per year to 177 per year, or 4,425 between 2006 and 2031. This increase was considered necessary by the Inspector as the Anker Valley SUE could deliver slightly more dwellings than first envisioned (an additional 35) and that the Inspector considered that there was a reasonable prospect for potential sites in Flood Zone 3a to come forward, following recent permissions granted by the Council;
- For context, as of 1 April 2015, since 2006 a total of 1,494 dwellings have been constructed with a further 58 under construction and 407 with planning permissions, this gives a total of 1,959 dwellings with permission or built in Tamworth since 2006. This means that planning permission for at least another 2,465 dwellings will need to be granted in the Borough to ensure the housing target of 4,425 dwellings is met. The Local Plan sets out a future supply with sufficient flexibility of approximately 3,000 new dwellings by 2031;
- Modification to reflect the overall employment need of 32 hectares as a minimum;
- Commitment by Tamworth Borough Council to consider undertaking a review of the Plan by the end of 2017/18 (31st March 2018) if the un-met need of 825 dwellings arising from Tamworth has not been allocated in a Plan or brought forward through planning permissions by or within North Warwickshire or Lichfield District Council's local planning areas. Any such review of the Plan would consider another review of the Green Belt;
- Policy EC2 which emphasises that town centre uses should be brought forward was amended slightly to reinforce and strengthen the importance of the Gungate redevelopment and that if progress has not been made on the redevelopment scheme by 2020/21 then the Council will review its retail needs and consider other sites for retail development; in-line with the Plan's town centre first strategy. This change brings a commitment already outlined in the Plan in supportive text, into a

policy, and

- Finally 3 maps are to be inserted into the Plan which set out indicative, high-level master plans, for the different types of development in the 3 SUEs at: Anker Valley, Dunstall Lane and the Golf Course.

In addition to the proposed Main Modifications, a schedule of 'other modifications' (appendix 2) was prepared, these modifications do not cover soundness or legal compliance issues. The Council did not seek any representations on these modifications; they were published for information only.

After considering the representations the Inspector has now issued his final report. The Inspector has concluded that the Tamworth Local Plan provides an appropriate basis for the planning of the Borough, providing a number of main modifications are made to the plan. The Inspector now considers the plan to be legally compliant, i.e.:

- it is in accordance with the Council's Local Development Scheme (LDS) and Statement of Community Involvement (SCI),
- it has been subject to a Sustainability Appraisal,
- it has regard to national policy
- and has regard to the sustainable community strategy for Tamworth;

And it can be considered that the Plan is sound;

- it is justified – in relation to the evidence base and reasonable alternatives
- it is effective – it is deliverable, flexible and capable of being monitored
- positively prepared and
- consistent with national policy and guidance

Next Steps

Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended) gives power to a local authority to adopt a Local Plan following an independent examination. The 2012 Local Planning regulations requires the local authority to fulfil a number of obligations as soon as reasonably practicable after the adoption of the a Local Plan. These will be fulfilled as described in the executive summary above..A final published version of the Plan will be prepared by the Council's Graphics Team which will be word for word identical to this adopted Plan.

Strategic Planning and the Duty to Co-operate

North Warwickshire and Lichfield

The Plan is clear that Tamworth cannot meet its own housing or employment needs over the Plan period of 6,250 dwellings or 32 hectares of employment land. The reduced targets for delivery within Tamworth, which take into consideration the constraints of Tamworth, set by the Council have been found sound and legally compliant with only minimal alterations by the Inspector.

The policies and supportive text of the Plan present the evidence and context for Lichfield District Council and North Warwickshire Borough Council to continue working positively with Tamworth Borough Council to address the remaining unmet needs of 825 dwellings and minimum of 14 hectares of employment land.

With a comprehensive Local Plan the Council now has resounding evidence and justification to put towards both neighbouring authorities to ensure that these needs are met. The Tamworth Local Plan should be taken into consideration by those authorities in the preparation of their forthcoming Site Allocations documents or Local Plan reviews.

Council officers of the 3 authorities will continue to meet and discuss a way forward to resolve this issue. The involvement of Members will be required again when formal agreements can be reached.

Greater Birmingham and Solihull LEP

The GBSLEP Growth Deal includes a requirement to progress a Spatial Plan for Growth. This will give spatial expression to the Strategic Economic Plan and assist local authorities in fulfilling the statutory Duty to Cooperate requirement which replaced formal strategic planning arrangements at the regional level. Work is progressing on undertaking sustainability appraisal and producing an evidence base, mainly regarding housing and employment requirements. In terms of housing a Strategic Housing Needs Study has been undertaken and concludes that although there is considerable overlap, the GBSLEP area is not synonymous with a Greater Birmingham HMA. Evidence shows that this regional HMA comprises the GBSLEP local authorities (excluding Wyre Forest and East Staffordshire), the four Black Country Authorities, South Staffordshire, North Warwickshire and Stratford upon Avon (part). The authorities are now working together to identify options to address the strategic distribution of the housing needs of the HMA. Once the Tamworth plan is adopted it will provide more robust evidence of need and the unmet need (825) which will feed into wider consideration of meeting housing need across the HMA and assist Lichfield and North Warwickshire with planning for meeting that unmet need. Similarly, the position on employment land will be clearer, i.e. that Tamworth is unable to meet a need of a minimum of 14ha of employment land which will assist the preparation of the GBSLEP Spatial Plan as well as Lichfield and North Warwickshire's forthcoming Plans.

Community Infrastructure Levy

As Members will be aware the final consultation for the CIL has taken place and officers are currently progressing towards submitting the CIL for examination. One of the requirements for CIL is to have an up-to-date Local Plan, with the adoption of this Plan, it will allow the CIL to be submitted and examined. At this stage, it is expected the CIL will be submitted for examination in Spring 2016 and be examined and adopted by autumn 2016.

REPORT AUTHOR

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LIST OF BACKGROUND PAPERS

Report to Council, 8th October 2014, "Tamworth Borough Council pre-submission Local Plan 2006 – 2031"

APPENDICES

- Appendix 1 - Inspector's Report and Inspector's Report Appendix – Main Modifications
- Appendix 2 - Other Modifications Schedule
- Appendix 3 - Sustainability Appraisal Adoption Statement
- Appendix 4 - Tamworth Local Plan 2006 – 2031
- Appendix 5 – Tamworth Local Plan 2006 - 2031 Policies Map
- Appendix 6 – Tamworth Local Plan 2006 - 2031 Policies Map Town Centre Inset
- Appendix 7 - Local Plan Adoption Statement