

THURSDAY, 5 JULY 2018

REPORT OF THE PORTFOLIO HOLDER FOR HERITAGE AND GROWTH**TAMWORTH LOCAL PLAN REVIEW UPDATE****EXEMPT INFORMATION**

None

PURPOSE

To update Cabinet on the progress of the Tamworth Borough Council Local Plan 2006-2031 and the application of policies SS1 The Spatial Strategy for Tamworth and EN2 Green Belt. To seek approval not to proceed with the requirement of policies SS1 and EN2 to undertake an early review of the Local Plan.

RECOMMENDATIONS

- That Cabinet notes the information in the report
- That Cabinet resolves that an early review of the Local Plan is not required for the reasons set out in the report.
- That Cabinet resolves that a Green Belt Review is not required at present.
- That Cabinet approves commencement of a review of the Local Plan in 2018/19 in readiness for a potential examination in 2020 with a view to adopting a new local plan in 2020/21 to run for the period 2020-2036.
- That a future report is presented to Cabinet detailing the arrangements and agreements to meeting Tamworth's unmet housing and employment needs.
- That the current Local Development Scheme 9 (LDS) be revised in view of the decisions outlined in this report and that a LDS 10 be presented to a future Cabinet meeting for approval.
- That the Statement of Community Involvement be revised in accordance with new government guidance and a draft document is submitted to Cabinet at a future meeting for approval prior to consultation being undertaken.

EXECUTIVE SUMMARY**The Tamworth Borough Council Local Plan 2006-2031**

Policy SS1 The Spatial Strategy for Tamworth within the adopted Local Plan 2006-2031 sets out Tamworth's employment and housing needs:

- 4,425 dwellings to be built in Tamworth at a rate of 177 dwellings per year
- 1,825 new homes to be delivered outside of the Borough within locations which assist the delivery of Tamworth's strategy and those of its neighbours
- Allocations within Tamworth to support at least 18 hectares of B1, B2 and B8 employment land to meet an overall minimum need of 32 hectares. A further minimum 14 hectares of employment land will be required outside of the Borough within locations which assist the delivery of Tamworth's strategy and those of its neighbours.

Policy SS1 also references ongoing work with Lichfield District Council and North Warwickshire Borough Council acknowledging commitments by both authorities to

provide 500 units each towards Tamworth's unmet need:

- The three local authorities have committed to continue this co-operation on strategic planning issues to deliver the remaining unmet need of 825 units and a minimum 14 hectares of employment land. However if it has not been possible to propose sites for allocation through a statutory development plan for Lichfield District or North Warwickshire Borough or through the granting of planning permissions in either district by the end of the year 2017/18 an early review of the Tamworth Plan will seek to address any outstanding issues. This will ensure that the appropriate housing and employment land provision is allocated within the relevant Local Plans, in sustainable locations in relation to Tamworth's needs, and that the appropriate infrastructure is identified within agreed programmes.

Policy EN2 Green Belt provides further detail on the potential review of the plan:

- In the event that land has not been brought forward to meet the balance of Tamworth's housing and employment needs sustainably by the end of 2017/18 as set out in policy SS1, the Council will consider undertaking another review of its Green Belt boundaries to reassess whether there is potential land to meet these local needs in the second half of the plan period.

A Green Belt Review (2014) forms part of the Local Plan evidence base alongside the Sustainability Appraisal. A number of spatial options were considered within the SA that would maximise the amount of housing development.

Duty to Co-operate

Lichfield District Council and North Warwickshire Borough Council have worked alongside Tamworth Borough Council to align their respective Local Plans. Under the Duty to Co-operate a number of key agreements have been reached:

- North Warwickshire Core Strategy, adopted in 2014, contains a commitment to deliver 500 units to contribute to Tamworth's unmet need and the Lichfield District Local Plan Strategy 2008-2029, adopted 2015, also commits to providing 500 units towards Tamworth's unmet need. A Memorandum of Understanding was agreed in October 2014 relating to these 1,000 units and that agreement contains a commitment between all parties to work together to seek solutions to deliver Tamworth's remaining unmet housing and employment need.
- North Warwickshire's Regulation 19 Submission Local Plan includes a commitment to allocate 8.5ha of employment land towards Tamworth's unmet need. Lichfield's Local Plan Allocations Submission identifies 6.5ha employment land towards Tamworth's unmet need.

Draft Revisions to the National Planning Policy Framework

Proposals within the DCLG consultations 'Planning for the right homes in the right places' and the Housing White Paper 'Fixing our broken housing market' have been incorporated into the proposed revised NPPF, in particular a proposed new standardised method for assessing Objectively Assessed Housing Need (OAN). The proposals are designed to simplify and speed up the plan making process and provide transparency to an element of the process that generates greatest dispute. The final standardised methodology has not yet been published, however it is likely that the OAN for Tamworth arising from the new methodology will reduce the amount of housing that needs to be provided in Tamworth and will similarly impact upon neighbouring authorities.

Local Plan Reviews

The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 introduced a new requirement on Local Authorities to review a local plan every 5 years starting from the date of adoption of the local plan in accordance with Section 23 of the Act. The Local Plan was adopted in February 2016

and therefore a review will be required by 2021.

Greater Birmingham Housing Market Area (GBHMA) Strategic Growth Study

The 14 Local Authorities within the GBHMA, including Tamworth Borough Council commissioned a study to consider the extent of the housing shortfall and land supply constraints within the HMA (Appendix 1). The study considered adopted and emerging Local Plans in the HMA to determine the anticipated shortfall. The study sought to identify potential areas of search for strategic development outside of the Green Belt, previously developed sites in the Green Belt and a Strategic Review of the Green Belt.

Considering the need for a review of the Tamworth Local Plan

Tamworth's unmet housing need remains at 825 dwellings. Discussions are progressing with both Lichfield District Council and North Warwickshire Borough Council with a view to agreeing a Statement of Common Ground that would potentially address the unmet need. Both authorities have indicated that they are able to assist but have made clear that since the Tamworth unmet need is identified within the wider HMA shortfall, Tamworth's need will be met through the mechanism to deal with the HMA shortfall. The HMA level shortfall has become an issue since the Tamworth Local Plan was adopted and has therefore added another barrier to Lichfield and North Warwickshire being able to individually commit to meeting Tamworth's remaining unmet need.

When the Tamworth Inspector added in the review clauses, the timescales were based on Lichfield and North Warwickshire's assertion that they would have adopted their allocations documents by now. They have unfortunately taken longer than they had envisaged. In Lichfield's case, they had a number of legal challenges to their plan and a planning application for a large site near Lichfield that they had refused permission for was appealed and recovered by the secretary of state, and then was subject to further legal challenges, which delayed the progression of their Plan. They have now submitted their plan for consideration. It includes allocations, commitments and completed schemes around Tamworth totalling over 1,400 homes. North Warwickshire decided to abandon their allocations document and prepare a new Local Plan instead. This has been submitted for examination as well and includes allocations, commitments and completed schemes around Tamworth totalling nearly 4,000 homes (including 2,000 at Polesworth and Dordon). Whilst not all of these homes will be meeting a direct need arising from Tamworth, it is considered a fair assumption that the majority, if not all of the unmet housing need of Tamworth will be addressed through these completions, commitments and planned allocations.

With respect to employment needs, a planning application was granted consent by North Warwickshire adjacent to Tamworth at Centurion Park for 8.5 ha which is now built and partly occupied. A further application in North Warwickshire adjacent to the A5/M42 junction was granted consent following appeal for 25.4ha of employment land. Their submitted plan commits to providing 8.5 ha of employment land towards Tamworth's needs to replace the provision at Centurion Park which is affected by HS2. Lichfield's submitted allocations plan commits to providing 6.5ha of employment land towards Tamworth's needs.

Officers therefore consider that there are sufficient consents in place and proposed allocations that give considerable comfort that the unmet needs arising from Tamworth will be met.

A Green Belt review would facilitate the review of the plan. Again, the HMA shortfall will override the need for a Green Belt review and this is detailed later in the report. In any case, the existing Green Belt Review recommendations that justified the exclusion of land within the Green Belt to accommodate development are still very relevant. The Green Belt still performs a valuable strategic function and the previously identified constraints still apply but the review will test the previous findings.

The proposed new standard methodology to determine the objectively assessed housing need will have a significant effect within Tamworth. The proposed standardised OAN would identify housing need based on demographic change adjusted by market signals (house prices) and affordability ratios. In effect this would potentially reduce Tamworth's housing requirement and the contribution sought from neighbouring authorities to assist in meeting Tamworth's need. While this may negate the need to agree a new Statement of Common Ground to resolve Tamworth's unmet housing need within neighbouring authorities, the HMA shortfall will still need to be addressed and it is likely that any housing released from a commitment will go forward to assist the wider HMA shortfall. In that context, the additional dwellings would still be required and Tamworth may be in a position to assist the HMA if its own need reduces. A plan review is necessary to extend the period of the local plan to 2036 in order to ensure that the plan aligns with the GBHMA timescales.

A new requirement to complete a review of the local plan within five years came into force on the 15th January 2018. The Statement of Community Involvement is also required to be reviewed within the same timeframe. At the time the Tamworth Local Plan was adopted, there was no defined timeframe for a review hence the clauses included within policies SS1 and EN2. The amended regulations will require a review of the Local Plan by 2021 and it is envisaged that a review of the evidence base will commence in 2018 in readiness for an anticipated examination in 2020 and adoption shortly after. This will review the objectively assessed housing need utilising the standardised methodology which is anticipated to be in place by the autumn of 2018 all of which are likely to override policies SS1 and EN2 and the need for an early review. Policy EC2 Supporting investment in Tamworth Town Centre also sets out a need for an early review "If substantial progress not been made towards securing the Gungate scheme by 2020/21, the Council will review its retail requirement and will consider the potential for retail developments on other sites in accordance with the 'town centre first' hierarchy' set out in policy EC1". LDS 10 will be revised to reflect the timetable going forward for a Local Plan review.

The Greater Birmingham Housing Market Strategic Growth Study (Appendix 1) concluded that there was currently no more capacity within Tamworth to accommodate development that could offset the wider shortfall. Part of the Growth Study commission involved a strategic review of the Green Belt which was used to identify future areas of search for new development that would be assessed through plan making. It could be argued that this activity has at least partly satisfied policy EN2 Green Belt with the outcome being that the Green Belt in Tamworth is not identified as an area of search on the basis that there are more sustainable options for potential development elsewhere within the HMA to provide for the shortfall.

OPTIONS CONSIDERED

- a) An immediate review of the plan:

This could be undertaken but officers consider this would be premature as

there are still unresolved issues over how Tamworth's unmet need will be allocated within Lichfield and North Warwickshire Local Plan documents. However, this may become much clearer over the next 6 months i.e. the outcome of the respective Examinations. The pending changes to the NPPF will impact on Tamworth's housing and employment numbers and in all likelihood will negate the need for a review at this time.

b) Do not review the plan:

This would be very risky as the further the plan gets from adoption the greater likelihood that policies become out of date and ineffective. This situation would be exacerbated should the new NPPF be implemented and elements of the plan would not be on accordance with the framework. The plan also would be less able to direct development and could be deemed to be unsound.

RESOURCE IMPLICATIONS

Reviewing the plan takes officer time and resources and also resources from external, expert consultants. A policy change request was submitted in late 2017 to facilitate the review and examination and the request was subsequently approved. Funds have been allocated to enable a review and update of the Local Plan evidence base during 2018/19 and 2019/20 with a potential examination in 2020.

The review of the plan and update will be required to comply with new regulations as well as to take account of strategic work at the Housing Market Area level where plans will need to run to 2036. The local plan evidence base will need to be extended to cover this additional period and will therefore entail a more comprehensive review and update. It is likely that further funding will be required to complete the production of a new plan into 2020/21 to cover the cost of submission and implementation. At this time, costs are unclear but will be subject to consideration through the budget setting process later this year.

LEGAL/RISK IMPLICATIONS BACKGROUND

This report sets out the reasons for not carrying out an early review of the Local Plan as required by policies within the plan. The decision could be challenged but the current circumstances and pending changes to planning guidance and legislation will render an early review meaningless and provide justification for carrying out a full review of the plan as set out in new regulations.

Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 has been amended to require a local plan review within 5 years from the date of adoption of the plan. The same amendments require the statement of community involvement to be reviewed every five years starting also from the date of adoption. A review of the Local Plan will need to be completed by 2021 and a review will commence later this year starting with updates to the Local Plan evidence library. A revised statement of community involvement will be submitted to Cabinet for consideration at a future meeting before the expiration of 5 years since the SCI was adopted.

SUSTAINABILITY IMPLICATIONS

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.

BACKGROUND INFORMATION

The Southern Staffordshire Districts Housing Needs Study (May 2012) which covered Tamworth, Cannock and Lichfield considered a range of housing, economic and demographic factors, trends and forecasts to profile future growth and demands. A range of growth options were identified for Tamworth in the context of a number of known constraints to arrive at a range of between 240-265 dwellings per annum. The mid-point was selected and annualised over the plan period to show a need for 5,500 dwellings over the plan period of the Pre-Submission version of the Local Plan 2006-2028. A further analysis taking into account historic trends and site specific constraints to determine the numbers that could be delivered within Tamworth provided a figure of 4,500 units which was considered to be realistic and achievable and the remaining 1,000 units would be provided outside of Tamworth. A Memorandum of Understanding was agreed between Tamworth, NWBC and LDC to provide 500 units each in North Warwickshire and Lichfield to meet Tamworth's need. The plan was withdrawn from examination to enable further analysis and evidence to be prepared due to the examiners concerns over the capacity within the urban area to deliver the quantity of housing.

The later Tamworth Local Plan 2006-2031 underwent examination to reach adoption in February 2016. In reaching this milestone consideration of Tamworth's objectively assessed needs for housing and employment land were set through a revised South Staffordshire Housing Needs Study (2014). These needs are reflected in Policy SS1, The Spatial Strategy for Tamworth which states a revised minimum requirement of 6250 dwellings over the longer plan period, 4250 of these would be delivered within the Tamworth administrative boundary and 2,000 would need to be delivered within Lichfield and North Warwickshire. A revised Memorandum of Understanding was agreed in October 2014 relating to the original 1,000 units and a commitment between all parties to work together to seek solutions to deliver the remaining unmet housing and employment need. No further revisions have been made to these MOU's although discussions through the Duty to Co-operate have continued in the meantime.

The housing requirement was further refined at the examination when further capacity was identified bringing the unmet need down to 1,825 dwellings. The examiner in considering representations to the plan recommended modifications that are included within policy SS1, The Spatial Strategy for Tamworth:

“...if it has not been possible to propose sites for allocation through a statutory development plan for Lichfield District or North Warwickshire Borough or through the granting of planning permissions in either district by the end of the year 2017/18 an early review of the Tamworth Plan will seek to address any outstanding issues. This will ensure that the appropriate housing and employment land provision is allocated within the relevant Local Plans, in sustainable locations in relation to Tamworth's needs, and that the appropriate infrastructure is identified within agreed programmes”.

Policy EN2 Green Belt provides more detail in the second of three paragraphs;

“...In the event that land has not been brought forward to meet the balance of Tamworth's housing and employment needs sustainably by the end of 2017/18 as set out in policy SS1, the Council will consider undertaking

another review of its Green Belt boundaries to reassess whether there is potential land to meet these local needs in the second half of the plan period”.

A Green Belt Review (2014) forms part of the Local Plan evidence base and sets out the contribution of the Green Belt in fulfilling the functions set out in national planning policy. The review recommended some minor changes to the boundary of the Green Belt but did not identify any areas suitable for development and therefore the Green Belt boundary would be maintained. The Sustainability Appraisal (SA) confirmed this view in considering seven spatial options for Tamworth that included the Green Belt (Option 6) that would maximise the amount of housing development. The SA raised several issues with this option that were not applicable or as severe in the other six options considered. These included: negative impacts to landscape and biodiversity, the further deterioration of air quality in Dosthill, risks to the capacity and pumping of the sewerage network which would require major investment and traffic implications to the A51 which may require a new road. None of the seven options considered delivered all of Tamworth’s objectively assessed needs. The Green Belt Review (2014) and Site Selection Paper (2014) supported the decision not to take Option 6 forward.

REPORT AUTHORS

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LIST OF BACKGROUND PAPERS

Tamworth Borough Council Local Plan 2006-2031 adopted February 2016.
Inspector’s Report into Tamworth Local Plan 2006-2031.

APPENDICES

Appendix 1 - Greater Birmingham HMA Strategic Growth Study

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