

THURSDAY, 18 OCTOBER 2018

REPORT OF THE PORTFOLIO HOLDER FOR HERITAGE AND GROWTH**STATEMENT OF COMMUNITY INVOLVEMENT AND LOCAL DEVELOPMENT
SCHEME 2018-2021****EXEMPT INFORMATION**

None

PURPOSE

To seek Cabinet approval to adopt and publish a new Statement of Community Involvement and Local Development Scheme. An update on the Council's position in respect of the delivery of housing and employment land targets within the adopted local plan is also included within the report.

RECOMMENDATIONS

- 1) That Cabinet resolve to adopt the content of the new Statement of Community Involvement included in appendix A from 01 November 2018; and that approval is given for officers to carry out final word processing of the document prior to publication
- 2) That Cabinet resolve to adopt the 2018-2021 Local Development Scheme, included in appendix B with effect from 01 November 2018
- 3) That Cabinet endorse the Statement of Common Ground that has been agreed with Lichfield District Council and North Warwickshire Borough Council which details the arrangements for the delivery of Tamworth's unmet housing and employment land need.

EXECUTIVE SUMMARY

Cabinet agreed at the meeting of 5th July 2018 that the Statement of Community Involvement be revised in view of new guidance; that a revised Local Development Scheme be prepared for approval; and that a future report is submitted that details the arrangements and agreements to meeting Tamworth's unmet housing and employment needs.

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 a SCI, which should explain how they will engage the local community and other interested parties in producing a Local Plan and determining planning applications. The Council currently has an adopted SCI which is available on the website and was adopted in March 2014.

Regulation 10A was inserted into the Town and Country Planning (Local Planning)

(England) Regulations 2012 by a 2017 amendment and came into force on 06 April 2018. Regulation 10A requires a local planning authority to review their SCI every five years starting from the date of adoption of the document. As the current SCI was adopted in March 2014, the Council is required to have completed a review of the SCI by March 2019.

The SCI has been updated to reflect changes to legislation since the adoption of the previous version of the document as well as to update procedures where relevant to ensure that the processes are proportionate and provide appropriate value for money. The revised SCI has streamlined processes that will reduce expenditure and staff time going forward. The updated SCI text is included in appendix A. The final document will require the appropriate graphics and word processing to be added prior to publication and so approval is sought to allow officers to finalise the appearance of the document before it is published.

In a previous report to Cabinet (Tamworth Local Plan Review Update) on 05 July 2018, it was suggested that a period of consultation would be carried out before the final document was published. However, on further consideration, and having consulted the relevant legislation, it is considered that a period of consultation is not required. It is therefore recommended that Cabinet determine that the revised document takes effect from 01 November 2018.

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 what local development documents are to be prepared, the subject matter and geographical area to which each relates, and a timetable for the preparation and revision of the documents.

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; the legislation states that local planning authorities should revise the LDS at such time as they consider appropriate. The current LDS was adopted in March 2017 and covers the period up to December 2019. Whilst we are still within this timeframe, it was considered appropriate to review the LDS at this stage as a result of the 05 July 2018 Cabinet decision to commence a full review and update of the Local Plan. The LDS has therefore been updated to reflect the work programme for the preparation, submission, examination and adoption of the new Local Plan along with revised timescales for a number of existing projects. The updated LDS is included in appendix B.

Housing and Employment Land Update

During the preparation of the Tamworth Local Plan, Lichfield District Council (LDC) and North Warwickshire Borough Council (NWBC) agreed to assist Tamworth in meeting its housing and employment needs where these could not be accommodated within the Borough. A Memorandum of Understanding was agreed in 2014 that followed through into commitments within the LDC Local Plan Strategy (2015) and NWBC Core Strategy (2014) to meet 500 units each of the 1,000 unit shortfall. A further agreement was reached to work together to meet any subsequent increase in Tamworth's unmet housing and employment need that had risen to 1,825 dwellings and 14 hectares employment land but no further agreements have been reached until recently.

A new Statement of Common Ground (SoCG) has been agreed with LDC and NWBC that resolves the Tamworth unmet housing and employment land needs arising from the adopted Local Plan 2006-2031. LDC and NWBC have agreed that the remaining balance of 825 units is split 413 and 412 units between NWBC and LDC respectively. In addition, employment land has been split 8.5 hectares and 6.5 hectares between NWBC and LDC respectively. It should be noted that Tamworth's unmet employment need of 14 hectares is a minimum and LDC and NWBC have continued to work to the earlier unmet need of 15 hectares. LDC and NWBC have agreed to plan for the delivery of Tamworth's unmet need by the end of the Tamworth plan period (2031).

The details of the arrangement will require further work that is included within the SoCG which will be reviewed annually and updated when necessary. The three Councils have also agreed to work together to jointly commission evidence that will assist current and future plan making activities. The SoCG was presented at NWBC Local Plan Examination as well as LDC Site Allocations Examination and officers will seek to ensure that local plan documents reflect the agreements within the SoCG. The Cabinet report of 5th July 2018 that set out the reasons for not requiring an early review of the Tamworth Local Plan as outlined in Policy SS1 referred to the positive ongoing discussions with both NWBC and LDC to agree a new SoCG. These discussions have resulted in a new SoCG that supports the decision of Cabinet.

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 as they are. This option is not considered appropriate for the SCI as the recent changes to the legislation require that the document is updated every five years, and so to not do so by March 2019 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. In relation to the LDS, not updating the document is also not considered a viable option as the existing document is now out of date. Not updating the document would leave the Council not in compliance with the legislation and could lead to the Secretary of State directing the Council to 'make such amendments to the scheme as he thinks appropriate'. It is therefore considered that publishing both revised documents is the most appropriate option.

RESOURCE IMPLICATIONS

No additional resources are required for the publication of the revised Statement of Community Involvement. The previous LDS was based on the budgetary arrangements approved in 2016/17 and still hold good. The budget setting process for 2019-2021 will need to include appropriate consideration of resources to deliver this LDS programme including engaging consultants on specific projects where there is a requirement for specialist skills or if there is a lack of capacity in-house.

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 a 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.

SUSTAINABILITY IMPLICATIONS

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

BACKGROUND INFORMATION

Local Development Scheme

Regulation 15 of the Planning and Compulsory Purchase Act 2004 (as amended) sets out the requirements in relation to the LDS. These requirements are set out for information below.

The local development scheme must specify:

- 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.

Regulation 15 also states that the local planning authority must revise their local development scheme at such time as they consider appropriate or when directed to do so by the Secretary of State. For the reasons set out in the executive summary, it is considered appropriate to review the LDS at this time.

Statement of Community Involvement

Regulation 18 of the Planning and Compulsory Purchase Act 2004 (as amended) sets out the requirements in relation to the SCI and states that the local planning authority must prepare a statement of community involvement that sets out the authority's policy as to the involvement in the preparation and revision of local development documents of any persons who appear to the authority to have an interest in matters relating to development in their area.

Duty to Co-operate

Policy SS1 of 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.

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LIST OF BACKGROUND PAPERS

Report of the Portfolio Holder for Heritage and Growth – Tamworth Local Plan Review Update - 05 July 2018.

APPENDICES

Appendix A – Statement of Community Involvement 2018 (Draft)

Appendix B – Local Development Scheme 2018-2021 (Draft)

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