

17th October 2012**REPORT OF THE PORTFOLIO HOLDER FOR ECONOMIC DEVELOPMENT &
ENTERPRISE****Tamworth Local Plan –
Submission to Secretary of State****EXEMPT INFORMATION**

N/A

PURPOSE

The report seeks to update Members on:

- The consultation of the Pre-Submission Publication Draft Tamworth Local Plan (previously referred to as the Core Strategy), in accordance with Regulations 18, 19 and 20 of the Town and Country Planning (Local Planning) Regulations 2012.
- That there have been no fundamental objections made to the soundness of the Local Plan.
- That minor typographical and formatting amendments will be made prior and during the examination process.
- Memorandum of Understanding with Tamworth, Lichfield and North Warwickshire update.
- That the Local Plan will be submitted to the Secretary of State for examination under Regulation 22 of the Town and Country Planning (Local Planning) Regulations 2012.

RECOMMENDATIONS

- 1) **If the matter arises, that authority is delegated to the Director of Communities Planning and Partnerships and Head of Planning & Regeneration, in consultation with the Portfolio Holder for Economic Development & Enterprise, under Section 20 (7C) of the Town and Country Planning Act 2004 (Amended) to make a request to the appointed Inspector to recommend modifications to the plan to make it one that is sound, and to undertake any consultation required as a result of modifications.**

EXECUTIVE SUMMARY

At its 17th May meeting, Council resolved to publish the Tamworth Local Plan for a six week period. Following this, the Pre-Submission Publication Draft Local Plan was made available for statutory consultation for a six week period, between the 8th June and 20th July 2012. As a result of this consultation 738 representations were received; of which 478 were received from the Stoneydelph, Amington and Belgrave residents groups. Representations were received from a wide range of consultees; residents, landowners, developers and statutory bodies. Both sound and un-sound representations were made on all areas of the plan: the main issues presented through the consultation were over housing, employment, retail and infrastructure/transport issues. It is considered that none of the representations received have made any fundamental objections to the Local Plan.

As no fundamental objections in representations to the soundness of the plan have been received, the Local Plan will be formally submitted to the Secretary of State in accordance with Regulation 22 and Planning Inspectorate (PINS) guidance. Following submission of the Local Plan an Inspector from PINS will be allocated to hold an examination in public into the

soundness of the plan.

If issues arise during the examination which would find the plan un-sound then there is opportunity for those un-sound aspects of the plan to be modified. The Council can request that the Inspector recommends modifications to the plan to make it sound. Following these recommendations, if there are significant modifications (Main) to be made, then this could potentially require further Sustainability Appraisal and further public consultation to take place. Once this has taken place, the Inspector will issue their report, which will either: find the plan sound, find the plan un-sound or find the plan sound with those Main modifications.

Subject to the Inspector finding the Local Plan sound with no modifications required then it is expected to be adopted in May 2013 and will then be used to determine all planning applications in the borough. However, if modifications are required this date could be delayed by at least 6 weeks and potentially more depending on the scale of additional work required.

Minor typographical and formatting amendments will be made prior to and during examination. These will be made in consultation with the Portfolio Holder (as agreed at Council 17th May), those to be made prior to submission will be drawn up into a schedule and discussed with the Portfolio Holder.

The Memorandum of Understanding (MoU) that agrees 1,000 dwellings will be brought forward in Lichfield and North Warwickshire (500 in each) has been signed by all three local authorities and is now incorporated into the housing strategy of each authority's Local Plan. The Memorandum of Understanding (MoU) that establishes the overall housing need across South Staffordshire (Cannock Chase, Lichfield and Tamworth) has also now been signed by all three local authorities and informs the housing strategy of each authority's Local Plan.

A programme officer will be appointed and act as the contact point for any person who has made representations from the publication stage, and as a liaison between the Inspector, the Council and examination participants.

The programme officer will act independently on behalf of the Inspector to organise and manage the administrative and procedural matters of the examination process and is the first point on contact for any questions relating to timetabling or procedural matters. All statements will also be submitted through the programme officer.

RESOURCE IMPLICATIONS

There are no financial implications arising from this report. The costs of the Inspector and Programme Officer will be met from the existing budget and retained fund for the production of the Local Plan

LEGAL/RISK IMPLICATIONS BACKGROUND

The statutory procedure governing the preparation and adoption of Development Plan Documents is contained in the Planning and Compensation Act 2004 and the Town and Country Planning (Local Planning) Regulations 2012. Failing to adhere to these requirements could result in the Local Plan being found 'unsound' at examination. This could result in previous stages of the Local Plan's production having to be repeated.

It is critical that the procedural progress of the Local Plan is maintained both in order to comply with the requirements of the statutory Local Development Scheme and the development and regeneration aspirations of the borough.

The previously identified risk of having no formal agreement with neighbouring authorities over the delivery of Tamworth's future housing growth has now been mitigated against with

the signing of the Memorandum of Understanding.

There is considerable risk that not having an up to date Local Plan in place, planning decisions in Tamworth will be assessed against the Government's National Planning Policy Framework leading to 'loss of control' over development and impinging on the Council's ability to deliver key spatial objectives.

Once the Local Plan has been adopted, there is still the potential of a legal challenge taking place. From the date of adoption it is possible for a legal challenge to be submitted against the Council on its adopted Local Plan in its entirety, or on a particular policy. Legal challenges take place through the High Courts, if the appellant is unsuccessful, they may challenge this and take their new challenge to the Court of Appeal. Whilst a Local Plan and/or policy are subject to a legal challenge, the Council will not be able to use it when determining planning applications. There would also be associated financial cost to this.

SUSTAINABILITY IMPLICATIONS

The Local Plan has been subject to a Sustainability Appraisal and Strategic Environmental Assessment. This has ensured that sustainability issues are fully assessed in the preparation and examination of planning policy. The Sustainability Report was published for consultation alongside the Pre-Submission Publication Draft Local Plan and will be submitted with the Submission Local Plan to the Planning Inspectorate.

A separate Equalities Impact Assessment and Health Impact Assessment have been undertaken and will accompany the Submission Local Plan, the latter will appraise the impact of the delivery of Local Plan policies on delivering borough specific health targets.

BACKGROUND INFORMATION

Between the 8th June and 20th July 2012 the consultation on the Pre-Submission Publication Draft Local Plan was carried out. As a result of this consultation 738 representations were received; of which 478 were received from the Stoneydelph, Amington and Belgrave residents groups. Representations were received from a wide range of consultees; residents, landowners, developers and statutory bodies. Both sound and un-sound representations were made on all areas of the plan: the main issues presented through the consultation were over housing, employment and retail. It is considered that none of the representations received have made any fundamental objections to the Local Plan.

Comments made by Stoneydelph, Amington and Belgrave groups –

The following representation was received by 478 members of the Stoneydelph, Amington and Belgrave residents groups.

“Insufficient period of time for consultation. The plan fails to adequately address the imbalance and deficiencies between the deprived communities in Tamworth, namely Stoneydelph, Belgrave and Amington, where clearly it seems that a disproportionate of development is planned. This in turn further exasperates the lack of potential well being for those residents.”

The consultation complies with all the statutory requirements and meets all the requirements set out in the Council’s own Statement of Community Involvement. All policies of the Local Plan have been through a full Sustainability Appraisal whereby these issues regarding deprivation, proximity of amenity is addressed. There are no strategic housing allocations in those areas, however sites have been identified within the Local Plan’s evidence base (SHLAA) which could come forward to meet Tamworth’s housing needs. These proposals will be determined against this Local Plan once adopted by Council.

Local Plan – General comments made throughout the plan.

Several responses supporting the Council’s approach to the duty to co-operate were received, in particular from Lichfield District Council regarding the MoU. Other representations believe that the duty to co-operate has not been met and that key stakeholders were not met with: the legal obligation of the duty to co-operate has been met and this can be demonstrated with evidence, the key stakeholder in question was the Highways Agency. Recently a meeting was held with the Highways Agency where their comments to the Local Plan were discussed and positive action has been taken.

Some representations believe that the consultation was too short and did not allow for full comments to be made: the consultation complies with all the statutory requirements and meets all the requirements set out in the Council’s own Statement of Community Involvement.

Representations were received which state that deadlines set out in the Local Development Scheme for the progression of the Local Plan were missed. This is correct, however the progression of the Local Plan has been delayed by changes to national planning policy guidance through the release of the National Planning Policy Framework.

Representations were received which broadly support the policies to regenerate and revitalise the town.

Representations were received which argued that insufficient land has been allocated for housing and employment needs, that housing needs are higher, that more land should be allocated, and that the evidence base used to support policy is inaccurate. The evidence base used by the Council is robust and justifies the level of housing and employment growth the Council is aspiring to achieve. Expanding upon this, representations were received stating that the Green Belt should be reviewed to allow for the release of land for housing. The Green Belt has been reviewed in light of the proposed revocation of the RSS and the requirement to do so in the NPPF, there is no need to release land from the Green Belt for

housing.

Representations were received which questioned the plan period of the Local Plan 2006 to 2028, and suggest it should be changed to 2012 to 2032. The plan period does not need to be changed: from the anticipated year of adoption 2013, the Local Plan will cover a 15 year period up to 2028. National Planning Policy Framework guidance states that the plan period should preferably cover a period of 15 years.

Chapter 1 – Introduction

Only wording change suggestions were received on this chapter of the Local Plan.

Chapter 2 – Spatial Portrait, Vision and Strategic Priorities

Representations were received which supported the Local Plan as it balances growth with the protection of the natural environment and is appropriate for sustainable development in the borough.

Chapter 3 – A Spatial Strategy for Tamworth Borough Council

Representations were received which supported policy within this chapter.

Chapter 4 – A Prosperous Town

Representations were received which supported this chapter, in particular the Gungate development. However, other representations were received which questioned the viability of the town centre retail allocations and stated that the borough's retail aspirations would not be met. Policy within this chapter seeks to provide development in the most accessible and sustainable locations, the town centre is the most accessible location in the borough. The NPPF states that Local Plans should pursue policy to support the viability and vitality of the town centre, and that land should be allocated to meet any retail need. The evidence base shows that the sites are viable.

Other representations were received which stated that proposed policy was too restrictive on out of town retail development and that the retail parks contribution to the economy has been ignored. The evidence base shows the need for new retail floor space and that the most sustainable location for this is the town centre. The NPPF states that Local Plans should pursue policy to support the viability and vitality of the town centre, policy in the Local Plan intends to restrict the growth of the out of town retail parks and promote the growth of the town centre. Local Plan policy will allow for small scale expansion of existing units and improve the linkages to the town centre which will be of mutual benefit to both the retail parks and town centre. Representations were also received which supported these policies.

English Heritage were in general support of policy within this chapter, but suggested that changes should be made to better recognise the heritage assets of the town centre.

Environment agency were in general support of policy and allocations within this chapter, but suggested that policy could be re-worded and perhaps further work undertaken to ensure that employment allocations are not subject to any flood risk.

Chapter 5 – Strong and Vibrant Neighbourhoods

Representations were received that stated the housing requirement for Tamworth should be increased to 5,660 over the plan period and therefore more housing land should be allocated to meet this increase. The evidence base has established the housing needs for South Staffordshire and apportioned part of this to Tamworth to set out its need over the plan period. Through the MoU it has been agreed that some of this need (1,000) will be delivered in adjoining authorities. The SHLAA has established the capacity of deliverable and developable housing sites available in the borough and that land use allocations have been made to promote development.

Representations were received which state that the Anker Valley site is unviable, and therefore should not be allocated and that other sites within the borough and outside of the borough should be allocated instead. The evidence base shows that Anker Valley is a viable

site and that other land within urban area of the borough is viable for housing development. Representations have been received from Network Rail stating that a link road over the railway line would be possible and that they are willing to work with developers to achieve this important piece of infrastructure.

Representations were received regarding affordable housing, dwelling size and site density policy in particular the flexibility of these policies to allow for sites to remain viable. All policies in question are flexible in that they state; if a proposal is un-viable, then policy requirements can be negotiated at the planning application stage.

Representations were received by specialist housing developers suggesting that policy should be amended to reflect that there is a need for specialised and sheltered housing for the elderly. Policy is not required for this, however other policy reflects the changing demographics of Tamworth Borough: proposed policy requires new sites to have a range of housing types from one bed to four bed, and that where it can be proven there is need and demand for different groups within a community this too should be met.

Representation was received stating that the proposed Gypsy and Traveller policy is not justified, that there is no evidence base to show that Gypsy and Traveller sites will come forward in the next five years. The borough has a limited supply of unconstrained land and no proposals for Gypsy and Traveller sites were brought forward throughout the preparation of the Local Plan. The intention of the policy is to deal with Gypsy and Traveller sites on a proposal by proposal basis whilst also seeking the possibility of opportunities in neighbouring authorities to meet the need.

Chapter 6 – A High Quality Environment

Representations were received stating that the most recent study into open space provision should be used. This study was not adopted by the Council as it used an excessive level of detail for the methodology, resulting in inaccurate results being produced.

Representation was received suggesting that wording should be changed requiring that compensation for sports pitches should be of equal or better quantity as well as quality than that which is lost. The quality element is already within the policy, however it is not always possible to replace the quantity of that which is lost, particularly if the site which could be lost is of a poor quality and there is already sufficient quantity in the surrounding area.

Chapter 7 – A Sustainable Town

Representations were received stating that it is not clear how infrastructure will be brought forward to support the retail park linkages, the links to the town centre and the relief road proposed for Anker Valley. These different packages have been identified to meet transport needs of the Local Plan, it is intended that these will be brought forward through developer contributions, Community Infrastructure Levy receipts and other sources of funding, such as New Homes Bonus and LPT funding.

Representations were received stating that the growth patterns outlined in the Local Plan are not sustainable. The Sustainability Appraisal has assessed all proposed policy and strategy, the Local Plan is sustainable.

Chapter 8 – Monitoring and Implementation

Only wording change suggestions were received on this chapter of the Local Plan.

Mapping – Policies Map and figures within Local Plan

Representations were received stating that the Policies Map and figures within the Local Plan should be made clearer. This will be taken into consideration and the mapping key, colouring and shading will be changed before the Local Plan is submitted.

Sustainability Appraisal

Representations were received stating that the Sustainability Appraisal meets all the Strategic Environmental Assessment regulations, and the Local Plan concentrates growth in the urban area which is the most sustainable option. Other representations were received which found the Sustainability Appraisal to be un-sound as it did not present the most sustainable option.

Summary of Representations Received

Tables 1 and 2 breakdown how the Local Plan was responded to. Table 1 shows that by chapter, (other than the general comments which is dominated by the responses from the Stoneydelph, Amington and Belgrave groups) it is clear that chapter 5 received the most comments and the next, chapter 4. These two chapters deal in large with housing, retail and employment issues.

Table 2 shows that there was generally where there was a response it was an even split between yes and no replies on each of the soundness and legal tests, apart from those tests which were responded to by the Stoneydelph, Amington and Belgrave groups.

Summary of Local Plan Responses by Chapter

Local Plan Chapter	Number of Responses
Local Plan – General	500
Chapter 1	2
Chapter 2	22
Chapter 3	12
Chapter 4	42
Chapter 5	66
Chapter 6	23
Chapter 7	24
Chapter 8	5
Mapping	7
Evidence Base	3
Appendices	27
Sustainability Appraisal	5
TOTAL	738

Table 1

Summary of Local Plan Responses by Legal and Soundness Test

	Yes	No	Don't Know	Yes/No	No Response	Total
Duty to Cooperate	51	58	1		628	738
Legal and Procedural Requirements	52	529	1	1	155	738
Positively Prepared	69	75	0		594	738
Justified	81	85	0		572	738
Effective	63	557	0		118	738
NPPF	72	77	2	4	583	738

Table 2

REPORT AUTHOR

Alex Roberts – Development Plan Manager (x279)

LIST OF BACKGROUND PAPERS

Local Plan Background Paper (issued previously at Council 17th May 2012)

APPENDICES