

Exploratory Meeting at 14.00 hours (2pm) on Tuesday 12 February 2013

Summary of the Inspector's Key Concerns

I have asked the Council to respond to these concerns before the Exploratory Meeting and to give me a timetable for any extra work considered necessary

Introduction

1. From my initial reading of the submitted Local Plan and supporting documents I have some significant concerns regarding its potential soundness and its compliance with the legal requirements.

The Council wish to demonstrate through the existing evidence base and by carrying out additional work that the significant concerns of soundness and legal compliance raised by the Inspector can be over come. The Council has responded where necessary to each of the concerns within this note. Accompanying this response is a timetable which sets out the Council's approach to carrying out the required work, including; the necessary public consultation and proposed hearing dates. As the time table crosses over the traditional UK summer holiday period, the Council try to will avoid holding consultation and hearing sessions over this time.

2. This is not an exhaustive list of all potential matters of soundness - there are a number of other issues that will need to be addressed should the Examination progress. A comprehensive list of matters and issues will be set out in due course if the Examination continues. I have asked the Council two sets of Initial Questions, some of which relate to my concerns here, and these can be seen on the Council's web site.

No response required

3. I have not at this point reached a definite conclusion that the Plan is unsound, either on the specific points set out in this note or in terms of other matters. Moreover, this Meeting does not mean that I have failed to appreciate the hard work that has gone into the Plan. But before progressing to arranging hearing sessions these key concerns merit further discussion. My objective is to take a proactive approach so that these potentially significant concerns are addressed before the Council and all other interested parties commit substantial resources to the hearing sessions.

No response required

4. My concerns are set out below, and they are either legal compliance matters or soundness issues concerning **what** will be delivered; **where** it will be delivered; **when** it will be delivered; and **how** it will be delivered through the Plan.

No response required

The distribution of development and its delivery

5. The Plan is the place to make key decisions about the distribution of development and to set out clear guidance for the allocation of sites either in this Plan or in future Plans. The strategy for the amount and distribution of development needs to

be clear and based on a robust justification. It also needs to be realistically deliverable. I am concerned that this may not be the case with the submitted Plan.

No response required

The distribution of housing

6. The Strategic Housing Market Assessment (B5) says on page 8 that around 15% of new housing should be located in each of Castle, Trinity & Walnecote, Belgrave, Glascote & Stonydelph, and Amington/Bolehall wards, and that the remaining 40% should be located in the Spital & Mercian wards (the Anker Valley site). I cannot see how the Plan achieves this.

Local Plan policy SP5 states that housing will be delivered in the Anker Valley Urban Extension and the remaining to be delivered in the existing urban area.

The Strategic Housing Market Assessment (B5) summary indicates that housing distribution should meet the prescribed percentages on page 8. It should be noted that similar distribution recommendations were made to Lichfield and Cannock. However, these apply over a much larger geographical area and recommends in some cases distribution between different settlements within Lichfield and Cannock Local Authorities, in contrast to single urban area of Tamworth.

The SHMA (pages 167 to 179) analyses the population split, past delivery rates, future supply of housing, identified housing needs and a summary of constraints for each of the areas identified within Tamworth. This information was provided to inform debate if the Council decided to explore the possibility of distributing housing to a small scale within the Borough. Taking into account this information in document B5 the Council decided not to propose a policy to distribute housing across the Borough's wards, instead for housing to come forward within the existing urban area and Anker Valley Urban Extension. The reasons for this are the perceived high constraint risks to delivery across the Borough, the low risks associated with delivery in the Spital & Mercian Ward, the good accessibility levels across the Borough through public transport (Maps B1 to B11, Appendix 4 of document E2 shows the urban area to be under 30mins accessible to all services and amenities tested), footpaths and cycle ways and the availability of land at Anker Valley and that the Borough's Urban Area is just over 20.5km²;

Table 1 shows all sites within the SHLAA that could come forward in the plan period using the same groupings as the SHMA. The table clearly demonstrates that the amount of land available for development is in line with the suggested distribution of the SHMA, apart from Amington and Bolehall.

Tamworth Borough Council Ward Groupings	Percentage Split	Total dwellings	SHMA figures
Castle	16%	556	15%
Trinity and Wilnecote	15%	517	15%
Belgrave, Glascote and Stonydelph	16%	546	15%
Amington and Bolehall	10%	329	15%
Spital and Mercian (assumes Anker Valley to start in Yr6 and contribute 900 dwellings in plan period.)	44%	1,508	40%
		3,456	

Table 1

The Allocations

- The only clear housing allocation made in the Plan is the SP6 Anker Valley strategic site. The Plan devolves important decisions to Supplementary Planning Documents (SPDs) – namely various town centre sites associated with policy SP2 and some sites in policy SP7 for the Wilnecote Regeneration Corridor. The Plan’s Appendix 1 refers to a number of these sites, as does the proposed Policies Map, but the policies themselves do not specifically allocate them (policy SP2 ‘identifies’ them, but I am not sure what that means), and it is clear from Appendix 1 that the important detail is left to future SPDs. As I have mentioned in my Initial Questions, allocating sites in a SPD is contrary to the 2012 Local Planning Regulations.
- The Council has a number of choices as to how it rectifies this. One might be to allocate the sites in the Plan now, which will have the implications for further work that I set out in question 19 of my second Initial Questions. Another might be to clarify that these SPDs would be later Local Plans, and to ensure that the policies in this Local Plan provide sufficient guidance for those subsequent Local Plans.

The Council do not wish to pursue the allocation of the town centre and Wilnecote Regeneration Corridor allocation sites through this Local Plan. However, the Council will propose changes to the Local Plan, particularly SP2, SP7 and supporting text which will allow for a future additional Local Plan (s) to provide further detailed planning policy in these areas.

The proposed changes to town centre policy will be incorporated as part of the proposed changes in response to paragraphs 21 and 22. These changes will ensure that the focus for regenerating the town centre remains retail led.

The Wilnecote Regeneration Corridor is still a regeneration priority area for the Council and will remain in policy SP7. The area will be defined on the Local Plan’s key diagram.

- Some large housing sites in the Strategic Housing Land Availability Assessment (SHLAA - Document B3) appear not to be allocated in the Plan despite their significant size and present different land-use designations. I give as examples site 602 for 86 dwellings, site 406 Coton Lane for 180/200 dwellings, and site 350 for 109 dwellings, which are all allocated on the proposed Policies Map for open space. There may be others which are outside the settlement boundary and/or significantly large in size or numbers and/or alter an existing policy designation.

10. A SHLAA *"is a key component of the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes"* – see paragraph 1 of the SHLAA Practice Guidance. Paragraph 8 goes on to say that the SHLAA *"is an important evidence source to inform plan-making, but does not in itself determine whether a site should be allocated for housing development."* Thus, a SHLAA does not allocate sites but instead gives an initial overview of their potential in order to inform future planning policy. It identifies the choices available to meet the need and demand for more housing and provides a basis for making decisions about how to shape places in the future. Therefore, the Council will need to allocate the necessary SHLAA sites in the Plan. And this will have the same implications for further work as set out in question 19 of my second Initial Questions.
11. Several of the sites in the 2001-2011 Local Plan appear to 'lapse' their housing allocations in this Plan and also have deliverability problems e.g. access and contamination. Should these allocations be continued in this Plan? If not, why not? Are the sites actually deliverable given the acknowledged problems and the fact that they have not yet been implemented despite previous allocation? Where is the financial viability information to indicate their deliverability?

Response for Paragraphs 9, 10 and 11

The SHLAA shows that the capacity of available land for housing can meet Tamworth's needs (excluding the 1,000 out of the Borough). Tables 2a and 2b show the supply of the SHLAA and the supply of the SHLAA if Anker Valley were to be removed from the 0-5 period. Both sets of figures show that there would be sufficient land within the Borough to meet the identified needs, and there is sufficient supply to meet the five year housing supply.

	Phase of Local Plan			
	1-5	6-10	11-15	Total
Expected rate of housing delivery	1386	1510	1009	3905
Past completions and Under construction				1345
Housing Requirement (4500 Dwellings between 2006-2028)	1076 (5% Buffer) 1230(20% Buffer)	1025	1025	4500
Surplus or Deficit (-)	310(5% buffer) 150 (20% Buffer)	485	16	750

Table 2a

	Phase of Local Plan			
	1-5	6-10	11-15	Total
Expected rate of housing delivery	1136	1385	884	3405
Past completions and Under construction				1345
Housing Requirement (4500 Dwellings between 2006-2028)	1076 (5% Buffer) 1230(20% Buffer)	1025	1025	4500
Surplus or Deficit (-)	60 (5% buffer) 94 (20% Buffer)	360	-141	250

Table 2b

The decision was taken to allow for housing to come forward in any part of the Borough and to not allocate specific sites for housing development; this was intended to allow for the market to bring forward the most viable sites in the early stages of the plan period.

The Council recognise that some sites contained in the SHLAA presently have different land use designations shown on the policies map and that it is not clear from the policies map or Local Plan itself where housing allocations apart from Anker Valley will be located within the Borough. Table 3 sets out sites over 10 dwellings in the SHLAA which currently have a different land use.

Name	ID	Source	0-5 Years	6-10 years	11-15 years	Total Capacity	Land Use	Commentary
Land to the West of Co-op filling station	593	Out of Planning Process-Submission	0	10	0	10	Open Space	The site features a significant amount of flood zone 3a and 3b which could not be developed. Mitigation for the loss of open space on this portion of the site could be provided by improving the quality of the open space on the remaining part of the site.
Garage Units to the East of Honeybourne	615	Out of Planning Process-Survey	0	0	11	11	Open Space	The site features a number of mews properties with open space in between. Mitigation against the loss of open space could be provided by retaining some open space as part of the sites redevelopment
Playground, Lothersdale	455	Out of Planning Process-Survey	0	0	14	14	Open Space	The site features an underused car park adjacent to the playground. It is not considered that the playground proportion of the site would be built on as part of the sites development.
Caledonian, Glascote Heath	548	Out of Planning Process-Survey	0	0	15	15	Open Space	The site features a number of commercial units, car park and open space. Loss of the open space could be mitigated against through retaining some open space as part of the redevelopment.
Former Martial Arts Centre, Birds Bush Road	629	Out of Planning Process-Survey	0	17	0	17	Open Space	A substantial proportion of the site is car parking, mitigation against the loss of the small proportion of open space could be provided by retaining that part of the site as open space.
Kerria Centre	545	Out of Planning Process-Survey	30	0	0	30	Open Space	The site features a number of commercial units, car park and open space. Loss of the open space could be mitigated against through retaining some open space as part of the redevelopment.
Part of Kettlebrook Road Industrial Estate	553	Out of Planning Process-Survey	0	0	30	30	Employment Land	The loss of this part of the employment area of the site is not considered to impact on the ability of Tamworth to meet its employment needs.
Coton Van Hire, Lichfield Road	399	Out of Planning Process-Survey	35	0	0	35	Employment Land	The site is a peripheral part of Lichfield Road Employment Area with limited capacity for expansion. The loss of the site to housing it not considered to impact on the ability of Tamworth to meet its employment requirements.
Coton Hall Farm, Coton Lane North	390	Out of Planning Process-Survey	0	52	0	52	Open Space	Site is currently greenfield agricultural land.

Land at Silver Link Road	626	Out of Planning Process-Submission	0	75	0	75	Open Space	The site is currently identified as playing pitches adjacent to TORC campus (vocational centre). Mitigation against the loss of the playing pitches could be provided through the creation of additional playing pitches on land to the East of TORC, within the athletics track and/or retaining part of the site as open space.
Coton Hall Farm, Coton Lane South	387	Out of Planning Process-Survey	0	77	0	77	Open Space	Site is currently greenfield agricultural land.
Land South of Hedging Lane	286	In Planning Process-Outline	78	0	0	78	SBI	Site has outline planning permission for 78 dwellings. Mitigation against the loss of some of the SBI will be provided through improving the long term management of the SBI which exists outside the site boundary. This will be carried out in consultation with Staffordshire Wildlife Trust who have been consulted on the site to date.
Part of the Golf Course	602	Out of Planning Process-Survey	86	0	0	86	Open Space	The site consists of 2 holes of the golf course, mitigation could be provided through remodelling part of the golf course to accommodate the 2 holes.
Land off Pennine Way	350	Out of Planning Process-Submission*	109	0	0	109	Open Space	This site, which is privately owned and entirely amenity open space was granted planning permission on 29/01/13 (0349/2012). Mitigation for the loss of the open space will be provided through provision of some open space on site and through the enhancement of surrounding areas of open space through a s106 agreement.
Land North of Coton Lane	406	Out of Planning Process-Survey	0	209	0	209	Open Space	Site is currently greenfield agricultural land.
			338	440	70	848		

*Land off Pennine has planning permission for 94 dwellings

Table 3

Sites contained within the 2001-2011 Local Plan which are still available for development are contained within the SHLAA. Because they were in the SHLAA they were not allocated as specific housing allocations. Table 4 lists these sites, it shows that of one site has been completed, one is currently under construction and two have planning permission.

Name	Local Plan Site Capacity	Planning Status/Notes	ID (SHLAA)	Assessment	Dwellings completed/ Under Construction	0-5 Years	6-10 years	11-15 years	Total Site Capacity
Anker Valley	800	Extensive pre application discussions and viability work	651	Deliverable	0	250	575	575	1400
Glascote Farm	74	Completed in December 2009 for 80 dwellings			80	0	0	0	0
Land South of St Peters Close	104	Site has outline pp (0556/2011) granted 14/02/2012	332	Deliverable	0	87	0	0	87
Parkfield House	6	Site is suitable for conversion	342	Developable	0	0	7	0	7
Land off Cottage Farm Road	40	Extensive pre app discussions have taken place	343	Deliverable	0	36	0	0	36
Land south of Hedging Lane	78	Site has outline pp (0439/2009) granted 04/02/2010. Application to extend time limit has been received	286	Deliverable	0	78	0	0	78
Land at Brookside Way	25	Site has commenced-planning permission for 14 dwellings (0090/2012)	314	Deliverable	12	2	0	0	2
	1127				92	453	582	575	1610

Table 4

The Council will propose changes to the Local Plan in the form of additional housing allocations and where needed identify broad locations. The housing allocations will meet the need for the first five years of the plan and where possible years 6-10 and 11-15. Where the full quantum of land for the later stages of the plan period can not be allocated in full, broad locations for housing development in the Urban Area of Tamworth will be identified in this period of the plan.

The Council understands that to make these allocations further work will be required, technical work to identify constraints (such as open space, highways access, land contamination etc), full Sustainability Appraisal of each site, viability assessments and public consultation. The proposed changes will come forward as new policies identifying the housing allocations. In each policy there will be a description of the site accompanied by an outline of the allocation on the policies map, this will describe where it is, the policy will detail the quantum of housing and identify any constraints which need to be overcome, any cumulative infrastructure requirements will be added to the infrastructure delivery plan in the Local Plan.

Each housing allocation will be added individually to the Housing Trajectory to show when it will come forward for housing.

With regard to specific deliverability problems for the 2001-2011 Local Plan sites, no sites have any outstanding access issues, Land off Cottage Farm Road's access issues have been overcome through land acquisitions; the boundary for this can be amended to show these new access arrangements. Land at St Peter's Close is a brownfield site currently in employment use and would require remedial work on any land contaminated on the site, it currently has planning permission for 104 dwellings, discussions are on going with the developers of the site to assist with viability issues. Land South of Hedging Lane has planning permission and an extension to the time limit has been received, the site is an old tip and mitigation measures have been established. Parkfield House is a small allocation; the wider site was largely complete before it was allocated in the 2001-2011 Local Plan.

The SHLAA already contains a large amount of information relating to constraints and the deliverability and developability of potential housing allocations. This includes; Green Belt, Open Space, Flood Zone 3a & 3b, Biodiversity, Contaminated land, Conservation Areas, Listed Buildings, Land Ownership and a preliminary look at mitigation measures. A SHLAA review panel (Council officers, Lichfield Officers, North Warwickshire Officers, representative from a registered social landlord, private sector planning agents, Environment Agency) was established to review the methodology for the SHLAA, and to comment on the sites and results of the SHLAA assessment. This will assist the process of allocating the necessary sites.

Residential development

12. Policy SP6 allocates Anker Valley as the Plan's only strategic housing site. Unfortunately, it leaves too much to the master planning stage. The principles should be established in this Plan. For instance, I would expect the identification of any site constraints - both those that are fixed and those that need to be overcome or mitigated; all the different land uses/proposals and their scale that the site is to accommodate (e.g. xx housing, yy employment, community facilities etc); what infrastructure (e.g. transport, education, social and community services) is needed to make that development a viable, attractive, sustainable location, and if any homes can be provided in advance of the provision of identified pieces of infrastructure (e.g. how many homes can be provided in advance of the link road?); what of the above needs to be provided by when (i.e. inter-related phasing of all elements) and who will fund it and deliver it; whether further detail is to be worked up in a master plan (if so, specify timescales for delivery); milestones for the progression of the development, e.g. application submission and commencement on site, phasing and consequences if missed. Some of the above is covered, but not enough.

The Council will work with Lichfield District Council, Staffordshire County Council, the agents, developers and land owners with an interest in the Anker Valley site within Tamworth and Lichfield. Since the publication of this note the Council has already had initial meetings with Lichfield, Staffordshire Country Council (Highways), agents, developers and landowners with an interest in the site, and ATLAS.

The Council recognise that to support the strategic housing allocation, existing work will need to be presented to the examination and additional work will need to be carried out. The concerns outlined in paragraph 12 will be addressed through the production of a comprehensive document which will include: schedule of land uses for Anker Valley, schedule of required infrastructure, schedule of constraints and mitigation measures, time table of housing delivery and infrastructure delivery which will outline what development can take place before key infrastructure is required; how the scheme will be funded and who will pay for it, and a viability assessment of the site; and a schedule of achieving delivery which will set milestones for the progression to the submission of an application to commencement on site. Ultimately this document along with any

accompanying master planning will set out the spatial framework and a clear vision of the allocation; it will build certainties into the Local Plan and allow for the timely delivery and implementation of the site.

Through this work the Council will propose changes to the existing policy SP6, so that principles for the Anker Valley allocations are established in the Local Plan.

To achieve this Tamworth Borough Council will take the lead in establishing the project management and project governance to the delivery of Anker Valley. Tamworth, Lichfield and Staffordshire County Council senior officers and members will be invited to join a project board/executive, Tamworth will lead the project management, officers from all three authorities will form part of the steering group, and working groups will be formed by relevant council officers and will include developers, land owners and agents, as well where necessary officers from statutory bodies. Tamworth Borough Council has already established a corporate project team for Anker Valley; this will form part of the project management and governance of delivering the site.

The immediate next step after the Exploratory Meeting is for officers from Tamworth Borough, Lichfield District and Staffordshire County Council's to meet for an initial discussion, which will be facilitated by ATLAS. This is scheduled to take place by the end of February, and will discuss primarily the spatial mapping and framework of the allocation; confirming what facilities are needed, identify all constraints, and the infrastructure required. This meeting will also be used to establish the project and work towards producing a tender brief for further detailed work and the master planning to be carried out.

This work will also work towards resolving the concerns in paragraph 15.

Further information about ATLAS can be found at the following link:

<http://www.atlasplanning.com/lib/liDownload/37/About%20ATLAS.pdf?CFID=10184565&CFTOKEN=35732273>

13. It would be helpful for the Plan to be supported by evidence which illustrates how the various development elements might be accommodated within the Anker Valley allocation. This might include an indicative or first draft of a master plan. I would not endorse any such material but it would help to demonstrate that the proposal was achievable.

A draft master plan has already been produced for Anker Valley. Through the work outlined in response to paragraph 12, it is envisioned that this master plan will be updated accordingly. The Council agree that it would assist in demonstrating the principles of Anker Valley and that the proposal is achievable.

14. Both the Housing Trajectory in the Plan and the recently updated K4 Housing Trajectory are unclear about what numbers, where and when all the required housing will be accommodated in the plan period, especially during its end period. The table which forms part of K4 Trajectory is too broad brush to enable me to identify which sites provide what houses during what part of the plan period. The required housing need for Tamworth includes the 1000 houses which are proposed to be built in the Lichfield and North Warwickshire areas, and it forms an integral part of the housing supply for Tamworth. Unfortunately, the Housing Trajectory fails to include it – it should do so.

The Council intend to further amend and update document K4. The response to paragraphs 9 to 11 and paragraph 12 in this note will provide more detailed information for housing allocations in the Housing Trajectory, in which individual housing allocations will be shown within the table. The amended trajectory will include: the full housing needs of 5,500 dwellings for Tamworth, set out that 500 dwellings will be delivered in Lichfield through the wider Anker Valley allocation and 500 will be delivered in North

Warwickshire within a broad location in the later years of the plan. As detailed in paragraphs 15 and 16 Tamworth Council have begun working towards an updated Memorandum of Understanding (MOU) with Lichfield and North Warwickshire. The updated MOU will provide further detail on when and how dwellings in Lichfield will come forward to meet Tamworth's needs, and where, when and how dwellings will come forward in North Warwickshire to meet Tamworth's needs.

15. Similarly, I am concerned at the lack of detail in the Plan to guide the principle, timing and impact of the 1000 homes to be built outside the Borough in Lichfield and North Warwickshire. The homes in Lichfield would lie immediately to the north of Anker Valley, which the draft Lichfield District Local Plan proposes to be around 1000 homes in total (including the 500 for the Borough). Thus their direct impact will be felt on Tamworth itself because it will be concentrated 'North of Tamworth'. When is it to be provided (presently only stated in the Memorandums K1 and K2)? Under what conditions? What infrastructure is needed for these 1000 homes and when by? Can the main highway network cope? I ask the latter question because the site (and some other SHLAA sites) do not appear to be included in the Highways Agency Modelling Report (Document F2 – see its paragraph 4.15). Can the local road network cope? Who pays for the necessary infrastructure?

The work outlined in the response to paragraph 12 will take the overall impact of Anker Valley into account when looking at constraints, mitigation and infrastructure requirements for the site as a whole.

The Council has begun working with Lichfield to amend the MOU agreed with them in 2012. The amended MOU will be guided by the work detailed in paragraph 12. Together they will inform policy for each Local Plan, in relation to housing and infrastructure will be phased. The MOU will set out how Tamworth's housing needs will be met in Lichfield at Anker Valley through the monitoring framework.

Highways Agency Modelling

The Highways Agency modelling report (2012) considered the previous RSS based housing target of 2,900 dwellings, this also looked at specific sites which are listed in paragraph 4.15. After the update to the SHMA was complete, Council officers requested the Highways Agency to update their modelling work.

The Highways Agency responded that they did not have sufficient capacity to carry out the work, and despite this they were comfortable to work with developers on a site by site basis to then identify the appropriate Strategic Road Network mitigation measures and that their 2012 modelling work would be used as a starting point.

The Council will re-engage with the Highways Agency and request them again to undertake the necessary work to assess the cumulative effect on the strategic highways network arising from proposed development in the Borough.

The Highways Agency carried out modelling work for Lichfield District Council, which includes the 1,000 dwellings for land to the north of Tamworth.

16. North Warwickshire is to provide 500 houses in its Core Strategy (policy NW3), but its proposal is to disperse the houses amongst a number of settlements and to provide a distinct green gap between the Borough and Polesworth and Dordon in North Warwickshire. Again, when is this to be provided and under what pre-conditions? But, more importantly, is the dispersed nature of the 500 homes sufficiently physically related to the Borough such that it will adequately serve as part the Plan's overall housing supply? Or is it so unrelated that it will be ineffective for Tamworth's needs?

The Council has begun working with North Warwickshire to prepare a background paper and amend the MOU agreed with them in 2012.

The background paper will explain and describe the links to the two boroughs, including travel to work patterns and services used. This will be used to establish a broad location in North Warwickshire where Tamworth's housing needs will be met.

The amended MOU will seek to remove the restriction on land coming forward for Tamworth's needs based upon the proportion of completed dwellings at Anker Valley and establish a monitoring framework for completions in North Warwickshire which meet the needs of Tamworth.

Officers from North Warwickshire Borough Council have prepared a note to accompany this response. This note details the progress made on their development plan, travel to work patterns and land supply information in the later part of their plan period. This will inform the preparation of the background paper.

17. I am aware that some representors believe that the Council has under-allocated in terms of housing numbers. If the Examination shows these to be justified concerns, then any necessary increase in housing numbers would exacerbate the ability of the Plan to deliver the required housing. And, in any event, all of the above concerns mean that the Plan's housing numbers might not be deliverable.

The Council has an up to date housing needs assessment, which was completed in 2012 (B5), which looks at the future housing needs for Tamworth, Lichfield and Cannock Councils, this showed Tamworth's overall need to be 5,500 dwellings. The work outlined within this response shows that the Council wish to allocate housing sites to meet a flexible 5 year housing supply, and where possible sites for years 6-10 and 11-15 of the plan based upon the housing need findings in SHMA (B5). The SHLAA (B3) and Future Development and Infrastructure Study (E2) demonstrate that Tamworth has a limited capacity and that land is needed outside of the Borough to meet housing needs. A proportion of the need outlined in B5 is to be brought forward in Lichfield and North Warwickshire.

In addition to this, document B1 describes the RSS figures the Council were previously working towards before the updated (B5). The RSS figures show that Tamworth had a housing requirement of 2,900 dwellings, significantly lower than the 5,500 dwellings estimated in the SHMAA updated (B5), which the Council is aiming to achieve through this Local Plan.

Employment development

18. Policy SP4 sets out the Plan's target to provide 36 hectares of additional employment land up to 2028, and to provide 20,000 square metres of office floorspace. It also defines Strategic Employment Areas and the Wilnecote Regeneration Corridor which, together with the town centre, are the areas proposed to deliver this amount of employment. However, there is no proper analysis in the Plan of this target balanced against committed sites and allocated sites, by site and over time – that is, there is no 'employment land trajectory'. This major question cannot be avoided – what is being allocated, when and where?
19. The Employment Land Review (C1) says that this Plan "*will need to decide which sites come forward in terms of their appropriateness, focusing at issues such as sustainability, economic viability and compatibility with the chosen strategy. In addition the [Plan] will also need to look at when sites will come forward with regards to their phasing over the plan period*" (page 70).
20. The Review also shows that there is an oversupply of employment land and a significant reliance on Greenfield sites (pages 68 and 69). What does the Plan

intend to do about this? Is some employment land to re-allocated for other purposes such as that at Kettlebrook Road (policy SP4, 4.48, EM7), TC10 or WRC2 in Appendix 1? What is the balance to be between Greenfield and Brownfield employment allocations? Can the office requirement be met within or adjacent to the town centre (paragraphs 4.53 and 4.54 in the Plan), as recommended in the Office Development document (C3) at paragraph 63 and page 19? As the Review says (page 70), there are choices for the Plan to take - but it has not taken them.

Employment Land

The Employment Land Review (2012) assessed the amount of employment land that would be required to address Tamworth's employment needs during the life of the Local Plan. It used three different approaches to determine this such as assessing; past employment land development patterns, labour demand patterns for different employment uses and the labour supply. All of the approaches had their merits and weaknesses.

The findings of the three approaches were analysed and both the past employment land approach and the adjusted labour demand approach agreed that approximately 36 hectares of employment land was required to address the needs of Tamworth. This was considered the most realistic and appropriate target for the area.

As part of this review, the existing commitments (i.e. sites with planning permission), completions and sites under construction were analysed and totalled 17.32 hectares. This leaves an outstanding requirement of 18.68 hectares.

Employment Requirement		36 (HA)
Existing Commitments (sites with permission)	14.76	
Completions (2006-11) and Sites Under Construction	2.56	
Total Provision		17.32 (HA)
Outstanding Requirement		18.68(HA)

Table 5

The ELR (2012) also identified a large number of sites that could potentially be redeveloped or developed for different types of employment uses in order to meet the future need of the borough. The ELR assessed the identified sites suitability, availability and achievability for employment related development. The assessment shows there to be a total of 17.64ha brownfield land and 34.33ha Greenfield land available for development in the plan period to meet the outstanding requirement of 18.68ha. The work carried out in this assessment will form the basis of the further work required.

The current Local Plan employment allocations and strategy would allow for the market to develop the most viable sites to meet the outstanding employment need of the Borough. The assessment found that 29.17ha of potential employment land is deliverable within the first five years of the plan.

However, the Council will carry out additional work including a sustainability appraisal on each potential site, a viability assessment and technical work looking at site constraints and mitigation measures. This will determine which sites are the most appropriate and sustainable for addressing the future employment needs of the Borough.

The Council will propose modifications to the Local Plan for Employment land use allocations to address the remaining employment need. Modifications will also be made to show existing strategic employment areas which the Council wish to be protected and enhanced through policies SP4 and CP2. To accompany the Employment allocations the Council will produce an employment trajectory to demonstrate, the overall employment need and how this has already been met and will be met through the allocations.

Offices

A study called Meeting the need for office development in Tamworth was undertaken in 2009. It identified a large number of employment sites and assessed their suitability, availability and achievability for office related development or use. In order to address a requirement of 20,000 SQM of additional office floor space.

The study concluded that 6 sites were considered available, suitable for office development and could deliver 7,932 SQM of floor space within the town centre. Also a further 10 sites were considered achievable for office development within the town centre, if they become available that could deliver 24,236 SQM of floor space.

The Council accepts that further work is required to assess the maximum capacity of the town centre or edge of centre sites to accommodate additional office floor space, as well as whether other sites within the employment areas will be required. This will be incorporated into the general employment work detailed above.

Town centre development

21. I am not convinced that the defined town centre can provide the required retail and office development set out in the Plan. I have mentioned above my concerns about the ability of the area to meet the office needs as set out in policy SP4 and elsewhere. Policy SP2 identifies the need to deliver an additional 38,400 square metres (gross) of comparison goods floor space, which results in 20,000 square metres once the planning permission granted for 18,400 square metres on Gungate Precinct is excluded. Paragraph 4.32 identifies a need to deliver an additional 1,600 square metres (gross) of convenience goods floorspace during the plan period. In addition, the later paragraphs outline more detail on the scale of additional retail and leisure floorspace that is required and a restriction on out of centre retail park development. Unfortunately, this part of the Plan's explanatory text is not in its retail policies, which they should be.

See paragraph 22

22. The retail Studies (D3 and D5) confirm that there is capacity in the town centre to meet the retail needs and set out sequentially preferable sites to do this (see paragraphs 5.7, 5.8, Tables 7 and 8 in the D1 Retail and Town Centre Topic Paper). Again, unfortunately this is not reflected in the Plan's policies, but I assume that it is intended and, if so, it should be clearly set out in the Plan. Because of this probable sequential retail site allocation approach, one key aspect of the later part of the Examination will be the viability of the Gungate scheme, the reasons for the delay in its implementation, and its likely date of implementation.

Existing evidence and additional work is required to demonstrate the capacity of the Borough and the Town Centre for retail and particularly office. This will be brought together as an addendum to D1.

The Council will propose changes to the Local Plan to amend text and insert the necessary land use requirement and sequential site information into policy. The sequential approach will identify those sites which the Council considers to have the capacity to regenerate the town centre and to meet the anticipated retail needs arising from the Borough, as shown in D1.

The work identified in 18,19 and 20 will incorporate looking at the office element of employment land use needs, and how this can be met in the town centre and across the Borough.

The concerns outlined in paragraphs 7, 8, 21 and 22 will be considered together.

The Council will address the issues raised over Gungate in the later part of the examination; however the Council will begin working with the developers of Gungate presently.

Sport and recreation development

23. The need for a new multi-purpose community sports centre is identified in policy CP8, but the policy fails to say where, when or how this will be provided. When and how is the new eastern Urban Park to be implemented (policy SP8)?

Community Sports Centre

The Council is currently looking at different sites within the Urban Area and models of delivery working with partners including Staffordshire County Council and Sports England to deliver the centre within the plan period. The policy will be updated to provide more detail on the where, when and how questions. The use of CIL may be one future source of funding.

Urban Park

The designation of the Urban Park in the east of the Borough is to address a short fall of a particular type (park) of accessible open space. The Wild About Tamworth (WAT) partnership, which is made up of officers from the Borough Council and Staffordshire Wildlife Trust will deliver the site. The open space currently exists as the Kettlebrook Local Nature Reserve (LNR2); effectively this is not to create new open space, but to make improvements or to enhance the existing reserve. The Urban Park designation will improve public access and facilities at the site. Currently the WAT partnership is preparing a bid to Parks 4 People for a grant for the Urban Park. In addition to this, the Council is currently in receipt of S106 monies which could be used to fund these improvements.

The Council will propose modifications to the Local Plan to increase the boundary currently shown on the policies map, this is take a flexible approach to designation of the Urban Park within the LNR boundary.

Gypsy and Traveller development

24. Policy CP7 appears to be based on an outdated Gypsy and Travellers Accommodation Needs Assessment (2008 – Document B10). This is contrary to Government policy in paragraphs 8 and 9 of its *Planning Policy for Traveller Sites*. The Assessment's estimates from 2012 to 2026 are based on household formation rates which do not take account of the many factors which need to be considered when making a robust assessment. The Plan could indicate that the allocation of further sites may be necessary if a later up-to-date assessment of needs (when is this to be done?) indicates that there is a shortfall (or vice versa).

An updated Gypsy, Traveller and Travelling Showpeople Accommodation Assessment for Lichfield and Tamworth was finalised in 2012 (K5). In summary the updated assessment shows that Tamworth has a need arising of 1 pitch between 2012 and 2028, and a need of 0 plots for Travelling Showpeople.

The assessment makes it quite clear that Tamworth has a very low historical level of authorised and unauthorised developments and encampments of 0, dating back to 2006. The whole Gypsy and Traveller population of Tamworth currently resides in 'bricks and mortar'. There is no Travelling Showpeople community in Tamworth.

The previous need for 9 pitches between 2007 and 2028 was over inflated and not reflective of the needs for Tamworth. The previous assessment was carried out across a large sub-regional area and distributed the needs of the sub-region across several local planning authorities. The 2012 assessment shows that there has not been an under supply in Tamworth, in that there have been no authorised or unauthorised encampments in the Borough. The 2012 assessment takes into account

the needs of families living with the Borough, it is clear that only 1 family wishes to move from 'bricks and mortar' to a pitch. The survey work carried out for the 2012 was very detailed and achieved a very high response rate for questionnaires and interviews.

Policy CP7 will be updated to reflect the findings of K5 and will indicate that allocations may be necessary if any future updates to the assessment show a shortfall in supply. The Council consider that the need of 1 pitch is too small to allocate within the Local Plan. Policy CP7 states that the Council will work with surrounding authorities, the County Council, landowners and the Gypsy and Traveller community to bring forward pitches. In accordance with paragraph 9 of Planning Policy for Traveller Sites the Council will prepare an assessment to demonstrate sufficient capacity to meet the identified need.

Deliverable and so effective

25. To be effective (a soundness criteria) the Plan should be deliverable over its period. There appear to be significant infrastructure costs for the Anker Valley strategic housing allocation, for the Link Road(s), rail bridges, schools, community centre, shops, health facilities, pedestrian and cycling links, open space (including the eastern Urban Park) and sports facilities, emergency services facilities, and rail station improvements. The Plan's Appendix 6 Infrastructure Delivery Plan does not detail all of these. It is not at all clear which infrastructure requirements are needed to be completed before each phase of the development site can proceed. The need for the Anker Valley Link Road and the Amington Transport Link is a key matter of principle (paragraph 7.11) and must be resolved before the site is allocated, taking into account the potential 1000 houses in Lichfield District directly to the north of Anker Valley.

The Council's response to paragraph 12 and 13 has outlined that work will be done to examine and list the infrastructure requirements of Anker Valley and how these will be paid for. Policy SP6 and The Infrastructure Delivery Plan will be updated with these critical infrastructure requirements and how they will be delivered.

26. The Plan does not provide much, if any, information about the financial viability of any of the key sites, such as Anker Valley and those in the SHLAA, the Strategic Employment Areas, the Town Centre or the Wilnecote Regeneration Corridor areas. Given the apparent reliance on these locations to provide nearly all the housing and employment development, it is not clear that the Plan is realistically deliverable.

As previously stated in the Council's response to Q20 of the Inspector's 2nd set of questions, a viability assessment for Anker Valley has already been carried out. This information can be released to the examination, however it may be updated once the additional work outlined in paragraphs 12 and 13 is completed.

The Council will propose modifications to the Local Plan in the form of land use allocations for housing and employment. Viability Assessments will be carried out on all of these proposed allocations. The Council are shortly going to go out to tender for this work to be done.

27. To enable the Plan to be deliverable, the sites and the amount of development identified in it should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. There appear to be a large number of different costs in the Plan likely to be applied to development, such as requirements for affordable housing, vehicle parking, education, road schemes, open space and parks, renewable energy, and sustainable construction. There is a mention at paragraph 7.14 that some A5 highway improvements might have to be funded by the Plan's developments, but I have not seen any total or

individual figures for each development. Overall, I have not seen any evidence which shows that development would be deliverable when taking account of these additional cost requirements together with the normal cost of development and on-site mitigation. Would there still be acceptable returns to a willing land owner and willing developer as required in the NPPF?

Local Plan policies CP4 (Affordable Housing), CP5 (Housing Types), CP6 (Housing Density), CP14 (Sustainable Development), CP17 (Infrastructure) take into account the varying levels of viability for development by seeking to maximise the requirement set in policy, but also allowing for flexibility where it can be demonstrated viability would be threatened. The Council will propose a change to appendix 3 (Parking Standards) to allow for the same level of flexibility as the policies listed above. The requirements on development such as policy CP9 (Open Space), highways and education to the proposed allocations, will be assessed when the additional viability work in paragraph 26 is carried out. Infrastructure requirements such as improvements to the A5 will be factored into site viability assessments if they are required to remove any transport constraints. The Council will work with the Highways Agency to add further detail to the A5 improvements within the Infrastructure Delivery Plan, outlining which developments will pay and how much. Policy for sustainable construction (CP14) will be implemented where viable; this will aim to achieve Zero Carbon targets. CP14 will be implemented through Part L of Building Regulations which under the current consultations is seeking to move the construction of new buildings closer to zero carbon.

28. On Anker Valley, I am particularly concerned that the proposal does not have an overall viability assessment (as required in NPPF paragraph 173 onwards) to demonstrate that it can actually be delivered. The viability assessment provided in E2 is not up-to-date or comprehensive. More importantly, it does not comply with the advice in the "*Viability Testing Local Plans*" document of June 2012 by the Local Housing Delivery Group¹. The Council must provide full viability information to justify the allocation, and because this is a public examination commercial sensitivity is not a justification for not providing the figures.

An up to date viability assessment will be carried out along side the work that is required for Anker Valley in paragraph 12. However, the current viability assessments on Anker Valley can be brought together in a background paper.

29. My deliverability concerns about Anker Valley are heightened for two reasons. Firstly, because of the proposed early contribution that it would make to housing (2014/15) and, secondly, because a major part of it has already been allocated in the 2001-2011 Local Plan (policy HSG4 for 800 homes) with no or little progress to date. I am told that no planning applications have been made on the site, despite hopes, and none appears to be imminent. Moreover, I am told by the Council that it "*has worked with the developers to agree the: minimum capacity of the site, site boundary, delivery links to the Northern part of the site in Lichfield District, the minimum level of infrastructure, agreed a flexible approach to affordable housing, housing tenure and density*", but I do not know what these are or whether they are clearly set out in the Plan's policies.

The Council has outlined in this response it will lead on and carry out necessary work to demonstrate the deliverability of Anker Valley. However, as detailed in the responses below, the Council intend to form a five year housing supply without Anker Valley and therefore not rely on it to bring forward housing in the short term.

In response to the Inspector's direct question, these agreements are reflected in the wording of supporting text 5.17 to 5.22 and policy SP6 and subsequent policies CP4, CP5 and CP6 which are flexible in their wording towards any proposed housing development within the Borough.

¹ <http://www.nhbc.co.uk/NewsandComment/Documents/filedownload,47339,en.pdf>.

The Plan's flexibility to deal with changes

30. Paragraph 21 of the NPPF says that "*policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.*" It is clear that the housing needs of the Borough are largely dependant on the provision of the Anker Valley strategic site, which is due to start providing homes by 2014/15.
31. Given the uncertainty about development viability, the contingency 'risk' planning in the Plan is inadequate. I am concerned that the Plan does not give a clear indication of what it would do if a vital infrastructure project or a requirement necessary to develop a site was cancelled or delayed.
32. Arising from my concerns mentioned earlier about the likelihood of Anker Valley's delivery, I cannot see in the Plan, particularly in its Appendix 4, any effective flexibility or contingency planning for if it does not provide the required homes, either at the right time or even at all. What then is the Council's plan for any alternative action? Given the early date for homes to be provided on Anker Valley, what is the trigger for undertaking that alternative action? What does "*identifying opportunities to bring forward the release of land*" in Appendix 4 SP6 mean? What opportunities? When and what triggers the search? How are opportunities to be identified? Does that mean another Local Plan? If so, when? My initial view is that the early start to Anker Valley means that this Local Plan must clearly identify and allocate the contingency housing land that would come into play at a stated time if development was stalled on this site.
33. In conclusion, the Plan has to show what alternative strategies it has to handle the likely uncertainties, such as the late provision of needed infrastructure or the delivery of required development. The Plan must be seen to be flexible and thus effective, or else it is unsound. Flexibility comes through monitoring and management mechanisms and contingency planning in response to likely uncertainties.

Response to paragraphs 30 to 33.

The Council acknowledges that the long term housing needs of the Borough are largely dependant on the Anker Valley site, primarily as it the only significant area of land which is not constrained by flood risk or Green Belt, because it allows for the release of land within Lichfield to meet some of Tamworth's housing needs. To mitigate against the risk of an inadequate supply of housing, the Council will propose modifications to the plan. This will comprise of:

- Allocating land to provide at least 5 years worth of deliverable housing land within the Borough
- Flexible enough to provide at least 5% additional supply
- Flexible by spreading the 5 year housing need across several allocations
- Removing the expectation within the Housing Trajectory that Anker Valley will come forward to meet part of the first 5 year supply, however this will not prevent it coming forward sooner.
- Removing restrictions in the MOU and within policy which prevents the Lichfield part of Anker Valley coming forward until 75% of the part in Tamworth is completed.
- Removing restrictions in the MOU which prevents land coming forward to meet Tamworth's needs in North Warwickshire until 75% of Anker Valley is complete.
- Making an allowance for windfall sites within the plan, initial work shows that this could be between 15 and 20 dwellings per annum.
- Anker Valley will be allocated to meet housing growth in years 6-10 and 11-15 of the plan.

- Specific sites will be allocated within the Borough to meet housing growth in years 6-10 and 11-15.
- The Council will propose new policy which will require a review to be carried out examining the availability of land within the Borough for housing development. A review would be triggered if the future housing supply was significantly and persistently under performing. Firstly this would assess the Anker Valley urban extension and examine progress which will be set out in Policy SP6 and in the Anker Valley Spatial Framework and Vision document. If unsatisfactory progress has been made on Anker Valley, the Council would commence work on a new Local Plan to specifically deal with housing supply. This would assess Anker Valley, other broad locations and any new potential allocations in the Urban Area. The outcome of this would be to allocate sufficient sites to meet medium to long term housing growth of the Borough. If satisfactory progress has been made on Anker Valley the Council will consider its options to bring forward sufficient sites to boost supply, this could involve the Council supporting housing development through grants to stimulate development or using funding to unlock sites.

Legal Compliance - Duty to Co-operate, Sustainability Appraisal, and Public Consultation

Duty to Co-operate

34. Amended section 20(7B) of the 2004 Act establishes that the duty to co-operate imposed by amended section 33A is incapable of modification by me at this Examination. Therefore, this is one of the first things that I have to examine because if the legal requirement is not fulfilled then I have no choice other than to recommend non-adoption of the Plan.
35. Whilst helpfully two Memorandums of Understanding have been signed with the neighbouring councils of Lichfield and North Warwickshire for each to provide 500 homes of Tamworth's housing need towards the end of the plan period, I have not seen any evidence of what infrastructure implications this number of dwellings would have on the Tamworth area and how these would be resolved. I have mentioned above similar concerns which might need some additional policies in the Plan as part of the effectiveness test of soundness.

The work detailed in paragraph 12 will set out any infrastructure implications of the whole of the Anker Valley allocation on Tamworth and how they will be resolved.

The homes which are to come forward within North Warwickshire to meet Tamworth's needs will not have any significant infrastructure implications on Tamworth. The work carried out by North Warwickshire Borough Council in the preparation of their Core Strategy DPD and Site Allocations DPD shows that there is no infrastructure requirement arising on Tamworth through any development in North Warwickshire, particular from the broad location set out which will provide the 500 dwellings to meet Tamworth's needs.

Tamworth and North Warwickshire Councils will prepare a joint topic paper to demonstrate this.

36. The Duty requires a council to show that it has engaged constructively, actively and on an on-going basis in the preparation of its Plan on all matters concerning development which would have a significant impact on at least two planning areas. I am not convinced, as yet, that this has been done. If the Council has done this work, please present it to the Examination.

The Council has actively engaged and worked with neighbouring authorities in a constructive manner on an on-going basis throughout the preparation of this plan. The Council prepared document A8 the Duty to Co-operate topic paper, which demonstrate

who the Council has worked with, on what issues and which parts of the evidence base. The Council could incorporate the work to be carried out in paragraph 35 (NWBC) and paragraph 12 (LDC) to demonstrate how significant issues have been considered throughout the preparation of this plan.

Sustainability Appraisal

37. The Council will be aware of the various court cases on Sustainability Appraisals (SA) of Plans, including that at Forest Heath and the case involving the Joint Greater Norwich Core Strategy. The judge in that last case said that "*the need for outline reasons for the selection of the alternatives dealt with at the various stages*" of a Plan's preparation has to be addressed in the final SA of that Plan.

In Forest Heath², please see in particular paragraphs 15 to 17 and 40. In the Greater Norwich judgement³, the Court upheld one of the grounds of challenge that the local planning authorities there had not complied with the requirements of the Strategic Environmental Assessment (SEA) regime because they had not properly considered alternative options that did not rely on significant housing growth in one part of the plan area.

38. Thus, the final SA here has to outline the reasons why the various alternatives are still not as good as the proposals now being put forward in the Plan. So far as I can see, the final SA (A7) does not undertake this assessment with regards to the many potential sites that might, in fact, be allocated in the Plan for housing, retail, offices or employment (see above). The SEA Directive requires the SA to set out the performance of different options, and this has not been done for many sites.

The Council will update the final SA to include the sustainability appraisal on all the proposed land use allocations (to be made through modifications) and any realistic alternative sites. The issues raised in paragraph 37 will also be addressed when updating the final SA document. The Council will instruct consultants to carry out this work.

39. At submission I became the joint SA authority with the Council, and this joint responsibility continues until my final report is issued. The Council will become the competent authority on adoption and so it alone will have to deal with any resulting s113 challenge under the 2004 Act. Thus, it is important to get the SA right.

The Council understand this importance and will strive to ensure that upon adoption of the Local Plan the SA is not subject to a S113 challenge.

Public consultation

40. As mentioned above, it is not clear from the Plan that it might be (or actually is) allocating sites in the Town Centre or in the Wilnecote area. In addition, the SHLAA is erroneously used to effectively allocate some very large sites for housing. And the Plan does not make clear its choices for employment allocations. In these circumstances there is a very real risk that members of the public and other stakeholders did not comment on these aspects of the Plan because they were unclear, or were not made explicit, or were hidden in supporting documents.
41. This is contrary to the Council's Statement of Community Involvement (A21) which recognises "*that knowledge and information is essential in order to participate in the planning process*" (page 7). In my view it would be contrary to the spirit, if not the letter, of public consultation as set out in legislation (the 2004 Act and the 2012 Local Planning Regulations). It could also be held to be contrary to the principle of natural justice. Key stakeholders and the local community would not have had a

² <http://www.bailii.org/ew/cases/EWHC/Admin/2011/606.html>

³ <http://www.bailii.org/ew/cases/EWHC/Admin/2012/344.html>

meaningful opportunity to consider genuine alternatives as part of the plan preparation process. They would not have been provided with sufficient information to enable them to make informed choices and comments.

The Council will carry out an additional 6 week public consultation of the submitted Local Plan and any proposed changes through the work set out in this note to overcome the Inspector's key concerns. The public consultation will be carried out in accordance with the Council's SCI and the 2012 Local Planning Regulations. Upon completion of the public consultation the Council will assemble all comments made and present them to the Inspector.

Duty to Co-operate

42. Amended section 20(7B) of the 2004 Act establishes that the duty to co-operate imposed by amended section 33A is incapable of modification by me at this Examination. Therefore, this is one of the first things that I have to examine because if the legal requirement is not fulfilled then I have no choice other than to recommend non-adoption of the CS.

The Council understand the legal requirements of the amended 2004 Act, and as such we would request that the Inspector considers any duty to co-operate information at the earliest opportunity.

43. The lack of detail in the Plan in dealing with the principles of the 1000 homes to be provided in Lichfield and North Warwickshire (see above) may indicate that the Council has not complied with its Duty to Co-operate by dealing constructively and actively with developments which would have a significant impact on its area. Nor can I see where the impacts of development in the Plan on adjacent authorities, e.g. at Anker Valley or Coton Lane, have been dealt with under the Duty. These cross-boundary housing and infrastructure aspects need to be carefully explained because it is not clear to me that they have been adequately dealt with.

This will be explained through the work carried out in the rest of this response.

Additional Concern raised by the Inspector on 28th January

44. The impact of High Speed Two (HS2) routing on Tamworth.

The inspector has not raised this as a particular area of concern or a specific question to the Council in relation to work it has already done.

The Council understand that this is an 'initial preferred' route for HS2 and that through forthcoming consultations and any technical work, this route could be amended, or ultimately not undertaken.

The Council will consider the current routing of HS2 as an additional constraint to development in the Borough, if proposed land use allocations were to be in close proximity to the route then sufficient mitigation measures will be written into policy. Similarly the potential impact of HS2 on infrastructure on the Borough will also be taken into account. If the HS2 route were to change significantly and have a major impact upon development in Tamworth then this could trigger a review of the Local Plan.

As it stands the HS2 route will pass through a very small portion of the Borough. The main impact it will have is on a temporary re-routing of the M42 and changes to J10 of the M42 which by large will occur in North Warwickshire. The proposals show that the current access will remain into the employment areas around J10.

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