

# Tamworth Borough Council

## Local Plan Examination

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15<sup>th</sup> February 2013

Dear Mr Roberts,

### **Tamworth Local Plan – Exploratory Meeting 12 February 2013**

I said at the close of the Exploratory Meeting on Tuesday 12 February 2013 that I would write to the Council with my recommendation for the way forward for the Examination having heard the points raised at the meeting by its officers, its councillors, representors and local residents.

I understand that the Council's main suggested modifications to the Local Plan will be:

- to allocate up to 72 additional housing sites from the SHLAA (presently there is only one housing allocation in the Plan at Anker Valley);
- to allocate an unknown number of employment sites (presently none are allocated) with consequential alterations to the Strategic Employment Area boundaries;
- to allocate a new sports centre;
- to increase the boundary of the eastern urban park (policy SP8);
- to devolve decisions on retail and office allocations in the Town Centre and Wilnecote Regeneration Corridor to later Local Plans;
- further detail to clarify the implementation of the present strategic housing allocation at Anker Valley;
- to align the two separate Anker Valley policy housing allocations in Tamworth Borough and Lichfield District on either side of the B5493 Ashby Road to form a comprehensively developed housing site of some 2150 homes;
- an additional policy on how any housing shortfalls would be handled;
- more evidence on infrastructure and development viability to satisfy the requirements in the National Planning Policy Framework;
- more detail on how the 1000 homes outside the Borough to meet its housing requirements will be dealt with by Lichfield and North Warwickshire Councils;
- a windfall homes allowance, with evidence;
- a definition of the 'Urban Area';
- a new HS2 rail route safeguarding policy; and
- a revised Gypsy and Traveller policy based on a new 2012 needs assessment.

The last two pages of the Council's Schedule of Additional Work on the web link below sets out the Council's likely suggested modifications:

[http://www.tamworth.gov.uk/pdf/Exploratory\\_Meeting\\_Work\\_Timetable.pdf](http://www.tamworth.gov.uk/pdf/Exploratory_Meeting_Work_Timetable.pdf)

I am concerned that these modifications might open the Local Plan to legal challenge on two counts:

- 1) The modifications could be a clear indication that the Council had not submitted a plan for examination that it considered to be "sound", as required at paragraph 182 of the National Planning Policy Framework; and
- 2) The Sustainability Appraisal of the new policies in the Local Plan might be held to be merely justifying decisions on strategy and detail that have already been made. The results of the Sustainability Appraisal might not, therefore, inform the policy decisions which are now being suggested by the Council, or deal adequately with the assessment of possible alternatives.

I was told at the Exploratory Meeting that your Council will be requesting that I make these "main modifications" to make the Local Plan "sound". I consider that the nature and extent of the changes that you will be asking me to make go well beyond what is reasonable and would, in effect, involve a fundamental review of the Local Plan. The Local Plan would be very substantially and significantly different to the Plan publicly consulted upon and then submitted for examination. Making the modifications that your Council is suggesting would be unfair to those who engaged on the basis of the Local Plan as submitted and who would be denied the opportunity to affect the Plan's strategic direction, and thus its consequent detail, at its early formative stage. This was a point forcefully made by some of those who attended the Exploratory Meeting.

I have therefore concluded, contrary to my original hopes of continuing with the Examination, that the most appropriate course of action is for the Council to **withdraw** the Tamworth Local Plan; to carry out a proper Sustainability Appraisal to inform its decisions on the new Local Plan; to make the modifications and changes necessary to address the Local Plan's present unsoundness; to provide the evidence necessary to justify those modifications and changes; to republish the Local Plan for public consultation; and to submit the revised Local Plan for a new examination.

As you know, under Section 22(1) of the Planning and Compulsory Purchase Act 2004 and the 2012 Local Planning Regulations the Council may withdraw the Local Plan at any time prior to adoption.

Yours sincerely,

David Vickery

Inspector