

## CABINET

THURSDAY, 13 MARCH 2014

### REPORT OF THE PORTFOLIO HOLDER FOR ECONOMY AND EDUCATION

#### TAMWORTH BOROUGH COUNCIL DRAFT LOCAL PLAN AND DUTY TO CO-OPERATE ISSUES

#### EXEMPT INFORMATION

#### PURPOSE

The report seeks Cabinet approval to publish the draft Local Plan for public consultation. The consultation will run for a period of 6 weeks. Members of the public, businesses, statutory bodies and persons listed as duty to co-operate bodies will have the opportunity to comment on the proposed Local Plan policies and proposed allocations for employment and housing sites and the supporting evidence base; including the Sustainability Appraisal. Following this consultation comments will be assessed and where necessary changes will be made to the draft Local Plan in preparation for the pre-submission consultation to be held later this year.

The report also seeks Cabinet approval to submit comments on Lichfield District Council's Local Plan – Main modifications.

#### RECOMMENDATIONS

**1) That the draft Local Plan and accompanying Sustainability Appraisal are released for a six week public consultation process in accordance with the Council's Statement of Community Involvement (2006) and emerging Statement of Community Involvement update (Recommended to Council 18 March 2014 to be adopted).**

**2) Authority is delegated to the Director for Communities Planning and Partnership and the Head of Planning & Regeneration, in consultation with the Portfolio Holder for Economy and Education, to make minor amendments to the draft Local Plan prior to the consultation process (expected 31<sup>st</sup> March 2014) .**

**3) Approve the proposed response to the Lichfield District Council Local Plan Main Modifications consultation.**

**4) Authority is delegated to the Director Communities Planning and Partnerships and Head of Planning & Regeneration in consultation with the Portfolio Holder Economy and Education to undertake further co-operation and work with Lichfield District Council, North Warwickshire Borough Council and other relevant bodies to address the short fall arising from Tamworth's housing and employment needs. Including the organisation of Members meeting to hold further discussions with Members at Lichfield and North Warwickshire.**

#### EXECUTIVE SUMMARY

##### **Withdrawn Local Plan**

In November 2012 the Council submitted the 2006-2028 Local Plan to the Secretary of State for examination. The appointed Planning Inspector (David Vickery) identified areas of concern, notably a requirement to make more specific and detailed land use allocations for housing, employment and town centre uses. This would ensure that a supply of deliverable housing and employment sites are identified to meet the borough's future needs. To address these concerns the Council proposed to

modify the Local Plan by making additional allocations. To do this, the Council would have needed to carry out a Sustainability Appraisal (SA) on all proposed sites and suitable alternatives. In February 2013 the Inspector called an Exploratory Meeting. Following this meeting the Inspector issued the Council with a letter which recommended a withdrawal of the Local Plan from examination due to the high risk of a legal challenge the concern was over the scale of the required changes and the need for public consultation on the Sustainability Appraisal work that would support the proposed changes.,

The Council selected to withdraw the Local Plan and set up a cross party working group to support the process of amending the Local Plan.

Since withdrawing the Local Plan from examination new evidence has been prepared and existing work has been updated and refreshed, this work has informed the draft Local Plan. At the next examination an inspector will apply the four tests of soundness to the Local Plan and it is important that these four tests are considered whilst preparing the evidence base and formulating planning policy. The tests are;

1. positively prepared;
2. justified;
3. effective, and
4. consistent with national policy.

The plan must seek to meet objectively assessed needs and infrastructure requirements and where reasonable work with neighbours to deliver un-met needs. The plan should be the most appropriate strategy when considered against alternatives. It should be deliverable over the period set out and it should enable the delivery of sustainable development as set out in the National Planning Policy Framework.

The draft Local Plan will now cover the period 2006-2031<sup>1</sup>. The new evidence and updates consist of:

- Updated Sustainability Appraisal (SA)
- Updated Habitats Regulation Assessment (HRA)
- Whole Plan Viability Assessment and affordable housing assessment (WPV)
- Updated Employment Land Review (ELR)
- Updated Strategic Housing Market Assessment (SHMA)
- Updated Strategic Housing Land Availability Assessment (Oct 2012)
- Appraisals for all potential housing and employment sites (2013)
- Updated Town centre and retail needs assessment & potential town centre use allocations assessment (2014)
- Anker Valley Spatial Framework – in particular a Transport Options Appraisal (2013)
- Updated Infrastructure Delivery Plan (currently included as part of the Local Plan)

The draft Local Plan aims to deal with the issues raised by the evidence as set out below

### **Housing**

Tamworth is projected to experience a significant level of population growth.

Further, the supply of new housing has failed to keep up with rising demand which has created an imbalance in the market. This has created affordability problems for first time buyers who have been priced out of the housing market, as well as increasing the demographic imbalance in the area.

The draft Local Plan sets out an overall housing need for 6,250 homes over the plan period. A key challenge for the strategy will be to increase the delivery of and the right type of housing, in order to create sustainable and mixed communities in the area.

### **Economy**

The local economy of Tamworth is relatively stable and is expected to experience growth during the life of the plan. It is currently diversifying from its traditional reliance on manufacturing to other employment sectors including business and financial services. It is relatively affluent with a low unemployment rate.

However, this masks the fact that employment is largely low-paid, unskilled and requiring few qualifications. To some extent these factors also explain the housing affordability problems in the area. There are also pockets of deprivation that exist (low income, poor qualification levels and poor health) within the borough, mostly within the post war planned estates, some of which are among the most deprived in England.

---

<sup>1</sup> 2006 is used for the start date as we need to ensure any unmet needs are met within the rest of the Local Plan period.

To help address these issues, the draft Local Plan sets out that there is a need of 32 hectares of additional employment land from 2006 to 2031. A key challenge will be to ensure that the right types, quantity and locations of employment land are allocated in order to attract employers and investment and help the town to fulfil its true economic potential.

There is also a need to regenerate and diversify the town centre and ensure it remains vibrant and viable. To overcome this challenge, the Local Plan is seeking to increase the delivery of new homes, leisure and cultural development in the town centre. There is a need for convenience retail floor space (2,900 sqm between 2021 and 2031) and comparison retail goods floor space (7,600 sqm after 2021), to come forward within the borough later in the plan period.

The delivery of further employment land and retail floorspace and ensuring the town centre remains vibrant and viable will help to create a sustainable and prosperous future for Tamworth.

### **Environmental**

Tamworth is expected to experience high levels of growth. This is constrained by the scarcity of development land due to policy restrictions such as the Green Belt and administrative constraints arising from Tamworth's tightly drawn boundaries and planned neighbourhoods as a consequence of its status as an expanded town. There are also extensive areas of flood plain, particularly around the town centre and centre of the borough, areas of nature conservation importance and the historic nature of most of the town centre.

A key consideration will be the need to balance growth with the protection of natural and built assets to ensure it will not have a detrimental impact on the quality of life for Tamworth's communities. Furthermore, it will be important to ensure that the policies within the strategy do not contribute to, or increase the effects of climate change.

### **Infrastructure**

The expected growth of the town is likely to increase pressure on, and increase the demand for investment in additional infrastructure (highways, open spaces, and social community facilities). This could potentially have a detrimental impact on the well being of existing and future communities living within the borough. For instance, this is an issue for transport infrastructure which is unable to cope with the high levels of car usage during certain times of the day and experiences congestion hot spots across the borough, particularly along the Gungate corridor, within the town centre, the out of town shopping parks and some junctions along the A5.

A key consideration for the Local Plan is therefore to ensure that the existing infrastructure is utilised efficiently and new infrastructure is delivered in locations where there is demand, in order to support the creation of sustainable communities and the growth of the town.

The more significant changes to the local plan from the previous withdrawn plan are updates to the objectively assessed needs for retail, employment and housing and the proposal of land use allocations to help meet these needs. The following sections describe the work which has been undertaken to inform proposed policy decisions in the draft Local Plan.

### **National Planning Policy Framework**

The NPPF came into effect on 27 March 2012, it sets out planning policies for England and how they are expected to be applied. It provides guidance for local authorities, both in drawing up plans and making decisions about planning applications. Two key changes from previous policy were that Local Plans should be 'positively prepared' especially regarding the duty to co-operate and that they should not threaten the viability of development. The withdrawn Local Plan was prepared before the NPPF came into place, however it was examined under the new system. The work which was set out by the Council at the Exploratory Meeting for the withdrawn Local Plan was designed to address these requirements arising from the NPPF. This work has been completed for the draft Local Plan.

At the heart of the NPPF is the presumption in favour of sustainable development, which should be seen as a golden thread running through the plan making process. Specifically for plan making and Local Plans this means that:

- Local authorities should positively seek opportunities to meet the development needs of their area, and
- Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change.

Local Authorities should set out the strategic priorities for the area; this should include policies to

deliver the homes and jobs needed in the area and provision of retail, leisure and other commercial development. The Local Plan should allocate sites to promote development.

For **town centre uses** (Retail) the NPPF requires planning policy to be positive and promote a competitive town centre environment. An assessment of the capacity of existing centres to accommodate new town centre development should be carried out. This will then inform the allocation of sites in the town centre to meet the scale and type of retail leisure, commercial etc needed in the town centre. Where this is not possible edge of centre sites should be allocated and if this is not possible the Local Plan should set out policies which allow the consideration of town centre uses to be brought forward which are out of centres.

For **employment needs** Local Authorities should plan pro-actively to meet the development needs of business. They should set criteria or identify strategic sites to meet anticipated needs over the plan period. An evidence base to assess the need for land and floor space over the plan period should be prepared.

For **housing needs** Local Authorities should use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area. The housing assessment should meet the household and population projections and take into account migration and demographic change. It should also address the need for all types of housing; affordable, family, elderly etc.

The Local Plan should identify key sites which are critical to the delivery of the housing strategy over the plan period.

## **Draft Local Plan Evidence Base**

### **Needs**

An evidence base has been prepared which assesses the future need for town centre uses, employment and housing over the plan period.

### **Town Centre uses**

The town centre assessment looks at how much available spend there is within the area and converts this into floor space and projects this forward across the plan period (taking into account population and demographic changes). This is then assessed against the existing and planned level of retail provision in the borough and then the amount of new floor space required to meet future needs can be calculated. This assessment was updated between December 2013 and January 2014.

The town centre evidence base sets out that there is capacity for **7,800m<sup>2</sup>** of comparison retail floor space and **2,900m<sup>2</sup>** of convenience retail floor space after 2021.

### **Employment Land**

The employment land assessment looks at how much floor space is required to meet future employment growth. This assessment looks at a range of factors, including; past build out rates of employment land in the borough, population change: how many jobs are needed to support a growing population and economic forecasting: what are the growth sectors likely to be, which sectors are performing well, which are we trying to bring to Tamworth? This assessment also takes into consideration the amount of floor space which has been lost to other uses in recent years and ensures that future needs take this into account. This assessment was updated in December 2013.

Employment Land Review identified six future employment land scenarios for Tamworth. The range spans from 22.91ha to 69.87ha over the plan period. Scenario two and four (a) were deemed the most appropriate to Tamworth, as they consider the level of employment land required with a 'regeneration and growth' thrust and the expected population and demographic changes. The plan period requirement for scenario two is 34.47ha and for scenario four (a) 29.07ha, the mid point of these scenarios is 31.77ha, therefore **32ha** of new employment land is needed. The review specifically looked at the need for new office space in Tamworth arising from B1(a) office and A2 professional needs. The assessment showed there was no specific need for either, however the 32ha is a mix of all B class employment uses including office.

### **Housing Needs**

The housing need assessment looks at the number of new dwellings required to meet the projected levels of population growth and demographic change within the Borough. The assessment was jointly carried out in 2012 with Lichfield and Cannock Chase. The consultants who undertook the 2012 work updated the study to support the Lichfield Local Plan examination last year and there were no

significant changes to the Tamworth needs figure. They have advised that no further update is required at the present time.

The housing needs assessment set out 12 scenarios to project future demand. The scenarios identified a range of growth options for Tamworth from 2006 to 2028, from 4,400 dwellings to 11,150 dwellings. The study also analysed the core constraints on delivery including the environmental and infrastructure capacity and concluded that the objectively assessed need for Tamworth ranged between 240-265 dwellings per annum (5,280 to 5,830 dwellings). Taking a mid-point of these figures annualised over the course from 2006 to 2028 equates to an overall need of 5,500 dwellings. The plan period has now been extended to 2031 and therefore the objectively assessed need is **6,250** dwellings. With seven years of the plan period gone (2006 – 2012) there has been a total of 1,347 (net) new homes delivered, an additional 29 dwellings were under construction and a further 371 with planning permission as of 1 April 2013. This leaves **4,503** of Tamworth’s objectively assessed housing need to be delivered by 2031. This number is expected to change before the Plan is submitted as completion figures from 2013-2014 will be available. However it is not expected to change significantly.

New needs assessments compared to the assessments in the withdrawn Local Plan. As described in the preceding sections, new information has been used where available to refresh the needs of these 3 land uses. The same methodology has been used to carry out the updates.

	<b>Withdrawn Local Plan</b>	<b>Draft Local Plan</b>
<b>Retail</b>	20,000m <sup>2</sup> comparison goods 1,600m <sup>2</sup> convenience goods	7,800 <sup>2</sup> comparison goods after 2021 2,900m <sup>2</sup> convenience goods after 2021  Some new retail units have received planning permission and the amount of available household spend has decreased slightly. This new figure reflects a longer plan period.
<b>Employment</b>	36ha employment land 20,000m <sup>2</sup> office space	32ha no specific office floor space requirement  A small amount of employment use has received planning permission. New assessment takes into account a protracted economic recession and longer recovery. This new figure reflects a longer plan period.
<b>Housing</b>	5,500 dwellings	6,250 dwellings (4,503 left)  The updated census information showed that the previous assessment is still accurate. Additional homes are added to the need to reflect a longer plan period.

**Supply of available land**

The NPPF states that: Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change and that Local Plans should allocate sites to promote development.

To quantify the capacity for development within the borough for the three different land uses, several assessments have been carried out. These were a technical consultation, sustainability appraisal and ascertaining if the land is available for development during the plan period.

The sites assessed through this process were drawn from the Strategic Housing Land Availability Assessment and the Employment Land Review. Both documents provide an initial assessment of all potential land for development. Any site with a capacity of 10 dwellings or over and sites of 0.4ha or over were assessed. Some sites below these thresholds were also assessed as they could form larger comprehensive schemes.

The technical consultation was carried out ‘without prejudice’ and involved statutory bodies and infrastructure providers to assess each site. Their comments on the consultation were used to form a baseline as to whether development on the site could be achieved and if so what mitigation would be required. Once this had been completed every site was subject to a sustainability appraisal, this assessed the sustainability implications of bringing forward that site for development both positive and negative. Finally landowners and developers were contacted again to gauge whether they are willing to

bring forward development within the plan period.

At each stage of these assessments sites were removed from the process and no longer considered as possible allocations.

### **Retail**

After carrying out the technical assessments and contacting landowners it was considered that there are no additional sites within the existing town centre or on the edge of centre available for development, apart from Gungate which already has planning permission. However a need still remains and this may be met through planning applications. Proposals will be assessed individually, ensuring that they are in the best available location and do not significantly impact on existing centres in the borough.

### **Employment**

Of the 14 sites assessed for new employment land, a total of **18ha** of employment land on 10 sites is suitable and available for development. This leaves a short fall of 14ha which will either come forward through the planning application process on the most suitable sites or it will need to be delivered in another local authority area. Considering that all land available for employment needs has been assessed, it is unlikely that windfall sites will come forward and therefore the full 14ha should be sought beyond the borough boundary.

### **Housing**

In total over 60 sites with a capacity of 10 or more dwellings have been assessed for housing, this includes 24 greenfield sites within the borough and rest brownfield sites, Following the assessment work detailed above, of these sites, a total of 24 are suitable to be allocated for housing, 20 urban brownfield sites would bring forward 428 dwellings and 4 greenfield strategic extensions would bring forward 2,519 dwellings; 2,947 in total. This gives in total a **further 2,900** dwellings that could be delivered to help meet Tamworth's objectively assessed need.

<b>Number of Dwellings</b>	<b>Stage in Planning Process</b>
1,347	Completed
29	Under Construction
371	With Planning Permission
2,900	To be allocated in the Local Plan

As described in previous sections, the housing need assessment showed that there is a need for 6,250 new homes from 2006 to 2031. But given that the total amount of housing from 2006 to 2031 that can be delivered in Tamworth is 4,600 a more appropriate housing requirement for Tamworth to plan for should be **4,250**. This allows for some flexibility (350 dwellings less or roughly two years supply). A total of 4,250 equates to 170 dwellings to be delivered each year within Tamworth.

**By planning for 4,250 new homes in total, this would leave a shortfall of 2,000 dwellings. This unmet need cannot be ignored and will need to be delivered outside of the Borough by 2031.**

In order for the objectively assessed needs to be met (6,250), 2,000 new homes will need to be delivered outside of the Borough. The Housing Needs assessment established that Lichfield and Tamworth are within a shared housing market area and that the work currently being undertaken by the Greater Birmingham Solihull Local Enterprise Partnership (GBSLEP) supports this. The GBSLEP work also shows that Tamworth and North Warwickshire share a housing market area. Irrespective of this, it is clear from the geography and local government administrative boundaries of the three authorities that for Tamworth to grow and meet its needs, land will need to be made available within Lichfield and North Warwickshire. Currently both Lichfield and North Warwickshire are planning to deliver a total of 1,000 dwellings (500 each) to help meet Tamworth's objectively assessed needs. This however still leaves a shortfall of a further 1,000 dwellings from meeting the objectively assessed need. Therefore further work is required to assess options for Tamworth's growth outside of the borough to determine the most sustainable and deliverable options. This work will need to build upon the existing evidence base from all three local authority's Local Plans. Approval is sought to allow officers to progress these discussions and to include Members from all Authorities in renewed Duty To Co-operate discussions.

The specific sites proposed for employment and housing allocations are listed within the draft Local Plan and can be identified on the Policies Map. It is clear from the evidence that there is a significant shortfall in suitable and available land to meet the borough's housing and employment needs. Therefore it is essential that all options for development in Tamworth are considered. Without fully considering the options within Tamworth it would be difficult to request that any shortfall over the

agreed 1,000 should be delivered outside of the borough.

In addition to addressing the future needs of the borough, the draft Local Plan proposes planning policy on several key topics.

Chapter 4 'A prosperous town' defines the town centre and network of Local and Neighbourhood centres. Ensures that the 'town centre' development out of the centre is properly assessed and that cultural and leisure development within the town centre is supported. In addition to setting out new employment areas it protects the existing strategic employment areas.

Chapter 5 'Strong and vibrant Neighbourhoods' sets out the location and amount of new housing in the borough and identifies the infrastructure required within urban extensions. It identifies key regeneration priority areas within the borough and how they can be improved. The density and type of housing on new sites is established as is the level of affordable housing.

Chapter 6 'High quality environment' provides policy to protect and enhance the existing green infrastructure network in the borough and how new development can improve and provide links to it. It sets out how the built environment should be protected and how new development should be of good design

Chapter 7 'A sustainable town' promotes sustainable transport, energy efficiency, flood risk mitigation and prevention, climate change adaptation and ensuring the facilities new development requires is provided in the right locations.

## Local Plan Consultation

After the withdrawal of the Local Plan from examination in March 2013 a cross party Members sub-group was formed to keep members informed and updated of Local Plan progress. The remit of the group is to; provide a political mandate for the Local Plan; consider and make recommendations based upon evidence; for officers to develop Members knowledge of the process enabling them to actively and positively communicate this each political party and key stakeholders; and for Members to advise officers of key issues facing local communities. The group meets on a regular basis and is formed by 3 members from the Conservative Group and 3 members from the Labour Group.

## Consultation Dates

Subject to approval by Cabinet the Local Plan is expected to begin its consultation on 31 March and will last for 6 weeks.

The draft Local Plan will have a series of questions set out within the document. A questionnaire will be available on the website, at libraries, at consultation events and from Marmion House. This can be completed when reading the Local Plan. It is important that comments are made through this process and in writing.

The public consultation will

- Conform to the legal requirements set out in planning legislation and the Council's adopted SCI (Existing 2006 and the emerging SCI due at Council March 18<sup>th</sup> 2014)
- Send letters and e-mails to the consultation database of persons listed in planning regulations (interested people, statutory bodies, utility providers, duty to co-operate bodies)
- Public notice in the Herald informing of when the consultation is and where any possible exhibitions will take place
- Press release in the Herald – Members statement
- Council's website notice
- Members seminar – to take place before or early on in the consultation
- Council, Corporate Management Team / Heads Of Service meeting – to take place early on in the consultation
- Citizens Panel – to take place early on in the consultation
- Make copies of the Local Plan and SA available: all on the website, hard copies at Marmion House and local libraries
- When available to publish articles in 'Talk Back'
- Preparing leaflets to ensure wider publicity
- Exhibitions; these should take place at various locations across the borough, be held during in the day, evenings and weekends to ensure a full range of people can attend.

Possible locations are:

- Libraries
- Ankerside
- Community buildings

## Local plan next steps

Following this consultation we will move towards a pre-submission Local Plan which will be presented to Cabinet and then Council with the recommendation to approve a further 6 week consultation in the Summer of 2014. Following that and subject to that consultation the Local Plan and evidence base will be submitted to the Secretary of State for examination.

## Comments for the consultation of Lichfield's Local Plan Main Modifications

During the examination hearing for Lichfield's Local Plan the Inspector considered: whether Lichfield District Council had discharged its duty to co-operate as required by section 33A of the 2004 Act (as amended); secondly, whether the *Lichfield District Local Plan; Strategy* (the Plan) makes adequate provision for the objectively assessed need for housing; thirdly, whether the Sustainability Appraisal is a reliable piece of evidence; and fourthly, whether the various sites identified in the Plan as Sustainable Development Areas and the site identified as a Broad Development Location are deliverable or developable, whether they are viable, whether they are sustainable and whether they are the most appropriate when judged against reasonable alternatives.

The Lichfield Local Plan proposes a Broad Development Location north of Tamworth, capable of accommodating 1,000 dwellings, half of which would meet needs arising within Tamworth Borough. At the time of the examination, the Inspector noted that it was common ground that the development of this land should be planned comprehensively with the adjoining Anker Valley Sustainable Urban Extension proposed in the Tamworth Local Plan, commenting that both would rely on improvements to the local highway network.

The Inspector also stated in his findings that "without the Anker Valley scheme, the development of the land to the east of the railway within Lichfield would result in a salient of built form jutting into the countryside and poorly related to the urban area".

At that time the Inspector recognised that there was no certainty that the Anker Valley scheme will come forward, but, on the basis of the information available, considered that there appeared to be a reasonable prospect that it will, given the firm commitment to it by Tamworth Borough Council. However, the Inspector commented that "if this proves not to be the case the Council will need to reconsider its position when preparing the *Lichfield Local Plan: Allocations* document when it will be considering the Broad Development Location in more detail."

The Inspector concluded that the allocation of this Broad Development Location was soundly based.

Furthermore, he was satisfied that Lichfield District Council had discharged its duty to co-operate, that the Sustainability Appraisal is a reliable piece of evidence and that the Strategic Development Areas and the Broad Development Location identified in the Plan are soundly based. However, the Inspector raised concerns that the Plan as submitted was unsound in that it did not make adequate provision for the objective assessment of housing need contained in its own evidence base.

Following receipt of the Inspectors Report, Council's are able to propose Main Modifications to the submitted plan with the intention of resolving soundness issues. Lichfield District Council indicated at the hearings that it would be willing to identify a further site or sites to address such a shortfall, carry out the necessary Sustainability Appraisal, and make any resulting main modifications to the Plan and consult on these.

As such, since receipt of the Inspectors Report, Lichfield District Council has carried out further work and has identified 'main' modifications to the Local Plan Strategy that was submitted for Examination in March 2013. The 'main' modifications are intended to address matters of soundness or legal compliance raised. It is these modifications that are being consulted upon at present for a six week period between 6<sup>th</sup> February and 20<sup>th</sup> March 2014.

The Main Modifications relate to a number of policies (and supporting text) but are primarily focused upon housing numbers, phasing and the identification of new strategic housing sites at Cricket Lane, Lichfield and Deans Slade Farm, Lichfield; policies relating to Cannock Chase Special Area of Conservation (SAC); the plan period and the need to work collaboratively with other authorities in considering future housing need.

Recent work on the Anker Valley site has demonstrated a limited capacity of 500 houses subject to further transport improvements (Gungate Pinch Point Programme). The maximum capacity that could



be achieved in this location would be 1350 houses but the work suggests that the necessary additional highway infrastructure work over that identified in the Gungate Pinch Point Programme scheme would make this size of development unviable.

As such, we are concerned that the main modifications to Lichfield's Local Plan proposed do not address the new information arising from the jointly commissioned transport options appraisal report (BWB report). The broad allocation site north of Tamworth would have significant implications on the Gungate Corridor and also on Tamworth's ability to meet its own housing needs within the borough.

The proposed response is attached to this report and authorisation is sought to submit that response before the end of consultation period. Please see attachment for the proposed response

## **RESOURCE IMPLICATIONS**

There are no financial implications arising from this report. A budget already exists for the production of the Local Plan and public consultation.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

There is a considerable risk that through not having an up to date Local Plan in place, planning applications in Tamworth will be assessed against the National Planning Policy Framework leading to a 'loss of control' over development and impinging on the Council's ability to deliver key spatial objectives. Having a Local Plan will allow for the housing allocations and the sustainable urban extension sites to be planned in full and ensure that they are delivering the right type of housing and the necessary infrastructure. Without a Local Plan in place there is a risk that development could occur in areas which are not currently being proposed for housing or employment.

The draft Local Plan consultation must be carried out in accordance with the adopted Statement Community Involvement (at the time of consultation).

There are no specific legal questions asked through the consultation, such as duty to co-operate.

## **SUSTAINABILITY IMPLICATIONS**

The draft Local Plan has been subject to a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). These assessments have ensured that sustainability issues are given full consideration in the preparation of Local Plan policies and allocations. The Sustainability Appraisal is contained in the appendices of this report. The SA raises no significant concerns with the draft Local Plan and where appropriate it has suggested further mitigation measures to those already within the draft Local Plan.

An Equalities Impact Assessment and a Health Impact Assessment have been prepared along side the draft Local Plan and are contained in the appendices of this report. The HIA appraises the potential impact of Local Plan policy on delivering health objectives within the borough.

The EIA raised no concerns with promoting equality and diversity. However to ensure equality needs are maintained in the future, further consultations will be in accordance with the SCI ensuring that all residents who wish to be involved in the preparation of DPDs can express their views.

The Health Impact Assessment (HIA) shows that the policies in the draft local plan will have a positive impact on the health of Tamworth's residents, particularly in the most deprived areas which are a priority for regeneration. Some policies have more obvious connections with health and physical exercise, such as sustainable transport and policies that protect and enhance the open space networks and sport and recreation facilities. Through these policies, people will be encouraged to walk and cycle along sustainable transport routes linking housing areas with the town centre, employment areas, schools, local centres and leisure facilities. More regular exercise, either on a formal or informal basis, will address a number of the physical activity health objectives.

Other policies have a less direct impact on health. Policies that support the town centre, local and neighbourhood centres, combined with sustainable transport links, will enable people to access health and other support services and fresh food. A strong and vibrant town centre with a wide range of facilities and an attractive historic and green setting will have positive effects on mental well being as will areas of well maintained natural open space. Policies to promote high quality affordable housing

will improve living conditions.

The local plan can only address health inequalities from a spatial planning viewpoint. There are other considerations such as funding, behaviour and education which will necessitate partnership working with other organisations.

The Habitats Regulations Assessment (HRA) shows that the policies of the draft local plan are unlikely to lead to significant effects on either the River Mease SAC or Cannock Chase SAC (Special Area of Conservation). In the case of the Cannock Chase SAC, Tamworth was already outside the zone of influence and Natural England has recently advised that the zone has contracted from 19km to 15km. This means that Tamworth is further removed from the SAC and development in the borough is even less likely to lead to recreational or traffic pressure or pollution.

When responding to the consultation on the Pre-submission Draft Local Plan, Natural England was of the opinion that the Council had not been able to confirm whether development in Tamworth would adversely affect water quality in the River Mease SAC. Severn Trent has subsequently advised that sewage and wastewater from the entire borough is treated at the Coton Lane Waste Water Treatment Works and discharges into the River Tame not the Mease. The conclusion is that no development within the borough will affect the water quality of the River Mease SAC.

The recommendation from the HRA is that references to both the River Mease SAC and Cannock Chase SAC are removed from the Local Plan.

## **BACKGROUND INFORMATION**

See appendices

## **REPORT AUTHOR**

Alex Roberts – Development Plan Manager x279

## **LIST OF BACKGROUND PAPERS**

Lichfield Local Plan comments  
Sustainability Appraisal  
Draft Local Plan

## **APPENDICES**

Draft Local Plan 2006 to 2031  
Policies Map  
Town Centre Insert Map  
Sustainability Appraisal  
Habitats Regulation Assessment  
Equalities Impact Assessment  
Health Impact Assessment  
Lichfield Local Plan comments