

THURSDAY, 19 JUNE 2014

REPORT OF THE PORTFOLIO HOLDER FOR ECONOMY AND EDUCATION**TAMWORTH LOCAL PLAN 2006-2031 – CONSULTATION RESPONSE UPDATE****EXEMPT INFORMATION**

N/A

PURPOSE

This report seeks to update Cabinet on the draft Local Plan consultation process which took place from 30 March to 12 May 2014 and also update Members on strategic planning matters with regards to the Duty to Co-operate.

The report seeks approval from Cabinet to make amendments to the draft Local Plan following the consultation process and to then take the amended Local Plan to Council to consider approval for a pre-submission consultation.

RECOMMENDATIONS

- 1) That authority is delegated to the Director for Communities Planning and Partnership and the Head of Planning & Regeneration, in consultation with the Leader of the Council & Portfolio Holder for Economy and Education, to make amendments to the draft Local Plan and Sustainability Appraisal prior to Council approval for a pre-submission consultation process.
- 2) That all comments received during the consultation process are noted and that the proposed responses and approach to the matters raised is endorsed.

EXECUTIVE SUMMARY**Draft Local Plan Consultation**

On 14 March 2014 Cabinet recommended that a 6 week public consultation of the draft Local Plan and Sustainability Appraisal be carried out from the 20th March to the 12th May 2014. Letters and e-mails were sent out to persons on the Local Plan consultation database, a public notice and press release were placed in the Tamworth Herald and regular updates were made on the Council's website and Twitter feed. The draft Local Plan and supporting evidence base was made available on the Council's website and key documents were placed at libraries in the Borough. In addition to this several consultation events were carried out by the Development Plan team around the Borough.

In total 133 representations were made during the public consultation. The responses were from a mix of members of the public, statutory consultees, landowners and the development sector. A total of 289 people attended the consultation events around the Borough, of which 213 attended the Ankerside event. Throughout the consultation period the Development Plan team responded to e-mails and had telephone conversations with interested persons to discuss the draft Local Plan and evidence base

Consultation Responses

Within the appendices of this report is a database which details every comment made on the draft Local Plan. These comments have then been summarised within another document in the appendices which splits the comments into the chapters of the draft Local Plan.

Consultation Events

Within the appendices of this report is a summary note which details the consultation events and issues discussed at each event. Whilst not every specific comment was noted it does give a good reflection of the issues discussed. Persons attending were advised to submit their comments to the consultation. Although not formal representations to the consultation, the comments made at the events have been considered.

Proposed responses to consultation comments

From examining the comments made through the public consultation it is clear that some of the issues raised are already dealt with by the Local Plan or are not an issue for the planning process. Some issues raised will require word changes to policy and supporting text to add clarity. These are mainly from statutory consultees such as English Heritage, Environment Agency and Natural England where updates to legislation or new best practices have been provided.

Therefore there are some areas which will require further work before a pre-submission version of Local Plan can be finished. Work has already begun on these items. A summary of the response to the consultation findings is provided below in chapter order:

General

Issue	Response
N/A	Sustainability Appraisal to be updated – to take account of any changes to the Local Plan and help to inform changes to policy or with site selection
Further clarity and the mechanisms to ensure that Tamworth’s unmet needs are delivered outside of the Borough and that Lichfield and North Warwickshire need specifying. There should be a positive approach to preparing their Local Plans.	Further work with North Warwickshire, Lichfield and the GBSLEP regarding strategic planning issues and the duty to co-operate will be carried out. An officer group has been established and Members from all three authorities will be meeting soon.
Dissatisfaction with how the draft Local Plan and supporting evidence can be accessed	We will look into how access to information can be increased. However all the evidence is published on the Council’s website which can be downloaded and printed if required from any computer.

Chapter 4

Issue	Response
Local and Neighbourhood centres are all different, their strengths and weaknesses should be listed to better support their future development.	Further detail and information about Local and Neighbourhood Centres to be added to policy and the supporting text.
The Retail Impact Assessment thresholds are not justified and are too low.	Evidence which supports the thresholds is to be added to the evidence base which supports the thresholds in the Local Plan

Chapter 5

Issue	Response
The Council should deliver more housing on brownfield sites before releasing Greenfield land	We will work with landowners and statutory consultees to increase amount of land available for housing development within Tamworth particularly on brownfield sites.

	A Strategic Flood Risk Assessment (SFRA) Level 2 could be carried out. By carrying out this work it would ensure that possible new housing sites within Flood Zones could deliver housing to meet housing needs. Officers would work with colleagues at the Environment Agency to ensure this work is robust and will not increase the chance of flooding to existing communities or allow housing to be developed that has a high risk of being flooded.
The Strategic Housing Market Assessment is out of date and needs updating. The Local Plan does not accurately reflect the needs of the Borough – there are arguments for higher and lower housing needs.	We will Update the evidence which supports Tamworth's objectively assessed housing needs based upon the latest census release (May 2014) Preparing a Housing Strategy to support the delivery of housing within Tamworth
Green Belt sites should be released as other sites within the Borough are not deliverable. Other views stated that the Green Belt should be protected.	The existing Green Belt Review will be updated where necessary which supports the current position on Green Belt.
The deliverability and sustainability of the urban extension sites is uncertain. Other sites should be allocated.	Further detailed work will be done to demonstrate how the sites are deliverable and sustainable. This will strengthen the reasons for allocating these sites. Existing work done and new work will be brought together to demonstrate, what will be included within the site, where the site is located and the local context, when the site and necessary infrastructure can be delivered and how it will be delivered.
The affordable housing policy should be monitored closely to ensure that policy is responsive to the market and viability issues.	The affordable housing policy will be monitored and a review of that policy will take place if required.

Chapter 6

Issue	Response
The Local Plan should emphasise improving green and blue links across the borough and into adjoining countryside. The Green Belt should be protected and existing open space should be improved.	The Green Infrastructure Strategy will be incorporated into the next version of the Local Plan. Green Belt review comments as above
The Sports Strategy should be updated to inform the Local Plan and set out what new sports facilities are required in the Borough across the plan period.	We will work with Sport England to update the 2009 Sport Strategy where necessary

Chapter 7

Issue	Response
Concerns were raised that existing traffic problems are not being dealt with; the reasoning behind specific junction improvements and safety measures should be explained; is there a potential opportunity for road/cycle route	We will work with County Council to ensure mitigation measures are put in place where a highways issue could arise. The Council has been working with SCC to ensure that new development is located in a sustainable location

adjacent HS2, Borrowpit Lake and over the narrow part of the River Tame? Safety and congestion problems at Ventura should be looked at	and that new public transport can be provided if necessary. Accessibility mapping of the borough will be produced, this will show travel times by public transport and by walking to key facilities, such as schools, GPs and the Town Centre.
Anker Valley link road is needed and should be publicly funded	The evidence base supporting the Anker Valley SUE and the Ashby road / Gungate transport corridor shows that a link road is not required for a development of 500 or 700 units. A link road would be unviable and not cost effective.

Recent Local Plan examinations and legal challenges

In preparation for the pre-submission version of the Local Plan amendments will need to be made. Changes to the Local Plan will largely be informed by the recent consultation, in addition to this there have been developments in other Local Plan examinations and recent Legal Challenges to Local Plans. These give further detail to the interpretation of the National Planning Policy Framework and Government policy. Of particular relevance to the Tamworth Local Plan are the following cases:

- Solihull – A legal challenge with regards to meeting objectively assessed housing needs and exceptional circumstances for changing Green Belt boundaries
- Reigate and Banstead – The Planning Inspectorate's role in the alteration of Green Belt boundaries
- Great Yarmouth and Ashfield - The 5 year land supply and the delivery of housing across the plan period
- Lambeth, Runnymede and Harrogate – further information on duty to co-operate issues
- Lichfield – A legal challenge has recently been received however it is not entirely clear of the issues surrounding this challenge. One issue is with regard to changing Green Belt boundaries.

It is important that these developments are taken into account when preparing the pre-submission version of the Local Plan.

Pre-submission Consultation

Following the updates and amendments to the Local Plan a pre-submission version of the Local Plan will be prepared. This consultation will be in accordance with regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement (2014). This will be final public consultation of the Local Plan prior to its submission to the Secretary of State and examination by the Planning Inspectorate. This final consultation will ask questions with regards to the Local Plan's legal compliance and whether the Local Plan meets the four tests of soundness as defined in the National Planning Policy Framework.

Local Plan - Indicative Timetable

Work has already started to amend the Local Plan following the consultation and in preparing additional evidence. It is anticipated that this will be completed over the Summer 2014 and that a pre-submission Local Plan will be prepared for Council in September 2014.

Stage	Date
Pre-submission to be approved by Council	September 2014
Pre-submission consultation	To start late September / early October and to last for 6 weeks.
Submission	Subject to the level and scope of public consultation responses the Local Plan will be submitted November / December 2014
Examination	Planning Inspectorate guidance states that examinations should begin within approximately 12 weeks after submission. February 2015

Duty to Co-operate

At the meeting held on 13 March 2014 Cabinet supported the recommendation to undertake further

work with North Warwickshire and Lichfield Councils. So far one meeting has taken place with a second scheduled for 13 June. A revised Memorandum of Understanding has been prepared by Tamworth officers and will be presented to the wider officer group on 13 June. Following this a meeting with Members from all three Local Authorities will take place to discuss strategic planning issues and to work towards agreeing the revised Memorandum. Unfortunately this work stream has not progressed as quickly as expected due to the unavailability of officers from North Warwickshire.

OPTIONS CONSIDERED

1 Do not take account of any of the comments raised through the Local Plan consultation or through recent Legal Challenges and Local Plan examinations of other local authorities. This option would significantly increase the risk of the Local Plan being found un-sound at examination or potential legal challenge following a Local Plan adoption.

RESOURCE IMPLICATIONS

A budget and retained fund currently exist to cover the Local Plan. The costs will be covered within the existing budgets.

LEGAL/RISK IMPLICATIONS BACKGROUND

The legal risk has been raised earlier in this report. Continuing to examination with an un-sound plan is a high risk strategy and will be waste of resources.

SUSTAINABILITY IMPLICATIONS

The sustainability issues regarding the local plan are covered in the Local Plan's Sustainability Appraisal. This will be updated in-line with the pre-submission version of the Local Plan.

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 SA raised no significant concerns with the draft Local Plan and where appropriate it 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. 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.

Through the draft Local Plan public consultation Natural England has supported the removal of references to both the River Mease SAC and Cannock Chase SAC from the Local Plan.

BACKGROUND INFORMATION

REPORT AUTHOR

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LIST OF BACKGROUND PAPERS

APPENDICES

Summary document of all comments received, divided by chapter. *This document cross references back to each individual comment*

Summary document of public consultation 'drop in' events

Blank Local Plan consultation comment form

Excel database of all comments received *This document is only available to view on-line on the Planning pages.*