

WEDNESDAY, 8 OCTOBER 2014

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

#### TAMWORTH BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN 2006 - 2031 and LOCAL DEVELOPMENT SCHEME 2014

#### EXEMPT INFORMATION

#### PURPOSE

Following Cabinet endorsement on 19 June 2014 of the draft Local Plan and subject to the amendments detailed in that report, this report seeks approval from Council to publish the pre-submission Local Plan for consultation. This report also seeks authorisation for officers in consultation with the Portfolio Holder Economy and Education to make minor amendments prior to submitting it to the Secretary of State.

This report also seeks Member approval of the revised Local Development Scheme. This is a public statement of the programme for the production of local development documents over the next three years, under the Planning and Compulsory Purchase Act 2004.

#### RECOMMENDATIONS

- 1. That the pre-submission Local Plan and accompanying Sustainability Appraisal are approved for a six week public consultation in accordance with the Council's Statement of Community Involvement (2014) Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 19 and 20 of The Town and Country Planning (Local Planning) (England) Regulations 2012 and following this in accordance with Regulation 22 of the aforementioned it is submitted to the Secretary of State.**
- 2. That subject to no representations to soundness or legal compliance issues the Local Plan is approved for Submission.**
- 3. 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 minor amendments to the Local Plan and accompanying Sustainability Appraisal before submission to the Secretary of State.**
- 4. 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 prepare and consult on main modifications to the Local Plan during the examination process if required to address issues of soundness.**

**5. Members approve the amended Local Development Scheme for publication on the Councils website.**

**EXECUTIVE SUMMARY**

This report is split into two parts, the first deals with the Local Plan (paragraphs 1 to 64) and the second with the Local Development Scheme (paragraphs 65 to 67).

**Local Plan**

<b>Section</b>	<b>Paragraph</b>
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As detailed in the Cabinet report of 19 June 2014 authority was delegated to the Director of CPP, Head of Planning and Regeneration in consultation with the Leader of Council and Portfolio Holder for Economy and Education, to make amendments to the draft Local Plan in preparation for the pre-submission Local Plan. These amendments have now been made and this report seeks Council's approval to carry out a formal 6 week public consultation.

This report also outlines the broad details for the public consultation of the pre-submission Local Plan.

**National Planning Policy Framework**

1. 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.
2. 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:
3. Local authorities should positively seek opportunities to meet the development needs of their area, and
4. Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change.
5. 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.

6. 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.
7. 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.
8. 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.
9. The Local Plan should identify key sites which are critical to the delivery of the housing strategy over the plan period.

#### **Local Plan Evidence Base**

##### **Needs**

10. 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**

11. 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.
12. 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**

13. The employment land assessment looks at how much floor space is required to meet future employment growth. This assessments 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.
14. 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

15. 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 original assessment was jointly carried out in 2012 with Lichfield and Cannock Chase. The consultants who undertook the 2012 work updated the study over the summer and there were no significant changes to the Tamworth needs figure.
16. The housing needs assessment set out Tamworth's needs between 240-260 dwellings per annum over the plan period 2006 - 2031. A figure of 250 has been used to establish the objectively assessed housing need for Tamworth which is **6,250** dwellings.
17. 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>New 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  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

18. 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.
19. 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.
20. 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.
21. 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.
22. At each stage of these assessments sites were removed from the process and no longer considered as possible allocations.

### Retail

23. 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

24. 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

25. 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 22 are suitable to be allocated for housing for a **total of 2,948** dwellings, 17 of these are urban brownfield sites would bring forward 395 dwellings .

Number of Dwellings	Stage in Planning Process
1,347	Completed
29	Under Construction
371	With Planning Permission
2,948	To be allocated in the Local Plan

26. 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 (approximately 10%). A total of 4,250 equates to 170 dwellings to be delivered each year within Tamworth.
- 27. 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.**
28. 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 North Warwickshire are within a shared housing market with Tamworth and that the work currently being undertaken by the Greater Birmingham Solihull Local Enterprise Partnership (GBSLEP) supports this. 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. Further work is currently taking place to ensure that an agreement is reached with Lichfield and North Warwickshire prior to the Submission of the Local Plan.
29. The specific sites proposed for employment and housing allocations are listed within the 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 that should be delivered outside of the Borough.
30. In addition to addressing the future needs of the Borough, the Local Plan proposes planning policy on several key topics.

### **Pre-submission Local Plan**

31. The Local Plan aims to deal with the following issues as set out below:

#### **Housing**

32. Tamworth is projected to experience a significant level of population growth.
33. 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.
34. The Local Plan sets out an overall housing need for 6,250 homes over the plan period based on objectively assessed need. 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**

32. 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.

33. 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.
34. To help address these issues, the 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.
35. 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.
36. 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**

37. 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.
38. 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**

39. 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.
40. 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.

#### **Summary of Local Plan amendments – draft to pre-submission**

41. The document has been streamlined to remove duplication and further detail and clarity to the proposed policies has been added. In addition to this further evidence base work has been completed that supports the Local Plan and has been reflected in the Plan, this includes:

- Sustainability Appraisal update for the pre-submission Local Plan
- Housing Need update – the housing needs for Tamworth have not changed from the draft Local Plan
- Further discussions to ascertain the availability of proposed allocated sites and sites previously rejected
- Strategic Flood Risk Assessment (SFRA) Level 2 – this demonstrates that there is potential for some additional sites within parts of the Flood Zone to be brought forward for housing, subject to further detailed flood risk assessments.
- Heritage Impact Assessment – this examines whether the potential impact on Tamworth’s heritage assets and also looks to how these assets can be improved through new development.
- Sports Strategy update 2014 – this has updated the required sports and recreation facilities within the Borough.
- Sustainable Urban Extension Workshops for the Golf Course, Dunstall Lane and Anker Valley – these have helped to add further detail to policy.
- Site Assessment Technical Paper – ensures that the methodology and the reasons for proposing or rejecting housing and employment allocations are clear
- Tamworth – draft Integrated Transport Strategy – this has been prepared by Staffordshire County Council and supports the transport elements of the Local Plan
- Further meetings and correspondence with English Heritage, Natural England, Environment Agency, Staffordshire County Council (Transport, Education, Health), NHS England and NHS Staffordshire & Shropshire.
- Strategic Planning and the Duty to Co-operate – further officer and Member meetings have taken place between Tamworth, Lichfield and North Warwickshire which has resulted in moving closer to an agreement with Lichfield and North Warwickshire to take further growth from Tamworth.

42. The following sections and tables summarise the changes made between the draft and pre-submission versions of the Local Plan.

### **Chapter 2**

43. The Local Plan ‘story’ and its evolution needed to be structured better, paragraphs were re-ordered and new sub-sections were created to separate the background of Tamworth from the issues the Local Plan is dealing with – housing, economy, environment etc.

### **Chapter 3**

44. Information and paragraphs were taken from Chapters 4,5,6 and 7 to better explain the link between the spatial portrait, vision and objectives of the Local Plan. Further detailed information has been included to explain how cross boundary issues and strategic planning matters have been dealt with through the Local Plan, under the requirements of the duty to co-operate. A new section has been added to explain how the Sustainability Appraisal has influenced the Local Plan and how it has changed over the various version of the Local Plan (from 2008 issues and options to date). The presumption in favour of sustainable development policy has been moved to this chapter.

### **Chapters 4, 5, 6 and 7.**

45. Each Chapter was re-structured so they became more succinct and specific about what they set out to achieve with a ‘delivery table’ at the end of each chapter setting out how and when targets/objectives would be achieved and who would be responsible for their delivery. Each policy is now supported with text explaining why it is needed and text justifying the approach of the policy referencing the evidence base where appropriate. Some policies have been removed or split and new policies added. This has been done to ensure that each policy is effective and justified and provides a local perspective to national policy.

46. Within each chapter policy numbers have changed and in some cases split or new policies added. This has been done to further improve the legibility of the document.



#### Chapter 4

47. A diagram has been added to help explain the primary and secondary frontages policy EC3.
48. Site specific details for policy EC6 which allocates sites for employment use have been moved from the appendix to the main body of the Local Plan.

#### Chapter 5

49. Site specific details for policy HG1 which allocates sites for housing have been moved from the appendix to the main body of the Local Plan.
50. The objectives of the Wilnecote Regeneration Corridor have been updated and a new diagram has been added to help explain the aims of policy HG3.

#### **Sites removed from draft Local Plan**

<b>Site Number</b>	<b>Site Name</b>	<b>Capacity</b>	<b>Area (ha)</b>	<b>Reason</b>
376 and 377	Hyundai Garage Lichfield Street / Land off Wardle Street	16	0.35	The site is no longer supported by the land owner.
467	Fazeley Autocentre	14	0.52	The site is no longer supported by the land owner.
		30		

#### **Sites to be added to the pre-submission Local Plan**

<b>Site Number</b>	<b>Site Name</b>	<b>Capacity</b>	<b>Area (ha)</b>	<b>Reason</b>
550	Solway Close	26	0.9	The site has been assessed throughout the Local Plan process. The site owner (Tamworth Borough Council) has now indicated that this site is available for development.
462	Car Park off Park Farm Road	13	0.14	The site has been assessed throughout the Local Plan process. The site owner (Tamworth Borough Council) has now indicated that this site is available for development.
358	Whitley Avenue	35	0.9	The site has been assessed throughout the Local Plan process. The site was previously rejected as it was located within the Anker Valley link road safeguarded site. As the need for a link road has been removed from the Local Plan this site can now be allocated.
		<b>74</b>		

387	Coton House Farm	77	4.87	SFRA level 2 site
390	Coton Hall Farm	52	2.85	SFRA level 2 site
504	Treetops Garage	6	0.2	SFRA level 2 site
591 and 593	Co-op filling station and land west of co-op	22	0.54	SFRA level 2 site
		<b>157</b>		

**No Employment sites to be removed or added**

**Chapter 6**

51. The chapter has been split into two distinct sections dealing with green and blue infrastructure issues and design and historic environment issues, with policy covering sport and leisure moved into chapter 7 to fit along side community infrastructure.
52. Standards for new open space on the SUE allocations and the need for a new urban park to the east of Tamworth have been added to policy EN3.
53. Additional references have been added to policy EN4 to ensure that recreational disturbances do not impact the SSSI.

**Chapter 7**

54. Information from the new SCC Integrated Transport Strategy for Tamworth has been included into the chapter with latest information from Highways Agency.

**Local Plan Policy Renumbering Summary Table**

55. As part of the process to ensure the Local Plan is succinct and easy to read the policy numbers throughout have been changed. The number system and acronyms now reflect the Local Plan chapter that the policy is related to.

<b>Policy Description</b>	<b>Reason</b>	<b>Draft Local Plan Policy Number</b>	<b>Pre-submission Local Plan Policy Number</b>
<b>CHAPTER 3</b>			
Spatial Strategy	Strategic detail from policy in chapters 4,5,6 and 7 added to policy.	SP1	SS1
Presumption in Favour of Sustainable Development	No change to policy and moved from Chapter 1	NP1	SS2
<b>CHAPTER 4</b>			
Hierarchy of Uses	Start of town centre sub-section Now first policy as sets the strategy for where development is to be located. Policy reconfigured (including table) and new wording relating to non "main town centre uses" that are town centre uses, and also includes other uses that attract the public but not classed as 'main town centre uses'. New wording re thresholds assessment	CP1	EC1

	Monitoring indicators added to explanatory text		
Investment in Town Centre	Minor rewording and removal of reference to primary/secondary frontages	SP2	EC2
Primary and Secondary Frontages	New policy (taken from SP2). Whole section added. Frontages amended and redefined into sub-areas Monitoring indicators added to explanatory text	SP2	EC3
Local and Neighbourhood Centres	Reworded to include protection of A1 convenience stores. Centres have been defined and detailed description of each centre added along with photographs	SP3	EC4
Culture and Tourism	Subsection 'culture and tourism' created Policy moved from end of chapter as relates mainly to the town centre so follows on from previous policies. Small wording changes to the policies and updates to project names, etc Much of text moved to after policy as relates to how policy aspirations will be delivered. Some new explanatory text added	CP3	EC5
Sustainable Economic Growth	Start of 'employment land and economic growth' sub-section. First part of policy (existing network of SEAs) moved to next policy Slight re-wording. New policy wording added to deal with proposals for new employment development outside of allocated emp site or SEA Table of site info and specific requirements added to explanatory text in relation to each allocated site Monitoring indicators added to explanatory text	SP4	EC6
Employment Areas	Slight re-wording of policy, particularly regarding non-B1, B2, B8 proposals. Details of existing network of SEAs taken from policy SP4. Monitoring indicators added to explanatory text	CP2	EC7
<b>CHAPTER 5</b>			
Housing	Added reference to policy for contributions. Added additional sites from revised site selection process. Moved site details to supporting text from Appendices and edited	SP5	HG1
Strategic Urban Extension	Coton Lane site moved to HG1. [further changes to follow development workshops]	SP6	HG2
Regeneration	Added plan diagrams.	SP7	HG3

Priority Areas	Updated strategy and requirements for Wilnecote Regeneration Corridor		
Affordable Housing	Clarified requirement for independent viability assessments	CP4	HG4
Housing Mix	Clarified that policy controls numbers of bedrooms except non-standard residential development	CP5	HG5
Housing Density	Removed specification of net developable area. Clarified flexibility to local character. Added typical urban area diagram.	CP6	HG6
Gypsies, Travellers and Travelling Showpeople	Minor changes	CP7	HG7
<b>CHAPTER 6</b>			
Landscape Character	New policy – gives local perspective to NPPF policy	New	EN1
Green Belt	Moved from SP8	SP8	EN2
Environmental Assets	Policy not required as all issues already covered by other policies in chapter and Green Belt could be dealt with in a new policy.	SP8	Policy deleted and split to other policy.
Sport and Recreation	Considered more appropriate to deal with in Sustainable Town chapter along with community facilities.	CP8	SU7
Open Space	Addition of green and blue links to policy including circular routes and canal and river corridors, which are also illustrated on a map.  Addition of national open space standard for new provision  Insertion of reference to private management of open space.  Reference to urban park in eastern part of the Borough	CP9	EN3
Deign of new development	Changes to policy criteria and deletion where covered by other policies	CP10	EN5
Protecting the historic environment	Reference to significance of heritage assets.  Additional clarity of Council and Local Plan priorities for historic environment.	CP11	EN6
Protecting and enhancing biodiversity	Policy moved to green and blue infrastructure section of chapter.  Addition of reference to recreational disturbance to SSSI.	CP12	EN4
<b>CHAPTER 7</b>			
Sustainable Transport Network	Updated transport measures. Deleted or moved to other policies in chapter all references to flooding, renewables, minerals	SP9	SU1
Delivering Sustainable	Re-ordered policy text and added greater emphasis to highway impacts	CP13	SU2

Transport	in first para		
Climate Change Mitigation	Clarified that zero carbon is an aspiration not a strict requirement. Re-ordered opportunities for efficiency. Added safeguarding of waste management facilities	CP14	SU3
Flood Risk and Water Management	Updated to match Environment Agency standing advice, including protection for environmental infrastructure. Added wastewater infrastructure requirement. Added criteria for water-based recreation	CP15	SU4
Pollution, Ground Conditions and Minerals	New policy added to cover pollution impacts and risks to development. Minerals safeguarding moved from policy CP9.	New policy	SU5
Community Facilities	Expanded definition of community facilities in supporting text. Expanded criteria for the protection from loss of community facilities	CP16	SU6
<b>CHAPTER 8</b>			
Infrastructure and Developer Contributions	Updated references to other policies throughout the Local Plan.	CP17	IM1

### **Local Plan Consultation**

56. 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**

57. Subject to approval by Council the Local Plan is expected to begin its consultation on or close to 20 October and will last for 6 weeks.

58. The consultation of the pre-submission Local Plan will focus on the Local Plan's legal compliance and against the four tests of soundness. A response form 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.

59. The public consultation will

- Conform to the legal requirements set out in planning legislation and the Council's adopted SCI
- 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
- Council, Corporate Management Team / Heads Of Service meeting – 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
- 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
- Ventura retail park

## **Legal Compliance and the Four Tests of Soundness**

60. The consultation will be based upon the legal compliance test and the four tests of soundness. Once the consultation has finished these representations will be assessed if there are no major changes required to the Local Plan these representations will be submitted alongside it to the Planning Inspectorate for examination.

### Legal compliance

Is used to check that the Local Plan:

1. Meets the legal requirements under s20(5) (a) of the 2004 Act (as amended by the Localism Act 2011) and the Town and Country Planning (Local Planning) (England) Regulations 2012 before moving on to test for soundness.
2. Fits within the most up to date Local Development Scheme (LDS) and the key stages should have been followed.
3. The process of community involvement for the Local Plan should be in general accordance with the Council’s Statement of Community Involvement.
4. On publication of the consultation, the Council must publish the documents prescribed in the regulations, and make them available for inspection at specified offices and on their website. The Council must also place local advertisements and notify the Development Plan Document bodies (as set out in the regulations) and any persons who have requested to be notified. The Council is required to publish the Sustainability Appraisal along side the Local Plan.
5. The Local Plan should have regard to national planning policy as set out in the National Planning Policy Framework (NPPF) 2012.
6. The Council is expected to have followed the Duty to Co-operate requirements. These requirements are set out in Section 110 of the Localism Act 2011.
7. The Local Plan must have regard to the Tamworth Sustainable Community Strategy

### Four Tests of Soundness

61. The tests of soundness are set out in the National Planning Policy Framework (NPPF)

(para 182): “The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The Council should submit a plan for examination which it considers is ‘sound’ “, namely that it is:

- Positively Prepared: based on a strategy which seeks to meet objectively assessed development and infrastructure requirements

This means that the Local Plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. The NPPF sets out principles through which the Government expects sustainable development can be achieved.

- Justified: the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence

This means that the Local Plan should be based on a robust and credible evidence base involving:

- Research/fact finding: the choices made in the plan are backed up by facts.
- Evidence of participation of the local community and others having a stake in the area.

The Local Plan should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Local Plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

- Effective: deliverable over its period based on effective joint working on cross-boundary strategic priorities

This means the Local Plan should be deliverable, requiring evidence of:

- Sound infrastructure delivery planning;
- Having no regulatory or national planning barriers to delivery;
- Delivery partners who are signed up to it; and
- Coherence with the strategies of neighbouring authorities, including neighbouring marine planning authorities.
- It should be flexible and able to be monitored.

- Consistent with national policy: enabling the delivery of sustainable development

The demonstration of this is a ‘lead’ policy on sustainable development which specifies how decisions are to be made against the sustainability criterion.

### **Next Steps**

62. Following this consultation the Local Plan will be submitted along side the whole evidence base and the representations made during this consultation to the Planning Inspectorate for examination. In the event that the consultation raises serious legal compliance or soundness issues it may be necessary to amend the Local Plan and carry this stage out again.

63. It is expected that the Local Plan will be submitted towards the end of 2014 or January 2015 dependant upon the scale of representations received during the public consultation.

64. It is expected that the Local Plan examination will start in early 2015 and subject to the examination process it is expected that the Local Plan will be adopted later in 2015. Progress on the Local Plan examination will be fed back to Members through the Local

Plan sub-group when appropriate.

## **Local Development Scheme**

65. Tamworth Borough Council is legally required to produce a project plan, known as a 'Local Development Scheme', setting out how the Local Plan will be produced and a timetable for production. The purpose is to inform the public and stakeholders, and promote effective management of the process. An important element of the Scheme is the timetable indicating the key milestones in the preparation of each document against which their production can be monitored.
66. The current Local Development Scheme came into effect in November 2012 prior to the decision to withdraw the Local Plan from examination. It therefore needs to be updated to reflect this and set out revised information on the timetable and production for the production of the Local Plan, and details of the other supporting documents which will form part of the development plan for Tamworth.
67. A revised Local Development Scheme is attached to this report.

### **OPTIONS CONSIDERED**

1 Other spatial options and options regarding the allocation of housing and employment sites are detailed within the Sustainability Appraisal attached to this report. The Local Plan and evidence base concludes that the other options should be rejected in favour of the preferred option which forms the pre-submission Local Plan.

### **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 has been updated for the pre-submission version of the Local Plan.

The pre-submission 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 Local Plan and where appropriate it suggested further mitigation measures to those already within the Local Plan.

An Equalities Impact Assessment and a Health Impact Assessment have been prepared along side the 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 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 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**

Alex Roberts – Development Plan Manager x279

### **LIST OF BACKGROUND PAPERS**

1. Cabinet Report – Thursday 19 June 2014

### **APPENDICES**

1. Pre-submission Local Plan
2. Local Plan Policies Map
3. Sustainability Appraisal for the pre-submission Local Plan
4. Habitats Regulation Assessment
5. Health Impact Assessment
6. Equality Impact Assessment
7. Local Development Scheme 2014

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