

**Robert Mitchell**

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23 February 2015

Dear Mr Fox,

**Re: Examination into the soundness of the Tamworth Local Plan – Inspector’s Initial Concerns**

Thank you for your letter dated 12 February 2015 confirming your appointment to the Tamworth Local Plan Examination. The Council notes your set of initial possible soundness concerns you have over the Plan.

The Council’s responses in [blue](#) are as follows:

**Concern 1: Sustainability Appraisal Options** – the Plan states (paragraph 3.57) that none of the seven options assessed through the Sustainability Appraisal (SA) would be able to deliver all of Tamworth’s objectively assessed needs. There may be a soundness issue here; although table 10.2 looks at three housing growth options, it does not appear to me that the SA has actively assessed all reasonable options, and clearly, meeting all the housing need of the Borough is a reasonable option which needs to be assessed. Also, Table F.1 should be expanded to include an option which would address the total housing requirement of the Borough.

[Following the withdrawal of the 2006-2028 Local Plan in March 2013 the call for sites was re-opened. A technical consultation was undertaken on sites in the SHLAA and any new ones submitted through the call for sites. These sites were then appraised through the Sustainability Appraisal \(Annex G\); this demonstrates that all sites were appraised on an equal basis.](#)

[Through the site selection process, which followed the initial SA a number of sites were ruled out of consideration, because of deliverability and developability issues \(Document A5 – Pre-submission Site Selection paper\).](#)

[Section 10.2.1 of the SA Report, on spatial options, does not include a spatial option which meets all of the objectively assessed housing need of the Borough because insufficient sites were identified within the Borough that could accommodate the full housing need. The highest capacity that could be achieved is spatial option 6 which assumes that the Green Belt sites would be allocated, although they are not currently.](#)

[It is not possible to appraise an option of meeting the full housing need in spatial terms, because it was not considered reasonable to appraise a spatial option which](#)

cannot be delivered in the plan period by using sites within the Borough. The SEA Directive does not define what is meant by “reasonable alternatives”, but the EU written guidance<sup>1</sup> states that the alternatives chosen should be realistic. The guidance also states that “a deliberate selection of alternatives for assessment, which had much more adverse effects, in order to promote the draft plan or programme would not be appropriate”. Therefore the seven spatial options assessed are considered to be realistic.

However, it was considered important to include and appraise the OAHN range of options (non-spatial) which provide different levels of housing growth, as described in section 10.3.1, this included an option of meeting the full housing need which is housing growth option C and a higher growth option, option B.

The OAHN for the plan period (2006 to 2031) is 6,250. However, when the number of houses built between 2006 and 2014 and sites under construction or with planning permission as of the 31<sup>st</sup> March 2014 are taken into account, there is an outstanding need of 4,352 homes as set out in table 10.2 of the SA (6,250 minus 1,898). There were seven spatial options appraised in the SA and it is worth noting that option 6 which had the highest level of provision, which also assumed green belt sites would be allocated and developed, had a total capacity of 3,790. This is 562 dwellings below meeting the remainder of the OAHN once completions and outstanding permissions are taken account of.

A hypothetical spatial option 8 which meets the remaining OAHN could be formed by using sites which have been ruled out by the site selection process because their delivery is considered unrealistic in this plan period. These sites will have already been appraised through the SA process (Annex G) and gone through the site selection process. However, this option would be considered unrealistic because it could not be delivered over the plan period and therefore the Council does not consider this to be a reasonable alternative.

**Concern 2: Housing Delivery** – I am content at this stage to allow the Borough’s approach to calculating its objectively assessed housing need to be scrutinised at the Examination Hearings. (However, I am informed that there will be an updated series of CLG household projections (2012 based) coming out in March, which will no doubt be considered at the Hearings.)

However, I do have a number of soundness concerns over the deliverability of the full housing requirement. I will summarise these concerns as follows:

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<sup>1</sup> “Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment”, [http://ec.europa.eu/environment/archives/eia/pdf/030923\\_sea\\_guidance.pdf](http://ec.europa.eu/environment/archives/eia/pdf/030923_sea_guidance.pdf)

- (i) How certain is the commitment by North Warwickshire Borough Council and Lichfield District Council to each provide 500 dwellings over the plan period? Is there anything more definite than Memorandums of Understanding, for example in the form of a signed and dated Agreement?

The Duty to Co-operate Statement (Document A14) sets out the strategic planning vision for Tamworth and how the Council has co-operated with other local authorities in addressing strategic planning issues. This document details how Tamworth has worked with neighbouring authorities and what the outcomes have been. The statement sets out how both Lichfield and North Warwickshire Council's have both recently adopted Local Plans which set out how they will help to meet Tamworth's housing needs by adding at least 500 dwellings to both of their housing requirements to be delivered over their plan periods.

Further to the details contained in A14; Lichfield District Council's Local Plan Strategy (adopted 17 February 2015) states in the Vision (paragraph 3.1) that new sustainably located development will meet the needs of Lichfield District and needs arising in Rugeley [Cannock] and Tamworth. Core Policy 1: The Spatial Strategy refers to Land to the North of Tamworth, which is quantified in the Proposed Settlement Hierarchy (page 26 Table 4.1), Core Policy 6: Housing and Delivery and Policy: North of Tamworth (paragraph 15.2) as 1000 dwellings, 500 of which will assist in meeting Tamworth's needs. Paragraph 4.6 makes provision for Lichfield District meeting Birmingham and Tamworth's needs because both authorities are unable to meet their needs within their administrative boundaries. Lichfield District Council is committed to an early or partial review of the local plan if jointly commissioned evidence reveals that additional land is needed in Lichfield District for these authorities.

North Warwickshire's Core Strategy (adopted 9 October 2014) states in paragraph 1.7 that there is the potential requirement to meet the needs of Tamworth. Paragraph 1.9 commits North Warwickshire to work collaboratively with other authorities, in particular Birmingham and Tamworth, to establish through Duty to Co-operate the scale and distribution of housing and employment shortfalls. An early review of the local plan would be brought forward if a change of provision is needed. Paragraph 7.11 refers to the Memorandum of Understanding between Tamworth Borough Council, Lichfield District Council and North Warwickshire Borough Council to ensure delivery of housing if and when required and is quantified as 500 dwellings for North Warwickshire. Paragraph 7.13 delegated the specific location of these 500 dwellings to the Site Allocations Development Plan Document.

Policy NW4: Housing Development states that 500 dwellings will meet Tamworth's needs.

- (ii) If Cannock Chase is included within the same HMA as Tamworth, has that Council been approached to meet some of Tamworth's remaining 1,000 houses which it still needs over the plan period? If not, what is the Plan's policy stance in relation to this quite significant amount of housing needed to meet Tamworth's need? Evidence of dialogue between Cannock Chase and Tamworth Councils is important on this issue and on Duty to Cooperate (DTC) in general. In fact, evidence is needed of the dialogue that has been undertaken between Tamworth Borough Council and all the neighbouring authorities as part of the DTC.

Cannock Chase is part of the same HMA as Tamworth and Lichfield. Similarly to Tamworth, Cannock Chase by virtue of its tightly drawn boundaries, environmental constraints and the desire to grow its settlements proportionately is reliant upon neighbouring authorities to help deliver its housing need. There is an agreement between Cannock Chase and Lichfield District (and Tamworth) which sets out how Lichfield District will deliver 500 houses of Cannock Chase's housing need. Paragraph 6.12, bullet point 1 of Cannock Chase Local Plan (Part 1)<sup>2</sup> – adopted in 2014 outlines this agreement in the plan. In Lichfield's Local Plan it is stated in the Vision (paragraph 3.1) that new sustainably located development will meet the needs of Lichfield District and needs arising in Rugeley [Cannock] and Tamworth. Core Policy 1: The Spatial Strategy refers to the East Rugeley Strategic Development Location which is quantified in the Proposed Settlement Hierarchy (page 26 Table 4.1), Core Policy 6: Housing Delivery and Policy: East of Rugeley as 1125, of which 500 would meet the needs of Rugeley.

From the outset of preparing the joint SHMA (Document B4) with Cannock Chase and Lichfield District it has been clear that Cannock is unable to meet its own housing needs to 2028 within its boundaries and therefore it was considered that it would be illogical to enter into detailed discussions with Cannock about helping to meet Tamworth's needs. The same has been applied in reverse; Cannock has not approached Tamworth requesting to help meeting their needs.

Therefore because of this situation the strategic planning meetings with Cannock Chase have been concerned with the HMA only and not providing assistance to meet housing needs.

Furthermore, with regards to Lichfield meeting part of Tamworth and Cannock Chase's respective OAHNs in his final report for Lichfield's Local Plan, Inspector Robert Yuille stated at paragraphs 11 and 12 that:

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<sup>2</sup>[http://www.cannockchasedc.gov.uk/downloads/file/4746/cannock\\_chase\\_local\\_plan\\_part\\_1\\_2014](http://www.cannockchasedc.gov.uk/downloads/file/4746/cannock_chase_local_plan_part_1_2014)

*“The Council [Lichfield] has signed a MoU [September 2014] in which it and North Warwickshire District Council agree to deliver a proportion of the remaining 1,000 dwellings [for Tamworth]. It has, however yet to establish how many of the 1,000 additional houses will be located in Lichfield. The Council proposes to deal with this by way of MM1 which includes a reference to Lichfield accommodating some of Tamworth’s growth which, depending on the scale of that growth, would be done either through an early review or partial review of the Plan or through the Lichfield District Local Plan: Allocations document which the Council intendeds to prepare.*

*I consider this to be the best way forward. I see no merit in the suggestion that Tamworth’s housing shortfall should be met entirely within the Tamworth, Cannock and Lichfield Housing Market Area – **which in practice would mean entirely within Lichfield**... This ignores both the undisputed links that exist between North Warwickshire and Tamworth and the fact that North Warwickshire has agreed to take a proportion of Tamworth’s housing needs.”*

The Plan’s policy stance in relation for the remaining 1,000 houses is set out in Policy SS1:

*Between 2006 and 2031 a minimum of 4,250 dwellings will be built in Tamworth... Tamworth’s objectively assessed housing need [6,250] cannot be fully met, therefore a minimum of 2,000 new homes will be delivered outside of the Borough within locations which assist the delivery of Tamworth’s strategy and those of its neighbours... Lichfield District Council and North Warwickshire Borough Council have both committed to help deliver the remaining unmet need of 1,000 dwellings arising from Tamworth.*

The Duty to Co-operate Statement (A14) sets out how Lichfield and North Warwickshire have committed to continue working with Tamworth to help deliver the remaining 1,000 dwellings. The most recent Memorandum of Understanding between the three authorities is set out in Appendix E of that statement. It sets out several objectives which the three authorities are working towards.

*Objective 1:*

*Lichfield District Council and North Warwickshire Borough Council agree to deliver a proportion of the remaining minimum 1,000 homes required to meet Tamworth Borough Council’s objectively assessed housing need in accordance with the outcomes of objective 2.*

*Objective 2:*

*For the three authorities... to work together to seek solutions to deliver the remaining unmet housing and employment needs arising from Tamworth. This can be achieved through a range of options such as:*

- *Joint Development Plan Document*
- *Joint Strategy*
- *Joint Evidence*
- *Where appropriate within the emerging GBSLEP Spatial Framework*

The increase in housing need to be delivered by Tamworth's neighbours was put to both Lichfield and North Warwickshire post-submission of their respective Local Plans and close to their hearing sessions. The Inspectors of both Local Plans felt that for Lichfield and North Warwickshire to respond to this increase from Tamworth in their submitted plans was unrealistic. However to address the issue modifications were made to ensure the soundness of both plans. As already detailed in Concern 2 (i) both Lichfield and North Warwickshire made modifications to their plans as follows:

For Lichfield, paragraph 4.6 to make provision for meeting Birmingham and Tamworth's needs because both authorities are unable to meet their needs with their administrative boundaries. This commits Lichfield District Council to an early or partial review of the local plan if jointly commissioned evidence reveals that additional land is needed in Lichfield District for these authorities.

For North Warwickshire, paragraph 1.9 of their Local Plan commits them to work collaboratively with other authorities, in particular Birmingham and Tamworth to establish through the Duty to Co-operate, the scale and distribution of housing and employment shortfalls. An early review of the local plan would be brought forward if a change of provision is needed.

Further to these agreements and commitments within Local Plans, the Local Development Schemes for Lichfield and North Warwickshire have both programmed in the adoption of Site Allocation documents within the next few years. For Lichfield they anticipate adoption by January 2017 and for North Warwickshire by late 2016. Both local authorities cite their respective Site Allocation documents as appropriate mechanisms to deliver the remaining unmet 1,000 homes arising from Tamworth by 2031.

(iii) Does the Council have an allowance for windfall sites, which may reduce the need to find at least some of the extra one thousand new houses referred to above?

National Planning Policy Framework paragraph 48 states that a local planning authority may make an allowance for windfall sites in the five years supply if they have compelling evidence that such sites have been consistently become available in the local area and will continue to provide a reliable source of supply.

The Council have monitored past housing completions and this does not provide compelling evidence that such sites have been available at a consistent level.

Planning Policy Guidance gives advice on windfall allowances which recommends that local planning authorities identify broad locations in years 6-15, which could include a windfall allowance. All potential broad locations in Tamworth have been assessed through the site selection process and those which are developable or deliverable have been proposed as allocations in the Local Plan.

In 2013 the Council considered including a Windfall allowance during the preparation of the draft Local Plan, however at that time there was no compelling evidence to demonstrate that windfalls would provide a reliable source of supply once the Local Plan is adopted. This assessment was recently updated to take into account the latest monitoring information. A summary of that is detailed below.

It is clear through the analysis of past trends and known future consented supply that the amount of windfalls has gradually declined and will continue to do so. Specifically the supply of large windfall sites has dried up as has the supply of windfall from former employment uses and residential redevelopment. This is unsurprising given the unusually high level of overall past brownfield development in Tamworth (in excess of 90% of completions since 2006 have been on brownfield sites).

There appears to be a more consistent trend of windfalls from sites sized 1-9 units and those within local and neighbourhood centres. However the amount of windfalls coming through this route will reduce as there is only a limited number of areas to do this in.

Taking into consideration the analysis of trends and more detailed assessment of site sizes and previous uses it is uncertain that a consistent supply of windfalls can be sustained. In addition to this, it is important to consider that: the emerging Local Plan seeks to bring forward a larger amount and more diverse range of housing allocations than the previous Local Plan; and it is likely the house building industry will move to develop sites with a higher certainty of securing planning permission (i.e. those which are allocated in the plan) than bringing forward windfall sites.

Therefore the Council still does not consider there to be compelling evidence which could support a realistic windfall allowance for the five year housing supply.

Making an unrealistic allowance for windfalls within the Local Plan would create uncertainty to the delivery of housing and therefore risk the Council's ability to maintain a five year housing land supply. Given that Tamworth is reliant upon

neighbouring authorities to deliver a proportion of its housing needs it is important that the supply of future housing has a good level of certainty to it. If an assumed windfall rate failed to be delivered, it would require Tamworth to request neighbouring authorities to deliver a higher amount of housing in the future. This would cause an unnecessary delay to housing delivery if it depends on further reviews of Local Plans in other authorities at a later date than those already expected.

- (iv) An updated estimate of Tamworth's 5 year housing supply, including the 5% buffer as required by *the Framework* (paragraph 47[2]), needs to be provided by the Council (or I need to be pointed to where I can find it).

### **Tamworth's five year housing supply, as of 1<sup>st</sup> April 2014, using proposed housing allocations in the pre-submission Local Plan.**

The Local Plan establishes the objectively assessed housing need for Tamworth to be 250dpa or 6,250 between 2006 and 2031. For reasons explained in the Plan, Tamworth is unable to meet this need and therefore a lower housing target has been set of 170dpa or 4,250 between 2006 and 2031.

Therefore the 5 year requirement = 850 dwellings

#### **Persistent Under Delivery**

*From Year 0 (now)*

There is currently a cumulative net under delivery of 19 units in Tamworth from 2006 to 31 March 2014. From the past 8 years, 3 have seen much higher rates of completion than required and only 2 non-consecutive years of significant under delivery. Given the good record of past delivery and only 19 units under delivered the Council believe only a 5% buffer should be applied.

5 year requirement + under delivery = 869

$869 \times 1.05 = 912$  (912.45) – 5% buffer

$869 \times 1.20 = 1043$  (1042.8) – 20% buffer

*From Year 1 (anticipated year of adoption)*

However, by the year of adoption it is estimated that there will be a cumulative under supply of 126 units by 31 March 2015. The main reason for this will be a lack of allocations left to build out from the previous local plan and the large local plan allocation failing to progress to outline permission until Sept 2014. The Council still believe a 5% buffer should be applied.

5 year requirement + expected under delivery = 976

976x1.05 = 1025 (1024.8) – 5% buffer

976x1.20 = 1171 (1171.2) – 20% buffer

### Supply of Land

Appendix A of the Local Plan sets out the future supply of housing in Tamworth, which is made up of sites with permission, sites under construction and proposed housing allocations.

Years 1 to 5 of Appendix A demonstrates there will be 1201 units (net) within the housing supply. It is clear that the supply can meet all four supply scenarios.

### Tamworth's five year housing supply, as of 1<sup>st</sup> April 2014, without using proposed housing allocations of the pre-submission Local Plan.

### Supply of Land

The Availability of Residential Land 31 March 2014 (Document B1) sets out the supply of housing in Tamworth, which is made up of sites with permission and sites under construction. The five year housing supply set out is 463 units.

It is clear from these two statements that without an adopted Local Plan with site allocations Tamworth will not be able to maintain a five year supply of housing.

- (v) There appears to be a discrepancy between the 2,948 dwellings on allocated housing sites in the Local Plan (paragraph 3.11) and 3,088 dwellings in the Site Selection Paper (i.e. 765 dwellings from 20 allocations and a further 2,323 dwellings from SUEs); is the difference largely accounted for by the 140 dwellings which have been identified as having potential flood risk issues?

Yes the difference is accounted for by the 140 dwellings on sites covered by the SFRA Level 2 sites. Paragraph 5.3 of the Local Plan explains why these sites will not be relied upon due to the uncertainty over the deliverability of flood risk mitigation. The following table is adapted from the housing trajectory at Appendix A with sub totals for the separate categories of allocation:

ID	Site Name	Total Capacity
<b>URBAN AREA SITES</b>		
341	Land south of St.Peter's Close Phase 2	17
343 (with 344)	Land off Cottage Farm Road	48
344 (with 343)	Derelict buildings south of B5404	6
347	Phoenix Special Purpose Machines, Hospital	18

	Street	
348	Norris Bros, Lichfield Street	20
349	Arriva Bus Depot, Aldergate	40
357	Northern Part of Beauchamp Employment Area	34
358	Whitley Avenue	35
399	Coton's van Hire / Millfields House, Lichfield Road	12
406	Land north of Coton Lane	196
462	Car Park off Park Farm Road	13
488	Staffs County Council Care Home, New Road	16
496	Seaton Hire Ltd and land to south, Wilnecote Lane	14
507 508 509)	(with and Club, Spinning School Lane	12
508 507 509)	(with and Magistrates Courts and Police Station	46
509 507 508)	(with and Youth Centre, Albert Road	16
521	Former railway goods yard, Wilnecote	30
541	Adjacent to Tame Valley Alloys	26
550	Solway Close	26
	<b>SUB TOTAL</b>	<b>625</b>
<b>STRATEGIC SITES</b>		
	Golf Course	1100
	Anker Valley	500
	Dunstall Lane	723
	<b>SUB TOTAL</b>	<b>2323</b>
	<b>TOTAL (URBAN AREA + STRATEGIC SITES)</b>	<b>2948</b>
<b>SFRA LEVEL 2 SITES</b>		
387	Coton House Farm	77
390	Coton Hall Farm	35
591 & 593	Co-op Filling Station and land west of	22
504	Treetops Garage, Dosthill	6
	<b>SUB TOTAL</b>	<b>140</b>
	<b>TOTAL (URBAN AREA + STRATEGIC SITES + SFRA LEVEL 2 SITES)</b>	<b>3088</b>

**Concern 3: Green Belt** – Whilst I am persuaded of the logic to retain parcel A within the Green Belt, I am less convinced that none of parcel B should be developed for housing, especially in view of the need to restore and remediate land affected by

former quarry activity in parts of this area. I also note that Lichfield is removing part of its Green Belt, partly as I understand it to meet some of Tamworth's housing need.

The NPPF (Document J1) in paragraph 90 states that mineral extraction is not inappropriate in the Green Belt providing it preserves its openness and does not conflict with the purposes of including land in the Green Belt. The area of land in question within Parcel B remains open and continues to fulfil the purpose of the Green Belt.

Condition 3 attached to the permission granted in November 1994 (T.17380 <http://apps.staffordshire.gov.uk/CPLand/Details.aspx?applicationID=133690>) to extract clay from Wilnecote Quarry include all operations to be completed by 2035 and subsequent filling and restoration of the land to agriculture. The [Staffordshire Minerals Draft Local Plan](#) does not allocate the land for future working because the clay supply is less than 15 years and there is insufficient information about additional potential resources to justify its allocation (paragraph 3.10). It is therefore expected that the quarrying operations will continue for at least 4 years beyond the plan period after which a period of land filling and restoration will be required which could take several more years. Therefore the quarry area in Parcel B cannot provide any housing within this plan period and the intention to restore it to agriculture will retain the Green Belt boundary and function as currently defined.

The area affected by quarry land has never been identified as potential development land nor promoted for development in the various calls for sites since 2006; therefore a potential site has not been assessed and does not have a reference number in the SHLAA, Sustainability Appraisal or Site Selection Paper.

The Inspector for the Lichfield Local Plan examination indicated in his initial findings that Lichfield District Council had provided for insufficient overall growth and needed to provide for 900 additional dwellings and extend the plan period to 2029. The District Council identified that options for meeting the scale of housing required would potentially impact on the Green Belt. The District Council's supplementary Green Belt Review Addendum states that it may be necessary to safeguard land around Lichfield and to identify minor amendments within the Land Allocations DPD. Any potential release of Green Belt land is therefore driven by Lichfield District Council to meet its needs and not because Tamworth has requested it. Tamworth Borough Council has not asked Lichfield District Council to release Green Belt to meet Tamworth's needs. As stated above in the response to Concern 2 (i) Lichfield Council have specified where the initial 500 dwellings to meet Tamworth's housing needs will be located. This was specified at the submission of their Local Plan and not included through modifications. As set out in the September 2014 MoU, and within their respective adopted Local Plans North Warwickshire and Lichfield have committed to work with Tamworth to identify where the remaining unmet need for Tamworth will be located.

**Concern 4: Employment Land** – The shortfall of 14 ha out of the Plan requirement for 32 ha of new employment land is significant, and the Plan needs to give an indication as to where this land is likely to be found (presumably outside the Borough, but where and what is the likelihood that this amount of land can be implemented within the plan period?).

Regarding employment need and allocations, Paragraph 21 of the NPPF states that: “In drawing up Local Plans, local planning authorities should:

- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;”

Allocations are not therefore required if criteria are set to meet needs, although the Plan has allocated sites where possible.

Policy SS1 of the Plan sets single criteria for sites outside of Tamworth: “A further 14ha of employment land will be required outside of the Borough within locations which assist the delivery of Tamworth’s strategy and those of its neighbours.” The supporting text at paragraph 3.28 explains: “It is important that the employment need coming forward in adjoining local authorities helps to meet the strategic spatial priorities of this Local Plan and is aligned with areas of housing growth.” The Council consider that although more detailed criteria would be desirable, that is a matter for our neighbours’ Local Plans. Paragraph 4.66 is also helpful in highlighting areas outside the Borough which already contribute to Tamworth’s economy and employment of the Borough’s residents, including Birch Coppice to the South East in North Warwickshire.

The Duty to Co-operate Statement (A14) sets out how Lichfield and North Warwickshire have committed to continue working with Tamworth to help deliver the employment land shortfall. The most recent Memorandum of Understanding between the three authorities is set out in Appendix E of that statement. It sets out several objectives which the three authorities are working towards.

*Objective 2:*

*For the three authorities... to work together to seek solutions to deliver the remaining unmet housing and employment needs arising from Tamworth. This can be achieved through a range of options such as:*

- *Joint Development Plan Document*
- *Joint Strategy*
- *Joint Evidence*
- *Where appropriate within the emerging GBSLEP Spatial Framework*

The need for employment land to be delivered by Tamworth's neighbours was put to both Lichfield and North Warwickshire post-submission of their respective Local Plans and close to their hearing sessions. The Inspectors of both Local Plans felt that for Lichfield and North Warwickshire to respond to this request from Tamworth in their submitted plans was unrealistic. However to address the issue modifications were made to ensure the soundness of both plans. As already detailed in this letter both Lichfield and North Warwickshire made modifications to their plans as follows:

For Lichfield, paragraph 4.6 of their adopted Local Plan makes the provision for meeting Birmingham and Tamworth's needs because both authorities are unable to meet their needs with their administrative boundaries. This commits Lichfield District Council to an early or partial review of the local plan if jointly commissioned evidence reveals that additional land is needed in Lichfield District for these authorities.

For North Warwickshire, paragraph 1.9 of their Local Plan commits them to work collaboratively with other authorities, in particular Birmingham and Tamworth to establish through Duty to Co-operate, the scale and distribution of housing and employment shortfalls. An early review of the local plan would be brought forward if a change of provision is needed.

Further to these agreements and commitments within Local Plans, the Local Development Schemes for Lichfield and North Warwickshire have both programmed in the adoption of Site Allocation documents within the next few years. For Lichfield they anticipate adoption by January 2017 and for North Warwickshire by late 2016. The adopted Local Plans of both local authorities cite their respective Site Allocation documents as appropriate mechanisms to deliver the remaining unmet 14ha of employment land arising from Tamworth by 2031.

Further to these strategic planning discussions and agreements, North Warwickshire Borough Council has granted permission (PAP/2014/0014) for 8.47 ha of land adjoining the Centurion Park Strategic Employment Area in Tamworth, for B1(c), B2 and B8 use classes. An application from the same developers is pending a decision (PAP/2014/0648) on land immediately to the south east on the other side of the M42 for 25.4 ha of land for B1(c), B2 and B8 use classes. The applicant's planning statement and the officer's interim report acknowledge the strategic planning issues and the Duty to Co-operate regarding the latter proposal and the need to accommodate Tamworth's unmet employment need. Only the former of these sites was proposed to be allocated to meet North Warwickshire's own employment land needs in the June 2014 Site Allocations Plan Draft Pre-submission Consultation Document; Tamworth Borough Council made a representation to that consultation highlighting that the permission/proposed allocation would form an extension to Centurion Park in Tamworth and would in reality serve Tamworth. Neither of the sites relate to the areas discussed in paragraphs 7.35 to 7.38 of North Warwickshire's adopted Core Strategy. Separate permissions have been granted on other proposed allocation sites to meet a 27 ha net need for North Warwickshire:

PAP/2013/0269 and PAP/2013/0272 for approximately 27.5 ha combined at Hall End Farm. Therefore North Warwickshire has met their need on these two sites alone.

The Council therefore consider that there is a strong likelihood of sites to the south east of Tamworth in North Warwickshire meeting the 14 ha shortfall within the plan period.

**Concern 5: Gypsies and Travellers Accommodation** – It is unclear from policy HG7 whether the proposed single pitch allocation is to be provided within Tamworth or elsewhere, and if the latter, what degree of commitment there is from the relevant authority? The Government’s Planning Policy for Traveller Sites requires specific site allocations, and the Council needs to address this requirement.

The Council recognises that national guidance states local planning authorities should identify deliverable or developable gypsy and traveller sites based on criteria. Unfortunately no sites in Tamworth have been promoted by landowners or suggested by gypsy and traveller communities or those representing them and therefore it has not been possible to make a deliverable or developable allocation. The Council will therefore work collaboratively with its neighbours and other stakeholders, in line with ‘Planning policy for traveller sites’ to meet this need which may result in the pitch being delivered outside the Borough. Officer agreement to continue to address the need through future Duty to Cooperate meetings is recorded at paragraph 3.10 of [A14](#). Nevertheless, criteria are set in policy HG7 for the determination of proposals within the Borough in the event a planning application is received so that the need can be met locally where appropriate.

With a requirement of one pitch over the plan period and no pitches put forward to the Council to be considered for allocation, the Council believes that a criteria based assessment for allocations is a proportional response to addressing the requirement set out in Planning Policy for Traveller Sites.

**Concern 6: Affordable Housing (AH)** – Is the Plan target of at least 1,000 AH at 40 dpa affected by the changes in the recent PPG Guidance on AH?

The target is unaffected by recent changes as it is calculated from the affordable housing contribution of allocated sites. All of these sites are over the 10 dwelling threshold, except for Treetops Garage, Dosthill. This site was covered by the SFRA Level 2 and was therefore not included in the calculation of the target.

**Concern 7: Appropriate level of detail for Sustainable Urban Extensions (SUEs)** – The 2012 Local Plan Regulations state that the allocation of sites and policies for their development cannot be devolved from a local plan to supplementary planning documents (SPDs). It is also clear that policies such as development management policies, site allocations and policies concerning infrastructure provision cannot be ‘hidden’ in SPDs. The remit of an SPD, a master plan or a planning brief is limited to any environmental, social, design or economic objectives

which are relevant for the attainment of development or the use of land. It is for the local plan to set the appropriate level of detail.

Any major development sites in the local plan, such as the SUEs, which cover a range of uses and/or significant areas of housing will require inset diagrams and an appropriate amount of detail to cover the 'what', 'where' and 'when' questions [PPG paragraph 001 ID: 12-002-20140306]. At this stage all I would need from the Council is a commitment to preparing Inset Diagrams in time for the Hearings and it is my normal practice to hold a relatively informal session where the appropriate level of detail to be included in the policy and Inset Diagrams.

The Council can commit to preparing Inset Diagrams to be used at any hearing sessions. The Council has prepared document B11 – The Delivery of Sustainable Urban Extensions. This document seeks to cover the what, where, when and how questions associated with delivering large housing allocations. Within this document are indicative diagrams / high level master plans which show possible site layouts showing possible locations for a range of land uses and where infrastructure (such as road access points) could be located. Policy HG2 – Sustainable Urban Extensions sets out the detail and required infrastructure for each of the three SUEs. The Infrastructure Delivery Plan (Appendix B in the Plan) sets out the infrastructure requirements for each SUE in detail: cost, funding, delivery agency, phasing and whether that item is essential to deliver the plan.

### **Other matters**

I note in the letter from Tamworth District Council dated 5 February 2015, that the Council would like my views as early as possible on the schedule of minor changes (Appendix 3 of the Council's Consultation Statement – Examination Document A15). I have looked at the list and I consider that two of them go to soundness, i.e. MOD051 and MOD052 regarding requirements of the UE Water Framework Directive. These two modifications should therefore be classified as main modifications on which the Council will need to consult following the Hearings stage of the Examination.

MOD051 and MOD052 can be added to a Main Modifications list when one is requested.

Once I have the Council's response to my letter, I shall indicate a provisional timetable for the next stages of the Examination of the Plan. Perhaps an initial response from the Council would be helpful, which I could see on my return from leave on Monday 23 February.

The Council look forward to receiving your indicative timetable for the next stages of the Plan's Examination.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alex Roberts', written in a cursive style.

Alex Roberts

Development Plan Manager

Tamworth Borough Council