
Report to Tamworth Borough Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION OF THE TAMWORTH

LOCAL PLAN 2006-2031

Document submitted for Examination on 5 February 2015

Examination Hearings held between 16 and 25 June 2015

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Abbreviations Used in this Report

A1	Use Class A1 – Shops
AA	Appropriate Assessment
AH	Affordable Housing
AONB	Area of Outstanding Natural Beauty
B1	Use Class B1 - Business
B1 (a)	Offices, other than a use within Class A2 (Financial Services)
B1 (b)	Research and development of products or processes
B1 (c)	Light industry
B2	Use Class B2 – General Industrial
B8	Use Class B8 – Storage & Distribution
BDL	Broad Development Location
BMV	Best and Most Versatile Agricultural Land
DCLG	Department for Communities and Local Government
dpa	dwellings per annum
DPD	Development Plan Document
dph	dwellings per hectare
FRA	Flood Risk Assessment
GBR	Green Belt Review
GTANA	Gypsy and Traveller Accommodation Needs Assessment
HMA	Housing Market Area
HRA	Habitats Regulation Assessment
IDP	Infrastructure Delivery Plan
IR	Inspector's Report
JVH	JVH Town Planning Consultants Ltd (consultants for several landowners)
LDC	Lichfield District Council
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LP	Local Plan
MM	Main Modification
MOU	Memorandum of Understanding
NE	Natural England
NLP	Nathaniel Lichfield & Partners (consultants for the Council)
NWBC	North Warwickshire Borough Council
OAN	Objectively assessed housing need
ONS	Office of National Surveys (Formerly OPCS)
PDL	previously developed land
PPG	Planning Practice Guidance
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SAC	Special Area of Nature Conservation
SCC	Staffordshire County Council
SCG	Statement of Common Ground
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
sq m	square metre
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNHP	Sub National Housing Projections
SNPP	Sub National Population Projections
SuDS	Sustainable Urban Drainage Schemes
SUE	Sustainable Urban Extension
TBC	Tamworth Borough Council
WYG	White Young Green (consultants for Henry Boot Developments)

Non-Technical Summary

This report concludes that the Tamworth Local Plan provides an appropriate basis for the planning of the Borough, providing a number of main modifications are made to the plan. Tamworth Borough Council has specifically requested me to recommend any main modifications necessary to enable the plan to be adopted.

All of the main modifications were proposed by the Council but where necessary I have amended detailed wording and I have recommended their inclusion after considering the representations from other parties.

The main modifications can be summarised as follows:

- Insert a commitment to review the Plan, should the full objectively assessed housing need (OAN) requirement to be met outside the Borough not have been positively identified by the end of 2017/18;
- Update the OAN for Tamworth in the light of the latest household projections and other relevant indicators;
- Insert a commitment to and set out the parameters of the Gungate retail redevelopment scheme;
- Clarify the marketing requirements for the development of non B1 (b and c), B2 and B8 uses on strategic employment land;
- Increase the housing provision to be provided within the Borough from 4,250 to 4,425, with a corresponding reduction of that part to be provided within neighbouring authorities from 2,000 to 1,825 dwellings; and modify the housing trajectory to take account of the increased housing provision within the Borough;
- Amend the policy for sustainable urban extensions (SUEs) to incorporate elements of significant historic landscape;
- Insert Inset Diagrams for the three SUEs of Anker Valley, Golf Course and Dunstall Lane, to accord with the appropriate level of detail required in the Local Plan Regulations; amend the Anker Valley SUE to ensure the protection of important long distance views; amend the Golf Course SUE to include an additional roundabout junction at Glascote Road/ Marlborough Way; and amend the Dunstall Lane SUE to ensure the provision of improved pedestrian and cycle links to the north-east of the SUE;
- Amend specialist housing policy to refer to extra care housing criteria, in line with the Government's Planning Practice Guidance (PPG);
- Amend gypsy and traveller (G&T) accommodation policy to emphasise equal treatment and access to healthcare;
- Include support for development that preserves best and most versatile (BMV) agricultural land;
- Insert requirement for appropriate archaeological recording;
- Insert requirements of the Water Framework Directive; and the need for maintenance of existing flood defences and flood alleviation; and
- Make reference to the Council's commitment to consider a review of the Green Belt boundaries should the full OAN requirement to be met outside the Borough not have been positively identified by the end of 2017/18.

Introduction

1. This report contains my assessment of the Tamworth Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework, or *the Framework*¹ (paragraph 182) makes it clear that to be sound, a Local Plan should be positively prepared; justified; effective; and consistent with national policy.
2. The starting point for the Examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my Examination is the submitted draft plan (February 2015) which is the same as the document published for consultation in October-December 2014.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report **[MM]**. In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications (MMs) that are necessary for soundness all relate to matters that were discussed at the Examination Hearings. Following these discussions, the Council prepared a schedule of proposed MMs, which was subject to public consultation for six weeks from 10 September to 30 October 2015. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

Assessment of Duty to Co-operate (DTC)

5. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
6. The Council's DTC Statement² and its submitted Written Statement for the Examination³ set out how the Council addressed the requirements of the DTC in the preparation of the Plan. In particular, the Council points to the collaborative work it has undertaken with its two neighbouring authorities, Lichfield District Council (LDC) and North Warwickshire Borough Council (NWBC), in order to address strategic issues, including Tamworth's unmet housing need, and need for employment land; and highways issues regarding

¹ DCLG: National Planning Policy Framework (*the Framework*); March 2012.

² Tamworth Borough Council (TBC) Duty to Co-operate Statement; October 2014 [Examination Document A14].

³ TBC – Statement HS.05 - Local Plan Written Statements for Examination: Response to Theme 2 – Duty to Co-operate.

the Anker Valley Sustainable Urban extension (SUE) and LDC's Broad Development Location (BDL) to the north of Tamworth. Both these neighbouring authorities and Staffordshire County Council (SCC) confirmed at the Hearings that the DTC had been met in the preparation of the Plan. The Council has engaged with the spatial strategy work of the Greater Birmingham and Solihull Local Economic Partnership (LEP) and has also engaged with the Stoke and Staffordshire LEP.

7. The Council points to a long era of constructive and collaborative working with other authorities within the Greater Birmingham area, extending back to the preparation of the now revoked West Midlands Regional Spatial Strategy (RSS). The authorities and organisations that the Council has engaged with and the nature of the co-operation and strategic working has resulted in the following key outcomes:
 - (i) Consistent methodology and evidence base for assessing housing need.
 - (ii) Commitment in the adopted Lichfield District Local Plan to deliver 500 dwellings to meet Tamworth's need.
 - (iii) Commitment in the adopted North Warwickshire Local Plan: Core Strategy to deliver 500 dwellings to meet Tamworth's need.
 - (iv) Agreement through a Memorandum of Understanding (MOU) (October 2014)⁴ for LDC and NWBC to deliver a proportion of the remaining minimum 1,000 homes required to meet Tamworth's objectively assessed housing need (OAN).
 - (v) Commitment in both LDC's and NWBC's Local Plans to a review or to progress Site Allocation Development Plan Documents (DPDs) which will make provision for a proportion of Tamworth's remaining unmet housing need.
 - (vi) Agreement through a MOU (October 2014) for LDC and NWBC to seek solutions to deliver Tamworth's unmet need of 14ha of employment land.
 - (vii) Informing the Infrastructure Development Plan (IDP) and policy IM1 of the Plan regarding infrastructure and developer contributions.
8. Some representors consider that the outcomes from the Council's collaboration with neighbouring authorities are vague and inconclusive in relation to housing and employment land. One representor expresses danger of a thousand dwelling shortfall in Tamworth, and argues for greater clarity. Both neighbouring authorities, however, stated their firm intention at the Hearings to allocate specific housing and employment sites to meet a significant proportion of Tamworth's unmet need, and to work together constructively to bridge the gaps completely, in line with the list of key outcomes set out above.

⁴ MOU between Tamworth BC, Lichfield DC and North Warwickshire BC; October 2014 [Appendix E of Examination Document A14].

9. Whilst these outcomes do not guarantee delivery of all Tamworth's unmet housing and employment land requirements, they provide a strong measure of certainty, given the obvious lack of control the Council has in securing the implementation of specific development sites outside its administrative boundary. NWBC pointed to specific developments to contribute towards Tamworth's unmet need, which are either completed or which have planning permission, as well as pointing to the preparation of a Site Allocations Plan, with public consultation programmed to be completed by the end of 2015. Both LDC and NWBC have made provision for early reviews of their development plans should there be a shortfall in the rate of housing and employment land development to meet the full extent of Tamworth's needs.
10. Further proof of this collaboration is found in the series of MOUs in recent years between the Council, LDC and NWBC, responding to the changing situation.
11. Although I note the concerns expressed in written submissions and at the Hearings, it is important to make it clear that DTC does not equate to a 'Duty to Agree'. Overall I am satisfied from the evidence, both in relation to the nature of the collaboration and from the outcomes, that the Council has engaged constructively, actively and on an on-going basis and that the duty has therefore been met.

Assessment of Soundness

Preamble

12. Tamworth is a free standing town with good national road and rail links. Its population of 76,400 in 2010 is forecast to rise by 12% to 85,700 by the end of the plan period⁵, but this is less than in earlier decades when the Borough was a designated Birmingham overspill town. Tamworth is part of the Southern Staffordshire Housing Market Area, along with the Districts of Lichfield and Cannock Chase. It also shares close housing market links with the Borough of North Warwickshire and economic links with the City of Birmingham. It is contained by a tight administrative boundary, and its development potential is further constrained by Green Belt, flood plains and areas of significant biodiversity.

Main Issues

13. Taking account of all the representations, written evidence and the discussions that took place at the Examination Hearings, I have identified eight main issues upon which the soundness of the Plan depends.

Issue 1 – Does the Plan provide the most appropriate spatial strategy for the development of Tamworth over the plan period?

The spatial context

14. Local Plans should be consistent with the principles and policies in *the Framework* (paragraph 151) and its supporting document, the Planning

⁵ Staffordshire County Council: Health and wellbeing profile for Tamworth Borough Council; May 2012.

Practice Guidance (PPG). This includes the presumption in favour of sustainable development, which is set out in policy SS2 of the Plan. The PPG sets clear expectations for Local Plans to set a vision and framework for the future development of the area⁶. The Plan articulates a clear spatial vision for Tamworth to the year 2031. The Plan's vision also includes the need to make the most efficient and sustainable use of the Borough's limited supply of land. It focuses most new development within the town along with several sustainable urban extensions and limited contributions from outside the Borough.

Sustainability Appraisal

15. The Plan was prepared with input from the Sustainability Appraisal (SA). The SA⁷ stopped short of assessing the impact of an option maximising new housing, including sites outside the Borough. The Council commissioned further work to rectify this⁸, and summarised the SA Addendum consultation response⁹.
16. I requested further clarity to show how the SA options were fed into or discounted from the preferred strategy of the Plan¹⁰. This further work, which was subject to public consultation, explains at an appropriate level of detail why six of the spatial options were rejected, as well as justifying the selection of option 7 (based on development focused on the urban area, Anker Valley, Golf Course, Dunstall Lane and Coton Lane) as the preferred option for the Plan¹¹. I consider that these options are realistic, and that the consideration of them, including all the likely significant effects, is in line with the requirements of the 2004 Regulations¹² and paragraph 165 of *the Framework*.
17. The preferred spatial strategy is supported by the SA, which shows most impacts to be positive. The uncertainties relate to energy efficiency, waste, water use, and increased journeys to the town centre, although the latter is outweighed by increased sustainable transport. The only area which is considered to have potential significant adverse effects from the Plan is the River Mease Special Area of Conservation (SAC), but this scenario was considered to be unlikely, and both Natural England (NE) and the Severn Trent Water Authority supported the SA's conclusions.
18. The most recent SA document provides clarity in defining key options, their impacts and the reasons for the selection of the strategy in the Plan. Concerns are expressed that it lacks scrutiny in relation to the Green Belt, which is considered in more depth under Issue 3 below. Annex G of the SA¹³, analyses a wide range of sites, as does the Site Selection Paper and Green Belt Review documents. These documents demonstrate that the consideration

⁶ PPG Reference ID: 12-001-20140306 – *What is the role of a Local Plan?*

⁷ URSUS Consulting Ltd: Sustainability Appraisal (SA) of the Submission Tamworth Local Plan-Final Report; January 2015 [Examination Document A4].

⁸ URSUS Consulting Ltd: SA of the Submission Tamworth Local Plan – Addendum; April 2015 [Examination Document EX11].

⁹ TBC: SA Addendum Consultation Summary; June 2015 [Examination Document EX12].

¹⁰ Inspector Request for Further Statement – Sustainability Appraisal (SA); 17 June 2015 [Examination Document HD03].

¹¹ SA Further Statement; 7 July 2015 [Examination Document HDR06].

¹² The Environmental Assessment of Plans and Programmes Regulations 2004; 28 June 2004.

¹³ SA Examination Document A4.

of sites, including Green Belt sites, in the SA is at an appropriate level.

19. I am not persuaded that there has been a failure to assess properly the strategic options at the appropriate level for the Plan. The detailed treatment of the options in the SA Further Statement is helpful in understanding why the Council selected its preferred option in the Plan; it is unreasonable to expect a more detailed treatment of development options outside the Borough boundary. I therefore do not consider that the SA is flawed.
20. The SA is a process to assess the impact of the Plan on the sustainability of the area and to assess whether the most sustainable realistic option for the Plan has been selected. Based on the evidence submitted and discussion at the Examination, I conclude that the SA has satisfactorily achieved these objectives.

Habitats Regulation Assessment

21. A Habitats Regulation Assessment (HRA) was carried out at each stage of Plan preparation, including an assessment at the pre-submission stage¹⁴, and an updated HRA accompanied the submitted Plan¹⁵. The Council states that after considering the findings of the HRA, no changes were required to the Plan, and that the submitted Plan is supported by the HRA¹⁶. The evidence before me does not challenge the Council's statement and I conclude that the Plan would not lead to any likely significantly harmful effects on sites of national and European importance, provided that the identified mitigation measures are implemented.

Issue 1 - Conclusion

22. Taking account of all these matters, I conclude that the spatial strategy of the Plan is sound and is the most appropriate for Tamworth when assessed against realistic alternatives. It is positively prepared, justified and accords with national planning policy.

Issue 2 – Is the Plan's approach towards the Borough's housing provision, in terms of its objectively assessed requirement, its distribution – including its Sustainable Urban Extensions and contributions from outside the Borough – and delivery, sound? Are the needs for particular types of housing, including affordable housing, addressed satisfactorily?

Overall approach

23. The Plan's housing strategy accords with Government policy, including the national Growth Agenda, and can be summarised in the following steps:
- (i) Identifying the most up-to-date objective assessment of its overall household need (OAN), including the need to encourage the local economy, secure an appropriate homes/jobs balance and have regard to market signals;

¹⁴ TBC: Pre-Submission Local Plan Habitats Regulation Assessment; October 2014 [Examination Document G1].

¹⁵ TBC: Submission Local Plan Habitats Regulation Assessment; February 2015 [Examination Document G21].

¹⁶ TBC: Written Submission in Response to Matter 3 SA and HRA, paragraph 3.14; June 2015 [Examination Document HS.05].

- (ii) Meeting as much of its OAN within the Borough as possible, having taken into account its planning constraints, whilst collaborating with neighbouring authorities under the DTC to sustainably locate the remaining, unmet housing need within these authorities;
- (iii) Seeking to address local needs for affordable housing (AH), gypsy and traveller (G&T) accommodation and other specialised housing; and
- (iv) Providing firm policy direction on other housing matters such as densities, design and safeguarding living conditions.

The Housing Market Area

24. Paragraph 47 [1] of *the Framework* refers to the need to objectively assess housing need within the 'housing market area' (HMA). In Tamworth's case, the definition of the most appropriate HMA is not straightforward. The housing needs studies undertaken for the Council identify strong relationships between the three southern Staffordshire authorities of Tamworth, Cannock Chase and Lichfield in migration and travel to work, with a migration self-containment of just under 70%¹⁷ and commuting self-containment of 82%. Cross-boundary dynamics are strong between Tamworth and North Warwickshire, with strong economic links between Tamworth and Birmingham.
25. Cannock Chase and Birmingham are unable to meet all their housing needs within their administrative boundaries, and Tamworth is in the same position, which has been accepted by both its neighbouring authorities in their adopted local plans. This situation is also acknowledged in the joint West Midlands Strategic Housing Needs Study¹⁸, which states: "*Tamworth's (housing) sites are generally constrained by flooding, transport and access, infrastructure, environmental designations and sewerage*". Both Tamworth's next door authorities, LDC and NWBC, accept they have the capacity to assist Tamworth in meeting its unmet housing needs, and this is endorsed in the recent Inspectors' Reports (IRs) into the local plans for both Lichfield¹⁹ and North Warwickshire²⁰. From the evidence before me and from reading these IRs, I also consider that the appropriate area for considering Tamworth's unmet housing needs includes the areas administered by LDC and NWBC.
26. The view was expressed that there should be no other 'forum' for the Plan other than the administrative boundary of Tamworth. *The Framework* (paragraphs 178-181), however, provides for planning issues to be tackled across boundaries through the DTC. It is therefore not necessary for Tamworth to confine itself to its own boundary to meet its objectively assessed development needs, where it can be demonstrated that this is not sustainable or would have significant adverse impacts in relation to *the Framework's* constraint policies (paragraph 14).

¹⁷ 2001 Census – Cannock Chase, Lichfield and Tamworth – Migratory Self –Containment.

¹⁸ Greater Birmingham and Solihull LEP and Black Country Local Authorities: Joint Strategic Housing Needs Study Stage 2 Report; November 2014 [Examination Document I6].

¹⁹ Report to Lichfield District Council – Examination into the Lichfield District Local Plan: Strategy; see paragraphs 10-13; 16 January 2015 [Examination Document EX10].

²⁰ Report to North Warwickshire Borough Council – Examination into the North Warwickshire Local Plan: Core Strategy; see paragraphs 16-21; September 2014 [Examination Document HD02].

The overall need for new housing

27. The PPG states that establishing future housing need is not an exact science²¹, and cautions against committing significant resources on primary research. However, this is not a licence to dispense with looking at the need for new housing objectively. The Council's consultants objectively assessed the most up-to-date housing need for Tamworth. At the time of the submission of the Plan this was based on the Government's Department for Communities and Local Government (DCLG) 2011-based household projections and came in the form of two reports.
28. The first report²² assessed Tamworth's housing needs in the context of the three southern Staffordshire authorities of Cannock Chase, Lichfield and Tamworth, based on the Government's Office for National Statistics (ONS) 2008-based Sub-National Population Projections (SNPP), whilst the headship rates (which convert population into households) were derived from DCLG's 2008-based Sub-National Household Projections (SNHP). Various housing forecasts were then generated, based on a range of demographic, social and economic factors. These resulted in a range from a 'low' of 200 dwellings per annum (dpa) to a 'high' of 507 dpa over the statistical study period 2011-2031. There was a clustering of scenarios around 200-300 dpa, and the range of 240-265 dpa was considered to encompass the most likely range of demographic scenarios for Tamworth.
29. The second report²³, based on the 2012 based SNPP, which were published in May 2014, also took into account updated scenarios for household formation, based on assumptions on unemployment, commuting patterns and vacancies. The OAN was also 'uplifted' to allow for adverse/worsening market signals and economic factors, by around 5%, in accordance with the guidance in the PPG²⁴.
30. Although the most robust baseline²⁵ declined to 236 dpa, the need to take account of impact on economic growth and the growing affordability gap led to the same range, 240-265 dpa, being included in the Plan. The figure of 240 dpa was seen as the minimum necessary to ensure that the economy did not decline through lack of suitable housing for the working age population. The submitted Plan is based on the OAN figure of 250 dpa, which includes the application of the above mentioned uplift. This equates to 6,250 dwellings over the plan period²⁶.

²¹ PPG Reference ID: 2a-014-20140306 *What methodological approach should be used?*

²² Nathaniel Lichfield & Partners (NLP): Southern Staffordshire Districts Housing Needs Study and SHMA Update; May 2012 [Examination Document B4].

²³ NLP: South-East Staffordshire Housing Needs Study - Tamworth Housing Needs Assessment; October 2014 [Examination Document B10].

²⁴ PPG Reference ID: 2a-016-20140306 *What is the starting point to establish the need for housing?*

²⁵ This is the indexed baseline scenario which accelerated household formation post 2021 in response to improving market conditions; see TBC Written Response to Inspector's Questions on Matter 4.2: Housing needs for Tamworth over the plan period (to 2031), and in particular paragraph 4.2.14 [Examination Document HS.05].

²⁶ This figure relates to the period 2006-2031. However, the statistical base date for the assessment of the OAN is 2011. The submitted Plan's housing requirement 2006-2011 has been calculated on the basis of the OAN of 250 dpa. While this is an unusual approach, it has not been subject to any substantive objections and given all the circumstances, I have accepted it as the basis for the housing provision made by the Plan.

31. After the submission of the Plan for Examination, the latest, 2012-based household projections were released in February 2015. These show a lower rate of population growth for Tamworth, and the third consultant's report²⁷ which looks at these latest projections, concludes that the OAN for Tamworth falls within the range of 230 – 250 dpa. The Plan retains 250 dpa as its OAN, even though it now sits at the top of the range. This is in the interests of supporting economic growth and to address the potentially worsening housing market signals, whilst meeting the full demographically-assessed need for housing in the Borough. The OAN makes provision for a significant increase over the recent average (2006-2014) of 161 dwellings completed each year²⁸ and therefore accords with the aim in *the Framework* (paragraph 47) to boost significantly the supply of housing.
32. Tamworth's OAN is challenged by some local residents, on the grounds that the latest mid-year estimates appear to show Tamworth's population has 'flat lined'. It is argued that the Plan should be providing for a significantly lower number of new homes in the Borough. However, the PPG stresses the importance of household projections, as opposed to mid-year population estimates, as the starting point for determining OAN²⁹.
33. There are sound reasons for this approach. Firstly, population change, although important, is only part of the bigger demographic picture that the Plan has to address. Household projections take into account headship rates, and hence provide a starting point for determining OAN. Secondly, OAN takes into account the housing need of the existing population and makes allowances for market signals, including affordable housing (AH) needs and economic indicators, so as to link the demographics to the local economy. Thirdly, the latest mid-year population estimate could be an isolated figure, out of line with the general population trend, whereas the OAN looks at underlying trends over a period of time; I consider that this approach is more reliable in setting out the housing needs over the length of the plan period.
34. I have considered representations to include further uplift to the OAN, in particular to ensure greater affordable housing (AH) provision, but I am satisfied from the consideration of this matter at the Hearings that the modification is based on a detailed and objective assessment which is both justified and deliverable. The uplift of 10% exceeds the allowance to adjust to market signals and is primarily aimed at maximising opportunities to increase the overall quantity of AH that can be delivered during the plan period. I discuss AH need and delivery in more detail below.
35. On the basis of the above considerations and with no robust evidence to support a higher figure, I conclude that the OAN of 250 dpa in the submitted Plan is appropriate for Tamworth. It also accords with the Government's aim of boosting significantly the supply of housing in response to the national housing shortage. As a result a modification **[MM17]** is necessary to include and explain the updated OAN and ensure that the Plan accords with national policy.

²⁷ NLP: Tamworth Housing Needs Study 2012 – based SNHP Updated; May 2015 [Examination Document EX9].

²⁸ TBC: Written Submission in Response to Matter 4: Spatial Strategy and Housing Need, para 4.8.1; June 2015 [Examination Document HS.05].

²⁹ PPG Reference ID: 2a-015-20140306 – *What is the starting point to establish the need for housing?*

Overall distribution and delivery of new housing

36. The Plan seeks to maximise housing provision within its administrative boundary, having regard to its key environmental and policy constraints. It sets a requirement for 4,250 new homes within the Borough, leaving a further 2,000 dwellings – about 32% of the total - to be provided within the two neighbouring authorities of LDC and NWBC. The rationale for its distribution of housing sites is in its Site Selection Paper³⁰, which is based on input from the SA and technical evidence in the updated IDP on a site specific basis as well as a plan-wide viability assessment and a Level 2 Flood Risk Assessment (FRA).
37. It is argued that the process of site selection in the Plan, including possible Green Belt release, is not rigorous enough, and that there is potential to identify a significantly greater amount of housing land within the Borough to meet Tamworth's needs than was being provided for in the Plan.
38. Several potential housing (and employment) sites are suggested in fringe locations outside the Borough, which are accessible to its services and facilities. However, it is outside my remit to consider external sites.
39. The OAN of 250 dpa is supported by most housing developer representations. One developer considers the range is too low, whilst LDC considers that the Borough's strict constraints, including areas of flood risk and the Green Belt, mean that the lower end of the range should be adopted by the Council, in accordance with the provisions in paragraph 14 of *the Framework*. Whilst planning constraints have to be taken into account, this does not justify not meeting Tamworth's OAN in full if sustainable opportunities to meet the need in neighbouring authorities exist.
40. Although LDC and NWBC agree that Tamworth cannot meet all its OAN within its own boundary, they nevertheless consider that some of the difficult choices of considering possible development on sensitive sites within the Borough, such as in the Green Belt, have not been investigated at a sufficiently thorough level. In their view, this means that difficult choices are being transferred to them as neighbouring authorities to solve.
41. LDC argues that it has taken difficult choices to release two Green Belt sites immediately to the south of the City of Lichfield, and that the Tamworth Local Plan should follow suit. NWBC considers that some of the potential development sites within its area are seen as 'easy wins', and that the focus should be to meet as much of Tamworth's need as possible from within its own administrative area. NWBC also considers that an area of Parcel B of the Green Belt to the south of Hockley could be released for housing during the plan period; I deal with the Green Belt in Issue 3 below.
42. In response to the above arguments, the Council put evidence forward in relation to whether there was any additional land for development within the latter part of the plan period, including potential sites within the Green Belt and areas of flood risk and came to the following conclusions³¹:

³⁰ TBC: Site Selection Paper; October 2014 [Examination Document A5].

³¹ TBC: Examination of Potential Future Development Areas; July 2015 [Examination Document HDR 05].

- Some longer-term potential for development in the Green Belt exists, subject to the demonstration of exceptional circumstances, but there is no potential for factoring any housing quantum into the Plan at this stage – I deal with this matter under Issue 3 below.
 - Three additional sites in Flood Zone 3A, totalling 140 dwellings (on sites at Coton House Farm, Coton Hall Farm and Co-op Filling Station and land west of Treetops Garage, Dosthill), can now be taken into consideration when establishing the housing requirement for the Plan. These sites, one of which has planning permission (with no objection from the Environment Agency (EA)), would ensure sufficient flexibility to achieve the 4,250 dwellings total from sites within the Borough.
 - The capacity exists at the Anker Valley SUE for an additional 35 dwellings, based on the planning permission dated April 2015.
 - Two other sites, an extension to Dunstall Lane SUE (333 units) and, within the urban area, at Silverlink Road (75 units) were considered to have potential for development in the longer term, probably beyond the plan period.
43. In light of the above considerations, I consider the potential exists for 140 dwellings in flood zone 3A and 35 additional dwellings at Anker Valley SUE to provide a meaningful contribution in addition to the 4,250 dwellings already identified in the submitted Plan. Modifications are therefore necessary to increase the Plan's housing requirement within the Borough by 175 dwellings from 4,250 to 4,425 dwellings over the plan period, and a corresponding reduction in the target to be delivered outside Tamworth from 2,000 to 1,825 dwellings, together with the supporting text and housing trajectory **[MM18-25]**.
44. This relatively modest increase in deliverable housing provision within the Borough will help meet Tamworth's housing needs in sustainable locations, with minimal environmental impact. The other land that the Council has referred to above, with potential long term housing contributions for Tamworth, could be assessed through the review process.
45. The modifications above show that housing which needs to be provided by the two adjacent local planning authorities would decrease from 2,000 to 1,825 dwellings. Even with LDC and NWBC's commitments, the Plan still falls short of meeting the identified housing need for Tamworth by 825 dwellings. However, there are three reasons why this does not undermine the soundness of the Plan:
- (i) Paragraph 14 of *the Framework* does not require a Local Plan to meet the full OAN if specific policies in *the Framework* indicate development should be restricted; in Tamworth's case, these policies include the Green Belt and the need to avoid flood risk;
 - (ii) Both neighbouring authorities have indicated their intention to seek to provide more than they have formally committed to if possible, and therefore there is some prospect that Tamworth's full needs will be met in due course; and

- (iii) The Council now confirms through a modification that a review of its unmet housing (and employment land) requirements would be undertaken if broad development locations (BDLs) in neighbouring local plans have not been identified, or permissions granted to meet needs arising from Tamworth by the end of 2017/2018 [MM26]. This is necessary in the interests of the positive preparation of the Plan to achieve its justified housing targets, based on its OAN.

46. The modification is necessary as it is written to ensure that every effort is made to meet Tamworth's OAN during the plan period, in accordance with national planning policy.

Sustainable Urban Extensions (SUEs)

47. A sizeable component of the Plan's provision for new housing comes from three SUEs, which together would yield some 2,335 dwellings.

Anker Valley SUE:

48. The submitted Plan allocates 500 dwellings in the Anker Valley SUE, in the north of the town. The April 2015 planning permission is for 535 dwellings, and the Plan (as amended by MM18) takes account of this. The potential for additional new homes immediately to the north of the site is currently limited by the capacity of the highways infrastructure. This follows the decision not to proceed with the historic Anker Valley Link Road in favour of a plan, monitor and manage approach and a sustainable transport package, an approach supported in the Lichfield Local Plan IR³².
49. Staffordshire County Council (SCC), however, gave evidence that the recently approved scheme at land off Brown's Lane, to the north-west of the SUE within Lichfield District, for 165 dwellings, could be accommodated satisfactorily without the need to construct the Anker Valley Link Road. The potential exists for an increased number of dwellings, outside the Borough boundary, immediately to the north of the SUE, depending on further highways and transport studies which are programmed by SCC and the site promoter, Barwood's.
50. Having regard to the evidence in the Council's Site Selection Paper³³, which is based on technical input and the SA, I consider that the SUE would have a major positive impact, and outweigh the adverse impacts, such as loss of greenfield land, the need to increase waste treatment and water supply capacity, loss of agricultural land and contamination; the adverse effects of the proposed development after mitigation are likely to be minor. Its size was also reduced from the initial scheme for 700 dwellings to further mitigate highways impacts, following a detailed highways report from consultants³⁴.
51. The proposed densities, of around 35 dph for all of the SUEs, are not unusual or unsustainable for such areas, and are sufficiently high to support public

³² Lichfield District Local Plan: Strategy IR, paragraph 141; January 2015 [Examination Document EX10].

³³ TBC Site Selection Paper, page 33 [Examination Document A5].

³⁴ BWB: Anker Valley Sustainable Urban Extension, Transport Package Appraisal; 2014 [Examination Document F2].

transport provision. The scheme would also give easy pedestrian access to community facilities and public open space.

52. Economic growth would not be 'sacrificed' to new housing, as it is critically linked to the supply of new homes. The strong emphasis on environmental protection is a positive feature. However, long distance views to and from the nearby Amington Hall Estate Conservation Area need to be protected in any detailed scheme design, and a modification **[MMO3]** achieves this.
53. The Council refers to the need for a 1 form entry primary school, which would be required on occupation of the first 50 dwellings, and an off-site contribution to secondary educational provision³⁵. This is classified as an 'essential' project in the IDP. In response to representations, the SUE allocation was redrawn to exclude areas of higher flood risk. Any concerns relating to contamination, drainage and design can be addressed at the detailed planning stage. The Council's viability document³⁶ states that all the strategic greenfield sites, including Anker Valley, are viable when the AH policies and relevant infrastructure provision are taken into account³⁷. I see no reason to take a different view.
54. I therefore consider that the Anker Valley SUE, subject to the above modification, has been positively prepared; it is deliverable within the plan period; it is justified in relation to reasonable alternatives; and it accords with national planning policy.

Tamworth Golf Course SUE

55. This is the largest allocation in the Plan, for at least 1,100 new homes and associated hard and soft infrastructure, to the east of the town. Having regard to the Council's Site Selection Paper³⁸ which summarises the reasons for the allocation of the SUE, I consider that it would have a major positive impact, meeting a substantial part of Tamworth's housing need with associated community facilities, and would outweigh the adverse impacts of the loss of a sports facility (which is disused and not public) and impact on biodiversity.
56. The highway authority, SCC, advises that the SUE would be acceptable in relation to congestion and safety, although it also advises that it is necessary to provide a roundabout junction at Glascoate Road / Marlborough Way, and the modification to policy HG2, incorporates this **[MMO4]**. Even if most traffic associated with the Golf Course SUE were accounted for by work trips outside Tamworth, this would not be unusual for such a tightly contained Borough, and it is not a reason to prevent Tamworth meeting its housing requirements.
57. Considerable care is going into scheme design and it provides a green buffer to the open countryside. The allocation also includes community woodland, and increased public green space. The Council's updated Sports Strategy³⁹

³⁵ TBC: Delivery of Sustainable Urban Extensions, Table 1, page 7 [Examination Document B11].

³⁶ Peter Brett Associates: Whole Plan Viability, Affordable Housing and CIL Study; April 2014 [Examination Document I1].

³⁷ Ibid, see in particular paragraph 9.7.6, table 9.6 and paragraph 11.3.4.

³⁸ TBC: Site Selection Paper, pages 32 and 34 [Examination Document A5].

³⁹ FMG Consulting: Update Paper for the Tamworth Joint Indoor and Outdoor Sports Strategy, para 9.50; October 2014 [Examination Document H3].

demonstrates that sufficient alternative golf courses exist in the catchment area, whilst its Recreational Open Space Review⁴⁰ shows that, although the north-east sector of the Borough, including the Golf Course SUE, is deficient in semi-natural green space, good quality open space and especially play space, the former golf course did not contribute to any of these specific needs. There is no objection from Sport England.

58. The allocation is located within Flood Zone 1, and hence is not a high flood risk, and it has EA support; any future issues could be resolved at a more detailed stage. In relation to possible impacts on the nearby Conservation Area and archaeology, the modification [MM05] ensures that elements of significant character would be incorporated into the overall design. This is necessary in order to address any potential impacts on the nearby Conservation Area and/or archaeological features. Adequate mitigation, including decontamination, can be included at the detailed planning stage.
59. A SCG between the Council and NE⁴¹ supports the SUE, subject to ensuring that the proposed development does not result in any harm to the nearby Alvecote Pools SSSI due to waste, surface water run-off, predation or increased recreational use of these pools. This provision has appropriately been included in the Plan.
60. With regard to the provision of critical infrastructure, there is also flexibility within existing nearby schools to ensure sufficient school places would be available to meet demand until the proposed new school is operational.
61. Although the site is adjacent to Amington Employment Area, it will not provide additional employment land. It is important, however, for sufficient houses to be built in Tamworth to ensure that there is a balance between homes and jobs, and in this sense, the Golf Course SUE would assist the local economy. The size of the proposed development would make it likely that new/enhanced bus services would be introduced. Foul drainage issues can be overcome. Increased pedestrian and cycling activity is not normally associated with crime, and I see no reason why it should be the case here.
62. I therefore consider that the Tamworth Golf Course SUE, subject to the above modifications, has been positively prepared; it is justified in relation to reasonable alternatives; it is deliverable within the plan period; and it accords with national planning policy.

Dunstall Lane SUE

63. The Dunstall Lane SUE allocates around 700 new homes in a mixed use development, to the west of the town, with associated hard and soft infrastructure. The potential exists to expand to the west (over 300 additional dwellings), but this is subject to further design, engineering and environmental work and SA, and it does not form part of the Plan.

⁴⁰ TBC: Recreational Open Space Review 2011 [Examination Document H2].

⁴¹ SCG between TBC and Natural England (NE); April 2015 [Examination Document EX2].

64. The SUE would meet a significant part of Tamworth's need for housing and associated community facilities, which would outweigh the loss of greenfield land, flood risk and adverse effect on historic assets.
65. The canal's rural setting would be affected by the proposed development, even with landscaping. However, part of the SUE already has planning permission for B1, B2 and B8 employment uses, and residential development would arguably have a lesser impact on the canal's ambience than large industrial sheds. The same canal also runs through built up areas, which does not seem to have impacted on the numbers of tourists and other canal users.
66. Conversely, the canal would be an attractive setting for new development, together with amenity open space and footpaths/towpaths. I therefore consider that the impact of the proposed development on the canal environment, whilst it is a negative factor in the overall balance, can be significantly mitigated and would not adversely affect tourism. Its impact on the SUE, however, would be positive.
67. Turning to other concerns, the evidence shows that it is unnecessary to reduce the AH component to make the scheme viable, whilst the SUE requires a school in order to be sustainable. The work carried out by the prospective developers in consultation with the highway authority states that the majority of traffic is expected to enter and leave the site via the Ventura Park/Meadow Road roundabout to the east, and not via the village of Hopwas to the west where much of the concern is focused. Policy SU2 requires a transport assessment to identify measures needed to make any highways impacts acceptable.
68. The modification **[MM34]** to policy HG2 provides improved pedestrian and cycle connections to the A51 Lichfield Road from the north of the SUE in accordance with national planning policy. Following further representations, the modification should be amended to include reference to critical delivery details. The loss of agricultural land is a major adverse impact in the SA, but it is outweighed by the positive impacts of the scheme. The Level 2 Strategic Food Risk Assessment⁴² indicates that the site passes the sequential test for flood risk without the need to pass the exception test. The requirements for SuDS are addressed in policy HG2 (and in policy SU4). Policy HG2 (third bullet point) already addresses potential impact on heritage assets.
69. I therefore consider that the Dunstall Lane SUE, subject to the above modification, has been positively prepared; it is deliverable within the plan period; and it is justified in relation to reasonable alternatives.

Appropriate level of detail in SUEs

70. The Council's document on SUEs⁴³, together with policy HG2, provides the appropriate level of detail to cover the 'what', 'where' and 'when' questions in the PPG⁴⁴. It is clear that there is a balance to be struck between clear policy

⁴² Atkins: Tamworth Level 2 Strategic Flood Risk Assessment for Tamworth Borough Council; October 2014 [Examination Document G16].

⁴³ TBC: Delivery of Sustainable Urban Extensions, Appendix 2: Site Promoter Indicative Masterplans [Examination Document B11].

⁴⁴ PPG Ref. ID: 12-002-20140306 *What should a Local Plan contain?*

direction and flexibility, which I consider the Plan achieves. The modifications to include three Inset Diagrams at the level of detail shown in the Council's SUE document [MM 31-33] accord with national planning policy and are necessary for the satisfactory implementation of the Plan. The Inset Diagrams are clear, with no need to include additional changes.

Five Year Housing supply

The Joint Statement

71. The Council and a representor issued a joint statement on the parameters for establishing the five year housing land supply for Tamworth and to attempt to reach an agreement on what the figure should be⁴⁵. Although, unsurprisingly, significant disagreements remain, the statement points to areas of agreement and highlights the key points at issue. It is an example of good practice.

The control total and the relevant time period

72. There is agreement that the 'control total' should be the figure in the submitted Plan which can be determined by the Council, i.e. the 4,250 dwellings to be delivered within the Borough over the period 2006-2031, or 170 dpa, which over a five year period amounts to 850 dwellings. There is disagreement over the start date for the five year period; on balance I consider that the next five years in the Council's latest trajectory⁴⁶ is an appropriate place to start, i.e. from April 2015, giving a period of 2015/16-2020/21 for the calculation.

Past delivery of housing completions

73. There is agreement that a period of 10 years is reasonable to assess the effectiveness of past delivery rates over more than one economic cycle. However, there is disagreement on which development plans and other data should be used over the 10 year period to determine the appropriate benchmarks. Whilst both parties make detailed arguments in favour of particular development plans which support their position on how the Council has performed, I have reached my view based on a number of considerations, which I set out below.
74. The Government letter⁴⁷ on the Staffordshire and Stoke-on-Trent Structure Plan supports the use of information within the former Regional Spatial Strategy (RSS) and emerging RSS to guide the distribution of housing development in Staffordshire. Secondly, a letter from the Warwick District Local Plan Inspector, dated 1 June 2015⁴⁸, also refers to the use of RSS figures; the letter does not specifically criticise their use in calculating the track record of local planning authorities in relation to housing delivery. Whilst the RSS has been revoked, the demographic and housing data upon which it

⁴⁵ JVH Planning and Tamworth Borough Council: Five Year Housing Land Supply Joint Statement; 29 June 2015 [Examination Document HDR03].

⁴⁶ Tamworth Borough Council: Availability of Residential Land; 31 March 2015 [Examination Document EX16].

⁴⁷ Letter from Government Office for the West Midlands: Staffordshire and Stoke-on-Trent Structure Plan; 7 September 2007.

⁴⁸ Letter from Inspector to Warwick District Council, regarding the Examination of the Warwick District Local Plan: Inspector's findings regarding initial matters and issues; 1 June 2015 [Examination Document HD25].

was based has not been shown through any objective analysis to be flawed, and it was the most up-to-date and robust housing need basis at the time.

75. In light of the evidence, I consider that for the purpose of determining whether a 5% or 20% buffer should be applied, it would be reasonable to assess the Council's record of housing completions since 2006/07 as follows: firstly, its earlier Local Plan (2006/07); then the submitted RSS Phase 2 Revision (2007/08-2008/09); then the submitted RSS Phase 2 Panel Report (2009/10-2012/13); and finally, following the revocation of the RSS, the emerging Local Plan target (2013/14-2014/15). The amount of housing delivered over this period was 1,451, amounting to a 52 dwelling shortfall against the requirement of 1,503, i.e. below 3.5%. This relatively modest figure does not amount to persistent under delivery. On this basis, it would be reasonable to add a buffer of 5% to both the housing land supply requirement for the five year period and the shortfall.
76. There was agreement that the calculation of the shortfall for Tamworth should be based on the number of dwellings delivered in the Borough, compared with the housing requirement within the Borough, i.e. 170 dpa. The shortfall over the period 2006/15 is therefore based on the difference between the completions since 2006/07 (1,451) and the target over this period based on the required completion rate in the Plan ($9 \times 170 = 1,530$) which is 79 dwellings, a figure which was agreed by both parties. This needs to be added to the average 5 year requirement figure (850), and then the 5% buffer needs to be applied. Therefore the 5 year housing land supply requirement (2015/16-2021/21) is $850 + 79 = 929 + 5\% = 975$ dwellings, or 195 dpa. This approach also accords with the guidance in the PPG, to deal with under-supply within the first 5 years where possible⁴⁹.

Housing supply

77. The Council calculates it has a supply of 1,268 dwellings which could be completed over the five year period, giving it 6.52 years' housing land supply. This figure is challenged with an alternative estimate of 1,091. Even if the reduced figure is more realistic, this would still give the Council 5.62 years' housing land supply, based on a 5% buffer.
78. Turning to the likely yield from the SUEs, they represent a substantial departure from the Council's previous record of delivering on mainly smaller sites, many on previously developed land (PDL). However, the independent valuation report⁵⁰ referred to earlier does not foresee any major implementation problems associated with the SUEs, all of which are deemed to be viable development sites, and supports the Council's expectations for the timing of their delivery. The Council's Site Selection Paper and SUE Reports also indicate that the detailed issues of implementation have been investigated thoroughly. Two of the three SUEs have planning permission, and the third is proposed by a developer with a good track record of delivery (including Ventura Park).

⁴⁹ PPG Ref ID: 3-035-20140306 *How should local planning authorities deal with past under-supply?*

⁵⁰ Peter Brett Associates: Whole Plan Viability, Affordable Housing and CIL Study; April 2014 [Examination Document I1].

79. The Council's estimated completions from the Anker Valley, Golf Course and Dunstall Lane SUEs within five years amount to 475 units, compared to the alternative estimate of 405. The house builder involved with the Anker Valley scheme has indicated an intention to start on site immediately, with the first dwellings completed by the end of 2015/16. The caution expressed in some representations appears to be in part due to the lack of progress on this site in recent years.
80. There has been a hiatus, mainly due to highway uncertainties and earlier disagreements between the Council and LDC, but the BWB Report, with the support of the highway authority, together with the engagement of the Council with its neighbouring authorities under DTC, has effectively overcome this hurdle, and progress is expected soon. The Golf Course site is owned by the Council. It is expected to be purchased by housing developers in the near future, and there would not appear to be any strong reasons why the Council's expectations should not materialise.
81. On the basis of the above considerations, I consider that the Council's reliance on the three SUEs, together with its calculations through its SHLAA⁵¹, its updated residential land availability work⁵² and the detailed site assessments in its Site Selection Paper⁵³, is reasonable, and that it has at least 5.62 years' housing land supply at this time. However, the increased housing potential arising from the additional 175 dwellings to be provided within the Tamworth administrative area, all of which are based on planning permissions, would point to an increase, albeit small, in the likely housing supply over the next five years. The Plan is therefore sound in this respect.

Housing delivery throughout the plan period

82. The table at paragraph 3.11 of the Plan indicates that there is a need to deliver 4,250 dwellings throughout the plan period on land within the Borough. Taking account of dwellings already completed, under construction or with planning permission at 31 March 2014 in the 2014 Availability of Residential Land Document⁵⁴, (1,858 dwellings) this leaves a total of 2,392 dwellings required for the Plan to deliver over the remainder of the plan period. Applying a non-delivery factor of 10% to secure flexibility, this means the Plan needs to demonstrate that it has sufficient housing land to make provision for a total of 2,631 sites from 2014 to 2031.
83. The bulk of the delivery of new housing is expected to come from the three SUEs, i.e. 535 from Anker Valley; 1,100 dwellings from Golf Course; and 700 dwellings from Dunstall Lane, totalling some 2,335 dwellings. This leaves a residual requirement for 296 dwellings on smaller sites within the urban area. The Availability of Residential Land Document identifies 8 sites of 10 dwellings or over, yielding an estimated 252 dwellings. There is also an additional 166 dwellings on sites below 10 dwellings, so that the target of 296 on urban sites is surpassed.

⁵¹ Tamworth Strategic Housing Land Availability Assessment; October 2012 Update [Examination Document B2].

⁵² TBC: Availability of Residential Land; 31 March 2015 [Examination Document EX16].

⁵³ TBC: Site Selection Paper; October 2014 [Examination Document A65].

⁵⁴ TBC: Availability of Residential Land; 31 March 2014 [Examination Document B1].

84. However, the Council also submitted a more detailed Site Selection Paper⁵⁵, with commentaries on all the sites selected for allocation in the Plan, including a technical consultation summary, comments on appropriate mitigation measures, a SA summary, ownership details and a conclusion. In addition to the three SUEs, the Site Selection Paper identified 24 sites, totalling 775 dwellings in the Plan. Some of these sites are occupied by existing users, and there are clearly difficulties in their prospects for implementation. One of the house builders has argued convincingly for a deduction of 194 dwellings from 9 of these sites, which would reduce the urban total to 581 dwellings. Several of the remaining sites on the urban list have issues which could prove insurmountable; some are affected by contamination for example. However, if only half of these remaining sites were developed during the plan period, this would achieve the target, with no allowance for windfalls.
85. I therefore conclude on the basis of the evidence submitted by the Council and the written and verbal submissions and discussion at the Hearings, that there is sufficient capacity on sites within its administrative area to enable the Council's housing requirement for the remainder of the plan period to be met.

Affordable housing

86. The Strategic Housing Market Assessment (SHMA)⁵⁶ points to an AH need of 183 dpa over the next five years. This figure includes an annualised net backlog of 78, plus a newly arising need of 105, resulting in 183 dpa⁵⁷. The SHMA does not make any assumptions over the level of AH requirements over the following years in the plan period. On a straight projection, the following years would point to an AH need for 2,928 dwellings.
87. The SHMA, however, makes the important point⁵⁸ that Councils, in their Local Plans, will need to establish a balance between housing need requirements and viability of delivery. The impact of this point can be seen in the fact that the five year AH need at 183 dpa forms a very high proportion of the 250 dpa total for all housing in the Plan (and exceeds the annualised requirement of 170 dpa for that part of the total to be provided within the Borough).
88. The overall housing provision of the Plan, set at the top of the 230-250 dpa OAN range, incorporates a 10% uplift to address market signals, including high and worsening affordability ratios, and to maximise the opportunities to increase the supply of AH. The AH needs figure of 183 dpa was not challenged in the Hearings, and the general view was that the 10% uplift in the OAN was justified, which was also confirmed in the later (2014) Report from the consultants⁵⁹. This report states that a delivery rate of around 52 AH dpa, based on 20% of total provision, appears a reasonable target. This seems to me to be a robust provision for a realistic delivery of AH for Tamworth.
89. Policy HG4 sets the framework for delivering AH in Tamworth. It requires

⁵⁵ TBC: Site Selection Paper; October 2014 [Examination Document A5].

⁵⁶ NLP: Southern Staffordshire Districts Housing Needs Study and SHMA Update; May 2012 [Examination Document B4].

⁵⁷ See Ibid, section 8 and in particular table 8.1.

⁵⁸ Ibid, paragraph 9.42.

⁵⁹ See NLP: South-East Staffordshire Housing Needs Study: Tamworth Housing Needs Assessment, e.g. paragraph 6.3; October 2014 [Examination Document B10].

developments involving 10 or more dwellings to make a provision of 20% for AH, with an annual target of 40 AH dwellings. The reason for the reduced AH provision in the Plan compared to the SHMA is to ensure that the parameters in the Plan are realistically deliverable. This stance is supported in the PPG, which states that local councils should consider only future scenarios that could reasonably be expected to occur⁶⁰.

90. The Council has considered ways in which the Plan might realistically increase affordable housing delivery, given the shortfall in the number of affordable units expected to be delivered compared to the level of need identified. However, the viability of developing potential sites and the anticipated future level of financial assistance in building new affordable homes has also been taken into account.
91. The AH parameters in the Plan are supported by the independent Whole Plan Viability Study⁶¹, which also identifies several reasons why the provision of AH in Tamworth is challenging, including the following; the majority of housing schemes permitted in Tamworth has been below the threshold of 15 units, which has significantly reduced the AH potential for the Borough; some brownfield sites have incurred abnormally high remediation works which has reduced the AH provision on these sites; there are relatively low market values in Tamworth compared with surrounding areas, which reduces the cross subsidy available from shared ownership units on mixed tenure schemes; the Local Housing Allowance for Tamworth is low, which affects AH scheme viability; and the view of some of the key Housing Association providers is that anything below 5 units is not cost effective to purchase or manage.
92. Based on all of the above considerations, I have reached the conclusion that a further uplift in the overall housing requirement for the Borough would not be justified.
93. Tamworth's AH needs are also addressed by schemes in neighbouring authorities, as part of the OAN to be provided outside Tamworth. For example, the Section 106 Agreement for Brown's Lane to the north of Tamworth within Lichfield District, makes provision for 25% AH, divided equally between the two Councils⁶².
94. The Plan's AH provision is supported by the West Midlands HARP Planning Consortium, which is the key 'umbrella' organisation for considering objectively assessed AH need throughout the West Midlands. The signed SCG between HARP and the Council⁶³ supports the Plan's AH policies, which are also generally supported in the representations. Taking all of the above into account, I consider that policy HG4 is justified, effective and accords with national planning policy.

⁶⁰ PPG Reference ID: 2a-003-20140306 *What should a Local Plan contain?*

⁶¹ PBA: Whole Plan Viability, Affordable Housing and CIL Study Final Report; April 2014 [Examination Document 11].

⁶² Section 106 Agreement between Lichfield District Council and Tamworth Borough Council; 5 February 2015 [Examination Document EX24].

⁶³ SCG between TBC and West Midlands HARP Planning Consortium; May 2015 [Examination Document EX5].

Gypsy and Traveller Accommodation

95. My initial concern over the lack of any specific gypsy and traveller (G&T) provision in the Plan⁶⁴ relates to the requirement in national policy for local planning authorities to identify a supply of specific, deliverable sites sufficient to provide five years' worth of sites against their locally set targets⁶⁵. The Council's response⁶⁶ states that it recognises the importance of national guidance that local planning authorities should identify deliverable or developable G&T sites based on criteria. However, no sites in Tamworth are promoted by landowners or suggested by G&T communities or their representatives, so it has not been possible to make a deliverable allocation.
96. Policy HG7 commits the Council to collaborative working with neighbouring authorities to enable the development of pitches in accordance with the sub-regional G&T Accommodation Needs Assessment (GTANA)⁶⁷. The GTANA is an independent and comprehensive report, which captured a high proportion of the resident G&T community (81%) and is therefore considered to be highly representative and an appropriate basis for decision making. It concludes that there is a requirement for only one residential pitch over the plan period.
97. The National Federation of Gypsy Liaison Groups believes the GTANA significantly underestimates need and that the policy needs to make it clear that its criteria need to be applied to proposals which come forward, even where there is no identified need. In response, the Council proposed to modify policy HG7 and its supporting text to clarify that although no sites have been identified through the Plan, the Council will assess any proposals against the criteria in the policy as well as work with neighbouring authorities to identify sites which may be able to meet Tamworth's modest unmet need **[MM09-10]**. These modifications accord with national planning policy. In response to further representations, I consider that the reference to identified need in policy HG7 is appropriate and justified, with no need for a further modification.
98. There is no objection to Tamworth's approach from its neighbouring authorities, who would be involved in any collaboration over the provision of G&T pitches. I consider that policy HG7, subject to the above MMs, is proportionate and pragmatic, and given the small scale of the shortfall in relation to need, is consistent with national planning policy.

Other specialist housing and regeneration priority areas

99. The Plan recognises the increasing number of older people living in the Borough. The modifications to policy HG5 and its supporting text to encourage the provision of extra care housing **[MM11-12]** accords with the finding of the Staffordshire FlexiCare Strategy⁶⁸, which sets out the specialist

⁶⁴ Letter from Inspector to Tamworth Borough Council: Examination into the soundness of the Tamworth Local Plan – Inspector's Initial Concerns; 12 February 2015 [included in Latest News section of the Council's Examination Website].

⁶⁵ DCLG: Planning Policy for Traveller Sites; in particular Policy B, paragraph 9 (a)-(e).

⁶⁶ TBC Response to Inspector's Letter of 12 February 2015, dated 23 February 2015 [included in Latest News section of the Council's Examination Website].

⁶⁷ University of Salford: Gypsy, Traveller and Travelling Showpeople Accommodation Assessment: Lichfield and Tamworth – Final Report; October 2012 [Examination Document B8].

⁶⁸ Staffordshire FlexiCare Strategy 2010-2015 [Examination Document B7].

housing needs for Tamworth up to 2030, and also reflects the guidance in the PPG to ensure that local plan policies recognise the diverse types of housing to meet their anticipated housing requirement⁶⁹. The same paragraph in the PPG specifically refers to the provision of extra care housing. I do not consider that the wording in policy HG5 is too onerous.

100. Policy HG5 also sets out the overall housing mix which reflects local needs, and policy HG6 encourages housing densities that will make effective use of land. Policy HG3 sets out the Council's strategy towards regeneration priority areas. I am satisfied that these policies are justified and accord with national planning policy.

Issue 2 – Conclusion

101. I conclude that the Plan's housing requirement and its distribution, both within the Borough, including SUEs and in neighbouring authorities, is, subject to the above modifications, positively planned, justified, effective and in accordance with national planning policy. Its policies addressing AH, G&T and other specialised housing are also sound. There is evidence, primarily through the SHLAA, that a five year supply of housing exists, applying a 5% buffer to the shortfall, and that the Plan can deliver over the whole of the plan period. The commitment to a review, if required, would ensure that the longer term housing requirements of the Borough would be addressed.

Issue 3 – Do exceptional circumstances exist to justify making any alterations to the Green Belt?

Background

102. Policy EN2 states that the Green Belt boundary, as defined on the Policies Map, will be maintained during and beyond the lifetime of the Plan. Whilst national planning policy is clear that Green Belts are intended to be permanent, paragraph 83 of *the Framework* makes provision for the alteration of Green Belt boundaries through the preparation or review of Local Plans. It also states that any alterations can only be justified in exceptional circumstances. The Council undertook a Green Belt Review (GBR) as part of the plan preparation process⁷⁰.

103. The West Midlands Green Belt includes two parcels of land in the south-west and south-east of the Borough. Sites within both parcels were the subject of representations in support of development for new housing; and concerns were expressed that the Council's GBR was insufficiently rigorous in view of the amount of unmet housing need which is proposed to be displaced to neighbouring authorities. In view of these representations, and the issues they raise, it is necessary to consider whether exceptional circumstances exist that might justify an alteration to the Green Belt in this Plan.

104. The Council's GBR assessed the Green Belt against the five purposes, or roles, outlined in paragraph 80 of *the Framework*. An Addendum⁷¹ gives a strategic

⁶⁹ PPG Ref. ID: 12-006-20150320 *How should local planning authorities express the need for different types of housing in their Local Plan?*

⁷⁰ TBC: Green Belt Review (GBR) 2014 [Examination Document G2].

⁷¹ TBC: GBR Addendum – January 2015 [Examination Document G2A].

overview of the current situation in the West Midlands, paying particular attention to areas close to Tamworth. It states that: "*The review has been undertaken in the context that it may be necessary to release land for development to fully meet Tamworth's objectively assessed housing need and employment need*"⁷².

105. The GBR states that the Green Belt within Tamworth performs all five roles as set out in paragraph 80 of *the Framework*, i.e. to (i) check the unrestricted sprawl of large built up areas; (ii) prevent neighbouring towns from merging into one another; (iii) assist in safeguarding the countryside from encroachment; (iv) preserve the setting and special character of historic towns; and (v) assist in urban regeneration.
106. Paragraph 79 of *the Framework* states that the fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The GBR states (section 3) that the Green Belt was initially proposed to prevent the outward expansion of the main urban areas in the West Midlands towards a series of freestanding towns and villages, i.e. settlements such as Tamworth, which lie at the edge of the Green Belt. The gap between the outer edges of Birmingham/Sutton Coldfield and Tamworth is in the order of 6-7 miles.
107. In the regional context, it is important to maintain the lateral extent of the Green Belt around the West Midlands conurbation. I also accept the Council's argument in the GBR Addendum⁷³ that the increased growth of settlements over a long period could have a significant impact on the character of the area as a whole and by implication would not be desirable.
108. The expression 'exceptional circumstances' is not defined in *the Framework*. Some representations equate the term with Tamworth's inability to meet its OAN within its own boundaries and argue therefore that exceptional circumstances exist to alter the Green Belt boundaries so as to enable additional development to be provided to meet Tamworth's needs.
109. Paragraph 14 of *the Framework* states that local plans should meet objectively assessed needs unless specific policies in the Framework indicate development should be restricted. Footnote 9 to paragraph 14 includes a list of such policies, including land designated as Green Belt.
110. The Council, however, has made a constructive attempt to meet as much of its OAN and employment land as possible within its own boundaries without using its Green Belt, whilst securing a large proportion of the remaining part of its development needs through co-operating with its neighbouring authorities through DTC. Currently, there is an element of its OAN, of around 825 dwellings (just over 13% of OAN) that has not been fully agreed through DTC, with a review process built into the Plan to address this shortfall if progress has not been made by the end of 2017/18.
111. The modifications state that the Council may undertake a further review of the Green Belt boundaries at the same time as its main review of housing requirements (by the end of 2017/18) **[MM27-29]**, if land in sustainable

⁷² TBC: GBR, section 2, page 3.

⁷³ TBC: GBR Addendum, paragraph 2.4.

locations outside the Borough boundary cannot be identified to meet the remainder of Tamworth's unmet needs by the end of the plan period. This is consistent with Government policy.

112. It may be, as the modification to policy EN2 states, that another review of its Green Belt boundaries could reassess whether there is potential land to meet local needs in the second half of the plan period [MM26]. It is my view that this decision does not need to be taken now or possibly at any time during the plan period, depending on progress in co-operating with neighbouring authorities under DTC over the coming years and reassessing the role and value of the Green Belt.

Issue 3 - Conclusion

113. I therefore conclude that the exceptional circumstances to alter the Green Belt boundary do not currently exist. Policy EN2, subject to the above modifications, is therefore necessary and accords with national planning policy.

Issue 4 – Is the Plan's framework for the economy, including the provision of employment land, town centre regeneration, retailing and offices, appropriate to meet the needs of Tamworth?

Are the expectations in the Plan for employment growth and the provision of employment land soundly based on a coherent framework?

114. The employment land expectation in the Plan is based on an updated Employment Land Review (ELR), prepared by consultants⁷⁴, in accordance with the relevant policies in *the Framework* and good practice guidance in the PPG. It focuses on economic demand factors and incorporates the results of consultation with key stakeholders who have an interest in the supply of employment land in Tamworth. This includes cross-boundary work with neighbouring authorities and work with the Local Economic Partnerships (LEPs) to identify the extent of available land and unmet requirements across a wider sub-regional area.

115. The ELR analyses several 'baseline' statistics, including labour demand based on the latest economic forecasts, past take-up of employment space, future labour supply linked to the Plan's requirement for 250 dpa and different types of employment activity. This produces a range of between 25 ha and 65 ha of gross employment land. The Council is pursuing a figure of 32 ha.

116. Opinion was divided between those who consider that 32 ha provision is excessive in relation to the recent economic down turn and alleged demographic flat lining, and those who consider the ELR is too cautious. The latter group suggest 50 ha, to help claw back some of the out-commuting from Tamworth and to meet the significant unmet demand for strategic use class B8 logistics space in the wider sub-region, given Tamworth's locational advantages and proximity to the national motorway system.

⁷⁴ NLP: Employment Land Review – Stage 2; December 2013 [Examination Document C2].

117. It is appropriate to take a cautious approach based on the Council's evidence, but only on the basis that it is set as a minimum figure (see MM26). 32ha is based on the ELR which is the most sophisticated evidence on employment land requirements submitted to the Examination. Even this figure exceeds the available land for employment development identified within the Borough. It may be that the employment land requirement will have to be reviewed at the same time as any review on housing land and/or Green Belt if one is required due to neighbouring authorities being unable to assist in meeting Tamworth's remaining needs. The ELR figure, however, is the most realistic estimate, given the above considerations and the fact that the relationship between employment and housing growth is not simple. I therefore consider that the employment land expectation in the Plan is soundly based and coherent.

Is the identified shortfall in employment land justified and if so, how will it be addressed?

118. The Council's Site Selection Paper⁷⁵ provides a comprehensive technical justification for the selection of the employment sites within the Plan and summarises the SA input into each site. It is clear from the employment sites selected – and the equally detailed treatment of those rejected – that the shortfall of 14 ha from the employment need figure of 32 ha, which is referred to in policy SS1, is justified. LDC and NWBC have agreed to assist Tamworth to make up this shortfall. In response to suggested further modifications, a further change to policy SS1 [MM26], to refer to the figures of 14 ha and 32 ha employment land as minimum requirements, is necessary in the light of the wide range of employment land requirements projected by the ELR analysis.

119. It is not unreasonable for Tamworth, with its tightly drawn administrative boundary, to rely on nearby locations to provide employment land, especially with its proximity to junction 10 of the M42 motorway in North Warwickshire, just to the south-east of Tamworth. Moreover, NWBC, although not denying the importance of sites in this location, does not rule out other sites within its Borough. Other authorities in the Midlands already have these arrangements in place, such as Leicester looking to Blaby and Charnwood, and Redditch relying on Stratford on Avon to provide part of their employment land needs. For the above reasons, the reliance in policy SS1 on nearby authorities to help in meeting Tamworth's employment land needs is justified, and I therefore consider that the policy, subject to the above modification, is justified and effective.

Are the employment sites identified in policy EC6 justified and deliverable within the plan period?

120. The employment sites identified in policy EC6 stem from the Council's Site Selection Paper⁷⁶, with technical input in addition to the SA. Mitigation measures are also included for specific sites. I am satisfied that the level of detail and the grounds for including potential sites and excluding others are justified. Although it was argued that a proportion of the sites in policy EC6 have been developed for car sales or lost to B1/B8 uses, the Council points out that some car sales activities, such as at Sandy Way, also include engineering

⁷⁵ TBC: Site Selection Paper – Tables 4.1 and 4.2 [Examination Document A5].

⁷⁶ TBC Site Selection Paper, pages 11-15 [Examination Document A5].

work and car repair. Overall, a balance has to be struck and planning judgment comes into play. From the evidence before me, I am satisfied that policy EC6 achieves a justified and effective balance.

Is the protection of strategic employment areas in policy EC7 justified?

121. The ELR concludes that the market alone is unlikely to be able to deliver the increased employment land that the town needs, and that a degree of intervention is required, with priority given to B1 (b, c), B2 and B8 uses. The protection of strategic employment areas, which the ELR considers to be limited in supply in the context of a vulnerable local economy, is in line with paragraph 19 of *the Framework*, which urges the planning system to support sustainable economic growth.

122. Paragraph 22 of *the Framework* states that sites that have no prospect of coming forward should not be protected in the longer term. Some flexibility is needed to allow alternative uses on these sites, including a test to establish that the site is no longer attractive to the market for its existing permitted use. The modification **[MM13]** to require evidence that the site has been marketed for a period of at least 12 months, together with details of the marketing (e.g. a surveyor's report), secures the necessary balance between promoting the local economy and sterilising sites from alternative developments to strike an appropriate balance in this difficult area.

123. Policy EC7 is criticised as inflexible and unresponsive to the changing economic context, where there is demand for other forms of employment such as retailing and servicing, and flying in the face of a recent planning approval in Tamworth for B1 (a) uses. There is further demand for the use of some of the policy EC7 land for car dealerships, and retail warehouses, which are also significant generators of employment. With this in mind, a change to policy EC7 was suggested, to include an additional bullet point to state that where planning permission is proposed for non B1(b, c), B2 and B8 uses, the employment opportunities created by alternative uses would be required to exceed that which would be anticipated from the above-mentioned industrial and warehousing uses.

124. Whilst there is a need for flexibility to encourage all forms of employment generating uses, I consider the test, as modified above by MM13, is not unduly onerous. The evidence, in the ELR and from the discussion and written submissions, supports policy EC7, subject to the above modification as striking a sound balance between safeguarding valuable employment sites, which are much more difficult to replace than many less environmentally challenging uses, and allowing the necessary flexibility to develop, having regard to a range of important factors which are set out in the policy.

How does the Plan address the need for a housing/employment balance?

125. The relationship between housing and employment is complex, especially so in Tamworth, which does not sit in isolation. It is, nevertheless, an important aspect in engaging with the economic, social and environmental strands of sustainable development. The OAN for Tamworth has taken account of the economy as a key component for sound sustainable reasons. A further difficulty in assessing the housing/employment balance in Tamworth is caused

by the fact that its administrative boundary is so tightly drawn, and also the close economic relationships between several towns and cities across the West Midlands, including Tamworth.

126. A recognised approach to assess whether the balance is sustainable is the degree of self-containment between homes and jobs, measured in terms of the percentage of employed residents who work in the same area, and the percentage of local jobs which are taken up by local residents. The higher the self-containment, other factors being equal, the more sustainable the balance.
127. The ELR concludes that in the latest Census data (2011), 49.8% of residents live and work in the Borough, whilst 63% of Tamworth's jobs are taken up by local residents, whilst this pattern is unchanged since the 2001 Census. These figures show close economic links with neighbouring areas, including Birmingham, but fall short of the commonly accepted target for Functional Economic Market Areas, where 75% of a Travel to Work Area's economically active residents are also working in that area, and of all those working in the area at least 75% are also living there⁷⁷.
128. The Council's attempts, through the DTC, to deliver economic growth through the provision of employment land in locations close to the Borough boundary, is evidence that the Plan aims not only at providing the appropriate amount of employment land in relation to new homes, but also in the most sustainable locations. I therefore consider that the housing/employment balance is addressed and that the Plan is therefore justified in this respect.

Is the Plan's retail provision for Tamworth town centre appropriate and deliverable within the plan period?

(a) The appropriateness of the Plan's retail provision for the town centre

129. The Plan identifies a need for 7,800 sq m of comparison retail floorspace and 2,900 sq m of convenience retail floorspace over the period 2021 – 2031, with existing commitments coupled with increased sales density meeting the demand in the early years of the Plan. These estimates are predicated on the implementation of the Gungate redevelopment scheme in the town centre, which is expected to deliver a significant amount of retail (20,660 sq m) and other uses over the next five years. The potential developers confirmed at the Hearings their commitment to develop the scheme at the earliest opportunity.
130. A representation on behalf of out-of-centre retailers in Tamworth questions both the justification and deliverability of the Gungate scheme, stating that the Plan significantly underestimates the amount of retail floorspace capacity in the town over the plan period, which it estimates at around 81,700 sq m (gross) by 2031⁷⁸. It suggests that the Council should look positively at out-of-centre retail parks and acknowledge they have already delivered a substantial amount of high quality retail provision within Tamworth, especially at the Jolly Sailor and Ventura Retail Parks, which are located about 20-30 minutes' walk to the south-west of the town centre. It argues that the

⁷⁷ NLP: Employment Land Review (ELR) Stage 2, paragraph 3.28; December 2013 [Examination Document C2].

⁷⁸ Indigo Planning on behalf of Aucott Group, Table 3.5: Appendix to Hearing Statement by JVH Town Planning Consultants Ltd; June 2015 [Examination Document Ref. HS.15]

Gungate site could be developed sustainably for housing in the town centre, close to many facilities and services and would help reduce the reliance of the Borough on neighbouring authorities to provide some of its unmet housing need.

131. The Council's retail consultants suggest a significantly lower residual capacity in the town centre of 7,700 sq m (gross), updated in 2014 from their earlier figure of 7,600 sq m, based on their 2011 survey. This is in addition to the estimated 41,500 sq m (gross) of existing comparison floorspace in the town centre, taking account of the Gungate and other comparison floorspace in the town centre.
132. In terms of the retail quantum already committed, its town centre location in close proximity to the primary shopping area and bus services, and its regeneration benefits, I am satisfied that the Gungate scheme is justified and accords with paragraph 23 of *the Framework* which promotes competitive town centre environments for sustainable reasons. Given the importance of the scheme as a flagship development for the town centre and the town itself, the modification to policy EC2, to specifically refer to the Gungate scheme **[MM30]** is necessary to give the Plan clarity and strategic direction in the face of the pressure for alternative retail options which the Borough may have to face during the rest of the plan period.
133. Conversely, whilst the out-of-centre schemes for retail and associated developments at the Jolly Sailor and Ventura have been successful in trading and employment terms, I heard evidence that in some aspects they are not particularly sustainable. Firstly, these two developments are located at some distance from the town centre, despite a recently improved footpath link; and a recent Ventura Retail Park shopper survey showed that only about 20% were doing a linked shopping trip⁷⁹. Furthermore, the retail parks are poorly served by public transport, with a high reliance on the private car.
134. I also consider that it is likely that the growth of out-of-centre retailing has impacted adversely on the economic success and the regeneration potential of the town centre, a view shared by local residents and the Council. Its retail consultants point to a decline of 6,000 sq m of comparison floorspace in the town centre since 2000, with a corresponding increase of 16,000 sq m in the retail parks in Tamworth over this period. A causal relationship between the two is generally held to be the case by many planning consultants and retailers who view this as a nationwide phenomenon.
135. The Plan's inclusion of long-term retail floorspace figures is questioned on the grounds that this may encourage proposals for edge and out-of-centre retail development on the basis that there is a long term need for such floor space. The PPG, however, is clear that Local Plans should address the objectively assessed development and infrastructure needs of the area⁸⁰. It also states that town centre strategies should address the scale of the assessed need for town centre uses⁸¹, which implies a quantitative assessment, such as floorspace, with respect to retail needs. *The Framework* also requires local

⁷⁹ Indigo Planning: Ventura Retail Park Shopper Survey; May 2015 [Examination Document HD12b].

⁸⁰ PPG: ID-002-20140306 – *What should a Local Plan contain?*

⁸¹ PPG: ID-2b-003-20140306 – *What should a town centre strategy contain?*

planning authorities to ensure that needs for retail developments (and some other uses) are met in full (paragraph 23[6]), which implies a quantitative assessment of need.

136. On the basis of the above evidence I consider that the Plan is justified, firstly in its quantitative assessments of comparison and convenience retail provision for Tamworth during the plan period; the figure of 26,660 sq m for the Gungate scheme, which has been included in the Council's statements to this Examination, is included as part of modification MM30 (see above). Secondly, the commitment to a town centre location for the thrust of its comparison retail provision over the plan period is justified on sustainability considerations and accords with national planning policy.

(b) The deliverability of the retail proposals for the town centre

137. The second main strand of objection to the Plan's town centre policies concerns the deliverability of the Gungate retail redevelopment scheme, and hence the effectiveness of the Plan. In response to these concerns, and in view of the critical nature of this scheme for the future of Tamworth, I requested a further statement from the Council, to assess the likelihood of delivery in the short to medium term⁸².

138. The response was prepared jointly by the potential scheme developers and the Council's retail consultants.⁸³ Their Statement of Intent underlines the seriousness of their intentions. It highlights that planning permission was secured in 2010 and renewed in November 2013, and that site clearance began quickly after the granting of planning permission. However, it states that the wider economic conditions in the UK and locally, combined with the permissions granted by the Secretary of State to other sites in Tamworth, hindered the ability of the Gungate site to come forward more quickly, and during this time discussions with a key anchor store eventually fell away after a two year period.

139. In relation to scheme gestation, the Statement of Intent suggests that large retail developments take time to come forward; for example the John Lewis development on a greenfield site in Tamworth took nearly 10 years from the date of the planning permission to final occupation, in more favourable economic conditions; also, Henry Boot has provided a clear expression of intent, as the landowner and developer of the site, to deliver in the short term, partly based on the upturn in the retail market.

140. Other considerations cited are that there are no significant infrastructure requirements which need to be overcome to enable the scheme to progress, whilst the Council remains committed to bringing development on the site forward. Meanwhile, a high profile and sustained marketing campaign is currently being prepared for September 2015, with the intention to exchange contracts before the end of 2015, or early 2016, with a start on site during the fourth quarter of 2016 or first quarter of 2017.

⁸² Inspector's Request for Further Statement – Gungate Retail Redevelopment Scheme; 29 June 2015 [Examination Document HD22].

⁸³ WYG and TBC: Response to HD22 Further Statement on Gungate Retail Redevelopment Scheme [Examination Document HDR04].

141. The Council stresses the importance of joint working to overcome barriers such as insufficient occupier demand thus far to implement the scheme. It is aiming to secure a viable scheme at the earliest opportunity, which may include alternative uses, particularly where this can be provided above the planned retail development. The growth of Ventura Retail Park has led to any operator demand which existed in recent years being satisfied there. A firm policy stance, however, in the town centre first approach in policy EC1 will ensure that in future comparison goods retailers seeking floorspace in Tamworth are accommodated in the town centre, which will assist the regeneration of Tamworth and benefit the town centre as a whole.
142. Some of the above assertions were challenged⁸⁴. In particular, it was argued that the timeline is very ambitious, and if it quickly begins to slip, it would be a poor planning strategy to seek to delay the delivery of other retail floorspace and investment in the hope that Gungate may be delivered in the longer term; the very significant delays so far gives clear reason to doubt the deliverability of the approved scheme and there is insufficient evidence to confirm that the scheme will be delivered in the short term.
143. It is clear that there is no guarantee that the Gungate scheme will happen. The Council's statement of intent, however, demonstrates plausible reasons why progress has been slow thus far, and why there are good grounds for progress over the next few years.
144. I note the argument that the lack of progress on the ground should not be allowed to prevent other retail schemes to be brought forward during the plan period if the current scheme for Gungate fails to deliver in the short term. The above modification (MM30), to include the Gungate scheme in a policy in the Plan, also clarifies phasing targets for this scheme and to outline a course of action to provide alternative retail provision to meet Tamworth's needs if the proposal does not deliver. It further sets out a framework for the satisfactory development of the Gungate site for alternative uses in the event of the retail scheme being unable to deliver.
145. I am not convinced, as the out-of-centre retailers are, that the retail parks in Tamworth are entirely separate markets from the town centre; stores such as John Lewis are recognised as town centre anchor stores. I do, however, agree that Birmingham and the internet are competitors to retail provision in Tamworth as a whole.
146. The Council's timetable for the Gungate scheme is ambitious, but I would be surprised if it were not so. Modified policy EC2 provides the Council with other options if no progress on Gungate is made within a reasonable period of time. I note the comments about possible alternative uses and flexibility, but this is only true up to a point, and the intention is to just develop A1 uses – retail – at ground level; again the appropriate amount of flexibility is included in the modified policy EC2.
147. In response to the criticism of insufficient evidence to confirm scheme delivery in the short term, it is difficult to know how much more relevant information

⁸⁴ Indigo: Briefing Note: HD22 Response: Further Statement on Gungate Retail Redevelopment Scheme; 14 July 2015 [Examination Document HRD 15].

could have been provided without providing confidential viability data. I note the High Court Judgment in 2012 which stated that: "*It is unrealistic to expect a commercial operator to reveal its precise commercially sensitive and valuable calculations as to why it considers possible alternatives to the development proposal not to be commercially viable; and it is unnecessary for them to come to do so to enable a planning authority to come to a view on viability*"⁸⁵.

148. Having considered all the arguments, on balance I consider there is sufficient evidence of intent to overcome the barriers to implementation, and a clear timeline outlining key milestones for scheme delivery. I therefore conclude that, subject to a modified policy EC2, the retail provision for the town centre is likely to be deliverable within the short to medium term. The Plan is therefore effective.

Is there a need for greater locational and/or qualitative guidance for retail development within or adjacent to the town centre or elsewhere?

149. Policy EC1 identifies a hierarchy of centres with the town centre first, local centres second and a network of neighbourhood centres third. It reflects the requirement in paragraph 23 of *the Framework* to promote town centres as the heart of their communities as well as defining a hierarchy of other centres. The policy applies a sequential test for town centre uses proposed elsewhere, and likewise for local centre or community centre uses that are located outside these areas. It requires an assessment of proposed retail developments if they are above certain size thresholds, depending on the location in relation to the hierarchy.

150. For example, the locally set floorspace threshold of 250 sq m (gross) applies to proposed retail developments within out-of-centre retail parks or strategic employment areas, to ensure that they would not have an adverse impact, individually or cumulatively, on the town centre. In view of the potential vulnerability of the town centre to the cumulative effects of recent out-of-centre developments, I consider that this relatively small threshold is justified during the plan period, in accordance with the provisions in the PPG⁸⁶.

151. The idea of including the Ventura and Jolly Sailor Retail Parks in an expanded town centre, in the same way as it was expanded to include the Snow Dome, would be contrived and would not of itself encourage more linked trips between the retail parks and the town centre.

152. On the other hand there were requests from neighbouring local planning authorities to consider extending the provision within policy EC1 for impact assessments where appropriate on other towns outside the Borough. I am not convinced that the retail geography of Tamworth requires such a provision to be made in the Plan.

153. On the basis of the above evidence, I consider that the use of thresholds in policy EC1 in accordance with the sequential test is justified and accords with

⁸⁵ HCJ: Case NO. CO/4764/2012 between the Queen on the application of Zurich Assurance Ltd and North Lincolnshire Council; 20 December 2012 [Examination Document HD24].

⁸⁶ PPG Ref ID: 2b-016-20140306 *When should the impact test be used?*

national planning policy.

Is the Plan's convenience retail provision sufficient for the rest of the plan period?

154. The Council considers there is no potential to increase the market share of convenience retailing within the Borough, with little additional residual retail capacity anticipated before 2021. The Plan states that there will be a need for an additional 2,900 sq m of convenience floorspace by 2021, and the Council expects to monitor the situation and reassess where necessary.

155. It was expressed that there is capacity for more convenience floorspace within the Borough than the Plan is making provision for. I do not consider that the retail evidence points to this conclusion. The idea of a major convenience store being included as the anchor store for the Gungate redevelopment scheme was well supported at the Hearings. This would not be unacceptable in principle, subject to detailed considerations, e.g. in relation to parking.

Is the Plan's stance on office provision justified and effective?

156. Policy EC6 states that the location of new office development (B1a) will be in line with policy EC1. Therefore, as main town centre users, offices will be subject to a sequential test. This accords with national planning policy.

Does the Plan provide a justified and effective framework for the development of culture and tourism in Tamworth?

157. Policy EC5 encourages culture and tourism within Tamworth. Most of the town's assets are located in and around the town centre, and its attractive waterways. Culture and tourism are viewed in the Plan as positive opportunities to increase the vitality and viability of the town centre. I agree with this approach and I consider that there are no soundness implications arising from policy EC5.

Issue 4 - Conclusion

158. I conclude on the evidence before me that the Plan's economic and employment provision, and the promotion of appropriate town centre schemes, including retail, office, leisure and tourism development, is, subject to the above modifications, sound.

Issue 5 – Is the infrastructure needed to accommodate the Plan's strategy positively prepared, justified and deliverable within the plan period?

Infrastructure delivery

159. Policy IM1 sets out a framework for securing the necessary infrastructure to support the Plan, together with guidance on securing developer contributions. It is appropriately strategic and indicates the Borough's priorities. I consider that the infrastructure priorities are appropriately balanced to guide the development of the Borough over the plan period.

160. The policy is supported by the Council's Infrastructure Delivery Plan (IDP), (Appendix B to the Plan), which provides guidance on multiple levels of implementation, covering a wide range of schemes, anticipated outcomes, key

delivery agencies, priorities, phasing, costs, funding availability and funding gaps. The IDP is a living document, which will change in the light of new information, priorities and the changing financial climate.

161. The IDP is more than a wish list, with information on funding availability and relevant sources, which sets a positive steer for the implementation of the Plan. I can find no evidence that the IDP is targeted towards more affluent areas. The IDP identifies the essential schemes which the Council considers are critical to unlocking key development sites, which are in turn fundamental to the delivery of the Plan. These 'essential' schemes comprise three new primary schools, linked to the three SUEs, extensions to existing schools, and the local transport package for North Tamworth.

162. There is a widely held view that the highways infrastructure in North Tamworth is critically related to the quantity of development that can be delivered both within Tamworth and for new housing across the border in Lichfield District. However, I am satisfied on the basis of the evidence submitted that the appropriate funding is in place to secure the implementation of a sustainable travel package, in recognition of the paramount importance attached to road safety by both the Council and the highway authority.

163. In terms of Tamworth's relationship with the Greater Birmingham and Solihull Local Economic Partnership (LEP), the Council states it worked closely with the LEP during the preparation of the Plan. It also advises that there is no regionally significant infrastructure identified within the IDP, which is updated on a regular basis and which will include additional items if necessary.

Flood and pollution risk

164. A quarter of the Borough lies within the flood plain of the Rivers Anker and Tame and their tributaries. Flood risk, therefore, is a primary strategic consideration of the Plan and was a major factor in the selection of major housing sites and employment land in the Council's Site Selection Paper⁸⁷. Policy SU4 discourages development within the floodplain and applies a sequential approach to all development proposals, and was drawn up in collaboration with the EA and SCC (the Lead Local Flood Authority). It is based on the Level 1 SFRA⁸⁸ and the Level 2 SFRA⁸⁹, which together with other related studies identifies the sources of flood risk in Tamworth, and also incorporates appropriate measures to minimise flood risk.

165. The modifications to policy SU4 and its supporting text refer to the priorities in the EU Water Framework Directive, to clarify that development will not be permitted that could have negative impacts on the River Anker, River Tame and their associated tributaries **[MM06-07 and 14-16]**. These modifications are necessary for soundness to accord with national and EU policy, and are

⁸⁷ TBC: Site Selection Paper – pages 55-58 [Examination Document A5].

⁸⁸ Halcrow: Level 1 Strategic Flood Risk Assessment, for Tamworth Borough Council; September 2009 [Examination Document G11].

⁸⁹ Atkins: Level 2 Strategic Flood Risk Assessment, for Tamworth Borough Council; October 2014 (Examination Document G16).

supported in a MOU between the Council and the EA⁹⁰. Policy SU4 also recognises the importance of sustainable urban drainage schemes (SuDS) and opening up culverted watercourses in helping to manage flood risk across the Borough.

166. Pollution risk to potential development land in Tamworth is identified through a series of technical consultations, and is covered adequately in the Council's Site Selection Paper. Policy SU5 addresses these risks, in line with paragraph 120 of *the Framework*. Ground contamination is especially pertinent in Tamworth, as the River Tame is classified as having poor/moderate water quality through the Borough and is wholly underlain by principal aquifers.

Issue 5 - Conclusion

167. I conclude on the evidence before me that the infrastructure needed to ensure the delivery of the Plan is either in place, is committed, or is likely to be achieved at the appropriate time within the plan period. Policy IM1 is a common thread to underpin all development proposals, whilst the IDP provides the appropriate level of detail and identifies the future funding gaps, both for the implementation of the Plan and CIL preparation. The Plan also addresses flood risk and pollution, which are important issues in Tamworth. The Plan, subject to the above modifications, is therefore justified, effective and accords with national planning policy.

Issue 6 – Is the capacity and quality of the existing and proposed transport network sufficient to accommodate the scale and distribution of growth planned for Tamworth, including the traffic generated by development related to the needs of Tamworth in other local authority areas?

168. Policy SU1 sets out the principles and priorities for a sustainable transport network for Tamworth, whilst policy SU2 promotes the delivery of sustainable transport. They reflect the Council's active engagement with SCC and Highways England, in line with the DTC. In particular, the traffic impacts of the three SUEs have been assessed, as well as the impact of housing in the BDL within Lichfield District to the north of the Borough.

169. Highways impacts are one of the critical parameters of the capacity of the SUEs, and the outcomes from joint transport assessments with SCC will define the additional quantum of development which is appropriate for these areas and their potential extensions; the modification to policy HG2, to provide for the Glascote Road/Marlborough Way roundabout junction as part of the enabling infrastructure for the Golf Course SUE (MM04) is an example.

170. Highways England supports the Plan, following its assessment of the strategic road network based on similar levels of growth to the Plan, and in particular the schemes highlighted in policy SU1 (g).

171. Policy SU1 sets a basis for requiring developer contributions in addition to

⁹⁰ SCG between Tamworth Borough Council and the Environment Agency; May 2015 (Examination Document EX3).

Government funding to deliver the required interventions. The IDP includes the appropriate amount of detail to enable schemes to be drawn up. It also identifies funding gaps. Policy SU2 also sets the parameters for parking provision, partly based on the guidance in the Government's Manual for Streets. The flexibility in the policy accords with the requirements in paragraph 39 of *the Framework* and the recent Written Ministerial Statement⁹¹. The Council considers that the justification for the standards remains, given the highly constrained land supply in the Borough. I support this approach.

172. Policy SU2 requires proposal-specific modal shift targets for larger developments and prioritises sustainable modes of transport.

Issue 6 - Conclusion

173. I therefore conclude that the transport policies and provisions in the Plan are sufficient to accommodate the scale and distribution of growth planned for Tamworth in a sustainable manner.

Issue 7 – Does the Plan provide a clear and integrated framework for conserving, managing and enhancing the Borough's green and blue infrastructure and other environmental assets? Does it provide a sustainable framework for addressing climate change, renewable energy, sustainable construction, biodiversity and other environmental assets?

Green and Blue Infrastructure

174. The Plan recognises that the rivers, canals and associated green areas are particularly attractive features of Tamworth, with recreational, wildlife and tourism (and therefore economic) potential. Policy EN3 sets out soundly based principles for ensuring that the Borough's green and blue infrastructure is multifunctional, connected, of a high quality and is accessible. These sustainable principles are also integrated into the proposed SUEs.

Historic environment

175. Policy EN6 sets out the criteria for development in relation to the historic environment. The modifications clarify the status of scheduled ancient monuments and specify the need for appropriate archaeological assessment, and are necessary to safeguard the significance of heritage assets **[MMO1-02]**. Subject to these modifications, the Plan's historic environment policy framework is justified and accords with national planning policy.

Renewable energy and climate change

176. Policy SU3 provides support for renewable energy generation to meet the Borough's climate change objectives. The SCC County-wide Renewable and Low Carbon Energy Study⁹² estimates there are limited options for renewable energy generation within Tamworth. Policy SU3 therefore restricts the

⁹¹ Written Ministerial Statement – Planning Update: see section on Parking: helping local shops and preventing congestion; 25 March 2015.

⁹² Camco: Staffordshire County-wide Renewable/Low Carbon Energy Study, pages 124-129; September 2010 [Examination Document G10].

requirements for renewable energy to what is feasible and accords with the recent Ministerial Statement⁹³.

177. Policy SU3 also provides a sustainable basis for mitigating climate change through a number of measures, including promoting effective use of land, sustainable transport, sustainable design, tree planting and landscaping for carbon capture, maximising energy and water efficiency and retro-fitting and exploiting opportunities for energy from waste. These measures reflect the guidance in the PPG⁹⁴. In line with the recent Written Ministerial Statement⁹⁵, the Plan does not set any additional local standards relating to the construction, internal layout or performance of new dwellings.

Agricultural land

178. The modification to policy EN4 supports development that preserves high quality agricultural land termed as the Best and Most Versatile (BMV) land **[MMO8]** in accordance with national planning policy.

Issue 7 - Conclusion

179. I therefore conclude, subject to the above modifications, that the Plan provides a sound framework for conserving, managing and enhancing the Borough's green and blue infrastructure, and enabling a sound basis for addressing climate change, renewable energy, loss of agricultural land and other environmental challenges during the plan period.

Issue 8 – How does the Plan manage development? How does it deal with uncertainties and risks? How effective are the Plan's monitoring provisions? Are there clear indicators and targets to measure whether the policies in the Plan will be effectively implemented?

Development management

180. Policy EN5 addresses development management issues relating to design, amenity and residents' living conditions. It links to several other policies which have development management implications, such as policy EC6, which requires new employment development outside established employment areas to be compatible with surrounding areas. It satisfactorily addresses the relevant core planning principles set out in paragraph 17 of *the Framework*. The Council intends to issue a Design SPD to provide additional detailed guidance. Concerns regarding guidance in the Plan for tree protection are addressed satisfactorily in the last paragraph of policy EN4.

Uncertainties and risks

181. The Council explained that flexibility in the Plan is important and is required by paragraph 153 of *the Framework*, which states that local plans need to have sufficient flexibility to adapt to rapid change. In a small and constrained local

⁹³ Written Ministerial Statement made by Secretary of State for Communities and Local Government (Greg Clarke) – Local Planning and Wind Energy; 18 June 2015.

⁹⁴ PPG: ID: 6-003-20140612 *How can the challenges of climate change be addressed through the Local Plan?*

⁹⁵ Written Ministerial Statement made by Secretary of State for Communities and Local Government (Eric Pickles) – Improving Energy of Buildings and Using Planning to Protect the Environment; 25 March 2015.

authority area such as Tamworth, this is challenging. The modification will provide flexibility by making provision for a review of the Plan will ensure that the development provisions will look to the long term, in accordance with national planning policy.

How will the monitoring arrangements work, and should this matter be addressed as a policy?

182. The monitoring indicators in Appendix D are relevant and comprehensive, and the Council updates many of them annually. Some of the disagreements between the Council and representors centred on definitions, such as what determines the completion of a dwelling. The Council's evidence demonstrates that its criteria are both consistent and reasonable. The Council also confirmed that its planning officers consulted with other Council Departments, relating to Council Tax and Building Control, to confirm or verify some aspects of the implementation of policies. In summary, I do not consider that there are any soundness issues associated with the monitoring regime of the Plan.

Issue 8 - Conclusion

183. I consider that none of the concerns in relation to Issue 8 raises any soundness issues.

Assessment of Legal Compliance

184. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Tamworth Local Plan is identified within the approved LDS (September 2014) which sets out an expected adoption date of November 2015. The Local Plan's content is compliant with the LDS, although its timing has slipped.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2014 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (October 2014) sets out that the only site which may have potential effects arising from the Plan is the River Mease SAC. However, the screening in the report demonstrates that it is very unlikely that the proposed development in Tamworth over the plan period would lead to significant effects on the character of the SAC.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.

2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.
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Overall Conclusion and Recommendation

185. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

186. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Tamworth Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in *the Framework*.

Mike Fox

Inspector

This report is accompanied by the Appendix containing the Main Modifications.