



Revision to the adopted Planning Obligations Supplementary Planning Document August 2018

Tamworth Borough Council adopted the Planning Obligations Supplementary Planning Document (SPD) August 2018 on 01 August 2018.

The adoption of the SPD was approved at a meeting of the full Council on 17 July 2018 and the document was adopted on 01 August 2018. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018, in between the Council's resolution to adopt the SPD and its actual adoption date.

The latest revision to the SPD reflects a number of changes resulting from the publication of the revised NPPF. Further details on the revisions are set out in the report to Cabinet dated 27 September 2018 and available on the Council's website.

The Council consulted on the latest revisions to the SPD between 12 October 2018 and 09 November 2018.

Summary of Consultation Responses

The consultation was sent directly to people on the Council's Local Plan consultation database and was advertised on the Council's website. Six responses were received. A summary of the comments received and how they have influenced the preparation of the document is set out in the table below.

Individual or organisation	Comments made	Council's response
Equality and Human Rights Commission	No comments.	No response required.
Highways England	<p>“Following our review of the SPD, we have reached the view that the amendments have no implications for the safe and efficient operation of the SRN and meet the requirements of the latest National Planning Policy Framework (NPPF). In this regard we have no further comments to provide on the SPD.”</p>	No response required.
Tetlow King on behalf of West Midlands HARP Planning Consortium	<p>The respondent submitted a representation running to three pages, the most relevant points of which have been highlighted below.</p> <p>“While the Council has considered the compliance of adopted Policy HG4 against the revised Framework and resolved to assign this little weight when determining applications, this decision is considered to be very important and warranting further investigation. There is an urgent need to consider the local context to delivering affordable housing which is needed in Tamworth Borough.”</p> <p>“The NPPF is a significant material consideration in any planning decision, and one which the decision-making authority must weigh against the</p>	<p>The comments in relation to affordable housing are noted.</p> <p>The application of little weight to part c) of policy HG4 was set out in the previous, recently adopted, version of the SPD as a result of the Written Ministerial Statement of 28 November 2014. The changes in this version of the document reduce the threshold at which affordable housing would be required from 11 dwellings to 10 in line with the new NPPF.</p> <p>This interpretation of the policy does not preclude the development of affordable housing on smaller sites and there may be instances in which it is appropriate to seek affordable housing on developments of fewer</p>

	<p>development plan. If the weight to be given to the revised NPPF is greater than the need as defined by the local context then the expected new housing delivery will contribute limited affordable housing. This compromises the Council's ability to deliver its objectively assessed need for affordable housing.</p> <p>The Council may retain its affordable housing thresholds which are below the major development threshold in the NPPF, reflecting the Court of Appeal's judgment in the case between the Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council (11 May 2016), which held that whilst the Government, whether central or local, could state policy "<i>rules</i>" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy."</p> <p>"As confirmed by the Court of Appeal decision in the West Berkshire case whilst the NPPF is clear with regard to the Government's intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a</p>	<p>than 10 dwellings. Each development is different and the application of the policy is a matter for the decision maker in each individual case.</p> <p>No changes will be made to the document at this time, however the underlying policy in the Local Plan will be reviewed as part of the Local Plan review to determine whether it is still appropriate.</p>
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	<p>matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary. The NPPF does not strictly outweigh the weight to be attached to local evidence of affordable housing need.”</p> <p>“We urge the Council to reconsider the challenging local circumstances to ensure that the draft changes to the Planning Obligations SPD do not considerably affect the Council’s ability to maximise the amount of affordable housing that may be delivered across the Borough, and ensures that the Council may continue to strive to meet the growing affordable housing need.”</p>	
<p>Staffordshire County Council – Planning policy and delivery</p>	<p>“It is recognised that the SPD has only recently been adopted and the changes proposed here are in response to the updated National Planning Policy Framework. We are content that the SPD has been updated appropriately to reflect the new NPPF. In addition, the SPD recognises the on-going proposals in relation to reform of the Community Infrastructure Regulations. With Tamworth Borough Council having a charging schedule in place, should the changes to CIL proposed by government go through, then the S106 pooling restrictions should no longer apply</p>	<p>The comments of SCC in relation to the pooling restrictions are noted. No changes are required to the document at this time.</p>

	providing greater flexibility and choice in the collection of developer funding towards infrastructure.”	
Staffordshire County Council – Ecology and historic environment	“Thank you for consulting the Rural County section on the above. We have no further comments.”	No response required.
Staffordshire County Council – Flood risk	“Thank you for consulting us on the revisions to the SPD. We have no further comments on the two sections highlighted.”	No response required.