

12 February 2015

Dear Mr Roberts,

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

I have been appointed to hold the Examination into the Tamworth Local Plan (the Plan). Whilst I note your preferred timetable for progressing the Examination, I am writing to inform you that I have a few initial soundness concerns which are set out in this letter. The progress of the Examination very much depends on your response to these questions. Given your desire to make good progress towards the adoption of the Plan, I am sending these initial comments to you quickly before I have fully studied the Plan and its supporting documents. The list below is not necessarily the full list of concerns that I may have by the time of the Hearings, although I will give you good notice if any other concerns arise.

I am also informed that the Programme Officer is away on leave, and I am also going to be away on leave next week. It is for these reasons that I am sending this letter via Stuart Liddington of PINS rather than following the normal course of action via the Programme Officer, with whom I hope to make contact soon.

I will number my initial concerns for the sake of clarity and easy reference in any future correspondence. If some of the answers are already contained in the documentation you have already sent me, please bear with me and just refer me to the relevant place(s) in these documents, and/or elaborate on them in your reasoning.

My initial concerns are:

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

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

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

- (i) How certain is the commitment by North Warwickshire Borough Council and Lichfield District Council to each provide 500 dwellings over the plan period? Is there anything more definite than Memorandums of Understanding, for example in the form of a signed and dated Agreement?
- (ii) If Cannock Chase is included within the same HMA as Tamworth, has that Council been approached to meet some of Tamworth's remaining 1,000 houses which it still needs over the plan period? If not, what is the Plan's policy stance in relation to this quite significant amount of housing needed to meet Tamworth's need? Evidence of dialogue between Cannock Chase and Tamworth Councils is important on this issue and on Duty to Cooperate (DTC) in general. In fact, evidence is needed of the dialogue that has been undertaken between Tamworth Borough Council and all the neighbouring authorities as part of the DTC.
- (iii) Does the Council have an allowance for windfall sites, which may reduce the need to find at least some of the extra one thousand new houses referred to above?
- (iv) An updated estimate of Tamworth's 5 year housing supply, including the 5% buffer as required by *the Framework* (paragraph 47[2]), needs to be provided by the Council (or I need to be pointed to where I can find it).
- (v) There appears to be a discrepancy between the 2,948 dwellings on allocated housing sites in the Local Plan (paragraph 3.11) and 3,088 dwellings in the Site Selection Paper (i.e. 765 dwellings from 20 allocations and a further 2,323 dwellings from SUEs); is the difference largely accounted for by the 140 dwellings which have been identified as having potential flood risk issues?

**Concern 3: Green Belt** – Whilst I am persuaded of the logic to retain parcel A within the Green Belt, I am less convinced that none of parcel B should be developed for housing, especially in view of the need to restore and remediate land affected by former quarry activity in parts of this area. I also note that Lichfield is removing part of its Green Belt, partly as I understand it to meet some of Tamworth's housing need.

**Concern 4: Employment Land** – The shortfall of 14 ha out of the Plan requirement for 32 ha of new employment land is significant, and the Plan needs to give an indication as to where this land is likely to be found (presumably

outside the Borough, but where and what is the likelihood that this amount of land can be implemented within the plan period?).

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

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

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

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

### **Other matters**

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

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

Yours sincerely

*Mike Fox*

INSPECTOR