

Reference ID SPL343

Taylor Wimpey

# North Warwickshire Local Plan Examination

Matter 1: The Duty to Co-operate

**Matter 1: The duty to co-operate*****Issues and Questions*****Has exercising the DtC maximised the effectiveness of addressing strategic cross boundary matters?**

- 1.1 Under S33A of the Planning and Compulsory Purchase Act (2004), the Council must co-operate with other bodies, including local authorities, to maximise the effectiveness of plan making. The Duty to Co-operate (DtC) requires the Council to “*engage constructively, actively and on an ongoing basis*” (S33(2)a).
- 1.2 It is also the case that the DtC forms part of the tests of soundness in that to be “positively prepared” a plan must be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so, and to be “effective” a plan must be based on effective joint working on cross boundary strategic priorities. Local planning authorities need to bear in mind that the cooperation should produce *effective and deliverable policies on strategic cross boundary matters* (RPS emphasis).
- 1.3 The definition of strategic matters is set out in Section 33A(4) of the Planning and Compulsory Act. This includes sustainable development or use of land that has or would have a significant impact on at least two planning areas, in particular in connection with strategic infrastructure.
- 1.4 One of the genuinely strategic matters in the context of the North Warwickshire Local Plan is the provision of housing and infrastructure needs and the extent to which these will be met within North Warwickshire.
- 1.5 North Warwickshire lies within two Housing Market Areas (HMA) as set out in the CW Strategic Housing Market Area Assessment (**CD8/10**) and the PBA/GL Hearn Woods Studies for the Greater Birmingham (GB) HMA (**CD8/23**). North Warwickshire is one of the signatories of the Memorandum of Understanding relating to the planned distribution of housing within the Coventry and Warwickshire Housing Market Area (HMA) (**CD5/3C**). This MoU is found at Appendix 5a of this statement
- 1.6 There is also a Memorandum of Understanding with Birmingham (**CD5/3A**) relating to the delivery of a proportion of the established unmet housing need arising from the Greater Birmingham & Black Country Housing Market Area in Birmingham City Council and North Warwickshire Borough Council, which has been agreed by Birmingham City Council and North Warwickshire Borough Council. This MoU is found at Appendix 5D of **CD5/3A**.

- 1.7 Following the publication of NPPF2 (2018), it remains to be seen what the standard OAN will be for North Warwickshire for future plan making, since the Government has signalled its intention to re-consider the methodology for the national approach to assessing local housing need, in order that the approach nationally will deliver the required 300,000 homes annually, which has been committed to. Although not applicable for this Plan, it remains clear that the Government is committed to significantly boosting the supply of housing.
- 1.8 It is therefore entirely appropriate to proceed on the basis of using NPPF1 (2014) for the purposes of North Warwickshire and also unmet needs of cross boundary authorities, which is covered as part of the transitional arrangements set out in paragraph 214 of the NPPF2.
- 1.9 In addition, there are existing arrangements and issues associated with providing for the needs associated with Tamworth. For these reasons, this statement addresses all three issues separately below.

#### **Coventry (and Warwickshire)**

- 1.10 RPS considers that the OAN of 4,740 in the UAHN 2015 is reliable information available for the purposes of plan making, and has been endorsed as part of LP Examinations for the remainder of the HMA.
- 1.11 It therefore becomes necessary to consider the further uplifts from the Coventry and Warwickshire Memorandum of Understanding (MoU) and unmet need from Tamworth should be added to the Council's need. The MoU and supporting calculation tables set out that an uplift to North Warwickshire's OAN is needed to address the 17,000 shortfall arising from Coventry. For North Warwickshire, as indicated under heading 3 of the MoU, this increases the figure by an additional 540 dwellings to 5,280. RPS acknowledges that the MoU has been accepted as a robust mechanism to redistribute need as part of other Local Plan Examinations in the HMA and as such, this remains an appropriate way of approaching redistribution at North Warwickshire. It should be noted that this figure does not include any unmet need from Tamworth.
- 1.12 As explained in paragraph 7.34 of the LP for North Warwickshire, the District's emerging Local Plan is meeting its own demographic need for 3,800 dwellings (190dpa). An upward adjustment which contributes to meeting unmet needs and supports workforce/economic growth in the District of 940 dwellings is then made, with the assumption that 65% of this is attributed to the Birmingham HMA (620 dwellings) and 35% to the Coventry & Warwickshire HMA (320 dwellings) based on the split of assumed in-migration, when considering past trends. Provision for a further 540 dwellings to meet Coventry's unmet needs has then been made through the MOU between the Coventry and Warwickshire authorities, bringing the total contribution which North Warwickshire is making to Coventry's unmet need to 860 dwellings.

1.13 RPS supports the extension of the Plan period by two years to 2033, which would adopt the annualised figure for the HMA and extend the requirement by a further 528 dwellings, bringing the requirement to 5,808 dwellings.

### Tamworth

1.14 The Council has previously agreed to accommodate an unmet need from Tamworth amounting to 500 dwellings (**CD5/3 MoU**). As indicated above, this is not included within the Council's OAN (Table 1) and should be added to the identified requirement of 5,808 to arrive at the figure of 6,308 as the total for this stage in the calculation of need.

1.15 Since the 2014 Plan was adopted, the understanding of Tamworth's housing need and ability to accommodate growth within its own boundary has progressed. The Tamworth Local Plan was adopted in February 2016 with an identified shortfall of 825 dwellings in addition to the 1,000 already agreed by North Warwickshire and Lichfield. This provides for a combined shortfall of 1,825 dwellings.

1.16 In his report on the soundness of the Local Plan, the Tamworth Inspector noted that the plan falls short of meeting its own housing need. The Inspector then outlined three reasons why this does not undermine the soundness of the Plan (paragraph 45 refers) which are summarised below:

- Paragraph 14 of the NPPF does not require a Local Plan to meet the full OAN if there are factors which might restrict development (such as the Green Belt in Tamworth);
- North Warwickshire and Lichfield Borough Councils have indicated their intention to provide more than already currently committed to allow for Tamworth's remaining shortfall; and
- A modification for review was added into the Tamworth Local Plan.

1.17 As a less constrained authority than Tamworth, RPS considers that it is North Warwickshire's responsibility to respond to this further unmet need from Tamworth in order that the shortfall is not allowed to continue to exacerbate issues of housing delivery in the wider HMA.

1.18 Making a further contribution towards the extant 825 dwellings from Tamworth would be a positive move in terms of ongoing and meaningful Duty to Co-operate activities, which is in accordance with the aims of the February 2017 Housing White Paper which expects Local Authorities to work together in order that unmet need is not 'ducked'.

1.19 Although previously Tamworth's unmet need was split equitably between North Warwickshire and Lichfield, there is no certainty over where this further 825 can be met. Lichfield Council is similarly at Examination on its Land Allocations Strategy following the adoption of the Local Plan

in 2015, which includes draft allocations proposing 1,165 dwellings adjacent to the north of Tamworth. Similarly, the consultation Local Plan includes a draft allocation for 1,191 dwellings adjacent to Tamworth. As both Councils have demonstrated that there are no constraints to assisting Tamworth in delivering unmet need, the contribution from Tamworth should be increased. In the absence of a defined approach to this issue as demonstrated in paragraphs 5.24 to 5.33 in the Lichfield Matter 5 EiP Statement (**Appendix 1**), it is suggested that a continuation of the current arrangements of proportionately dividing the unmet 825 should be undertaken. Currently, there is no mechanism to meet need and there are ongoing discussions with North Warwickshire (paragraph 5.33). This would mean North Warwickshire providing for 912 dwellings from Tamworth through this current Plan.

### **Birmingham (GBHMA)**

- 1.20 RPS is encouraged to see North Warwickshire take a proactive role in looking to meet unmet need arising from Birmingham, however there is still a great deal of uncertainty related to how the significant shortfall will be met.
- 1.21 The Greater Birmingham HMA Strategic Growth Study (SGS) (**CD8/23**) has now been completed, essentially covering the period 2011-36. It merely identifies potential options for addressing the shortfall. Unfortunately, and despite previous assurances and specifically those indicated during the Birmingham Development Plan Examination the document, whilst helpful in exploring potential spatial approaches to strategic scale growth locations, provides no commitment to the distribution of numbers. There remains considerable concern about the robustness of the document and, in particular its approach to establishing the overscale of the shortfall.
- 1.22 The accompanying joint statement by the 14 commissioning authorities in February 2018 made it clear the document was merely an independently prepared, objective study and not a policy statement, which does not in any way commit the participating authorities to development of any of the geographic areas referred to (nor does it exclude the testing of alternatives). Furthermore, the SGS does not purport to present findings at local authority level (paragraph 3.24), the relevance and significance of the SGS should be a matter for this examination. In RPS' view, in comparison with a recently publicly tested Development Plan for Birmingham, limited weight should be afforded to it, particularly in relation to the reduction it is suggesting arising from Birmingham in the period to 2031.
- 1.23 Given the scale of Birmingham City Council's unmet housing need identified through the adopted Birmingham Development Plan (37,900 dwellings to 2031) and the emerging shortfall identified by the Black Country Authorities through their current review process (estimates of 17-22,000+ dwellings to 2036) it is inevitable that North Warwickshire will need to make a significant contribution through the Duty to Cooperate process.

- 1.24 Without commitment to delivering growth from Birmingham, the North Warwickshire Plan would not be fulfilling its obligations under DtC. Moreover, it would inevitably exacerbate the current delays to delivery of the HMA's unmet needs, as it is unlikely that a review would be concluded by 2020 (and, as such, is likely to trigger a review of the Birmingham Development Plan under Policy TP48).
- 1.25 One of the key indicators of the Birmingham Development Plan, for it to necessitate a review of its own plan is a ***“Failure of a relevant Council to submit a replacement or revised Local Plan, providing an appropriate contribution towards Birmingham’s housing needs, for examination within 3 years of the adoption of this Plan”***. During the Birmingham Development Plan Examination, North Warwickshire agreed to this approach<sup>1</sup>, adherence to which necessitates an appropriate contribution in a submitted plan at Lichfield by January 2020. Without this issue being tackled now and an ‘appropriate contribution’ being made through this plan, North Warwickshire will not be delivering on meeting an appropriate contribution towards the Birmingham shortfall.
- 1.26 It is noted the other LP Inspectors have acknowledged the importance of addressing this issue. The Inspector appointed to examine the Lichfield Local Plan in 2015 noted that ***“...A failure to carry out such a review ... could be argued to render the housing policies in the Plan out of date. The weight that could be given to these policies would, therefore, be greatly reduced and the Council would find it more difficult to rely on them when making decisions on applications for planning permission”*** (para. 20). This underlines the need for the District Council to agree its contribution to the HMA shortfall and in the absence of the SGS distributing the growth this can only now simply be met through this local plan process.
- 1.27 In absence of any substantive evidence that political agreement will be reached across the whole HMA level on this issue, it will be down to the individual authorities within the HMA to ensure they are effectively dealing with the issue. The opportunity and responsibility exist through this plan and the Memorandum of Understanding process on a bilateral basis between North Warwickshire and Birmingham City Council (‘BCC’) to establish an ‘appropriate methodology for dealing with its ‘appropriate contribution’ to the unmet needs of Birmingham.
- 1.28 North Warwickshire has signed an MoU with Birmingham City Council in September 2016 to meet 3,790 dwellings arising from Birmingham’s shortfall, though there is no certainty about how the remainder of Birmingham’s Shortfall will be met. The Birmingham Development Plan was adopted with a requirement to have agreed measures in place to meet its shortfall within three years. Whilst the MoU between North Warwickshire and Birmingham is a good first step, this

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<sup>1</sup> Paragraph 66 (footnote 28) of the Birmingham Development Plan Inspector’s Report



needs to be revisited at a later time as part of a wider agreement with all relevant Birmingham HMA authorities confirming how the shortfall will unequivocally be met.



**Appendix 1: Lichfield District Council Matter 5 Statement**



# Lichfield District Council Local Plan Allocations



## Examination of the Local Plan Allocations Development Plan Document

### Inspectors Matters, Issues & Questions

Matter 5 – How should the Plan deal with the housing shortfall in neighbouring authorities, such as Birmingham and Tamworth?

Prepared by Lichfield District Council

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**Matter 5 - Question 5.1:**

**In view of the urgency of making housing provision to meet the needs of Greater Birmingham, what are the arguments for delaying a positive response until the Local Plan Review? Does the GBHMA suggest a timeframe and quantum for contributions from Councils such as Lichfield? Is the estimated date for adopting such a review still December 2020? Should not this Plan be aiming to contribute towards these wider needs before December 2020, a date which may slip? [An MOU or SCG between the GBHMA and/or Birmingham CC and Lichfield DC would be helpful.]**

- 5.1 The specific issue of unmet housing needs arising from Birmingham was considered at the Examination in Public (EIP) of the Local Plan Strategy (LPS) [CD1-32]. The evidence that Birmingham might not be able to meet its needs arose late in the production of the LPS and as a result the LPS required a main modification to recognise and propose collaborative working with Birmingham and other affected authorities.
- 5.2 The Inspector of the LPS considered as part of his assessment of compliance with the Duty to Cooperate (DTC) at paragraphs 17-23 of his report [CD6-3], the issue of unmet need arising from Birmingham. He recognised that the Council was actively progressing work to tackle cross-boundary unmet housing need and concluded that he did *“not consider it necessary to specify a time by which this review will take place nor do I consider that there is a need, as was suggested at the resumed hearings, to start afresh and prepare a new plan once the amount of the shortfall in housing provision which will be accommodated in Lichfield has been established.”*
- 5.3 These findings remain relevant to the examination of the Local Plan Allocations (ADPD) [CD1-1]. This document is the second part of the District’s Local Plan which seeks to deliver any outstanding matters that were not addressed within the LPS, (See further discussion under the scope of the document at the Council’s response to Matter 1 question 1.2). It does not seek to revisit matters that were established by the LPS. Indeed the ADPD at paragraph 1.10 reiterates the Council’s commitment to a review of the whole Plan to ensure unmet needs are addressed.
- 5.4 Moreover, Lichfield District Council has been actively involved in DTC engagement regarding the Greater Birmingham Housing Market Area (GBHMA<sup>1</sup>) shortfall. This engagement is explained in the Council’s response to Matter 1.
- 5.5 The Council wishes to draw to the attention of the Inspector and other parties that where cross-boundary issues raised within the adopted LPS are within the scope of what can appropriately be addressed through the ADPD, these have been. An example

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<sup>1</sup> It should be noted that the area now also includes the Black Country. For ease the GBHMA will be referenced in this statement. However the current position now includes the Black Country and figures cited within table 1 and at the conclusion of this statement relate to the Black Country also.

of this is the formal allocation of Land to the north of Tamworth derived from the LPS broad location intended in part to meet Tamworth's housing needs.

- 5.6 Paragraph 4.6 of the adopted LPS makes clear that matters relating to the GBHMA shortfall should be addressed through an "early or partial review of the Lichfield District Local Plan". The District Council has commenced this review as is detailed later within this statement.
- 5.7 Focussing specifically on the GBHMA, Lichfield District lies within this housing market area. The area constitutes 14 local authorities as set out in the GBSLEP Housing Needs Study Stage 2 Report **[CD3-27]**. The Birmingham Development Plan 2011-31 (BDP) **[CD6-18]** was adopted in January 2017. The adopted plan identifies a housing supply within the Plan period of 51,100 dwellings against an objectively assessed housing need (for Birmingham) of 89,000 dwellings. Consequently there is a shortfall of 37,900 dwellings. This is set out within Policy PG1 of the BDP.
- 5.8 In this context and linked to the DTC, the adopted BDP obliges Birmingham City Council to act collaboratively with partners and seeks to ensure that the remainder of the Housing Market Area (HMA) will accommodate the shortfall within the local plans (including through local plan reviews) of the constituent authorities within the HMA.
- 5.9 Under the DTC, a Technical Officers' Group has been established to consider this cross-boundary issue of housing shortfall across the HMA. Lichfield District Council play an active role within this group including being involved in the arrangements for commissioning evidence to show how the shortfall could be addressed at a strategic level.
- 5.10 As part of the considerations, two housing summits have been held with the lead officers and Members from the constituent authorities within the HMA.
- 5.11 In 2017, the Technical Group commissioned a Strategic Growth Study (carried out by Consultants GL Hearn and Wood) **[CD3-25]**. The study explores potential locations across the GBHMA (to meet housing shortfall).
- 5.12 In short, the completed study undertook the following:
- Refresh housing demand parameters;
  - Updates collective housing capacity estimates;
  - Considers the scope for increasing residential densities;
  - Considers broad growth locations unconstrained by Green Belt policy; and
  - Considers broad growth locations which would require a formal review of Green Belt.

5.13 In conclusion a revised shortfall position was established by the study (Table 1).

Table 1: Revised Shortfall position

	2011 – 31	2011 - 36
Minimum need	205, 099	254, 873
Coventry/ Warwickshire contribution <sup>2</sup>	2, 880	3, 600
Supply baseline	179, 829	197, 618
Minimum shortfall	28, 150	60, 588

5.14 Lichfield District Council recognise that a shortfall remains within the HMA and this needs to be resolved. In line with the approach being taken within the HMA as regards local plan making, the Council’s intention is to address this through the Local Plan Review. This has always been the Council’s position, and it was the position accepted by the Inspector of the LPS. Work on the Review has commenced and consultation has been completed on the scoping stage of this document, the Local Plan Review Scope, Issues & Options document **[CD6-21]**.

5.15 A signed Statement of Common ground **[CD6-23]** with Birmingham City Council demonstrates a joint commitment to dealing with this matter through the Local Plan Review.

5.16 Currently there is no agreed Memorandum of Understanding (MoU) between the 14 GBHMA Authorities to set out the potential options which could assist in apportioning the housing shortfall arising from the Birmingham and Black Country. Notwithstanding this engagement continues between the Authorities.

5.17 Lichfield District Council is, as expected, not seeking to resolve the above as part of its ADPD. Indeed, it could not. No adjoining LPA suggests that it could, or should. Rather, the authority will address these issues through the review of the Local Plan as set out at paragraph 4.6 of the adopted LPS. The above context clearly demonstrates that there is a need for further work across the GBHMA to drill down to an agreed distribution. Lichfield District Council actively engage in this dialogue and have already consulted on options to deliver strategic growth assisting in meeting the shortfall. Notwithstanding this the Authority do not want to be held back with progressing the ADPD which focuses on implementing the adopted LPS.

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<sup>2</sup> North Warwickshire and Stratford-on-Avon also fall within the Coventry and Warwickshire HMA, and have agreed to make provision for Coventry’s unmet housing needs. North Warwickshire is contributing 860 dwellings to meeting Coventry’s unmet needs to 2031 and Stratford-on-Avon 2, 020 dwellings, totalling 2, 880 dwellings. Rolled forward to 2036 on a pro-rata basis, this would be 3, 600 dwellings (2011-36) (extracted from 2018 position statement **[CD6-15]**).

5.18 In resolving the shortfall Policy TP48 of the BDP sets out Birmingham City Council’s monitoring framework for resolving unmet need. The BDP was adopted in 2017 and importantly the policy states:

*“The Council will play an active role in promoting, and monitor progress in, the provision and delivery of the 37,900 homes required elsewhere in the Greater Birmingham Housing Market Area to meet the shortfall in the city... Key indicators which would trigger this [a review of the BDP] are:*

- *Failure of a relevant Council to submit a replacement or revised Local Plan, providing an appropriate contribution towards Birmingham’s housing needs, for examination within 3 years of the adoption of this Plan.”*

5.19 The Lichfield District Local Development Scheme (LDS) [CD1-29] provides the following timetable for the Plan Review:

Table 2: Lichfield District Council LDS – Local Plan Review timetable

Stage	Date
Local Plan review scoping consultation (complete)	April 2018
Preferred Options	January 2019
Publication	September 2019
Submission	January 2019
Examination in Public	March 2020
Adoption	December 2020

5.20 This timetable is in alignment with policy TP48 of the BDP, with adoption expected in December 2020. The District Council expects to meet this date, having already completed the first stage in accordance with the LDS. This timetable will not be affected by the adoption of the ADPD. It certainly will not speed up, if the ADPD is found unsound because it has failed to address the issue of housing need, which is specifically outside its scope to consider. Finding the Plan unsound would, therefore, be utterly pointless, if the intention is to meet the unmet needs of the GBHMA.

5.21 The ADPD is not the correct mechanism to resolve the GBHMA unmet need. Firstly the primary purpose of the ADPD is to deliver the objectives of the adopted LPS. Secondly, the authorities affected by the GBHMA unmet need still have some way to go before reaching a resolution over the distribution of housing numbers across the GBHMA. It is considered unrealistic to wait until this matter is resolved before progressing with this Plan. This is a point covered in greater detail in the Council’s response to Matter 1 question 2.ii.

- 5.22 Objectors<sup>3</sup> have stated that the ADPD is not positively prepared as it does not seek to address the Birmingham unmet need now. The Council does not consider that this approach would be appropriate for the reasons set out above. The ADPD seeks to ensure the delivery of the LPS, it does not revisit the need established in that document. Addressing the unmet needs of the GBHMA will more appropriately be carried out, in conjunction with neighbouring authorities, through the Local Plan Review.
- 5.23 There is an agreed position statement with the 14 GBHMA authorities (February 2018) [CD6-15]. The position statement highlights that the Black Country also has an emerging capacity shortfall up to 22,000 dwellings.

**Matter 5 - Question 5.2:**

**Should the Plan deal with Tamworth's housing shortfall during the same review process, or is the need sufficiently urgent for it to be addressed in this Plan? What role would the development at Arkall Farm play in this, and if planning permission is not forthcoming, what should be included in the Plan to address the shortfall? [An MOU or SCG between the Tamworth BC and Lichfield DC would be helpful.]**

- 5.24 The Council agreed as part of the LPS [CD1-32] to provide for an additional 500 houses to meet unmet housing needs arising from Tamworth. Whilst the LPS was at examination further evidence emerged that suggested Tamworth's unmet housing need was higher than originally identified. The Inspector of the LPS accepted that this additional unmet need arising in Tamworth should be dealt with "*by way of MM1 which includes a reference to Lichfield accommodating some of Tamworth's growth which, depending on the scale of that growth, would be done either through an early review or partial review of the Plan or through the Lichfield District Local Plan: Allocations document which the Council intends to prepare*" [CD6-3].
- 5.25 The Council considers that the unmet needs arising from Tamworth are most appropriately dealt with as part of the wider GBHMA shortfall, and associated Local Plan Review. This is the approach being taken by the Authorities in recently published joint evidence, such as the Strategic Growth Study [CD3-25].
- 5.26 Tamworth Borough Council (TBC) suggest that their unmet needs should be addressed now as part of the ADPD (For extract of representation see Appendix A of this statement). Lichfield District Council's response to this representation reiterates that it considers that the 825 dwelling shortfall arising in Tamworth is part of the wider GBHMA shortfall (Appendix B of this statement). As set out in detail in the Council response to matter 5.1, this is an issue which still needs to be resolved.

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<sup>3</sup> Representation references: FC70, FC132, FC133, FC134, FC237, FC245

- 5.27 As TBC make clear there are infrastructure issues affecting land to the north of Tamworth (Appendix C of this statement). This should be the first location to be considered for additional growth given that other land around Tamworth is covered by Green Belt designation. Allocating further land to the north of Tamworth would inherently put further pressures on infrastructure that will struggle to cope with additional growth. However recognising that there is a wider shortfall requiring resolution, a better planned solution should be considered. This better solution is best dealt with through the Local Plan Review. This will ensure that any future growth associated with Tamworth's and the wider GBHMA needs is planned appropriately and in a strategic manner.
- 5.28 Arkall Farm - land north of Tamworth in Lichfield District - is in receipt of an outline planning permission from the Secretary of State **[CD6-16]**, despite the objections of TBC. The details of this are set out within the Statement of Common Ground with the applicant Barwood Development Securities Ltd and Lichfield District Council **[CD6-17]**. The allocation (and now permitted development) provides 500 dwellings towards Tamworth's needs and 500 towards Lichfield needs. This was established within the adopted LPS. The development will not provide homes towards Tamworth's additional shortfall of 825 dwellings. It was never intended to.
- 5.29 In addition, Lichfield District Council highlight that TBC Cabinet (5 July 2018) **[CD6-35]** has recently considered a report recommending that a review of their Local Plan is not triggered. Policy SS1 of the adopted Tamworth Local Plan **[CD6-19]** makes clear that where sites for the unmet need of 825 dwellings are not found through a statutory development plan or the granting of planning permission by the end of the year 2017/18 an early review of the Tamworth Local Plan will be triggered. Within the Cabinet report there is direct mention of the 825 dwelling shortfall. Extracts of the report are provided below:

*Cabinet Report Extract **[CD6-34]**: That Cabinet resolves that an early review of the Local Plan is not required for the reasons set out in the report.*

*Tamworth's unmet housing need remains at 825 dwellings. Discussions are progressing with both Lichfield District Council and North Warwickshire Borough Council with a view to agreeing a Statement of Common Ground that would potentially address the unmet need. Both authorities have indicated that they are able to assist but have made clear that since the Tamworth unmet need is identified within the wider HMA shortfall, Tamworth's need will be met through the mechanism to deal with the HMA shortfall.*

*The Draft Minutes **[CD6-35]**: Resolved that an early review of the Local Plan is not required for the reasons set out in the report.*



- 5.30 Given these extracts it is difficult to reconcile an objection to Lichfield District Council's submitted plan on the basis that TBC do not consider a review of their plan to be triggered.
- 5.31 Given the above context Lichfield District Council is of the opinion that there is no need to include a provision within the ADPD to deal with this matter.
- 5.32 To confirm it is TBC's resolved position that a review of their Local Plan is not required because there is a mechanism agreed with *inter alia* Lichfield District Council to address the unmet need. If there is no need to review TBC's Development Plan, there can be no rational basis for concluding that the ADPD is "unsound" for failing to meet the same need that TBC are failing to meet. Tamworth's position is inconsistent and irrational. It is frustrating to have to deal with such an objection, from an adjacent LPA, when **both** LPA's agree there is a mechanism (the review of the Local Plan) to address the unmet need. There is no rational or lawful basis on which the LPS housing requirement can be inflated by 825 units, simply to meet the unmet need of TBC.
- 5.33 There are ongoing discussions between TBC and North Warwickshire Borough Council associated with inter alia TBC unmet need. At the time of preparing this statement a signed SoCG has not been agreed. LDC will continue to proactively engage in SoCG discussions ahead of hearing session.

### **Matter 5 - Question 5.3**

#### **Duty to Cooperate (DTC):**

**If the review of the Plan is more than an aspiration, should there be a specific policy committing the review process to start by a specific date?**

- 5.34 While the ADPD [CD1-1] is examined under the 2012 National Planning Policy Framework (NPPF) [CD5-1], this question is relevant to the newly published NPPF (2018) [CD6-9].
- 5.35 At paragraph 33 of the 2018 NPPF the following is stated:

*"Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary<sup>4</sup>. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has*

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<sup>4</sup> Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations).

*changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.”*

- 5.36 In light of this requirement, the Council is already bound to undertake future reviews of Plans in line with the NPPF 2018 **[CD6-9]**. Notwithstanding this the Council has already commenced a review of its Local Plan, which demonstrates its commitment to dealing with the matter expediently. A detailed timetable has been agreed by the Council’s Cabinet on 5<sup>th</sup> December 2017 **[CD6-7]** (see table 2 for the timetable).
- 5.37 Taking the above three factors into consideration Lichfield District Council is of the view that there is no need to require a further policy committing to a start date of the review process. Importantly, the Council would flag that it has already addressed this matter through the consultation on the Local Plan Review – Scope, Issues and Options undertaken between April and June 2018 **[CD6-21]**.

## Matter 5 - Appendices

Appendix A – Extract from Tamworth Borough Council’s Representation to Regulation 19 Focused Changes (FC270 – Question 1)

Appendix B - Lichfield District Council response to Tamworth Borough Council’s Representation Focused Changes Representation (CD1-5 – Response to FC270)

Appendix C – Extract from Tamworth Borough Council’s Representation to Regulation 19 Focused Changes (FC270 – Question 4)

# Appendix A – Extract from Tamworth Borough Council’s Representation to Regulation 19 Focused Changes (FC270 – Question 1)

Tamworth is unable to meet its housing and employment needs. LDC and North Warwickshire Borough Council (NWBC) through a Memorandum of Understanding and their respective adopted Plan have agreed to take on 500 units each but the balance of 825 units remains to be agreed. It is understood that NWBC are proposing through their Draft Submission Local Plan to include a further 120 units for Tamworth reducing the unmet need to a minimum 705 units.

LDC and NWBC have made no further progress in identifying a method to allocate the remaining unmet need between them. It is understood that both Councils feel that the unmet need is part of the wider HMA unmet need and that will be dealt with through a Local Plan Review. It is Tamworth’s position that the unmet need should be dealt with now, in this document, as indicated in para 4.6 of the adopted Lichfield Local Plan Strategy.

## Appendix B- Lichfield District Council response to Tamworth Borough Council's Focused Changes Representation (CD1-5 – Response to FC270)

Comments noted. There is a MOU in place between TBC, LDC & NWDC which commits LDC to accommodating 500 dwellings to meet the needs arising within Tamworth Borough. The MOU does not commit LDC and NWBC to sharing the residual shortfall of 825 dwellings. This shortfall will be considered as part of the overall housing shortfall present within the Greater Birmingham Housing Market Area.

## Appendix C – Extract from Tamworth Borough Council’s Representation to Regulation 19 Focused Changes (FC270 – Question 4)

See answer above and furthermore LDC/TBC/Staffordshire County Council jointly commissioned a Transport Package Appraisal that was carried out by BWB Consulting. The findings of the appraisal concluded that without significant public investment towards infrastructure improvement, that the Gungate corridor would only be able to support the development of a total of 700 units. A number of access and highway improvements were looked at and either discounted as undeliverable or retained as part of a package of potential transport measures that would need to be funded in order to release further capacity. The study recommended and identified further detailed work that should be undertaken to support the recommendations and conclusions within the report.