



Tamworth Borough Council
Development Plan Team
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Lichfield Street
Tamworth
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SENT BY E-MAIL AND POST

23rd October 2015

Dear Sir / Madam

TAMWORTH LOCAL PLAN MAIN MODIFICATIONS CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following comments.

Objectively Assessed Housing Need (OAHN) and Housing Requirement

MM17 inserts a new paragraph confirming an OAHN of 6,250 dwellings (250 dwellings per annum) between 2006 – 2031 which is based on up dated data from the 2012 Sub National Population Projections (SNPP) and the 2012 Sub National Household Projections (SNHP). It is agreed that the 2012 SNHP are the starting point for the calculation of OAHN as set out in the National Planning Practise Guidance (NPPG). The incorporation of 10% uplift for worsening market signals plus a partial catch up approach to HFRs by the Council is also considered to be appropriate.

However the Council should have considered a further adjustment to meet its significant affordable housing needs identified as 183 dwellings per annum. Paragraph 47 of the National Planning Policy Framework (NPPF) requires the Council to assess the OAHN for both market and affordable dwellings. The NPPG states that an increase in the total housing included in a Local Plan should be considered where it could help to deliver the required number of

affordable homes (ID:2a-029-20140306). Recently this requirement was reinforced by Stewart J in *Satnam Millennium Ltd v Warrington Borough Council* (2015) who identified the proper exercise involves :

- *“(a) Having identified the OAN for affordable housing, that should then be considered in the context of its likely delivery as a proportion of mixed market/affordable housing development; an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes ;*
- *“(b) The Local Plan should then meet the OAN for affordable housing, subject only to the constraints referred to in NPPF, paragraphs 14 and 47”.*

This demonstrates the importance of ensuring that affordable housing need is met. It is known that other Local Plans have included significant uplifts to meet affordable housing needs for example in Canterbury there is an uplift of 30% (paragraphs 20, 25 & 26 Canterbury Local Plan Inspectors Note on main outcomes of Stage 1 Hearings dated 7 August 2015) and in Bath & North East Somerset there is an increase of 44% (paragraphs 77 & 78 BANES Core Strategy Final report 24 June 2014).

In *Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government and Bloor Homes Ltd* (2015), Hickinbottom J stated that a failure to respond to affordable housing is a policy choice:

- *“...it becomes policy on as soon as the Council takes a course of not providing sufficient affordable housing to satisfy the FOAN for that type of housing...”.*

If the Council chooses not to meet its affordable housing need then this decision should be justified and any unmet need addressed through the Duty to Cooperate.

Meeting Unmet Housing Needs

As set out in **MM19** a housing requirement of only 4,425 dwellings (177 dwellings per annum) is proposed in Tamworth meaning 1,825 dwellings of OAHN is unmet.

In recently adopted Local Plans for the neighbouring authorities of Lichfield and North Warwickshire 500 units of Tamworth’s unmet housing needs will be provided for in each Local Plan respectively. **MM26** modifies the supporting text of **Policy SS1** accordingly. Therefore 825 dwellings of unmet housing needs (**MM22**) remain unallocated in any Local Plan and its apportionment is yet to be determined. This position is set out in Memorandums of Understanding between the authorities. If the apportionment of 825 dwellings of unmet need is not resolved with Lichfield and North Warwickshire by end of year 2017/18 then Local Plan reviews will be undertaken however no specific timescale is set for such reviews. **MM29** also amends **Policy EN2** regarding a Green Belt review in Tamworth.

Although other Local Plans have been adopted including the use of a strategic review at an early stage in the life of a development plan, for example, the Dacorum Core Strategy which has been successfully defended in a High Court Judgment (Neutral Citation Number [2014] EWHC 1894 (Admin)) this Local Plan's review mechanism incorporated a specific date committing the Council to aim to adopt its reviewed Plan by 2017/18.

Crucially in the case of Tamworth it is not clear why the identified outstanding unmet housing need of 825 dwellings has not already triggered either the review of the Lichfield and North Warwickshire Local Plans and / or the Green Belt review in Tamworth.

It is interesting to note that in June 2015 the Inspector examining the Warwick Local Plan indicated that the Warwick Local Plan should be withdrawn over uncertainty about 4,680 dwellings (234 dwellings per annum) of unmet housing needs representing only 5% of OAHN across the Warwickshire & Coventry Housing Market Area (HMA) between 2011–2031. In comparison the unresolved issue of 825 dwellings of unmet housing needs represents 13% of OAHN for Tamworth.

Whilst the Written Ministerial Statement dated 22nd July 2015 refers to “a commitment to an early review of a Local Plan may be appropriate as a way of ensuring that a Local Plan is not unnecessarily delayed by seeking to resolve matters which are not critical to the plan's soundness or legal competence as a whole”. The scale of unresolved unmet needs for Tamworth is fundamentally critical to the soundness of the Plan.

It is also concerning that the outstanding 825 dwellings of unmet needs arising from Tamworth are overlooked in the Greater Birmingham & Solihull LEP and Black Country Authorities Strategic Housing Needs Study Stage 3 Report by Peter Brett Associates which was published in August 2015. It is possible that Tamworth's unmet need will be over shadowed and forgotten in the resolution of Birmingham city's circa 40,000 dwellings of unmet housing needs.

Housing Supply

MM19 sets out that 4,425 dwellings (177 dwellings per annum) of OAHN will be met against a housing land supply of 4,867 dwellings which provides the Council with some headroom and flexibility over the plan period. **MM20** provides a Table of Supply, **MM18** sets out extra units at Anker Valley and elsewhere. **MM23** is an amended housing trajectory and **MM29** refers “potential land for new development in the second half of the plan period”.

However the Council's 5 YHLS position is not clear. Whilst the HBF does not comment on the merits or otherwise of individual sites when challenged on lapse rates, delivery rates and lead in times for the Sustainable Urban Extensions (SUE) during the Examination Hearing Sessions the Council's 5 YHLS position on adoption seemed precarious. Furthermore the Council was

not applying the 20% buffer to its housing shortfall figure. The HBF disagrees with this methodology and the Council should refer to :-

- the Warwick Local Plan Examination Inspector's letter dated 1st June 2015 (paragraph 41) ;
- the letters dated 10th December 2014 and 10th August 2015 from the Inspector examining the Amber Valley Local Plan and the Inspector examining the South Derbyshire Local Plan ;
- the West Dorset Weymouth & Portland Joint Local Plan Inspector's Final Report dated 14th August 2015 (paragraphs 85 & 86) ;
- the Herefordshire Local Plan Core Strategy Inspector's Final Report dated 29th September 2015 (paragraph 48) ;
- East Staffordshire Local Plan Inspector's Final Report dated 7th October 2015 (paragraph 101) ;
- Torbay Local Plan Inspector's Final Report dated 12th October 2015 (paragraph 46).

If there is not a reasonable certainty that the Council has a 5 YHLS the Local Plan cannot be sound as it would be neither effective nor consistent with national policy. Moreover if the Plan is not to be out of date on adoption it is critical that the land supply requirement is achieved as under paragraph 49 of the NPPF "*relevant policies for the supply of housing will not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites*".

Conclusions

In conclusion the Tamworth Local Plan remains unsound despite the proposed main modifications due to :-

- An under estimation of OAHN ;
- Not meeting OAHN ;
- A precarious 5 YHLS on adoption.

Therefore the Local Plan is not positively prepared nor properly justified so it is inconsistent with national policy. Moreover it will be ineffective. It is hoped that these comments are helpful to both the Council and Inspector in informing the next stages of the Tamworth Local Plan. If any further assistance or information is required please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**



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