

Cheltenham Borough Council Cabinet

Meeting date: Tuesday, 14 April 2026

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillors Victoria Atherstone, Paul Baker, Flo Clucas, Mike Collins, Rowena Hay, Peter Jeffries, Alisha Lewis, Izaac Tailford and Richard Pineger

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SECTION 1 : PROCEDURAL MATTERS

1 Apologies

2 Declarations of interest

3 Minutes of the last meeting (Pages 5 - 24)

4 Public and Member Questions and Petitions

Questions must be received no later than 12 noon on the seventh working day before the date of the meeting

SECTION 2 :THE COUNCIL

There are no matters referred to the Cabinet by the Council on this occasion

SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE

There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion

SECTION 4 : OTHER COMMITTEES

There are no matters referred to the Cabinet by other Committees on this occasion

SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS

5 Damp and Mould Policy (Pages 25 - 50)

Report of Cabinet Member for Housing and Customer Services

6 Housing Health and Safety Rating System Policy (Pages 51 - 76)

Report of Cabinet Member for Housing and Customer Services

7 No Child Left Behind Annual Report (Pages 77 - 96)

Report of Cabinet Member for Safety and Communities

8 To adopt the Nature Recovery Supplementary Planning Document (SPD) (Pages 97 - 184)

Report of Cabinet Member for Planning and Building Control

9 Private Sector Housing Enforcement Policy (Pages 185 - 210)

Report of Cabinet Member for Housing and Customer Services

SECTION 6 : BRIEFING SESSION

10 Briefing from Cabinet Members



CHELTENHAM
BOROUGH COUNCIL

SECTION 7 : DECISIONS OF CABINET MEMBERS

Member decisions taken since the last Cabinet meeting

**SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER
DETERMINES TO BE URGENT AND REQUIRES A DECISION**

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Cheltenham Borough Council

Cabinet

Minutes

Meeting date: 17 March 2026

Meeting time: 6.00 pm - 7.10 pm

In attendance:

Councillors:

Paul Baker, Mike Collins, Rowena Hay, Peter Jeffries, Alisha Lewis, Izaac Tailford and Richard Pineger

Also in attendance:

Gareth Edmundson (Chief Executive), Tracey Birkinshaw (Director of Planning and Building Control) and Adele Taylor (Interim S151 Officer)

1 Apologies

Apologies were received from Councillors Atherstone and Clucas.

2 Declarations of interest

There were none.

3 Minutes of the last meeting

The minutes of the meeting held on 24 February will be approved at the next meeting of Cabinet.

4 Public and Member Questions and Petitions

There were none.

5 Homeseeker Policy Review

In the absence of the Cabinet Member for Housing and Customer Services, the Leader introduced the item, which proposes a number of key changes as set out in the report. She said these have been developed in collaboration with key

stakeholders, and will be put out to public consultation to ensure that all tenants and residents have a say in shaping the policy.

Members made the following comments:

- the Homeseeker approach is always supported and it is great how we work collaboratively on these issues within the confines of legislation and managing demand;
- it is frustrating that government was able to solve problems around housing and homelessness during the pandemic, and hard to believe that it couldn't be done again if government wanted;
- the process around housing allocations works well, though people can sometimes feel a sense of injustice. This review provides the opportunity for them to communicate their expectations and be involved in the consultation.

The Leader agreed that these comments show how right the council is to aspire to build more houses. She commented that there has been some criticism around the definition of affordable housing, especially for people with savings but no income. It is good to have policy and proper guidelines around this, in line with national guidance and best practice.

RESOLVED THAT:

- 1. this Authority is authorised to consult on the proposed changes to the Homeseeker Plus Allocations Policy; and**
- 2. authority is delegated to the Head of Strategic Housing, in consultation with the Cabinet Member for Housing and Customer Services, to approve the new policy after the consultation period has ended, provided that there are no further material changes other than those that have already been identified within this report.**

6 Equality, Diversity and Inclusion Policy

The Leader introduced her report, saying we all understand the importance of Equality, Diversity and Inclusion, and the new policy aims to ensure CBC is fair, welcoming and inclusive of everyone. She said the council interacts with thousands of people every year, and we want to reflect the town's diverse and changing population, with a clear and positive commitment to fairness, respect and equal access. The policy goes further than the minimum required, paying closer attention to how low income affects people's ability to use our services, and reinforces the expectation that everyone interacting with the council will be treated with dignity and respect.

She said the policy sets out clearer responsibilities for each service area, and has been informed by feedback from a wide range of stakeholders, not only to be compliant but also proactive and compassionate, and also to confirm that we are

always ready to listen, learn and adapt. The clear framework is a foundation for the future, not the end of the journey.

A Member welcomed the policy, which highlights the importance of living with difference, and was pleased with the inclusion of the useful glossary of terms at the back.

In response to his suggestion that the policy could save public money, the Leader suggested that implementing the policy as laid out will potentially save people from needing to access further advice which would have a cost. She did not consider this to be a main policy objective, however.

RESOLVED THAT:

- 1. the Equality, Diversity and Inclusion (EDI) Policy 2026, attached as Appendix 3 is approved.**
- 2. authority is delegated to the Director of Governance, Housing and Communities, in consultation with the Leader, to make any minor amendments to the policy as required following implementation.**

7 Housing Payments - Crisis and Resilience Fund Policy

The Cabinet Member for Finance and Assets introduced the report, setting out a policy which offers financial support to residents in need through discretionary housing payments. This scheme has been in place for many years, but is now being replaced by a policy which is updated but will essentially work in the same way as the old one. The government will provide funding and CBC will be responsible for its administration for the next two years, after which time it will be fully integrated and administered by the new unitary authority.

The Leader welcomed the new policy, saying it is important to move with the times, which this is designed to do.

RESOLVED THAT:

- 1. the Housing Payments - Crisis and Resilience Fund Policy in Appendix 4 is approved;**
- 2. decisions relating to the award of Crisis and Resilience Fund Housing Payments, in line with the policy and DWP guidance, are delegated to the Head of Revenues and Benefits and designated officers within the Benefits team, with the final decision in the event of dispute being taken by the Section 151 Officer.**
- 3. the Section 151 Officer is authorised to apply to Ministry for Housing, Communities and Local Government (MHCLG) for an accounting**

direction if it appears that the annual allocation will be exceeded in any financial year.

8 Discretionary Business Rate Relief

The Cabinet Member for Finance and Assets introduced his report, which recommends that CBC's Discretionary Business Rates Relief policy is updated to include three new government-funded temporary reliefs from April. He said that so far, 700 small businesses will benefit from the Supporting Small Businesses Relief, 71 pubs and venues across the town will benefit from a one-year reduction in their rates, and there will be a new relief for scheme for Electric Vehicle Charging Points and EV-only Forecourts.

He put on record his thanks to the Revenues and Benefits team for all their hard work behind the scenes to support the town's businesses.

In response to a Member's question, he said some businesses know their entitlement and approach the council, and officers work hard and do their best to make sure others know if they are eligible to apply. This issue has had a lot of national publicity, but he will check with the team as to whether additional communications and work with the Chamber of Commerce and BID are needed to ensure the whole of the business sector in Cheltenham is aware.

Members made the following comments:

- other than exorbitant rents, business rates are the most damaging thing for small businesses trying to survive in the current economic climate. This relief is welcome, but the government hasn't gone far enough and could do more. We need to help our pubs survive, and to consider anomalies such as the exemption from empty business rates for listed buildings – this discourages landlords from investing for new business to take on their properties, which is terrible for the High Street. It would be helpful if local councils could set rates locally, adjusting them based on particular streets or the types of business needed in an area, to support a thriving economy;
- these are narrow and very specific slices of relief, and there are many other businesses and organisations which would benefit from similar help – including not-for-profit businesses such as community centres;
- it is frustrating that the council cannot do more to help businesses, but a huge relief that BID is playing its part by raising the threshold of the cap on small businesses to a much higher amount, allowing a significant number to be exempt from contributing to the Business Improvement District;
- the government has gone so far but not all the way, which impacts on many organisations in a negative way. One example is the blanket idea that all football clubs have a bar and are therefore liable for commercial business rates; many do not, resulting in a lot of pressure on voluntary groups having to fight a half-baked piece of government legislation.

RESOLVED THAT:

- 1. the amended Discretionary Business Rate Relief Policy in Appendix 3 is approved, to include the temporary reliefs referred to in this report from April 2026**
- 2. the Head of Revenues and Benefits is authorised in consultation with the Cabinet Member Finance and Assets to implement any changes to the temporary relief schemes detailed in appendix 3, as required by Government guidance, or to ensure the successful operation of the schemes.**
- 3. due to the volume of cases, award decisions on temporary reliefs detailed in appendix 3 are delegated to the Head of Revenues and Benefits and officers in the Business Rates team. In the case of a dispute reconsideration is to be made by the Section 151 Officer.**

9 Biodiversity Report

The Cabinet Member for Planning and Building Control began his introduction by thanking the officer team who put the report together. He said adopting the biodiversity report for 2026-31 will fulfil and strengthen CBC's statutory biodiversity duty under the Environment Act 2021, setting out the borough's key habitats, species, designated sites and green infrastructure. It also summarises the actions undertaken across planning, land management and community programmes, as well as outlining progress to date. In addition, it gives us a clear ecological baseline and sets our future priorities contained in the Gloucestershire Local Nature Recovery Strategy, as well as the Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan (SLP). The report will be reviewed towards the end of the period, with any requirements or legislation included in an updated report to be published in 2031.

Members welcomed the excellent report, which is an endorsement of the council, its staff, Cabinet Members and local groups. They made the following comments:

- it is good to have the opportunity to review the delivery of the policy every five years;
- our many 'friends' groups do excellent work across the town, including on railway cuttings and nature reserves. As an urban centre, Cheltenham can be proud of how much it does to support and deliver biodiversity, through its tree strategy, planning, and commitment to biodiversity net gain;
- each paragraph of the report has so much behind it, with work dating back to 2006, and the council is in a good place to carry out future actions;
- the table at the end of the report, detailing actions and progress over the last 20 years, shows how committed CBC is to the environment and biodiversity. It is part of the Corporate Plan, and we do so many incredible things, including wildflower planting and bee corridors, to promote biodiversity in an urban area. Officers, volunteers and the council are to be commended;
- it would be worth adding the new Cheltenham Tree Strategy to the report.

The Cabinet Member for Planning and Building Control welcomed these positive comments, and agreed that there is a lot going on in and around Cheltenham to support biodiversity. We will continue to work with our partners, and hope that this work will be carried forward by the new unitary authority.

The Leader agreed, saying our job is to continue delivering for our residents and to leave the town in the best possible way we can when the unitary authority takes over.

RESOLVED THAT:

- 1. that the biodiversity report (2026- 2031) is adopted;**
- 2. authority is delegated to the Director of Planning and Building Control, in consultation with the Cabinet Member for Planning and Building Control, to make any necessary minor amendments, corrections and additions to the document prior to publication.**

10 Notification of decisions made by the Community Infrastructure Levy (CIL) Joint Committee

The Leader brought this item to Cabinet to note, for transparency and openness, the grant decisions made by the CIL Joint Committee and agreed by the leaders of Gloucester City Council, Tewkesbury Borough Council and CBC.

The CIL Joint Committee met earlier this year to allocate a new round of funding for infrastructure and services that matter most, and this includes support for critical development around the M5 and Junction 10 which is so important for the Golden Valley development but struggling to get across the line; all three councils and the county are behind this. She said the grants will help us to unlock homes, jobs, and sustainable transport for the future, and contribute to enabling works that must be completed before construction can start. It will benefit residents and support wider ambitions in the Golden Valley.

She also welcomed the 25% of CIL contributions ring-fenced for local organisations which meet the required criteria to invest in improving neighbourhood infrastructure and connecting communities. These grants represent real opportunities, delivered by committed partners, and all decisions will be monitored and fed back through the councils to ensure that all the money is having best possible impact.

Members were asked to note the decisions made by the CIL Joint Committee.

11 Briefing from Cabinet Members

The Cabinet Member for Climate Emergency shared the following items:

- work continues to embed strong climate policy in the Strategic and Local Plan, alongside progress on town centre heat network, following the acceptance of £100k from the Department of Energy, Sustainability and Net Zero to fund the next stage of developments. He is hoping to coordinate delivery of that with geothermal companies, although they remain private at present;
- we are introducing the DATE (Donut Advisory Tool for Events) sustainability tour, for all events on council land. This free-to-use, simple tool kit helps local authorities to assess an event's community, accessibility, and environmental sustainability impacts, and we are planning to extend it to market operators;

- with other local authorities, he has co-signed a national call for a government rethink of the inclusion of a proposed limit on local energy efficiency standards for planning in the next National Planning Policy Framework. This would prevent local authorities from having higher energy efficiency standards;
- the Transitional Regional Energy Strategic Plan has been published, providing an early insight into future grid capacity needs in the southwest. This ties in with the heat network and geothermal work – if this can be used to produce heating, it will reduce the demand on the grid;
- an independent decarbonisation survey has started at the leisure centre; the results will be shared soon;
- local engagement work has continued with a Net Zero conference at the MX, and an outdoor heat pump demonstration at Lidl car park;
- £14k has been secured from Climate Leadership Gloucestershire for a local accreditation scheme to help SMEs reduce their carbon emissions;
- housing retrofit continues - 115 properties have been upgraded to EPC C-rating or above, with positive tenant feedback, and assessments have begun on the Warm Homes Social Housing Fund Wave 3 to install with heat pumps;
- early work has begun on a CBC-wide e-learning module, possibly including an internal carbon dashboard, to provide everyone with a good idea about what the climate emergency means and what we're doing about it.

The Cabinet Member for Economic Development, Culture, Wellbeing and Public Realm began by reflecting on his new appreciation of Cheltenham's wonderful parks and independent coffee shops, and shared the following updates:

- he met with Cheltenham Festivals last week and the Cheltenham Trust this week to discuss some exciting developments, their plans for the future, and how we can work better together for the town and its future;
- the community-run Tourist Information Centre, formerly operating out of Cavendish House, has a new home in the Town Hall – good news for residents and visitors;
- he has had a good meeting with Fran Inman of the BID to discuss upcoming projects in the town centre, and work being done to support local businesses and the local economy. Many residents raise concerns about shop vacancies, particularly where there are a few side by side – although this is a nationwide problem and due to many issues including high rents and rates, Cheltenham is not faring too badly, and residents can be reassured that there are new businesses lined up to take on most of the empty premises in the town centre;
- tomorrow he is going on a tour of the Everyman Education Centre in Grove Street – an update will be provided at the next meeting – and attending the Cheltenham Arts Council awards.

The Cabinet Member for Waste, Recycling, Parks, Gardens and Green Open Space said that unlike some Cabinet colleagues, his portfolio gives him great opportunities to get out and meet people. He highlighted the following:

- with budget provision and a brilliant new allotments officer, the waiting list of 800 has been reduced to 500, through a combination of creating new plots and making sure that any unwanted plots are re-released quickly. Having visited the

Midwinter allotments today, he was struck as always by the friendliness of everyone and the sociability that allotments bring;

- the ongoing situation with the long-established badger sett at the crematorium is difficult and sensitive, with previous attempts to relocate them to a new sett both disruptive and expensive with no guarantees of success. We are now working with the Gloucestershire Badger Group and ecologist, looking to repair the worst area of damage and installing a sunken fence which will control some of the badgers' movement but allow them to stay where they are. Together with clear signage, it is hoped that this may well be a way to resolve the situation;
- we are ready to start recycling tetra packs across the town from 01 April, and gearing up to roll out collection of flexible plastics ward by ward, starting in June.

The Leader said the Strategic and Local Plan Partnership is due to go out to Regulation 18 consultation soon, which is exciting but scary. Without a local development plan, councils cannot stop developers from building where they want, and although housebuilding is a top priority for this council, local areas must be able to decide where to build, how much is sustainable, and the quality and design of the homes that are built. CBC was very close to meeting its five-year housing supply but increased government numbers have set this back and we are being told we need to build more.

She had also welcomed the opportunity to meet with the Chair of the Cheltenham Trust and re-set that partnership. The Trust does so much for the town and this needs to be highlighted.

12 Cabinet Member Decisions taken since the last meeting

Members reported on the decisions they had taken since the last meeting of Cabinet:

Cabinet Member for Waste, Recycling, Parks, Gardens and Green Open Space:

- [To award a contract extension to Plan B for a period of two years from 01 March 2026](#)
- [To award a contract to James A Cuthbertson Ltd](#)

Cabinet Member for Planning and Building Control:

- [To endorse the Gloucestershire Local Nature Recovery Strategy \(LNRS\) and confirm its use in planning policy, development management and biodiversity initiatives in Cheltenham](#)
- [To approve the council's submission of the combined Gloucestershire Local Planning Authorities' response and the Strategic and Local Plan authorities' response to the Government's National Planning Policy Framework consultation](#)

Cabinet Member for Finance and Assets:

- [Sale of the plot of land known as 45 Springbank Way](#)

13 Date of next meeting

The next meeting is scheduled for 6.00pm on 14 April.

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Cheltenham Borough Council

Cabinet

Minutes

Meeting date: 24 February 2026

Meeting time: 6.00 pm - 6.50 pm

In attendance:

Councillors:

Victoria Atherstone, Paul Baker, Flo Clucas, Mike Collins, Rowena Hay, Peter Jeffries, Alisha Lewis and Richard Pineger

Also in attendance:

Gareth Edmundson (Chief Executive) and Tracey Birkinshaw (Director of Planning and Building Control)

1 Apologies

Apologies were received from Councillor Tailford.

2 Declarations of interest

There were none.

3 Minutes of the last meeting

The minutes of the meetings held on 16 December and 23 December 2025 were approved as true records and signed accordingly.

4 Public and Member Questions and Petitions

There were none.

5 Domestic Abuse Policy

The Cabinet Member for Safety and Communities introduced her report, saying that since the reintegration of housing services, it is important to have a separate

domestic abuse policy to safeguard and support tenants, staff and elected members. The policy provides clear guidance on reporting domestic violence in any form, and encourages working with local businesses to ensure their policies are also in place. Tenants will be able to report domestic abuse through safe and confidential channels, all reports will be treated as high priority, and training of different levels and types will be available to all staff and members.

The Cabinet Member for Housing and Customer Services welcomed the report and thanked officers and the Cabinet Member for Safety and Communities, saying it is becoming increasingly clear that we need to target our properties to ensure that victims of domestic abuse are better protected. The Leader welcomed the alignment of the whole county on this important issue, which she said would strengthen what we already have and do.

RESOLVED THAT:

- 1. the Domestic Abuse Policy is adopted;**
- 2. Cabinet agrees that the Council will seek Domestic Abuse Housing Alliance (DAHA) Accreditation;**
- 3. authority is delegated to the Cabinet Member for Safety and Communities and the Cabinet Member for Housing and Customer Services in consultation with the Director for Governance, Housing and Communities to amend the housing and homelessness policy as relates to Domestic Abuse as appropriate in light of developing best practice;**
- 4. the proposal in Appendix 3 for the creation of a partnership plan to support local implementation of the Gloucestershire Domestic Abuse Strategy 2025-2028 is noted.**

6 Cheltenham Tree Strategy

The Cabinet Member for Planning and Building Control said it is his great pleasure to present CBC's first-ever Tree Strategy. It includes tree management policies for trees under council ownership, as well as a 'Trees in Planning Action Plan' which outlines how we can engage with the planning process and improve stakeholder engagement to protect existing trees and promote new planting through development. He said CBC manages and is responsible for a huge stock of trees in the town, and the need for such a strategy has become increasingly relevant in the face of climate change, resource constraints, community pressures and concerns, and the need to balance development with environmental stewardship. The strategy will strengthen the impact that our beautiful trees have on us all.

Members welcomed the report and strategy, and made the following comments:

- we should be very grateful to previous generations who had the insight to plant trees in the Promenade and Royal Well, but it is a misconception to say we have a lot of trees in Cheltenham when there are clearly huge parts of town with very

- few. The strategy will address the imbalance in green canopy cover from east to west, promoting the huge benefit of trees for health and wellbeing and shade;
- the audit of tree coverage across the town is most insightful and it is great that areas where trees are sparse will have special focus;
 - thanks to all officers, especially the two excellent trees officers who know and care so well for all the town's trees.

The Cabinet Member for Planning and Building Control agreed, and confirmed that CBC and Cheltenham residents really value our trees, but with the canopy cover at just 9%, we can surely do better.

RESOLVED THAT:

- 1. the Cheltenham Tree Strategy is approved and the Director of Planning and Building Control is delegated in consultation with Cabinet Member for Planning and Building Control to make any minor amendments prior to publication;**
- 2. the Director of Planning and Building Control in consultation with Cabinet Member for Planning and Building Control is delegated to make any amendments arising from future reviews of the Tree Strategy to ensure it remains relevant and up to date as a management tool.**

7 Leckhampton with Warden Hill Neighbourhood Plan Examiner's Report

The Cabinet Member for Planning and Building Control introduced his report, which sets out that, with some minor modifications, the independent examiner has found that the proposed Leckhampton with Warden Hill Neighbourhood Plan meets the necessary conditions and recommends it to go forward to referendum. In accordance with its neighbourhood planning protocol, and as the local planning authority, CBC can consider what action to take in response, and he is happy to support the officers' agreement to accept the examiner's recommendations in full.

He said the journey to this stage has been long and sometimes difficult, taking up a large amount of officer time and resource, and close work with the parish council. He thanked the officer team for their hard work.

Members supported the recommendations, and made the following comments:

- it is exciting to see this great leap forward – neighbourhood plans are important in giving local communities the chance to say what happens in their area;
- Liberal Democrats are always keen to devolve decision-making to the lowest level, and this is a good example. The parish council is to be congratulated on this huge piece of work, with much credit due to the officers who supported them. It is great that we can now move ahead to the referendum and engage with the community;

- once adopted, the percentage of CIL receipts for Leckhampton with Warden Hill will rise from 15% to 25% - a significant benefit, which shows that all the hard work is a good investment;
- it is good to see the inclusion of Policy LWH7, which will protect dwellings against future flooding and climate change. The Parish Council has worked extremely hard on this and it will be good to get it into operation.

RESOLVED THAT:

- 1. the Examiner's recommended modifications on the Leckhampton with Warden Hill Neighbourhood Development Plan are accepted;**
- 2. a 'referendum version' of the Plan is produced (incorporating the Examiner's modifications, together with consequential and other minor corrections for accuracy), and can proceed to a referendum;**
- 3. authority is delegated to the Director of Planning and Building Control, in consultation with the Cabinet Member for Planning and Building Control, to prepare the decision statement for publication.**

8 E-Bike and Battery Safety Policy

The Cabinet Member for Housing and Customer Services said this policy is the result of concerns about the number of fires in council properties, caused because tenants did not use the proper charging equipment for their e-bikes and charged them overnight. The policy requires them to have the correct equipment and not to charge their bikes when they are asleep. Tenants will be advised how to make their homes safer when charging for the protection of everyone, and the council will take action if they do not comply. This course of action has been agreed by Cabinet Housing Committee.

The Cabinet Member for Climate Emergency said that rechargeable vehicles are important, especially to young people getting across town, and was pleased that the policy will be well communicated to keep everyone safe. He also commended the excellent safety work carried out by the fire service.

The Cabinet Member for Housing and Customer Services agreed and thanked officers for working with the fire service in this important area.

RESOLVED THAT:

- 1. the E-Bike and Battery Policy is approved.**

9 Final General Fund Revenue and Capital Budget Proposals

The Cabinet Member for Finance and Assets said it was his privilege to present the budget proposals for 2026-27, which will be debated in full at Council in three days' time.

A Member said it was good to hear the thorough examination of the council's finances at Audit, Compliance and Governance Committee on Monday night, and the responses from the external auditors and officers confirm that this is a good budget.

The Cabinet Member for Finance and Assets also thanked Budget Scrutiny Working Group for their valuable input.

RESOLVED THAT: Cabinet recommends that Council:

- 1. approves the revised budget for 2025/26 which is reported as part of the budget monitoring process in Section 6 and Appendix 15.**
- 2. considers the budget assessment by the Section 151 Officer at Appendix 2 when agreeing the following recommendations.**
- 3. approves the final budget proposals including a proposed council tax for the services provided by Cheltenham Borough Council of £252.11 for the year 2026/27 based on a Band D property (an increase of 2.99%).**
- 4. approves the budget strategy for the delivery of savings / additional income totalling £582,852 at Appendix 4.**
- 5. approves the revenue growth items totalling £159,334 at Appendix 5.**
- 6. approves the capital programme at Appendix 6.**
- 7. approves that the minimum level of General Fund Balances is set at £1.5m.**
- 8. approves the use of reserves and general balances and note the projected level of reserves, as detailed at Appendix 7.**
- 9. approves the programmed maintenance programme at Appendix 8.**
- 10. approves the Local Council Tax Support Scheme for working age customers in Appendix 9.**
- 11. approves the Medium-Term Financial Strategy (MTFS) detailed in Appendix 10.**
- 12. approves the Pay Policy Statement for 2025/26, including the continued payment of a living wage supplement at Appendix 11.**
- 13. approves the proposed fees and charges schedule for 2026/27 at Appendix 12, subject to appropriate consultation where required.**

- 14. approves the Minimum Revenue Provision Policy 2025/26 at Appendix 13.**

10 Final Housing Revenue Account (HRA) - Revised Budget

The Cabinet Member for Finance and Assets was pleased to present the Housing Revenue Account Budget; housing services have been on a journey, and this reinforces the need to secure the HRA. Like the General Fund Revenue and Capital Budget Proposals, it will also be debated at Full Council on Friday, but he wanted to put on record his thanks to Cabinet Housing Committee and the Cabinet Member for Housing and Customer Services for all their hard work and tenant engagement.

RESOLVED THAT: Cabinet recommends that Council:

- 1. approves the final HRA budget proposals for 2026/27 shown at Appendix 2.**
- 2. notes that a rent increase of 4.80% for social rent homes, affordable homes and shared ownership homes and changes to other rents and charges as detailed within this report has already been approved.**
- 3. approves the HRA capital programme as shown at Appendix 3 and the detailed capital programme in Appendix 4**
- 4. notes the revised HRA forecast for 2025/26 and impact on the HRA balance.**

11 Briefing from Cabinet Members

The Leader invited Members to share items of interest since the last meeting.

The Cabinet Member for Safety and Communities said that:

- the youth café has been successfully launched at Smokey Joe's in Bennington Street, with the first session attended by about 20 young people; it will continue to open weekly until April;
- she was thrilled to attend the Cheltenham Educational Partnership with Lives of Colour and all 10 senior schools in Cheltenham. The focus was on race equity, and it was good to listen to some incredibly insightful ideas;
- the No Child Left Behind awards took place recently, with 250 guests, celebrating all the amazing work carried out in the community, and featuring great performances from Belmont School Choir and the Everyman Youth Theatre. Thanks to all the organisations who work so hard for NCLB all year round;
- there has been a great response to the air quality consultation, with comments from hundreds of people. Thanks to everyone – the consultation feedback will provide the basis for the new air quality strategy later in the year;
- the recent acts of remembrance to mark Holocaust Memorial Day were thought-provoking and sombre, and a reminder of how important it is to love and respect each other.

The Cabinet Member for Waste, Recycling, Parks, Gardens and Green Open Space reported that:

- two good recycling initiatives are about to start: kerbside collection of tetrapacks across the whole borough will start in April, and kerbside collection of flexi-plastics will be rolled out ward by ward around the town, with uptake monitored and the process managed. Households will be notified, and provided with a roll of bags;
- following the closure of the bring bank site at Sainsbury's, the council is struggling to find alternative sites in that part of town; unfortunately there is not much opportunity, not least because of the inconsiderate way in which many people treat them. It would be helpful to encourage residents to use them properly, but in the meantime, the search goes on for new sites;
- the household recycling centre is the county council's responsibility, and we await with interest an options report about providing new facilities and hope for good news from. The county will have to provide the funding; it has a budget of £3.5m allocated for household recycling;
- Ubico crews continue to work on gulleys and in parks to clear them of leaves;
- the greenspace team continues to work with volunteers, including the new Roamers group, planting a hedge at St Peter's last week and working at Springfield Park tomorrow;
- the council is continuing to address the long waiting list for allotments, by investing in sites at Midwinters and Hayden Lane, increasing the number of plots available, and improving security;
- a new SUDs scheme at Elmfield will be launched on Thursday – a great scheme involving the local community in St Pauls, to make the recreation area more usable all year round, having drained off excess water.

The Cabinet Member for Housing and Customer Services said colleagues will know about her involvement in ensuring that tenants and residents – particularly women - are safe, and it is always a great pleasure to share with other areas what we do in Cheltenham to support women and girls. She will bring a report to the next meeting of Cabinet to showcase this work.

The Cabinet Member for Climate Emergency shared the following:

- he has been elected to chair the Climate Leadership Gloucestershire group for the next 12 months. This is an administrative role, not a strategic one;
- the group has set up bi-monthly meetings of Cabinet Members and officers to discuss how to carry out action plans and ways to work with other districts to accelerate reduction in carbon emissions. The action plans will be reviewed with the new Climate and Decarbonisation Manager as soon as he is established;
- we have accepted funding for the next stage of the heat network project, to produce more detailed designs, the next stage before the actual project is launched;
- he attended a lovely event at Leckhampton High School, where six schools took part in a Dragons Den-style challenge, pitching for funding for environmental schemes at their own schools. All six schools were awarded money;
- through Climate Leadership Gloucestershire fund, our climate team has secured money to develop a software package to help small to medium-sized enterprises

to decarbonise; these are currently given no clear direction and this will help them put in a pathway which can be shared with procurement partners if successful;

- another heat pump demonstration in Lidl car park has been organised, to continue engagement with residents as well as businesses.

The Cabinet Member for Finance and Assets was pleased to report that planning permission has been granted for 70 new homes on the former Monkscroft School site – affordable homes of mixed sizes and tenures, based on existing shortages on the waiting list. The development also includes new greenspace including a green promenade, growing area and recreation space, which will provide essential wildlife habitats.

The Leader shared that the second stage of the local government review consultation has gone live, and asked Members to encourage residents to respond – we need their feedback to know what they want to see happen next.

12 Cabinet Member Decisions since the last meeting

Members reported on the decisions they have taken since the last meeting:

Cabinet Member for Waste and Recycling

- [To award contract to Nissan Motors GB Ltd for the supply of cage-tipping vehicle](#)
- [To award contract to B&B Machinery Ltd for the supply of two forklifts](#)
- [To award contract to Stock Sweepers for the supply of two road sweepers](#)
- [To award a contract to Smith's \(Gloucester\) Ltd](#)
- [Cheltenham Escarpment National Nature Reserve – Naming Protocol](#)

Leader

- [To enter into a contract with Tile Hill Interim and Executive Ltd for the purposes of engaging agency staff](#)

Cabinet Member for Finance and Assets

- [Renewal of Lease St James Car Park](#)

Cabinet Member for Safety and Communities

- [Revision of the template partnership agreement with green space volunteer groups](#)
- [To approve taxi fare increases](#)
- [Community Pride Fund 2025 grant allocations](#)
- [Approval to consult on variation to Public Spaces \(Cheltenham\) Order 2023](#)

Cabinet Member for Housing and Customer Services

- [Target Hardening and Sanctuary Scheme Measure](#)
- [To award a range of grants to partners](#)

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Cheltenham Borough Council

Cabinet - 14 April 2026

Damp and Mould Policy

Accountable member:

Cllr Flo Clucas, Cabinet Member for Housing and Customer Services

Accountable officer:

Claire Hughes, Director of Governance, Housing and Communities

Ward(s) affected:

N/A

Key Decision: No

Executive summary:

The report brings forward the revised Damp and Mould Policy following the points raised during the Cabinet Housing Committee on the 21 January 2026. The policy was reviewed again by the Cabinet Housing Committee on the 1 April 2026 and was recommended to Cabinet for approval.

Recommendations: That Cabinet:

- 1. approves the Damp and Mould Policy**
-

1. Implications

1.1 Financial, Property and Asset implications

CBC is committed to maintaining its homes to a high standard and to make sure our residents stay safe, healthy, and well in their homes. Damp and mould are issues which can have a serious impact on the health and well-being of our residents and

cause damage to both our assets and to items stores within them.

The Damp and Mould Policy sets out the approach to dealing with damp and mould in CBC homes and communal areas.

There are no direct financial implications arising from the revised Damp and Mould Policy. Any existing expenditure arising will be met through established budgets. However, where new expenditure is identified, this will require an additional budget request.

Signed off by: Jon Coldridge, HRA Accountant

j.coldridge@cheltenham.gov.uk

1.2 Legal implications

The legal implications and the legislative framework governing the implementation of the Policy are set out in the Policy document at Appendix iii.

Signed off by: Alison McKane, Interim Deputy Monitoring Officer

alison.mckane@cheltenham.gov.uk

1.3 Environmental and climate change implications

The associated remedial works to prevent damp and mould could be energy intensive and therefore contribute towards an increase in greenhouse gas emissions. Effective management requires avoiding a 'shallow retrofit', for example focusing on single measures to improve heat retention, which may appear to be effective in the short term but ultimately be less beneficial and more costly. A 'whole house' or 'deep retrofit' approach is preferred, that considers air tightness, ventilation, and efficient heating systems, to make sure the house performs as one system and achieves the best possible outcomes.

Signed off by: Maizy McCann, Climate Change Officer,

Maizy.mccann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Quality homes, safe and strong communities

1.5 Equality, Diversity and Inclusion Implications

An Equality Impact Assessment has been completed for the Damp and Mould Policy

and can be found at Appendix 2.

2 Background

2.1 Cheltenham Borough Council (CBC) provides a wide range of local services, including the provision of social housing, maintaining approximately 5,000 domestic properties, communal blocks and schemes.

2.2 As part of our service delivery and the provision of homes it is essential that the council has a robust policy framework in place which clearly sets out to our tenants what they can expect from the council as their landlord.

2.3 This report brings forward a new Damp and Mould Policy. This policy is supplemented with a tenant summary.

3 Reasons for recommendations

3.1 We are committed to maintaining our homes to a high standard and to make sure our tenants stay safe, healthy, and well in their homes. Damp and mould are issues which can have a serious impact on the health and well-being of our tenants and cause damage to both our assets and to items stored within them.

3.2 This policy sets out our approach to dealing with damp and mould in our homes and communal areas. It covers the services we provide to tenants who rent their home under a tenancy agreement and those who occupy under a licence. Different properties, often of different ages, need to be looked after differently by CBC and by tenants. For leaseholders, we will meet the responsibilities as set out in the terms of the lease

4 Alternative options considered

4.1 No alternatives are available; a policy is required to outline the approach CBC will adopt in relation the requirements set out under Awaab's Law.

5 Consultation and feedback

5.1 Consultation has been carried out through the Compliance Monitoring Group and also with the leasehold team. Revisions have been made accordingly.

6 Key risks

6.1 Key risks are set out in the risk register.

Report author:

Gemma Rowberry, Head of Regulatory Compliance

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment
- iii. Damp and Mould Policy Summary for Tenants
- iv. Damp and Mould Policy

Background information:

N/A

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	The Council has a legal duty to ensure that properties it manages are safe and comply with all applicable statutory requirements. If the Council fails to adopt clear policies then this could result in ambiguity potentially putting tenants and residents at risk	Director of Governance, Housing and Communities	5	3	15	Reduce	Produce, approve and implement clear and robust policies and associated procedures.	Director of Governance, Housing and Communities	February 2026
2	If the Council does not have clear policies in place or does not comply with the provisions of the polices then there is a risk that the council could be subject to legal and/ or financial risk.	Director of Governance, Housing and Communities	5	3	15	Reduce	Produce, approve and implement clear and robust policies and associated procedures.	Director of Governance, Housing and Communities	February 2026

Appendix 2: Equality Impact Assessment (Screening)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Claire Hughes	Service Area: Housing Services
Title: Director of Governance, Housing and Communities	Date of assessment: 06/01/2026
Signature: <i>Claire Hughes</i>	

b. Is this a policy, function, strategy, service change or project?

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Damp and Mould

Is this new or existing?

New or proposed

Please specify reason for change or development of policy, function, strategy, service change or project

The policy has been developed to demonstrate how the Council will deal with issues of damp and mould within its housing stock

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims: The aim of this policy is to ensure that the Council's process for dealing with issues of damp and mould within its housing stock is clearly set out.

Objectives: The policy will:

- Set out how the council will deal with issues of damp and mould within its housing stock

Outcomes: Tenants and staff will be aware of the processes followed by the council to deal with issues of damp and mould within its housing stock

Benefits:	<p>This policy should offer assurance to tenants that the council is meeting its legal obligations in dealing with damp and mould.</p> <p>Employees of the Council can utilise this policy to ensure correct processes are utilised.</p>
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e. What are the expected impacts?	
Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.	No
Do you expect the impacts to be positive or negative?	No impact expected
Please provide an explanation for your answer:	
This policy is equally applicable to all tenants.	

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate	
Stage Two required	No

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Damp and Mould Policy – What Tenants Need to Know

Why this matters:

Cheltenham Borough Council (CBC) wants all tenants to live in safe, healthy homes. Damp and mould can harm your health and damage your home.

Our Commitment

- We will keep homes dry, warm, and safe.
- We will act quickly to fix problems and comply with the law, including Awaab's Law, which sets strict timeframes for repairs.

What Causes Damp and Mould?

- Leaks from pipes or roofs.
- Rising damp from the ground.
- Penetrating damp from defects in walls or roofs.
- Condensation from moisture in the air meeting cold surfaces.

What We Will Do

- Investigate reports of damp and mould promptly.
- For serious hazards:
 - **Emergency hazards:** Make safe within **24 hours**.
 - **Significant hazards:** Investigate within **10 working days**, start repairs within **5 working days**, and complete them within **12 weeks**.
- Keep you informed about inspections, repairs, and timelines.
- Use specialist contractors if needed and provide alternative accommodation if your home becomes unsafe.

Your Role

- Report any damp or mould issues as soon as you notice them.
- Allow access for inspections and repairs.
- Follow advice we give to help reduce condensation (like ventilating rooms and managing moisture).

Extra Support

- We'll give advice on preventing condensation and removing mild mould.
- If you struggle to heat your home or live in overcrowded conditions, we'll work with you to find solutions and offer support.

Complaints

- If we don't meet our commitments, you can use our complaints process. We aim to resolve issues quickly and fairly.

Where to Find More Information

- Visit our website for tips on preventing damp and mould and details on how to report problems.

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DAMP AND MOULD POLICY

This document has been prepared by:

Date	Job Title
25/09/2025	Cheltenham Borough Council – Head of Regulatory Compliance

Version Number	Version Date	Summary of Changes
001	25/09/2025	First draft
002	4/2/2026	Updated following the Housing Cabinet Committee on the 21.1.26 .

Consultation	Comments
Tenant Panel	
Cabinet Housing Committee	
CBC Cabinet	

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1.0 Introduction and Objectives

- 1.1 Cheltenham Borough Council (CBC) is committed to maintaining our homes to a high standard and to make sure our residents stay safe, healthy, and well in their homes. Damp and mould are issues which can have a serious impact on the health and well-being of our residents and cause damage to both our assets and to items stored within them.
- 1.2 This policy sets out our approach to dealing with damp and mould in our homes and communal areas. It covers the services we provide to tenants who rent their home under a tenancy agreement and leaseholders who occupy under a licence. Different properties, often of different ages, need to be looked after differently by CBC and by residents. For leaseholders, we will meet the responsibilities as set out in the terms of the lease.

2.0 Scope

- 2.1 Awaab's Law is the common name for the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025, of which phase one came into force on 27th October 2025. The legislation includes fundamental changes to remediate damp, mould, and emergency hazards within rigorous timescales. While Awaab's law will be implemented in a phased approach, landlords must take all reasonable steps to comply with the new legal requirements from the outset.
- 2.2 This policy takes account of the recommendations made in the October 2021 Housing Ombudsman Spotlight Report on Damp and Mould: It's not Lifestyle, and the subsequent follow up report in February 2023.
- 2.3 This policy outlines CBC's approach to damp and mould including proactive and reactive investigations, planning of resources in anticipation of periods of higher demand, budget management to reduce instances of damp and mould, ensuring staff have the correct competence and equipment to assess cases, and our tenant engagement and complaints procedures.
- 2.4 Damp and mould create risks to health due to increased prevalence of house dust mites and mould or fungal growths resulting from dampness and/or high humidities. The government's guidance on the Housing, Health, and Safety Rating System states that the hazard of damp and mould includes threats to mental health and social well-being which may be caused by living with the presence of damp, damp staining, and/or mould growth.
- 2.5 Mould is a type of fungus. It spreads through spores, which are invisible to the naked eye but are in the air around us all the time and can quickly grow on surfaces where dampness persists, or water has formed into a visible covering.

- 2.6 There are four main causes of dampness in homes. It is important to determine the cause of damp within a property as the remedial works required will require differing solutions:
- 2.7 **Water leaks** from defective supply and waste pipework (especially in bathrooms and kitchens) can affect both external and internal walls and ceilings. The affected area looks and feels damp to the touch and stays damp regardless of the prevailing weather conditions. It is the result of a problem or fault with the home or building, which requires repair.
- 2.8 **Rising damp** is caused by water rising from the ground into the home or building. Water gets through or around a defective damp proof course (DPC) or passes through the masonry that was built without a DPC. Rising damp will only affect basements and ground floor rooms. It will be present all year round but can be more noticeable in winter. It is generally the result of a problem or fault with the property, which requires repair.
- 2.9 **Penetrating damp** appears because of a defect in the structure of the home or building, such as damaged brickwork, missing roof tiles, loose flashing, or leaking rainwater goods. These defects allow water to pass from the outside to the floors, walls, or ceilings. Penetrating damp is far more noticeable following a period of rainfall and will normally appear as a well-defined 'damp-patch' which looks and feels damp to the touch. It is the result of a problem or fault with the home, which requires a repair.
- 2.10 **Condensation** is a common cause of dampness and is caused by excessive moisture in the air (water vapour) inside the dwelling meeting a colder surface, such as a window or wall. The drop in temperature causes liquid water to form on the surface and then soak in. It is usually found in kitchens, bathrooms, the corners of rooms, on north facing walls and on or near windows, all places that either tend to have a lot of moisture in the air, or to be cold generally. It is also found in areas of low air circulation such as behind wardrobes and beds, especially when they are pushed up against external walls.
- 2.11 All homes in England can be affected by condensation because the climate is often cool and wet. Normal household activities also constantly release moisture into the air. Good practice in the home minimises and alleviates condensation, and in many cases will prevent it causing dampness and persistent mould. However, the root cause can be a problem that requires a CBC repair or an improvement to the home or property. In others, a different solution may be needed (for example, in cases of severe overcrowding).
- 2.12 Where CBC finds or is made aware of damp issues within our properties, the initial response will be to resolve the defect to prevent exposing residents or others to health associated risks. Where a third party is involved, we will work collaboratively to ensure the issue is remediated quickly. If the defect is not deemed to be the responsibility of CBC we will seek to recover costs in line with our rechargeable repairs policy.

3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation, regulatory standards, and the requirements of other stakeholders such as the Housing Ombudsman Service. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Compliance Monitoring Group will receive regular updates on its implementation, operational performance, and any non-compliance. They will also be notified of any non-compliance issue identified.
- 3.3 The Housing Cabinet Committee (HCC) will receive quarterly performance reports in respect of damp and mould and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Head of Regulatory Compliance has strategic responsibility for the management of damp and mould, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Compliance Team has operational responsibility for the management of damp and mould cases and will be responsible for overseeing the delivery of remedial programmes.
- 3.6 The Tenancy Management Team will provide support where gaining access to properties is difficult and will assist and facilitate any legal or controlled access processes, as necessary.

4.0 Legislation, Guidance and Regulatory Standards

4.1 **Legislation** - The principal legislation applicable to this policy is:

- The Housing Act 2004
- The Landlord and Tenant Act 1985 as amended by The Home (Fitness for Human Habitation) Act 2018
- The Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 (also known as Awaab's Law)

This policy also operates within the context of additional legislation (see Appendix 1).

4.2 **Guidance** – The principal guidance applicable to this policy is:

- The Decent Homes Standard and the Housing Health and Safety Rating System (HHSRS) guidance
- Housing Ombudsman Spotlight on Damp and Mould: It's not lifestyle. October 2021 and February 2023 update.

- Awaab's Law: Guidance for Social Landlords – October 2025

4.3 **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy. The Social Housing (Regulation) Act 2023 also brought changes to the way social housing is regulated.

4.4 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the relevant local authority under the Housing Act 2004, the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; via determinations from the Housing Ombudsman and via a regulatory notice from the Regulator of Social Housing.

5.0 **Obligations**

5.1 The Housing Act 2004 requires that properties must be free from Category 1 HHSRS hazards, including damp and mould, and excess cold. Category 1 hazards (band A-C) mean a property does not meet the legal minimum standard for housing condition, and action must be taken to reduce the risk to that which would be expected of a property of that age and type. The government has directed local authorities in November 2022 to also have regard to 'high scoring Category 2 hazards (band D and E) for damp and mould when considering enforcement action.

5.2 The Landlord and Tenant Act 1985 as amended by the Homes (Fitness for Human Habitation) Act 2018 requires that properties must be fit for human habitation, including being free of dampness prejudicial to the health of occupants, and category 1 HHSRS hazards.

5.3 The Decent Homes Standard was updated in 2006 to take account of the Housing Health and Safety Rating System (HHSRS). According to the Standard, for a home to be considered 'decent' it must:

- Meet the current statutory minimum standard for housing (Be free of Category 1 HHSRS Hazards).
- Be in a reasonable state of repair.
- Have reasonably modern facilities and services.
- Provide a reasonable degree of thermal comfort.

5.4 The Social Housing (Regulation) Act 2023 allowed for the introduction of The Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 (also known as Awaab's Law). Phase one of these requirements came into force 27th October 2025 and landlords must:

- Investigate any potential emergency hazards and, if the investigation confirms emergency hazards, undertake relevant safety work as soon as reasonably

practicable. The investigation and the work must both take place within **24 hours** of becoming aware of the hazard.

- Investigate potentially significant cases of damp and mould within ten working days of being made aware of them.
- Provide and issue a report summarising the investigation to residents within three working days of the investigation's completion.
- Complete and safety work within five working days of the investigation concluding.
- Begin any further repair work within five working days of the investigation concluding.
- Complete any further work within a reasonable period, but no longer than 12 weeks.
- Maintain adequate record keeping throughout the repair works.
- If the investigation identifies a significant or emergency hazard. If steps cannot be taken to begin further work in **5 working days** this must be done as soon as possible, and work must be physically started **within 12 weeks**.
- Inform residents of their rights, including how to make compliant and what they should expect under the HHSRS.
- Trigger a decant process if the proposed timeframes under Awaab's Law cannot be met.

6.0 **Statement of Intent**

6.1 We will take a zero-tolerance approach to damp and mould and provide dry, warm, healthy, and safe homes for our tenants which are free from any serious hazards.

6.2 We will enhance our understanding of our assets in relation to damp and mould and have proactive programmes for managing this issue. This will include analysis of stock condition data, our tenants, and complaint levels to drive a data and risk-based approach.

6.3 We will undertake all steps to comply with Awaab's Law, adopting a person-centred approach to dealing with damp and mould cases within the prescribed time frames. We will adjust the measures in place and the principles within this policy, in accordance with the phased introduction of Awaab's Law.

6.4 We will take a proactive approach to monitoring the condition, safety, and compliance of our homes. We will aim to undertake inspections across our housing stock on at least an annual basis, taking all reasonable steps to gain access, to ensure properties remain safe, compliant and in a good state of repair. This approach will include a range of planned and responsive activities, such as repairs, stock condition and energy performance assessments, inspections of void and long-term empty properties, checks of heating and hot water systems, and fire safety inspections, including fire doors, as appropriate.

- 6.5 We will proactively maintain and repair the building fabric to prevent deterioration that may cause or exacerbate damp, including timely action on leaks, structural defects, ventilation failures, and moisture ingress risks.
- 6.6 Where works are undertaken to leasehold properties that may be subject to cost recharges, this will be considered in line with the terms of the lease. Leaseholders will be provided with appropriate information where this applies.
- 6.7 We will take responsibility for proactively diagnosing and resolving damp and mould in a timely and effective way.
- 6.8 We will ensure our retrofit programmes consider and help prevent condensation, damp, and mould.
- 6.9 We will consider whether any properties which are affected by condensation, damp and mould are also affected by the hazard of excess cold and will act to also address that hazard.
- 6.10 We will ensure our reporting systems and processes are accessible and treat residents reporting damp and mould with empathy and respect and will not prejudge the reason for any issue.
- 6.11 We will operate an open and transparent complaints process which is proactively communicated to residents.
- 6.12 We will ensure our resident engagement strikes the right tone and provides support to tenants to avoid condensation, damp, and mould in properties.
- 6.13 We will ensure our frontline staff are trained to spot potential issues with condensation, damp, mould, and condensation, so they can proactively advise residents, diagnose problems, and provide solutions.
- 6.14 Where properties may be earmarked for disposal, we will take steps to ensure that they do not deteriorate to an unacceptable condition and regularly engage with tenants living in them.
- 6.15 Resident information, including details of any known vulnerabilities or support needs, will be accurately recorded and securely stored in accordance with data protection requirements, to ensure that up-to-date information is available to inform assessments of whether a reported issue constitutes a significant or emergency hazard.

7.0 **Dealing with Damp and Mould**

- 7.1 We will take a proactive, data led approach to dealing with damp and mould and proactively manage risk through cyclical surveying of stock, reactive repairs, planned preventative investment, and providing advice and guidance to tenants.

- 7.2 When a property becomes vacant, and prior to re-letting, we will identify and remediate any issues that may cause damp and any of the symptoms of or consequential damage arising from condensation, damp, and mould. We will follow our Empty Homes Policy process, which may include ensuring doors and windows are serviceable and can effectively ventilate the property, ensuring extractor fans are working well, as well as applying mould treatments where necessary.
- 7.3 Tenants are required to report any issues to us as soon as possible after noticing a problem. When we receive a report, any cases that are not deemed an emergency under Awaab's Law we will send a surveyor to attend the property to determine the root cause and seek to resolve the immediate issue.
- 7.4 Where damp is because of condensation, we will work with our tenants to undertake any appropriate remedial work to prevent the damp and mould occurring. This might include advice about how to control moisture levels or increase ventilation or heating, so that relative humidity is kept within the optimum range for comfort and prevention of dust mites and mould spores.
- 7.5 When a severe or recurring condensation, damp or mould issue is identified we will undertake a comprehensive risk assessment which might result in a range of actions to support the tenant depending on their circumstances. This may include providing dehumidifiers, the installation of positive input ventilation, mechanical or passive ventilation systems, and data tags for ongoing monitoring, as appropriate, on a case-by-case basis.
- 7.6 We will keep tenants informed of any property inspections, diagnosis of issues and the timetabling of works, where these are required. This includes explaining to them why work might be needed and what work might be done. If any changes to the programme of works are needed, we will keep them informed. Where work is not required, tenants will be informed, and we will explain the reason why no further work is needed and the steps they should take.
- 7.7 For more complex cases, and especially where more intrusive building work is required and/or there is a serious health risk to the tenant or a member of their household, we will utilise specialist contractors and consultants, such as structural engineers. We may require them to move out of their home either on a temporary or permanent basis. We will consider the individual circumstances of the tenant and engage with them as part of our decision-making process and to find suitable alternative accommodation. We will ensure that appropriate checks are carried out at the property to ensure it is suitable for the tenant to return to.
- 7.8 Our tenancy (and leasehold) agreements require residents to allow us (including appointed contractors) access to their home to carry out works at the agreed appointment time. If we are unable to gain access and the integrity of the property, its fabric, and/or the safety of the customer or those in the vicinity of the property is

compromised, we will take appropriate action. For example, this may include but is not limited to obtaining an injunction for access.

- 7.9 In line with our Complaints Policy, we will respond appropriately where we fail to deliver the service we have committed to. Service failures, including instances where damage to furniture or personal belongings has occurred, or where distress or inconvenience has been caused, will be investigated and addressed in accordance with our complaints handling arrangements. Each case will be considered on its own merits, taking into account the nature, severity, and impact of the service failure, as well as the individual circumstances of the resident and their household. Where appropriate, remedies, including compensation, will be considered in line with our policies.

8.0 Data and Records

- 8.1 We will ensure our approach to record keeping is accurate and robust, and supports a risk-based, zero tolerance approach to dealing with damp and mould.
- 8.2 We will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property on our QL system. Property files are also stored on our Documotive file repository.
- 8.3 We will operate a robust process to manage all changes to our asset holdings, including property acquisitions and disposals.
- 8.4 We will keep all records, warning notices, and remedial work records for the duration that we own and manage the property. We will have robust processes and controls in place to maintain appropriate levels of security for all repairs, inspection, condensation, damp and mould related data and records.

9.0 Resident Engagement and Support

- 9.1 Our communications strategy will include a communications programme aimed at supporting residents in their understanding of condensation, damp, and mould. This will include information on how to report concerns, the actions we will take, and how tenants can access our complaints procedure.
- 9.2 This will assist us in maximising access to assess risks and take remedial action, encourage, and support residents to report any concerns about condensation, damp, and mould, and help us engage with vulnerable and hard to reach residents.
- 9.3 We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.
- 9.4 We will give residents advice on how to prevent condensation and what they can do to remove mild cases of mould.

- 9.5 We know that some residents cannot afford to heat their homes adequately and may be suffering from fuel poverty. We will work with residents to ensure that they are receiving the income to which they are entitled. We will support any referrals for poverty funding and income maximisation to Benefit and Money Team, as well as signposting where applicable.
- 9.6 Where homes are overcrowded, humidity will tend to be higher, and this increases the likelihood of condensation. We will work with the tenant and explore solutions which may include moving to a more suitable home if this is available and appropriate. While we look to move tenants to a more suitable home, we will look into short and medium-term measures that will help reduce the moisture levels in the interim.
- 9.7 We aim to resolve complaints as quickly as possible without tenants needing to resort to disrepair claims and legal action. We will follow guidance in the Housing Ombudsman's Complaint Handling Code to take action to put things right without waiting for the complaints procedure to be completed. We will engage with the Housing Ombudsman Dispute Support Team for guidance if required.
- 9.8 Where legal action is taken, we will follow the Pre-Action Protocol for Housing Conditions Claims (England) so that we may resolve the dispute outside of court to help ensure issues are resolved quicker for customers.

10.0 **Competent Persons**

- 10.1 Our staff and contractors will have the skills and knowledge to identify signs of condensation, damp, and mould, and discuss with residents how to manage problems. Staff will be encouraged to look out for signs whenever they visit a resident's home.
- 10.2 The Damp and Mould Manager will hold at least one of the following qualifications: High National Building Certificate, RICS, BSC or Expert witness certification (or appropriate asset management equivalent). If they do not have at least one of the listed or equivalent qualifications already, they will obtain within 24 months of the approval of this policy.
- 10.3 We will check our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

11.0 **Training**

- 11.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; basic condensation, damp, and mould awareness training; and on the job training for those delivering planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

11.2 We will share learning from complaints and the positive impact of changes made as a result within the organisation and externally, to promote a learning culture.

12.0 Performance Reporting

12.1 We will report robust key performance indicator (KPI) measures for condensation, damp, and mould. We will report to the following strategic groups:

Report recipient	Frequency
Regulator of Social Housing	Annual
Compliance Monitoring Group	Monthly
Housing Cabinet Committee	Quarterly
Tenants	Quarterly

12.2 As a minimum, we will report:

Response & Investigation KPI's:

- Number of open cases.
- Total number of emergency hazards.
- Total number of significant hazards.
- Hazards that fall outside of Awaab's Law.
- Percentage of cases with report sent within 3 working days.
- Percentage of inspections completed within ten working days.
- Percentage of emergency cases actioned within 24 hours.
- Percentage of significant hazards remediated within 5 working days.
- Percentage of significant hazards follow on works started within five working days.
- Percentage of significant hazards remedial works started within 12 weeks.
- Oldest open case (in days).

Narrative - an explanation of the:

- Current position.
- Corrective action required.
- Anticipated impact of corrective actions.
- Progress with completion of repairs works.

13.0 Quality Assurance

13.1 We will ensure there is a programme of post inspections in place to ensure the quality of repair work that is carried out to address condensation, damp, and mould. This will be:

- Ten per cent of responsive repairs for works to address the root cause or symptoms of condensation, damp, and mould.

- 100 per cent of all works carried out following complaints of condensation, damp, or mould.
- 100 per cent of all works carried out to resolve disrepair claims. This includes three month, and six month follow up visits.

13.2 We will introduce an approach to revisiting residents who have had a confirmed case of condensation, damp, and/or mould to ensure that our repairs, advice, or other action has resolved the issue. This will include a handover with the resident, and we will send out letters at six months and 12 months following the repairs. For more complex repairs, a surveyor will post inspect the works to ensure the issues have been resolved.

13.3 We will carry out an independent audit of our approach to identifying and addressing damp and mould at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

14.0 **Significant Non-Compliance and Escalation**

14.1 Our definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of a CBC employee becoming aware of it.

14.2 Any non-compliance issue identified at an operational level will be formally reported to the **Head of Regulatory Compliance** in the first instance, who will agree an appropriate course of corrective action with the Damp and Mould Manager and report details of the same to the Compliance Monitoring Group.

14.3 The Compliance Monitoring Group will ensure that the Housing Cabinet Committee are made aware of any non-compliance issue, so they can consider the implications and act as appropriate.

14.4 In cases of serious non-compliance, Housing Cabinet Committee will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

15.0 **Glossary**

15.1 This glossary defines key terms used throughout this policy:

- **Tenants:** individuals who rent or live in a property owned by CBC.
- **Leaseholders:** individuals who hold a lease granting them a legal right to occupy or use a property for a fixed period of time. A leaseholder may own a building or unit but the lease the land it sits on from CBC.
- **Residents:** this term includes both tenants and leaseholders.

- **HHSRS:** the Housing Health and Safety Rating System. This is the Government’s prescribed approach to the evaluation of the potential risks to health and safety from any deficiencies identified in dwellings. There are 29 HHSRS hazards, including the hazard of damp and mould.
- **Category 1 HHSRS hazard:** the most serious hazards, which mean that the property fails to meet the legal minimum standard for property condition. Where a local housing authority becomes aware of a property with a category 1 hazard, they have a duty to take enforcement action, for example by serving a notice to require the risk to be reduced.
- **Category 2 HHSRS hazard:** these are less serious hazards; the local housing authority has the power to take enforcement action but is not obliged to.
- Under Awaab’s Law, a “**significant hazard**”: refers to any condition within a dwelling that presents a material risk of harm to the health or safety of an occupier, which a reasonable landlord, possessing the relevant knowledge, would be expected to address as a matter of urgency.
- Under Awaab’s Law, an “**emergency hazard**” refers to a condition that poses an imminent and significant risk of harm to the health or safety of an occupier, which a reasonable landlord would be expected to make safe within 24 hours.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- Defective Premises Act 1972
- Health and Safety at Work Act 1974
- The Occupiers' Liability Act 1984
- Management of Health and Safety at Work Regulations 1999
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Building Regulations 2010 (England and Wales)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018
- Equality Act 2010

Guidance and other related information:

- Housing, Health, and Safety Rating System (HHSRS) Operating Guidance, 2006
- Pre-action Protocol for Housing Condition Claims (England) 2021
- Housing Ombudsman Spotlight Report: It's not lifestyle (November 2021)

Appendix 2 – Related Policies

- Compensation Policy
- Complaints Policy
- Required Moves Policy
- Disrepair Policy
- Repairs and Maintenance Policy
- Rechargeable Repairs Policy
- HHSRS Policy
- Tenancy Policy
- Estate and Tenancy Management Policy

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Cheltenham Borough Council

Cabinet - 14 April 2026

Housing Health and Safety Rating System (HHSRS)

Policy

Accountable member:

Cllr Flo Clucas, Cabinet Member for Housing and Customer Services

Accountable officer:

Claire Hughes, Director of Governance, Housing and Communities

Ward(s) affected:

N/A

Key Decision: No

Executive summary:

This report brings forward the revised Housing Health and Safety Rating System (HHSRS) policy following the points raised during the Cabinet Housing Committee on the 21 January 2026. The policy was reviewed again by the Cabinet Housing Committee on the 1 April 2026 and was recommended to Cabinet for approval.

Recommendations: That Cabinet:

- 1. approves the Housing Health and Safety Rating System (HHSRS) Policy (Appendix 4)**
-

1. Implications

1.1 Financial, Property and Asset implications

CBC is committed to meeting its legal duties to keep its homes safe, ensure properties are fit for human habitation, free of 'category 1' hazards, correct any disrepair, and comply with all relevant legislation and guidance.

There are no direct financial implications arising from the Housing Health and Safety Rating System report. Any existing expenditure arising will be met through established budgets, however where new expenditure is identified, this will require an additional budget request.

Signed off by: Jon Coldridge, HRA Accountant, j.coldridge@cheltenham.gov.uk

1.2 Legal implications

Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025, commonly referred to as Awaab's Law, are a set of regulations that came into force on 27 October 2025. These regulations require social landlords to address emergency hazards and significant damp and mould hazards within fixed timeframes. In 2026 the regulations extend to include additional hazards where they present a significant risk of harm:

- excess cold and excess heat
- falls associated with baths etc., on level surfaces, on stairs and between levels
- structural collapse, and explosions
- fire, and electrical hazards
- domestic and personal hygiene and food safety

Signed off by: Alison McKane, Interim Deputy Monitoring Officer, Alison.McKane@cheltenham.gov.uk

1.3 Environmental and climate change implications

A repaired and safe housing stock ensures climate resilience, making homes less susceptible to extreme weather events. Relevant work will happen alongside the Warm Homes retrofit work. A Climate Change impact assessment has been completed for the HHSRS policy, and the dashboard and summary report can be found in the appendices.

Signed off by: Maizy McCann, Climate Officer, Maizy.mccann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Quality homes, safe and strong communities

1.5 Equality, Diversity and Inclusion Implications

An Equality impact assessment has been completed for the HHSRS policy and can be found in the appendices.

2 Background

- 2.1 Cheltenham Borough Council (CBC) provides a wide range of local services, including the provision of social housing, maintaining approximately 5,000 domestic properties, communal blocks and schemes.
- 2.2 As part of our service delivery and the provision of homes it is essential that the council has a robust policy framework in place which clearly sets out to our tenants what they can expect from the council as their landlord.
- 2.3 As a landlord we are committed to meeting our legal duties to keep our homes safe by fixing disrepair and keeping them fit for human habitation and free of 'category 1' hazards ensuring that all our homes and communal areas managed by CBC are safe and healthy for tenants and visitors.
- 2.4 The HHSRS policy is included in the appendices supplemented with a tenant summary.

3 Reasons for recommendations

- 3.1 It is recommended that Cabinet approve the HHSRS policy, which outlines our approach under HHSRS to identify, assess, mitigate and eliminate hazards to ensure compliance with the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025.
- 3.2 The policy has been revised following the points, which were raised during the Cabinet Housing Committee on the 21st January 2026 (included in 5.2), and also in line with the National Institute for Health Care (NICE) guidance.
- 3.3 The implementation of the HHSRS policy will provide CBC with a robust policy framework which sets out our approach to meet the HHSRS requirements.

4 Alternative options considered

4.1 No alternatives are available; a policy is required to outline the approach CBC will adopt in relation to the requirements set out under HHSRS.

5 Consultation and feedback

5.1 Consultation has been carried out through the Housing HHSRS working group and revisions made to the policy following feedback.

5.2 The policy has been further revised following the points, which were raised during the Cabinet Housing Committee on the 21 January 2026 (listed below), and also in line with the National Institute for Health Care (NICE) guidance.

HHSRS Policy: Section 6, Groups, 29 Hazards and Vulnerabilities, the following vulnerabilities or responsible team/department have been updated in the policy:

- 6. Carbon monoxide and combustible products: All persons at risk (higher risk categories: 80 years plus, children and pregnant women)*
- 14. Noise: Responsible teams have been updated: Behavioural noise: ASB and TMO Teams or Property related noise: T&I Team.
- 17. Personal hygiene, sanitation and drainage: Responsible teams: TMO Team in situations where it is impacting on the building.
- 21. Falling on the stairs: Responsible teams have been updated: Repairs Team and also the Estates Team, as cleaning can provide slip hazards.

*NICE guidance.

6 Key risks

A risk assessment has been completed for the HHSRS policy and is attached in the appendices.

Report author:

Jo Rea, Health and Safety Officer, Jo.Rea@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment
- iii. HHSRS Policy Summary for Tenants
- iv. HHSRS Policy Summary

v. [Climate Change Impact Assessment](#)

Background information:

N/A

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	The Council has a legal duty to ensure that properties it manages are safe and comply with all applicable statutory requirements. If the Council fails to adopt clear policies then this could result in ambiguity potentially putting tenants and residents at risk	Director of Governance, Housing and Communities	5	3	15	Reduce	Produce, approve and implement clear and robust policies and associated procedures.	Director of Governance, Housing and Communities	February 2026
2	If the Council does not have clear policies in place or does not comply with the provisions of the polices then there is a risk that the council could be subject to legal and/ or financial risk.	Director of Governance, Housing and Communities	5	3	15	Reduce	Produce, approve and implement clear and robust policies and associated procedures.	Director of Governance, Housing and Communities	February 2026

Appendix 2: Equality Impact Assessment (Screening)

STAGE 1 – Equality Screening

1. Identify the policy, project, function or service change

a. Person responsible for this EqlA

Officer responsible: Claire Hughes	Service Area: Housing Services
Title: Director of Governance, Housing and Communities	Date of assessment: 06/01/2026
Signature: <i>Claire Hughes</i>	

b. Is this a policy, function, strategy, service change or project?

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Housing Health and Safety Rating System (HHSRS) Policy

Is this new or existing?

New or proposed

Please specify reason for change or development of policy, function, strategy, service change or project

The policy has been developed to demonstrate how the Council will comply with the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims: The aim of this policy is to ensure that the Council’s process for complying with Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 is clearly set out.

Objectives: The policy will:

- Set out how the council will ensure compliance with the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025

Outcomes:	Tenants and staff will be aware of the processes followed by the council to ensure compliance with the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025
Benefits:	<p>This policy should offer assurance to tenants that the council is meeting its legal obligations and is committed to dealing with hazards effectively.</p> <p>Employees of the Council can utilise this policy to ensure correct processes are utilised.</p>

e. What are the expected impacts?	
Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.	No
Do you expect the impacts to be positive or negative?	No impact expected
Please provide an explanation for your answer:	
This policy is equally applicable to all tenants.	

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate	
Stage Two required	No
Owner of Stage Two assessment	
Completion date for Stage Two assessment	

Appendix 3

Tenant Summary: Housing Health and Safety Rating System (HHSRS)

Why this matters

We want to keep your home safe and healthy. Awaab's Law means hazards must be fixed quickly to protect you and your family.

What hazards are covered?

- Damp and mould
- Excess cold or heat
- Fire and electrical hazards
- Falls (stairs, baths, etc.)
- Structural collapse
- Hygiene and food safety issues

What we will do

- Emergency hazards: Investigated and made safe within 24 hours
- Significant hazards: Investigated within 10 working days, safety work started within 5 working days, full repairs within 12 weeks

Your rights

- Request an in-person inspection if the first check was remote
- Alternative accommodation offered if repairs cannot be completed quickly
- If you refuse alternative accommodation, confirm in writing

What we need from you

- Report hazards promptly
- Allow access for inspections and repairs
- Tell us in writing if you refuse alternative accommodation or decide to return home

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**HOUSING HEALTH & SAFETY RATING SYSTEM (HHSRS)
POLICY**

This document has been prepared by:

Date	Job Title
25/09/2025	Cheltenham Borough Council – Housing Service, Health and Safety Manager

Version Number	Version Date	Summary of Changes
001	25/09/2025	First draft
002	4/2/2026	Updated following the Housing Cabinet Committee on the 21.1.26 .

Consultation	Comments
Tenant Panel	
Cabinet Housing Committee	
CBC Cabinet	

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1. INTRODUCTION

- 1.1 Phase 1 of Awaab's Law came into force for the social rented sector on **27 October 2025**, which requires all social landlords to address **all emergency hazards, all damp and mould** and **all significant hazards** present risk of harm to tenants to fixed timeframes.
- 1.2 In 2026 the regulations extend to include the following hazards where they present a significant risk of harm:
 - excess cold and excess heat
 - falls associated with baths etc., on level surfaces, on stairs and between levels
 - structural collapse, and explosions
 - fire, and electrical hazards
 - domestic and personal hygiene and food safety
- 1.3 In 2027, the regulations will be further extended to all remaining HHSRS hazards (apart from overcrowding) where they present a significant risk of harm.
- 1.4 CBC will prepare for the future expansion of Awaab's Law. This guidance includes information in relation to damp and mould hazards that will be in scope for the first phase of Awaab's Law and will be updated to include other hazards ahead of the coming into force of further phases. We want to make sure that this policy works effectively through taking a 'test and learn' approach and will implement any lessons learned between phases.
- 1.5 The phased approach does not mean that CBC have leeway on addressing dangerous issues in our homes in the meantime and therefore we must continue to meet our legal duties to keep homes safe by fixing disrepair, and keeping our homes fit for human habitation and free of dangerous 'category 1' health or safety hazards. We will also continue to meet the outcomes set out by the Regulator of Social Housing in its Safety and Quality standard.

2. CONTEXT

- 2.1 The Regulations are also known as 'Awaab's Law' in memory of 2-year-old Awaab Ishak, who died tragically in 2020 as a result of a severe respiratory condition due to prolonged exposure to mould in his home. Awaab's parents had complained repeatedly to their social landlord in the three years prior to Awaab's death, but no action was taken by their social landlord to treat the mould.
- 2.2 Living in hazardous conditions can have a substantial impact on people's health, safety and wellbeing. While many landlords take timely and effective action to address hazards, Awaab's Law serves as a legal backstop for the cases where social landlords are failing to make repairs quickly enough, leaving their tenants at risk.
- 2.3 The primary legislation for Awaab's Law was first introduced through the [Social Housing \(Regulation\) Act 2023](#), and inserts (or in legal terms 'implies') into social housing tenancy agreements a term that requires social landlords to comply with the requirements that are set out in these Regulations. This means all social landlords have to meet the requirements in the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025. If they do not, tenants can hold their social landlords to account by taking legal action through the courts for a breach of contract. Other avenues of redress are available to tenants via the social landlord's complaints procedure and the Housing Ombudsman Service.

3. POLICY STATEMENT

- 3.1 CBC is committed to meeting its legal duties to keep our homes safe by fixing disrepair and keeping them fit for human habitation and free of 'category 1' hazards ensuring that all our homes and communal areas managed by CBC Housing Services are safe and healthy for tenants and visitors. This policy outlines our approach under HHSRS to identify, assess, mitigate and eliminate hazards.
- 3.2 CBC will comply with relevant legislation and guidance, including:
- Health and Safety at Work etc Act 1974
 - Housing Act 2024.
 - Defective Premises Act 1972.
 - Landlord and Tenant Act 1985.
 - Homes (Fitness for Human Habitation) Act 2018.
 - Decent Homes Standard 2006.
 - Consumer Regulations 2024 – Regulator for Social Housing.
 - Pre-Action Protocol for Housing Conditions Claims (England), 2021.
 - Social Housing (Regulation) Act 2023.
 - Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025.

4. SCOPE

- 4.1 This policy applies to **all properties and communal areas managed by CBC – Housing Services** where we hold responsibility for repairs and maintenance.
- 4.2 This policy does not apply to:
- Leasehold properties
 - Any other dwelling/building managed by CBC which are not otherwise included in the property portfolio of Housing Services
 - Hazards resulting from a breach of tenancy agreement by the resident, including deliberate damage or unauthorised alterations.
 - Hazards which are 'non-significant' hazards otherwise known as Category 3 or 4 hazards.
- 4.3 Leaseholders and shared owners are responsible for repairs within their demised premises, as outlined in their lease agreements. If the issues arise within the communal area or involves a structural building defect, CBC is responsible for carrying out the repairs in line with the terms of the relevant lease agreement.
- 4.4 Hazards that pose a significant risk to the health or safety of our tenants within the affected home fall within scope of **Awaab's Law**. CBC is responsible for determining whether a hazard poses a significant risk to a customer(s) health or safety.
- 4.5 This policy has been developed to ensure full compliance with all HHSRS hazards falling within the scope of **Awaab's Law**, including those introduced through its phased implementation from **27 October 2025** onwards.

5. DEFINITIONS

Term	Definition
Housing Health and Safety Rating System (HHSRS)	The risk-based evaluation tool used to assess potential hazards in residential properties, as defined under the Housing Act 2004
Emergency Hazard (Category 1)	An emergency hazard otherwise known as Category 1 hazards are those that poses 'an imminent and significant risk of harm' to the health or safety of the tenant.
Significant Hazard (Category 2)	A 'significant hazard' otherwise known as Category 2 hazards are those that poses a 'significant risk of harm' to the health or safety of a tenant. A 'significant risk of harm' is defined as 'a risk of harm to the occupier's health or safety that a reasonable lessor with the relevant knowledge would take steps to make safe as a matter of urgency'.
Non-Significant Risk (Category 3 and 4)	A 'non-significant' otherwise known as Category 3 or 4 hazards are those that do not pose a serious threat to health or safety and would not require urgent action by a reasonable social landlord. These hazards are outside the scope of this policy

6. GROUPS, 29 HAZARDS and VULNERABILITIES

6.1 A potential source of harm or adverse health effect on a person.
Under HHSRS there are currently 29 hazards of which the most common are damp and mould, excess cold, falls and fire safety. These fall into 4 Groups A – D

Groups	Hazards	Vulnerabilities	Responsible Team/Department
a	b	c	d
Group - A Physiological Requirements	1. Damp and mould growth	14yrs of less	Repairs - DMC
	2. Excess cold	65yrs plus	T&I Compliance
	3. Excess heat	65yrs plus	T&I Compliance
	4. Asbestos and manufactured mineral fibres)	No specific group	T&I Compliance
	5. Biocides	No specific group	T&I Compliance
	6. Carbon monoxide and combustible products	CO, All persons, (higher risk categories: 80 yrs plus, children and pregnant women) NO ₂ SO ₂ and smoke – No specific group	T&I Compliance
	7. Lead	Under 3yrs	T&I Compliance
	8. Radiation	All persons aged between 60-64 who have had lifetime exposure to radon	T&I Compliance
	9. Un-combusted fuel gas	No specific group	T&I Compliance
	10. Volatile organic compounds	No specific group	T&I Compliance
Group - B Physiological Requirements	11. Crowding and space	No specific group	TMO
	12. Entry by intruders	No specific group	Customer Services
	13. Lighting	No specific group	Customer Services
	14. Noise: Behavioural Noise: Property Condition:	No specific group No specific group	ASB and TMO T&I
Group - C Protection Against Infection	15. Domestic hygiene, pests and refuse	No specific group	TMO
	16. Food safety	No specific group	TMO
	17. Personal hygiene sanitation and drainage	Under 5yrs	TMO – Personal Hygiene Customer Services - Drainage
	18. Water supply	No specific group	Repairs
Group - D Protection Against Accidents	19. Falls associated with baths etc	60yrs plus	Repairs
	20. Falling on level surfaces etc	60yrs plus	Repairs
	21. Falling on stairs	60yrs plus	Repairs Cleaning - Estates Team
	22. Falling between levels	Under 5yrs	Repairs
	23. Electrical hazards	No specific group	Electrical
	24. Fire	No specific group	Repairs
	25. Flames, hot surfaces and materials	No specific group	TMO
	26. Collision and entrapment	No specific group	TMO

	27. Explosions	No specific group	Repairs
	28. Ergonomics	No specific group	Repairs
	29. Structural collapse and falling elements	No specific group	Repairs

7. EMERGENCY HAZARDS (Category 1)

7.1 **Step 1 – (Day Zero)** A potential emergency hazard is reported, or a CBC colleague or contractor identifies a potential emergency hazard during a property visit.

- Immediately inform either the duty supervisor on **07786 640 814** or Building Services Logistics team on **01242 387 639**
- Building Services Logistics Team assigns the case to a supervisor or T&I surveyor
- The assigned supervisor/surveyor then reviews all available information about the hazard and the resident's circumstances. Based on this, they make an initial assessment to decide whether the issue is a potential 'emergency hazard' or if it needs to be downgraded to a 'significant' hazard or if it falls outside the scope of Awaab's Law.
- The supervisor/surveyor must further investigate and visit the property if after reviewing all available information concludes the presence of a potential emergency hazard. If the investigation confirms an emergency hazard at the property, then the supervisor/surveyor must arrange for the relevant safety work to be undertaken as soon as reasonably practicable. The investigation and the work must both take place within **24 hours** of becoming aware of the hazard.

8. SIGNIFICANT HAZARD (Category 2)

8.1 **Step 1 – (Day Zero)** A potential significant hazard is reported, or a CBC colleague or contractor identifies a potential significant hazard during a property visit.

- Immediately inform either the duty supervisor on **07786 640 814** or Building Services Logistics team on **01242 387 639**
- Building Services Logistics Team assigns the case to a supervisor or T&I surveyor
- The assigned supervisor/surveyor then reviews all available information about the hazard and the resident's circumstances. Based on this, they make an initial assessment to decide whether the issue is a potential 'significant' or needs upgrading to an 'emergency' hazard, or if it falls outside the scope of Awaab's Law.

8.2 **Step 2** - If a potential significant hazard is identified, the assigned supervisor/surveyor must carry out an investigation within **10 working days**. If their investigation confirms a significant hazard, they must:

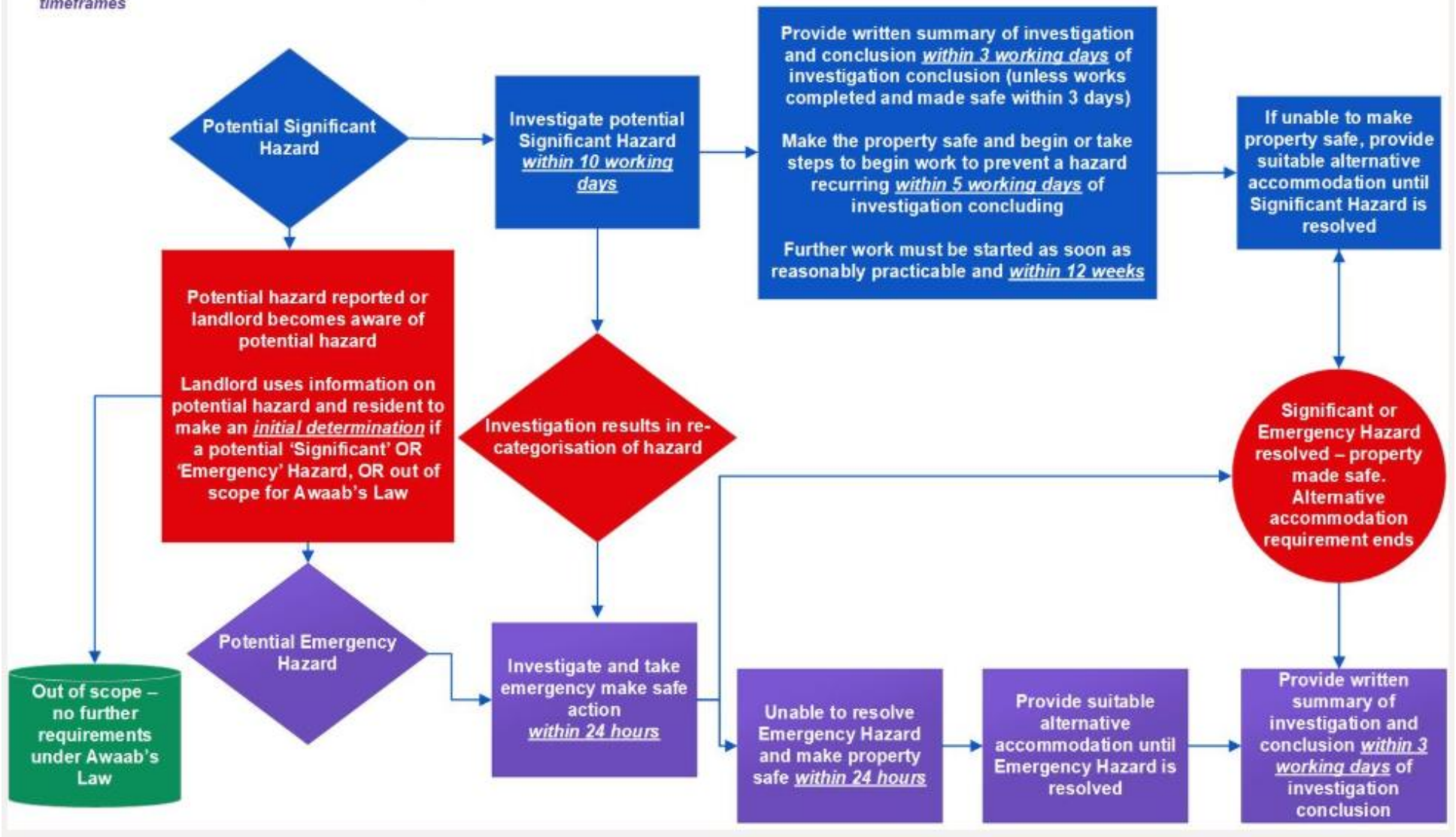
- Provide a written summary of the investigation and its findings to the resident within **3 working days** of the conclusion (unless the property is made safe and works are completed within 3 working days)
- Complete relevant safety works and begins or take steps to begin any further supplementary works to prevent the hazard from reoccurring within **5 working days** of concluding the investigation
- Where further supplementary works are required and it is not possible to begin them within 5 working days, then CBC must start these as soon as reasonably practicable and **within 12 weeks** of the investigating concluding

•

8.3 The diagram below shows a simplified process to support understanding of Awaab's Law timeframes resolving a **significant or emergency hazards**, full details of which can be found within the guidance.

DRAFT

Diagram 1: Awaab's Law Process Flow
 NB: Does not include renewed and further investigation timeframes



8.4 Renewed Investigations

8.4.1 If a tenant specifically requests an in-person inspection after an investigation has been done remotely, a 'renewed' in-person investigation must be carried out. For potential significant hazards, the renewed investigation must be completed **within 10 working days** of the request, so the timeline for investigation is effectively reset.

This must confirm whether or not there is a significant or emergency hazard and must also, if possible, identify the required work to make a property safe and prevent the hazard from recurring.

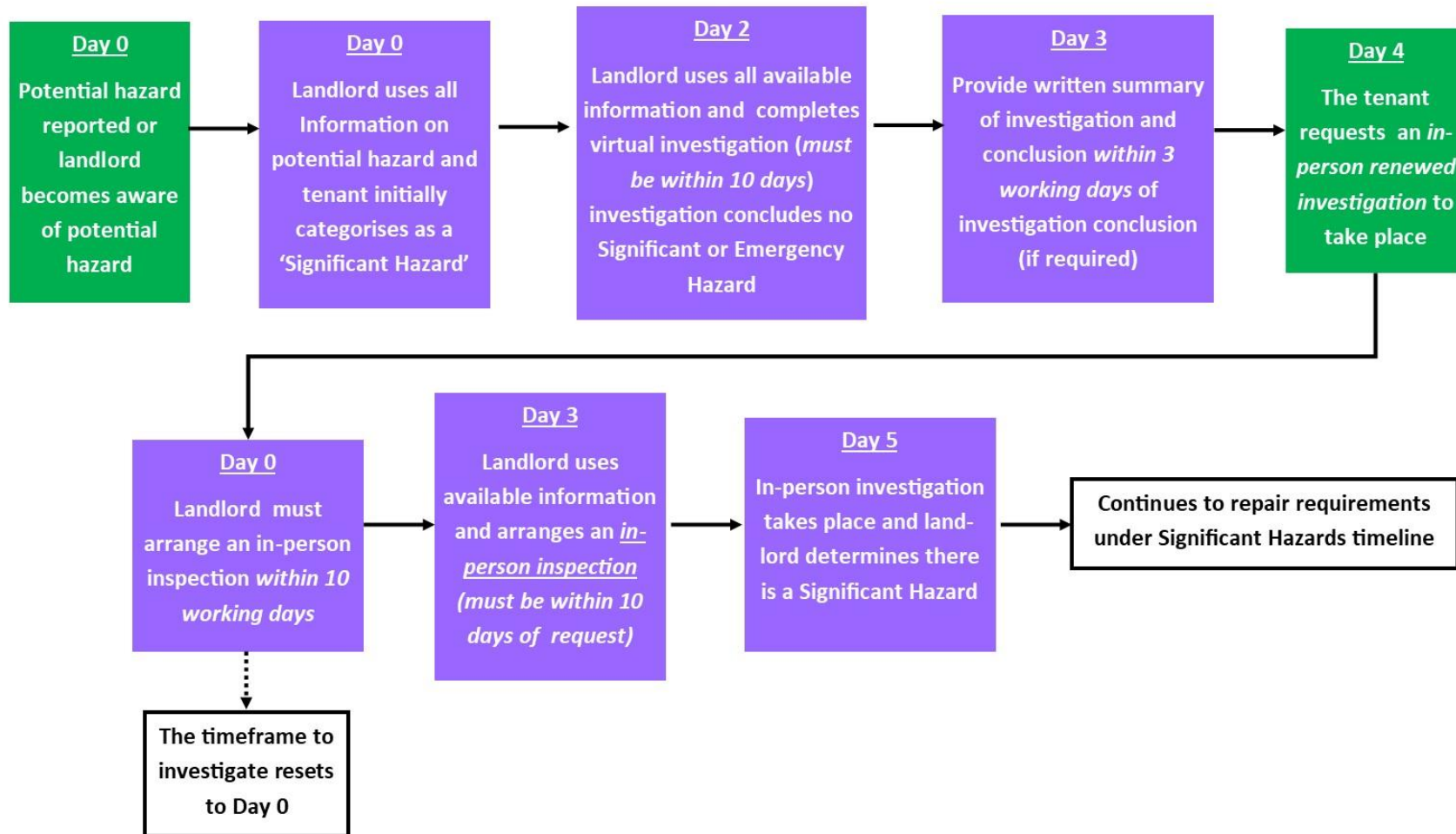
Tenants should therefore be encouraged to request an in-person inspection in the first instance if they believe one is required. For potential emergency hazards, the tenant may request an in-person investigation **within 10 working days** if an initial remote investigation concludes there is not an emergency hazard or if the initial investigation finds an emergency hazard but does not identify any relevant safety work to address the emergency hazard.

8.4.2 Under Awaab's Law, CBC are not required to undertake a renewed investigation if required works to prevent the hazard from recurring have already begun, or if relevant safety work under regulation 5 (emergency action) or a further investigation (under regulation 8) is required. However, in a case where a further investigation is required CBC will conduct an in-person inspection under the provision relating to further investigations, if the tenant so requests.

8.4.3 The process flow below shows a hypothetical scenario and simplistic example of a renewed investigation. This example is not reflective of all possible circumstances and should not be relied upon exclusively for understanding the requirements.

Diagram 2: Example renewed investigation

NB: Example process flow of an in-person inspection for a Significant Hazard where the tenant requests investigation before any works have begun



9. DECANTS

9.1 Securing Suitable Alternative Accommodation

9.1.1 If we are unable to complete the relevant safety work within the initial remediation period (**5 working days from the completion of the investigation that identified the hazard for a significant hazard or 24 hours for an emergency hazard**), then arrangements will be made to secure the provision of suitable alternative accommodation, until the relevant safety work has been completed.

9.1.2 The provision of suitable alternative accommodation will extend to anybody who usually lives in the property as a member of the tenant's family and in accordance with the tenancy agreement, including children who would usually stay in the property overnight for at least one night a week.

The ultimate decision as to whether to leave their home and move into alternative accommodation sits with the tenant.

9.2 Tenant Refusing Alternative Accommodation

9.2.1 If the tenant refuses the offer of suitable alternative accommodation and chooses to make their own arrangements, then they **must inform us in writing**.

9.2.2 It should be noted that raising concerns that a property is unsuitable is not the same as refusing an offer of any alternative accommodation. Should the tenant refuse alternative accommodation as an option, it should be made clear to them that CBC is not required to provide further offers of suitable accommodation. However, where a tenant has previously refused an offer of alternative accommodation, CBC will also consider their wider duties, procedures and policies to keep tenants safe.

9.3 Remaining in the Property

9.3.1 If anyone chooses to remain in the property in the period before the relevant safety work is completed (for example if an alternative accommodation offer is declined, or if only part of the household move out), then we must provide information on any actions that occupants could take or avoid to mitigate the risk of harm, or let the tenant know if they do not think it is possible for the occupant to do anything to mitigate that risk.

9.4 Returning to the Home

9.4.1 Tenants can choose to end the provision of alternative accommodation and return to their home at any time and in doing so the tenant must inform us in **writing**, resulting in the provisions of the already provided alternative accommodation being brought to an end.

10. GDPR

10.1 Information about tenants is personal data and may be sensitive. GDPR informed consent requires individuals to be fully aware of how their data will be used and to have the power to control their data by freely agreeing, specifically, and unequivocally

to the processing. In recording and handling this data, we must ensure that we comply with UK General Data Protection Regulation UK (GDPR) and the Data Protection Act

2018, noting that GDPR places special restrictions on the collection and recording of health data.

11. DEFENCE

11.1 Reasonable Endeavours

CBC have a defence for a failure to comply with Awaab's Law requirements if we can prove that we have used all reasonable endeavours to avoid it, meaning we have taken all reasonable steps to comply with the requirements of the Awaab's Law, but it has not been possible for reasons genuinely beyond our control. Examples could include:

- Unable to complete work within the timeframes because asbestos removal which would otherwise require a 14-day notification. Likewise, other approvals and permissions might be needed from external bodies, which requires CBC to evidence that appropriate steps to obtain these in good time are being carried out.
- Tenant refusing access to the property to enable CBC to complete relevant safety works within the specified timeframes.
- Unable to source specialist contractors or materials within the required timeframes but has made reasonable efforts to do so.
- CBC have made reasonable efforts to secure suitable alternative accommodation, but there may be no suitable properties which are within a reasonable distance of schools/places of work or in the local area. In this case CBC will work with the tenant to identify the best option.
- The tenant no longer wishes to remain in the alternative accommodation, and the tenant gives CBC notice of this in writing.

12. STOCK CONDITION SURVEYS

12.1 Stock condition survey will be carried out at 5 yearly intervals. If during a stock condition survey, the surveyor identifies a Category 1 or 2 hazard then they must report it immediately to either the duty supervisor on **07786 640 814** or logistics on **01242 387 639**

13. POST INSPECTIONS

13.1 All remedial works relating to Category 1 or 2 hazards will be post inspected to ensure that the hazard(s) have been mitigated and the remedial works has been completed to a satisfactory standard.

13.2 Under Awabb's Law, there is no requirement to contact tenants post completion of remedial works. However, CBC will periodically contact the tenant after completion of the works to ensure the hazard has not returned at the following intervals:

- 14 days after completion of remedial works
- 2 months after completion of remedial works
- 12 months after completion of remedial works

13.3 If the tenant is unwilling or unable to provide access within the above timescales, CBC will not be in breach for missing the timescales and will not record this as a failure. However, we will continue to work with the tenant and arrange access so that we can establish if the remedial works has mitigated the hazard or further works is required.

14. RECORD KEEPING

14.1 Records relating to the case must be maintained such as:

- Correspondence to and from the tenant
- Correspondence to and from contractors
- Investigation reports
- Completion records/certificates
- Any other record which might otherwise be relevant to the case.

15. TRAINING

15.1 Mandatory HHSRS training requirements for all property visiting colleagues:

Role	Course Type	Delivery Method
T&I Managers & Surveyors	Enhanced	Virtual or in-person
Building Services Managers & Supervisors	Enhanced	Virtual or in-person
Building Services Trades Operatives	Condensed	In-person
Health & Safety	Condensed	Virtual or in-person
TMOs, ASB, Empty Homes, Income & any other property visiting teams	Condensed	Virtual or in-person

Training is to be repeated at 3 yearly intervals with records maintained in T100.

16. RESPONSIBILITY and DECISION MAKING

16.1 The table below illustrates the structure for responsibility and decision-making in relation to this policy.

Person Responsible	Scope
Director of Housing	<ul style="list-style-type: none"> • Responsible for the implementation, day-to-day application and adherence to this Policy and Procedure.
Director of Health and Safety	<ul style="list-style-type: none"> • Policy owner.
Head of T&I	<ul style="list-style-type: none"> • Ensure that all properties meet the Decent Homes Standard • Ensure all Stock Condition Surveys (SCS) on the 5-year programme include a suitable & sufficient HHSRS assessment. • To ensure HHSRS CAT 1 or CAT 2 actions identified during a SCS are logged correctly and actioned by the relevant teams
Tenancy Team Leader/ Repairs Manager	<ul style="list-style-type: none"> • Review and action any HHSRS reports, ensuring that they are actioned within the specified timeframes
Health & Safety Manager	<ul style="list-style-type: none"> • Record monthly on the compliance report any recorded CAT 1 or CAT 2 cases.
All frontline staff including CBC contractors	<ul style="list-style-type: none"> • Identification and reporting of hazards identified during any visit to our homes.

17. ASSOCIATED POLICIES

17.1 Associated Policies and Procedures

- CEOs Health and Safety Policy Statement
- Repairs & Maintenance Policy
- Damp, Mould & Condensation Policy
- Asbestos Policy
- Electrical Policy
- Fire Policy
- Gas Policy
- LOLER Policy
- Legionella Policy
- Asset Investment Policy
- Compensation and Disrepair Policy
- Complaints Policy
- No Access Policy

18. REVIEW

- 18.1 This policy will be reviewed within **six months** of its initial implementation. Subsequent reviews will occur every **three years**, or earlier if prompted by changes in legislation, operational requirements, or any other relevant circumstances.
- 18.2 The Director of Health and Safety is responsible for leading on the reviewing of this policy, which must include all Responsible Persons listed in the table at 16.1 with exception of frontline staff and contractors.

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Cheltenham Borough Council

Cabinet – 14 April 2026

No Child Left Behind Update

Accountable member:

Cllr Victoria Atherstone, Cabinet Member Safety and Communities

Accountable officer:

Richard Gibson, Head of communities, wellbeing & partnerships

Tracy Brown, Safeguarding & partnerships manager

Ward(s) affected:

n/a

Key Decision: No**Executive summary:**

This report asks Cabinet to note the progress that No Child Left Behind (NCLB) has made during the past year. Key achievements in 2025 include the successful delivery of the Year of Youth Action, major engagement activities such as Party in the Park (attended by over 3,600 people), coordination of the Holiday Activities and Food (HAF) programme, and development of legacy projects including the Youth Activity Pass and a new Youth Café in the town centre.

The report also seeks Cabinet approval for a Year of Action on Education for All commencing September 2026 that will address challenges around school attendance, engagement, and mental health through community-based solutions.

Recommendations: That Cabinet:

- **notes the progress that has been made by No Child Left Behind in the past year.**
- **agrees to undertake a Year of Action on Education for All that will run from September 2026 to September 2027 and that the proposed purpose, themes and activities are consulted on.**

- **agrees to delegate authority to the Head of communities, wellbeing & partnerships, in consultation with the Cabinet Member Safety and Communities to develop a detailed plan for the Year of Action on Education for All**
-

Implications

1.1 Financial, Property and Asset implications

There are no financial implications for the Council as a result of the recommendations set out in this report. The Council will continue to support NCLB from existing staff resources and from within existing service budgets.

Signed off by: Ela Jankowska, Finance Business Partner

Date: 31.03.2026

1.2 Legal implications

On the basis that no contracts or procurement are required for this proposal, there are no direct legal implications, however each project may require legal advice on an ad hoc basis.

It is understood that the NCLB Year of Action on Education for All will be signed up to voluntarily by participating organisations and as such, the Council should consider other requirements such as whether consent forms are required, whether staff interacting with the group should have DBS checks (or other safeguards in place to allow the Council to continue with the programme) and whether it has sufficient funding in place to allow the programme to continue.

Signed off by: Alison McKane, Interim Deputy Monitoring Officer,
alison.mckane@cheltenham.gov.uk

1.3 Environmental and climate change implications

There are no environmental or climate change implications envisaged as a result of the recommendations set out in this report. The environmental and climate change implications of the year of action on education will be assessed once the detailed delivery plans are more progressed.

1.4 Corporate Plan priorities

This report contributes to the following Corporate Plan Priorities:

- Key priority 2: Quality homes, safe and strong communities
- Key priority 4: Reducing inequalities, supporting better outcomes

1.5 Equality, diversity and inclusion implications

The equality quality impact assessment screening is attached as Appendix 2. The full equality impact assessment will be undertaken once the final plans for the year of action are developed.

1.6 Performance management – monitoring and review

A report on progress will be brought to meetings of the NCLB Strategic Board every two months.

The final report on progress of the Year of Action on Education for All will be brought to Cabinet in 2027 for endorsement and to agree the next steps.

2. Background

2.1 About No Child Left Behind

2.2 No Child Left Behind (NCLB) was formed in December 2018. The Council currently employs one full-time officer on a fixed term contract and a part-time officer funded from the Council's allocation of the UK Shared Prosperity Fund to deliver this in consultation with the Cabinet member for safety and communities. Given that NCLB is a collaborative movement, it has established a strategic board (see below) that advises the cabinet member in her decision-making.

2.3 Key Priorities for NCLB

1. To highlight the issue of children growing up in poverty in Cheltenham and the inequality between them and their more affluent peers including:

- Commissioning research;
- Engaging and listening to local young people.

2. To address the inequality gap with a programme of events and activities:

- Coordinating the Holiday Activity and Food (HAF) Programme that provides free enriching activities and nutritious meals during school holidays for children on free school meals;
- Large-scale free community events including Party in the Park.

3. **Be a call to action for all sectors to work together to make transformational change over the longer-term:**

- Community agreement in place which 105 organisations have signed;
- Collaborations with local VCS organisation, schools, and community groups;
- Hosting an annual awards and showcase events to celebrate individuals, organisations, and projects that make a positive impact on children and families here in Cheltenham.

2.4 Given that NCLB is a collaborative movement, it has established a strategic board that advises the Cabinet member in her decision-making. The board is an informal partnership, without a separate legal entity, and has the following purpose:

- Develop a strategic vision for helping children and young people in Cheltenham, which all NCLB members will follow;
- Engage in and create fundraising campaigns to support relevant events and activities;
- Have oversight of delivery;
- Agree the direction and priorities with the operational sub-groups;
- Monitor and review delivery outcomes, including risks, and advise on delegation of funding for operations.

3. **Data and insights: understanding current needs**

3.1 The NCLB Strategic Board reviews county-wide data to stay informed on issues affecting children and families and engages directly with young people through the current Year of Action.

3.2 Current key insights include:

- **Child poverty:** 15% of children under 16 live in absolute low-income families; eight local areas rank among the 20% most deprived nationally for the proportion of children living in income deprived families.
- **Education:** Children in poverty face higher school absence rates and a significant attainment gap of 34% in English and Maths GCSEs between free school meals (FSM) pupils and their peers.
- **Health and wellbeing:** Child and Adolescent Mental Health Services (CAMHS) referrals have risen 25% since 2021, with increasing cases of autism, social/emotional needs, and speech/language difficulties. FSM pupils

report higher rates of self-harm, eating disorders, and mental health support needs.

- **Safety concerns:** Teenage girls report harassment and fear after dark; Free School Meals pupils are more likely to experience police involvement and gang association.
- **Youth priorities:** Young people want more free/affordable activities, safe evening spaces, jobs, apprenticeships, and inclusive town centre spaces.

4. **Key projects: progress and next steps**

4.1 **Year of Youth Action**

Cabinet endorsed 2025 as a Year of Youth Action to celebrate and mobilise young people's voices, talents, and leadership.

Highlights:

- Youth engagement programme delivered over the year to deepen understanding of issues affecting young people;
- Delivery of events including Party in the Park 2025 and NCLB Awards in February 2026;
- Scoping of the Youth Activity Pass and Youth Café as legacy projects – see below.

Engagement Activities:

- Cheltenham Education Partnership Horizons event;
- The Children's Society Your Voice event;
- Cambray Carnival;
- COP30 School Climate Conference;
- Her Voice: Her Cheltenham survey and focus groups;
- Youth Activity Pass engagement;
- GCC One Plan consultation at Party in the Park.

What young people have told us:

Throughout the engagement activities, young people have consistently told us what they would like to see more of in Cheltenham:

- Free and affordable activities in the town for young people including arts and sports
- Jobs for young people

- Apprenticeships and work experience opportunities
- Places to go, instead of hanging out in the town centre
- Inclusive youth provision where everyone can feel safe and welcome
- Low-cost spaces for teenagers to come together
- Evening safe spaces after 5:30pm in the town centre

NCLB has also worked with teenage girls at risk of exploitation, engaging with Pittville School, All Saints Academy, The Children's Society and Youth Justice team to gather their experiences of living in Cheltenham. Key issues raised include:

Harassment and personal safety concerns:

- Catcalling, being followed and inappropriate touching
- After-dark, in parks, during raceweek and in the town centre

Barriers to seeking help:

- Judgement and stigma
- Professionals' responses and lack of trust
- Complexity of services

Challenges teenage girls face in the town:

- Exposure to violence and fighting
- Emotional and social pressures
- Pressure to try drugs and alcohol

Next Steps:

- Sustain and build on engagement initiatives;
- Proposed 2026 focus: *Year of Action on Education for All* to address declining school attendance and engagement.

4.2 Holiday Activities & Food (HAF) / Party in the Park

Achievements:

- NCLB coordinated the delivery of the HAF programme in Spring, Summer, and Winter holidays funded by GCC, including sports, arts, trips, and family activities;
- Party in the Park 2025;

- Over 3,600 children and young people attended, 955 free meals provided to eligible families.
- Inclusive event with 1,600 attendees reporting additional needs.
- Cost: £20k, equating to £5.55 per child including food.

Next Steps:

- The Council entered into a competitive procurement exercise to be the district lead for Cheltenham. This has now been agreed by GCC and the Council will now coordinate the delivery of HAF in Cheltenham.
- Party in the Park 2026: Scheduled for 5 August; plans include enhanced facilities, healthy food options, and inter-generational activities.

4.3 Youth Activity Pass

Overview:

- In direct response to the feedback from young people, NCLB secured £20k from the UKSPF to develop a digital pass for young people (11–18 years) offering discounted access to events, shopping, eating out and activities.
- Phase 1 (to April 2026): Develop proof-of-concept platform through collaboration with CyNam, GlosCol, and industry partners; pilot testing planned for April/May with local schools.

Next Steps:

- Complete platform development and launch with all schools in Summer 2026.

Future Scope:

- Expand to include skills development, mentoring, work experience, and apprenticeships.

4.4 Youth Café

- In direct response to the feedback from young people, NCLB secured £9k from the Police and Crime Commissioner's Problem Solving Fund to pilot a town-centre Youth Café at Smokey Joe's for 6 weeks. Opened successfully on Thursday 12 Feb with 22 young people in attendance on the first night and a regular attendance of around 30 young people subsequently each week proving demand for the cafe.
- The delivery partners are Springbank CIC and The Rock with partnership support during the pilot phase from Music Works.

Next Steps:

- Monitor pilot delivery of Youth Café to inform the development of a longer-term solution.

4.5 Business Engagement

- Strengthened partnerships with local businesses (e.g. Infrastar, McDonald's Incito, Renishaw and HBD).
- Fundraising group established; LinkedIn page launched December 2025.
- Nine sponsors were confirmed for the NCLB Awards that were held on 5 February 2026.
- HBD-supported best practice visit to Sheffield (25 March).

Next Steps:

- Explore sponsorship and social value opportunities.
- Grow LinkedIn presence and secure further sponsorship.

4.6 GCC One Plan

- NCLB designated as Cheltenham's Integrated Locality Board for delivery of One Plan priorities.
- £51k commissioning pot launched to address local needs (school attendance, mental health, SEND) in January 2026, with 8 successful bidders.

Next Steps:

- Work with GCC to promote future bidding rounds.

5. The proposed Year of Action on Education for All September 2026 to September 2027

The NCLB Strategic Board recognises growing challenges in school attendance and engagement. Recent data from GCC shows that absence rates from children on free school meals and those requiring SEN support are twice those of the average rates. The data also shows a significant increase in the rates of fixed term exclusions for pupils requiring SEN support.

National data shows that pupil engagement and satisfaction fall sharply after transition to secondary school and continues to decline through Years 8 and 9. Feelings of safety and belonging also decrease significantly during these years. Nearly one-third of pupils in upper secondary report concerns around motivation to learn.

Declining engagement is strongly linked to worsening attendance, with

vulnerable groups (SEND, FSM-eligible pupils) disproportionately affected.

While education remains the responsibility of schools and statutory partners, NCLB can play a vital role in mobilising community-based solutions that strengthen learning, wellbeing, and aspiration both with young people and their families.

5.1 Purpose:

The Year of Action on Education for All will shine a light on the scale and complexity of the challenges we face with school non-attendance, exclusions and overall engagement to support children and young people to achieve their full potential.

NCLB will raise awareness and promote collaborative approaches to help remove barriers to learning while supporting children and their family's overall wellbeing.

5.2 Theme 1 - Raising awareness and understanding across the community

Proposed activities:

- Parent Workshops: helping parents understand the education system and strategies to support their children, especially those that have additional needs
- Support everybody involved in working with children and young people to better understand issues that can impact engagement with education including children with SEND, trauma, neurodivergence and mental health
- Promote understanding within the community of the key issues that impact attendance to gain wider support to preventative initiatives
- Mapping and communication of existing support and initiatives, including promotion of the virtual family hubs

5.3 Theme 2 - Supporting children, young people and families

Proposed activities:

- Support families with their basic needs to remove barriers to education such as help with transport, uniform banks, housing concerns or food poverty
- Signpost to mental health support that meet the needs of children and young people most at risk of non-attendance

- Develop peer-support opportunities for children, young people and parents to help build belonging and community
- Work with children, young people and families to understand the issues that arise during transition from primary to secondary school to develop evidenced-based solutions
- Work with existing community support to ensure it links with schools at an early stage to prevent persistent absence
- Pair students with mentors from local organisations to build aspiration and belonging

5.4 Encouraging informal learning and extra-curricular development

Proposed activities:

- Engage with the National Year of Reading campaign organised by the National Literacy Trust and the Department for Education. Cheltenham Festivals are also engaging with this through the year so there are opportunities for collaboration;
- Facilitate connections between sports, activity, cultural and creative projects and schools and youth work to allow children and young people to develop confidence and skills that help them in their education;
- Develop the Youth Café pilot to allow young people with a safe place to support practical learning and social skills outside of education settings;
- Launch the Youth Activity Pass to allow young people with discounted activities, a greater understanding of opportunities open to them and personal development whilst creating a sense of belonging and reward;
- Encourage partners to provide meaningful work experience and volunteering opportunities for young people especially those at risk of non-attendance.

5.5 No Child Left Behind will now undertake further consultation on the proposed purpose, themes and activities to ensure that there is widespread support for the proposals before agreeing the final plans by June 2026.

6. Next Steps

Cabinet is asked to note the following areas of NCLB action during 2026:

- **NCLB Awards and Showcase**

- Successfully hosted the No Child Left Behind Awards on 5 February 2026 and will now commence planning for next year’s awards and showcase ceremony.
- **Holiday Activities and Food Programme**
 - Coordinate delivery of the Spring HAF programme in April 2026.
- **Youth Café pilot**
 - Extend the Youth Café pilot to Summer 2026.
- **Youth Activity Pass**
 - Develop a proof of concept web-based platform for pilot testing with selected schools by end of April 2026.
- **Party in the Park 2026**
 - Deliver the next Party in the Park event on Wednesday 5 August 2026.
- **Proposed Year of Action on Education for All**
 - Commence a Year of Action in September 2026 focused on three themes:
 - Awareness and understanding across the community.
 - Support and engagement with children, young people, and families.
 - Informal learning and extracurricular development.
- **Business Engagement**
 - Explore business sponsorship opportunities for NCLB in greater detail, alongside social value initiatives.
- **Governance Models**
 - Officers to review future governance models for NCLB and bring a future paper to Cabinet for consideration.

7. Consultation and feedback

- 7.1** The proposals set out in this report all respond to consultation and engagement undertaken through No Child Left Behind either with young people or with the partners that support NCLB. The proposals were also shared with the Council’s Overview and Scrutiny Committee on 2 March 2026 who were supportive of the proposals.

Report author:

Richard Gibson, Head of communities, wellbeing & partnerships

Tracy Brown, Partnerships and Safeguarding Manager

Appendices:

Appendix 1 - Risk Assessment

Appendix 2 - Equality Impact Assessment – Screening

Appendix 3 – Data and Insights

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If there is insufficient capacity within the team to manage the year of action on education, it might not meet the expectations of the council and its partners.	Richard Gibson	2	3	6	Reduce	The year of action will be partnership-led and will not all fall on CBC to deliver. However, officers will keep plans for the year under review so that there is confidence that they can be delivered within existing staff resources.	Richard Gibson	ongoing
	If the council and its partners do not respond to the issues raised through the youth engagement activities, then there might be some frustration expressed by young people with not being heard.	Richard Gibson	3	2	6	Reduce	Maintain progress on projects that are directly responding to the views of young people including the youth café and the youth activity pass	Richard Gibson	
	If there is insufficient external funding secured to ambitions for the year of action on education, then action will need to be taken to curtail activities to fit within existing budgets.	Richard Gibson	2	2	4	Reduce	Keep plans for the year of action under review so that there is confidence that they can be delivered within existing budgets.	Richard Gibson	

Appendix 2: Equality Impact Assessment (Screening)

STAGE 1 – Equality Screening

1. Identify the policy, project, function or service change

a. Person responsible for this EqIA	
Officer responsible: Tracy Brown	Service Area: Community, Wellbeing and Partnerships
Title: Safeguarding and Partnership Manager	Date of assessment: 23.3.26
Signature: THS Brown	

b. Is this a policy, function, strategy, service change or project?	Other
If other, please specify: Year of Action on Education for all	

c. Name of the policy, function, strategy, service change or project	
Year of Action on Education for all	
Is this new or existing?	new
Please specify reason for change or development of policy, function, strategy, service change or project	
<p>The NCLB Strategic Board recognises growing challenges in school attendance and engagement. Recent data from GCC shows that absence rates from children on free school meals and those who requiring SEN support are twice those of the average rates. The data also shows a significant increase in the rates of fixed term exclusions for pupils requiring SEN support.</p> <p>National data shows that pupil engagement and satisfaction fall sharply after transition to secondary school and continues to decline through Years 8 and 9. Feelings of safety and belonging also decrease significantly during these years. Nearly one-third of pupils in upper secondary report concerns around motivation to learn.</p> <p>Declining engagement is strongly linked to worsening attendance, with vulnerable groups (SEND, FSM-eligible pupils) disproportionately affected.</p> <p>While education remains the responsibility of schools and statutory partners, NCLB can play a vital role in mobilising community-based solutions that strengthen learning, wellbeing, and aspiration.</p>	

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?	
Aims:	The Year of Education for All will shine a light on the scale and complexity of the challenges we face with school non-attendance, exclusions and overall engagement to support children and young people to achieve their

	<p>full potential.</p> <p>NCLB will raise awareness and promote collaborative approaches to help remove barriers to learning while supporting children and their family's overall wellbeing.</p>
Objectives:	<p>To work in partnership to deliver a set of actions under the following themes:</p> <ol style="list-style-type: none"> 1. Raising awareness and understanding across the community 2. Supporting and engaging with children, young people and families 3. Encouraging informal learning and extra-curricular development
Outcomes:	<p>The year of action will deliver a range of outcomes across the three themes. These outcomes will be defined as the development of the year of action progresses</p>
Benefits:	<p>The year of youth action will mainly benefit young people 11-18 and the wider community</p>

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

Yes

Do you expect the impacts to be positive or negative?

Positive

Please provide an explanation for your answer:

The year of action will start to address challenges in school attendance and engagement, particularly with children who require SEN support or who are on free school meals

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required

Yes

Owner of Stage Two assessment

Tracy Brown

Completion date for Stage Two assessment

June 2026

[Stage Two assessment to be completed as part of the sign-off of the final delivery plan]**

Appendix 3

Data and Insights

Wider context

The borough contains two Lower-layer Super Output Areas (LSOAs) that fall into the most deprived 10% nationally (parts of Hesters Way and St. Pauls). These areas have long been associated with higher deprivation levels.

The Indices of Deprivation 2025 measures seven domains:

- Income & Employment: Hesters Way and Springbank show high levels of income and employment deprivation.
- Education, Skills & Training: St Paul's and St Peter's score poorly, indicating challenges in educational attainment.
- Health & Disability: Some areas in west Cheltenham have above-average health deprivation.
- Crime: Urban wards like St Paul's and parts of Lansdown show higher crime-related deprivation.
- Barriers to Housing & Services: Cheltenham is okay with this domain, but affordability remains an issue in some areas.

The Income Deprivation Affecting Children Index (IDACI) measures the proportion of all children aged 0 to 15 living in income deprived families. Cheltenham 8 areas that are ranked in the most deprived 20% nationally for this indicator. These areas are:

- Hesters Way 1
- Hesters Way 2
- Hesters Way 3
- Oakley 2
- Oakley 3
- St Mark's 1
- St Paul's 2 (ranked 946 out of 32,844 LSOAs ie top 3% most deprived nationally and second top in the County) This puts this part of Cheltenham in a similar bracket to parts of Blackpool, Sheffield and Birmingham.
- Swindon Village 2

[Inform Gloucestershire – Income Deprivation Affecting Children Index](#)

LSOA ref	IDACI national rank
St PAUL'S 2	946
HESTERS WAY 3	1,304
OAKLEY 2	4,334
SWINDON VILLAGE 2	4,628
HESTERS WAY 2	4,755
St MARK'S 1	4,804
HESTERS WAY 1	5,604
OAKLEY 3	6,012

Cheltenham children's needs analysis – October 2025

- 15% of children under 16 are living in absolute low-income families (households whose income falls below a fixed threshold that represents the minimum needed to maintain a basic standard of living), with this rate increasing post-pandemic.
- Single parent households on Universal Credit have increased significantly since 2021, indicating growing financial vulnerability.
- 40.5% of children known to social care receive Free School Meals (FSM).
- There has been a significant net increase (c.25%) in referrals to the Children and Adolescent Mental Health Service between 21/22 and 24/25 with the greatest increase in referrals of 5-11 year olds.
- There has been a significant increase in the rates of children with neurodiversity, social, emotional and mental health needs and speech, language and communication needs.
- There is a significant attainment gap of 34% between FSM pupils and the overall cohort in English and Maths GCSEs (FSM 22.2% vs overall 56.5%)
- Percentage of school population that have an Education and Health Care Plan (EHCP) in Cheltenham is 5.59 slightly higher than Gloucestershire which is 5.12%, however the percentage receiving SEN support is 14.21% which is lower than Gloucestershire's overall percentage of 15.8%
- Fixed term exclusion rates per 1,000 for pupil with no SEN support are 51.3, but rise to 334.6 for those with SEN support and 235.1 for those with an EHCP
- Permanent exclusion rates per 1,000 for pupils without SEN support are 0.2 again rising significantly to 9.0 for those with SEN support and 5.1 for those with an EHCP.

Cheltenham school leaders have told NCLB that local data closely aligns to the national picture. National data shows that attendance declines steadily across secondary school, from around 93.5% in Year 7 to 91.0% in Year 11, while persistent absence rises from 21% to 26% over the same period.

This pattern coincides with a marked drop in pupil engagement and satisfaction after transition: enjoyment scores fall from 6.0 in Year 6 to 3.8 in Year 7, and continue to decline through Year 8 and 9, with feelings of safety and belonging also reducing significantly. By Year 10 and 11, engagement stabilizes but remains well below primary levels, and motivation to learn is a concern for nearly a third of pupils.

These trends highlight a strong link between declining engagement and worsening attendance, particularly for vulnerable groups such as pupils with SEND or those eligible for Free School Meals, and underline the need for support for children and families during the transition from year 6 to year 7 and then in the early years of secondary school to stop disengagement.

Pupil Wellbeing Survey -July 2025

- Pupils eligible for FSM were significantly more likely to report missing 10% or more of school sessions in the previous term (40.5%) compared to those not eligible (27.2%) in Cheltenham.
- Pupils eligible for FSM were more likely to report being in trouble with the Police (5% vs. 2%); more likely to report carrying a weapon (4.7% vs. 2.7%) and joining a gang (0.9% vs. 0.3%).
- Pupils eligible for FSM (10.3%) were almost twice as likely to report they were receiving professional mental health support at the time of the survey than non-eligible pupils (6.1%)
- Almost 1 in 3 pupils in secondary and post-16 settings eligible for FSM report ever self-harming compared to 1 in 5 of their less vulnerable peers. They were also significantly more likely to report having an eating disorder (17.4% vs. 8.8%)
- 78.5% of pupils eligible for FSM reported the food available at home enabled them to eat healthily, this was significantly lower than those not eligible (86.2%).

Engagement findings

At a recent youth voice engagement event held in June this year, young people told us that they wanted:

- More free and affordable activities in town for young people
- More jobs for young people
- More apprenticeships opportunities

- More places to go, instead of hanging out in the town centre
- More disabled and neurodiverse youth clubs-important for everyone to feel included
- More low-cost spaces for teenagers
- More evening safe spaces after 5:30pm in town centre

NCLB has also worked with teenage girls at risk of exploitation through Pittville School, All Saints Academy, The Children's Society and Youth justice team to gather their experiences of living in Cheltenham.

Key issues raised include:

Harassment and personal safety concerns:

- Catcalling, being followed and inappropriate touching
- After-dark, in parks and during raceweek

Barriers to seeking help:

- Judgement and stigma
- Professionals' responses and lack of trust
- Complexity of services

Challenges teenage girls face in the town:

- Exposure to violence and fighting
- Emotional and social pressures
- Pressure to try drugs and alcohol

Cheltenham Borough Council

Cabinet – 14 April 2026

Adoption of Nature Recovery Supplementary Planning Document

Accountable member:

Councillor Mike Collins, Cabinet Member for Planning and Building Control lead

Accountable officer:

Tracey Birkinshaw, Director of Planning & Building Control

Ward(s) affected:

All

Key Decision: Yes

Executive summary:

This Nature Recovery Supplementary Planning Document (SPD) provides clear guidance to ensure development in Cheltenham protects and enhances biodiversity, in line with the Environment Act 2021, mandatory 10% Biodiversity Net Gain (BNG), and the Gloucestershire Local Nature Recovery Strategy. Although not part of the statutory Development Plan, it is a material consideration for all proposals affecting biodiversity, trees, or green infrastructure. It is one of the Council's priorities - Key priority 3: Reducing carbon, achieving council net zero, creating biodiversity

The SPD establishes that early ecological assessment and nature-led design are essential to ensuring development avoids harm and delivers meaningful ecological enhancement. It concludes that Biodiversity Net Gain (BNG) should be delivered on-site wherever feasible, with off-site provision used only where this has been clearly justified against the national mitigation hierarchy. Long-term habitat management is identified as critical to securing durable ecological outcomes, and the SPD confirms that this must be secured through enforceable mechanisms and proportionate monitoring arrangements.

The SPD further concludes that integrating green and blue infrastructure offers a

practical and achievable way for all scales of development to contribute to nature recovery. This includes measures such as biodiverse Sustainable Drainage Systems, (SuDS) species-rich grassland, native tree planting, hedgerows, green roofs, and enhancements for priority species. Aligning development with the [Gloucestershire Local Nature Recovery Strategy](#), which was adopted by Cheltenham Borough Council on 11 March 2026, is identified as essential to strengthening ecological connectivity and delivering nature recovery at a landscape scale.

Finally, the SPD highlights that strengthened monitoring, reporting and enforcement are necessary to ensure that commitments made through the planning process are delivered in practice. Overall, it provides a robust framework ensuring that development contributes meaningfully to nature recovery and supports Cheltenham's response to the climate and ecological emergencies and supports our commitment to the [Biodiversity Duty](#) introduced by the Environment Act 2021.

Recommendations: That Cabinet:

- 1. agrees that the Nature Recovery Supplementary Planning Document (Appendix 4) be approved for adoption;**
- 2. delegates authority to the Director of Planning and Building Control, in consultation with the Cabinet Member for Planning and Building Control, to make any necessary minor amendments or corrections to the document prior to adoption.**

1. Implications

1.1 Financial, Property and Asset implications

None arising from this report.

Signed off by: Ela Jankowska – Finance Business Partner, 23.03.2026

Ela.Jankowska@cheltenham.gov.uk

1.2 Legal implications

- 1.2.1 Adoption of the SPD should be undertaken in accordance with the requirements set out within the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2.2 The Levelling-Up and Regeneration Act 2023 (Commencement No 11 and Saving and Transitional Provisions) Regulations 2026 came into effect on 2 March 2026 (“the Commencement Date”). Under Schedule 1 para 6(2) an authority may continue to prepare and make arrangements for the adoption of a proposed supplementary planning document on or after the Commencement

Date, provided that the supplementary planning document is adopted no later than 30th June 2026.

Signed off by: Alison McKane, Interim Deputy Monitoring Officer

alison.mckane@cheltenham.gov.uk **Date:** 24.03.2026

1.3 Environmental and climate change implications

This guidance aims to ensure that development across the borough avoids the degradation of habitat and biodiversity, encouraging sustainable land use and improving ecosystem services. This will have further associated positive impacts for climate adaptation and resilience through carbon sequestration, natural flood management and reducing urban heat island effect.

This SPD provides clarity and consistency to ensure developers are aligning to the corporate priority to increase biodiversity in our borough and is how we can fully utilise our planning system to encourage developers to enhance our natural environment and mitigate the impact of new buildings.

A Climate Impact Assessment tool has been completed, as set out in Appendix 3.

Signed off by: Maizy McCann, Climate Officer, Maizy.McCann@cheltenham.gov.uk

Date: 19.03.26

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

Key Priority 3: Reducing carbon, achieving council net zero, creating biodiversity

1.5 Equality, Diversity and Inclusion Implications

A full equality impact assessment of the SPD has been undertaken, please see Appendix 2.

1.6 Performance management – monitoring and review

Through service delivery and [reporting on our Biodiversity Duty](#).

2 Background

2.1A Supplementary Planning Document (SPD) is a document, which details and guides the policies already within the Development Plan. The Development Plan includes the Gloucester, Cheltenham and Tewkesbury [Joint Core Strategy](#), adopted in 2017, and the [Cheltenham Plan](#) adopted in 2020. Those documents were produced in the context of the [National Planning Policy Framework](#) (NPPF)

at the time of their production. Since then, there have been various policy changes, including the strengthening of the biodiversity duty; the introduction of the Biodiversity Net Gain framework, and the requirement for Local Nature Recovery Strategies to be produced.

2.2 The production of the Nature Recovery SPD is a corporate priority. The SPD is intended to be used by a wide variety of different stakeholders, including the development industry, by providing guidance practical which should be followed. Consultation took place from 7 November 2025 to 7 December 2025. A total of 19 responses were received

3 Reasons for recommendations

3.1 To allow the Nature Recovery SPD to be adopted to support the delivery of the key priorities in the adopted corporate plan and ensure the securing of Nature Recovery in the Borough. To manage our spaces and enhance our biodiversity and approach to development in a way which leaves the natural environment in a measurably better state.

4 Alternative options considered

4.1 An alternative option would be not to approve the SPD. However, this would be contrary to the councils’ corporate objective related to biodiversity and nature recovery, would not help improve outcomes in the planning process.

5 Consultation and feedback

5.1 The development of the SPD has been informed by informal consultation with various specialist Officers, including those from Planning, Climate Change, Tree Specialists and Ecologist. Input from lead Cabinet Members was garnered early on to help inform and steer the SPD.

5.2 Informal consultation was undertaken with external partners such as the Gloucestershire Local Nature Partnership and their input sought as experts in the field of nature and biodiversity.

5.3 Consultation on the SPD took place from 7 November 2025 to 7 December 2025. Representations (comments) on the SPD have been reviewed as set out in Table 1: Main Issues Raised, including from organisations such as the Gloucestershire Wildlife Trust, Historic England as well as from Councillors. This table summaries how the comments have been addressed.

Table 1: Main Issues Raised

Main Issues Raised	How they have been addressed
--------------------	------------------------------

Embedded awareness of built heritage and veteran trees, protecting historic parks as part of the plan to protect ancient/ veteran trees	The SPD has now been changed to reflect the importance of the relationship between nature and historic environment.
SPD should require protection of important hedgerows, veteran and notable trees and the six local wildlife sites identified by the Gloucestershire wildlife trust	This has not been directly addressed in the SPD as it is present in the Cheltenham tree strategy, approved by Cabinet on 24 February 2026. However, more guidance has been included on green infrastructure.
Concern that existing local policies are too vague to refuse development	Some wording has been changed. However, the document acts as guidance and not policy. With every heading a link to a relevant policy has been made.
Concerns on enforcement capacity and mechanism particularly around Biodiversity Net Gain (BNG)	The BNG section has been rewritten to make the enforcement process clearer.
Issue raised regarding the SPD stating that habitats within the Local Nature Recovery Strategy (LNRS) have high strategic significance and those outside of LNRS have low strategic significance. The wording should reflect that significance applies to habitats mapped within areas that could become of particular importance under the LNRS.	This wording has been changed and corrected to reflect that significance applies to habitats mapped within areas that could become of importance under the LNRS.
Lack of strong green infrastructure requirements.	Additional guidance on green infrastructure has been added.
Tree strategy should have target % for planting, calculating lost trees and tree canopy.	The approach for this SPD is to target tree retention and planting based on more subtle data points as canopy would be enhanced / optimised as a result. For example, we can look at the percentage of large-growing species per ward and look to increase that category of trees in the next planting season. The tree strategy is a separate document approved by Cabinet on 24 February 2026.

6 Key risks

6.1 Failure to adopt the SPD would limit the Council's ability to apply a consistent and robust framework for nature recovery in planning decisions, resulting in weaker ecological outcomes. For the risk assessment please see Appendix 1.

Report author:

Emma Bazill, Graduate Planning Policy Officer, emma.bazill@cheltenham.gov.uk

John Spurling, Planning Policy Manager (Interim), john.spurling@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment – Screening
- iii. [Climate Change Impact Assessment](#)
- iv. Nature Recovery SPD
- v. Consultation Statement

Background information:

[Cheltenham Corporate Plan \(2025 – 2028\)](#)

[Cheltenham Tree Strategy February 2026](#)

[Gloucestershire Local Nature Recovery Strategy](#)

[The Environmental Act 2021](#)

[The Wildlife and Countryside Act 1981](#)

[The Conservation of Habitats and Species Regulations 2017 \(as amended\)](#)

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If the SPD is not produced, Cheltenham Borough Council will be in a weaker position in terms of seeking to ensure that applicants consider biodiversity and nature recovery.	Director of Planning & Building Control	4	2	8	Accept	Consultation with various stakeholders including development industry in the preparation of the SPD	Director of Planning & Building Control	Cabinet decision 14 th April 2026

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: John Spurling	Service Area: Planning
Title: Planning Policy Manager (Interim)	Date of assessment: 12 th of March 2026
Signature: <i>John Spurling</i>	

b. Is this a policy, function, strategy, service change or project?

Strategy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Nature Recovery Supplementary Planning Document (SPD)

Is this new or existing?

New or proposed

Please specify reason for change or development of policy, function, strategy, service change or project

In line with the Corporate Plan

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:	To ensure that nature recovery is fully considered throughout the planning process.
Objectives:	Providing guidance and examples of how nature recovery can be addressed
Outcomes:	Improvements to nature recovery, through the production of the SPD.
	As above

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

No

Do you expect the impacts to be positive or negative?

No impact expected

Please provide an explanation for your answer:

Following consultation on the SPD, the main issues have been identified and the Council proposes making a number of changes to the draft SPD as set out within the report. The SPD is guidance, rather than policy, and therefore no impact is expected.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required	No
Owner of Stage Two assessment	N/A
Completion date for Stage Two assessment	N/A

Nature Recovery Supplementary Planning Document (SPD)



Key	
	Significant and/or long-term positive impact identified. No changes needed.
	Slight or short-term positive impact identified. No changes needed but could be reviewed to improve.
	Not applicable or no cause for concern.
	Slight or short-term negative impact identified. Review to identify possible improvements.
	Significant and/or long-term negative impact identified. Changes needed before proceeding.

This summary of the CIAT should be used to aid your decision making. Please note that red/amber segments simply mean that mitigations and changes should take place not that the project cannot go ahead.

Environmental	Scores	Justification	Recommendation
Greenhouse gases GHGs	4	Research suggests that 10% Biodiversity Net Gain (BNG) is a minimum to prevent further decrease, and not all BNG will necessarily provide carbon sequestration for the linked construction works. Therefore, we took a conservative approach and assessed this impact as slightly positive	0
Air quality	8	An increase in vegetation species is linked to pollutant absorption and humidity regulation. Therefore, we tag it as significantly positive.	0

Sustainable Transport	4	<p>Page 107s of connected green infrastructure could stimulate people going outside and use these routes for walking, but behaviour change has multiple causes. Therefore, we classified it as slightly positive.</p>	0
Land use change	8	<p>Statutory minimum 10% BNG is a novel legislation worldwide, that has heavily changed the planning system, the ecology sector, and it is opening promising opportunities for nature recovery across majority of new development. This SPD ensures that nature recovery is integrated into the planning process. These policies embed positive land use change through within the borough.</p>	0
Biodiversity	8	<p>This SPD sets out why biodiversity and nature recovery are important; the current planning policies related to nature recovery, what Cheltenham Borough Council expects to deliver for nature recovery, and how this will be secured long term to deliver for nature. This document is targeted at those who intend on making the most out of the biodiversity components of their planning schemes and therefore, the SPD's main purpose is to restore nature and</p>	0

	Page 108 ^{sity} .		
Soil and waterway health	8	One of the components of BNG are water courses ecosystems and the SPD delves into Sustainable Drainage Systems guidance. Nature recovery restores critical ecosystem services like water purification, soil fertility, and pollination.	0
Climate change adaptation	8	Nature recovery makes habitats more diverse thus more resilient to environmental issues, allowing the restoration of their self-regulation characteristics. Healthy ecosystems, such as forests, wetlands, and grasslands, act as carbon sinks absorbing carbon dioxide from the atmosphere. Restoring these environments can help mitigate the impacts of climate change by reducing greenhouse gas concentrations. Restoring ecosystems like riparian zones, wetlands, and forests enhances natural buffers against flooding, storms, and erosion. Healthy landscapes are more resilient to extreme weather events and provide safer, more stable environments for communities.	0
Energy Use	2	The tree component of BNG could increase canopy cover providing shade, decreasing the need for cooling	0

Sustainable Materials	0	0	0
Waste	0	0	0

Social	Scored	Justification	Recommendation
Food	0	Nature recovery restores critical ecosystem services like water purification, soil fertility, and pollination. These services are essential for food production.	0
Health	4	Evidence shows that a thriving, wildlife-rich environment benefits both physical and mental health. People with nature on their doorstep are more active, mentally resilient and have better all-round health, access to nature provides spaces for recreation, relaxation, and connection with the natural world. Nature recovery is in the public interest as it can create more green spaces in urban areas, improve quality of life and promote social cohesion.	0
Housing	-1	BNG is one of the factors contributing to viability of development schemes, thus it could impact negatively on developer costs	0
Education	0	0	0

Community	2	There are many opportunities to protect, enhance, and grow the biodiversity in Cheltenham, and for developers to incorporate these aims into their development plans. Nature recovery is crucial for maintaining the delicate balance between human progress and environmental health, ensuring a sustainable future for both people and the planet.	0
Culture	0	0	0
Accessibility	4	Interacting with nature is mostly an accessible experience. We will take necessary steps for the document to be as accessible as possible	0
Local Economy and Jobs	0	0	0
Safety	0	0	0
Equity	1	The SPD will include a sort of "nature justice" related to Tree Equity Score and nature deprived areas of the Borough	0
Democratic Services	2	A public consultation was undergone and 19 responses were received.	0



CHELTENHAM
BOROUGH COUNCIL

**Draft Nature Recovery
Supplementary
Planning Document
(SPD)**

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1. Introduction

What is this document?

- 1.1 A Supplementary Planning Document (SPD) is a document which details and guides the policies already within the local authority's Development Plan. In this context, the Development Plan for Cheltenham Borough comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (the JCS, adopted December 2017), the Cheltenham Plan (adopted July 2020) and remaining, yet to be replaced 'saved' retail policies¹ of the Cheltenham Plan Local Plan Second Review (adopted June 2006). Although not part of the Development Plan, this SPD is a material consideration for schemes linked to the topics of its contents, including biodiversity, BNG, ecology, nature recovery, trees, sustainable drainage, and green infrastructure.
- 1.2 The Joint Core Strategy (JCS) and the Cheltenham Plan were produced in the context of the National Planning Policy Framework (NPPF) at the time of their production. There were relevant changes to nature legislation afterwards, such as the strengthening of the biodiversity duty, the introduction of the BNG framework, and the production of Local Nature Recovery Strategies (LNRSs) through the Environment Act 2021.
- 1.3 Research shows that a minimum 10% BNG is required to prevent biodiversity degradation, therefore additional steps and guidance are required to make the most out of the biodiversity component of different developments. This SPD forms part of Cheltenham Borough Council's response to the climate and biodiversity crisis, the environmental objectives of the NPPF, the Environment Act 2021 and the recently published Gloucestershire LNRS.
- 1.4 This SPD sets out why biodiversity and nature recovery are important, the current planning policies related to nature recovery, what Cheltenham Borough Council expects to be delivered for nature recovery in planning proposals, and how this will be secured long term to deliver for nature. This document is targeted at those who intend on making the most out of the biodiversity components of their planning schemes. This document assumes that the relevant parts of the Development Plan have been previously read. This SPD should also be read in conjunction with the [Climate Change SPD](#).

¹ There is also one policy (GE 1 Public Green Space), which is 'saved'

Cheltenham's biodiversity

- 1.5 Cheltenham is a spa town and Borough on the edge of the Cotswolds in Gloucestershire. The town is home to a variety of green spaces and nature reserves, ranging from formal gardens to Local Nature Reserves (LNRs). All these spaces are important for maintaining biodiversity. Seven formal parks in Cheltenham have achieved Green Flag awards indicating their high quality in terms of public access and biodiversity conservation, and Cheltenham is home to; Pilley Bridge LNR and Griffiths Avenue LNR (see Figure 1). Cheltenham's most important green asset for biodiversity is Charlton Kings Common and Leckhampton Hill, the latter of which is now designated as a national nature reserve and also as a Site of Special Scientific Interest (SSSI) due to the biological interest of the unimproved calcareous grassland found on the sites, and their geological exposures (see Figure 2). Cheltenham is also home to Badgeworth SSSI which is primarily designated to protect one of only two known UK locations of the Adder's-tongue Spearwort (*Ranunculus ophioglossifolius*), commonly known as the "Badgeworth buttercup". This rare, protected plant thrives in the site's unique, seasonally wet, and clay-based grassland habitat.
- 1.6 Cheltenham Borough Council believes it is vital that we **protect, enhance and grow the biodiversity throughout our urban and rural environments**. Cheltenham is drained by several small rivers and streams which flow through the town, most notably the River Chelt. The watercourses in Cheltenham eventually contribute to the Severn River which lies to the west of Cheltenham.

Figure 1. Map of Green Spaces, Parks, LNRs, SSSI, Area of Outstanding Natural Beauty (AONB), and rivers in Cheltenham (River Chelt labelled specifically)

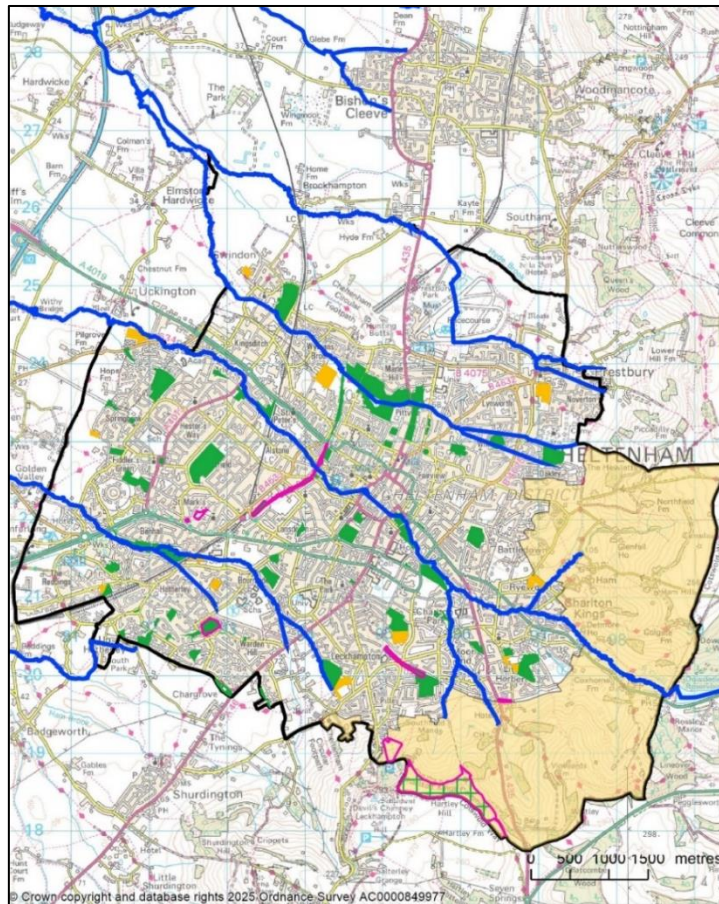


Figure 2. Calcareous grassland on Charlton Kings Common and Leckhampton Hill, Cheltenham

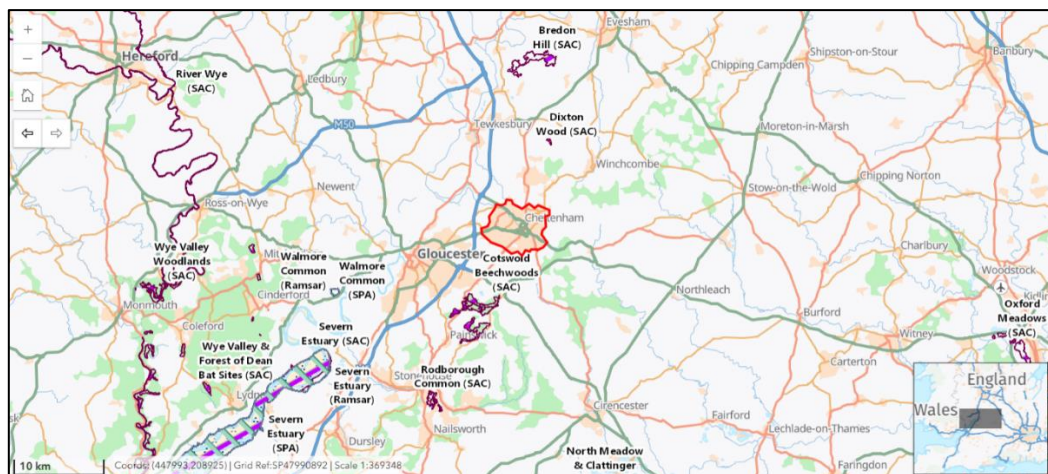


- 1.7 The Cotswolds National Landscape Area (previously called the Area of Outstanding Natural Beauty) lies to the east and south of Cheltenham. The Cotswolds are primarily formed of Jurassic limestone, in Cheltenham the underlying rocks to the town are the Lias group which are siltstone, sandstone, limestone and mudstones except in the east of the borough. The soils in Cheltenham area are therefore typically slightly alkaline, derived from the underlying limestone conditions. The type of grassland found in and around Cheltenham, given its limestone geology and soils, is calcareous grassland, also known as limestone grassland or Cotswold grassland. This is a UK Biodiversity Action Plan priority habitat which is important for biodiversity and maintaining the ecological character of Cheltenham.

1.8 There are multiple internationally designated sites of nature conservation importance, or Natura 2000 sites surrounding Cheltenham (see Figure 3). These are Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar convention sites. These are:

- i. The Severn Estuary Ramsar/SAC/SPA;
- ii. Cotswolds Beechwoods SAC;
- iii. Rodborough Common SAC;
- iv. Dixton Wood SAC;
- v. Bredon Hill SAC, and
- vi. Walmore Common RAMSAR/SPA.
- vii. Cleeve Common SSSI

Figure 3. Cheltenham (outlined in red) in relation to Natura 2000 sites (Source: MAGIC Map, DEFRA, 2025)



1.9 There are many opportunities to protect, enhance, and grow the biodiversity in Cheltenham, and for developers to incorporate these aims into their development plans. The basis of this lies in national and local context, as well as the global biodiversity and climate crisis.

The National Context of Improving Biodiversity

1.10 In response to the universally recognised need to reverse biodiversity loss, the UK Government published a 25-year Environment Plan (25YEP), 'A Green Future'² in 2018, to:

² 25 Year Environment Plan (2018) UK Government:
<https://assets.publishing.service.gov.uk/media/5ab3a67840f0b65bb584297e/25-year-environment-plan.pdf>

“Champion sustainable development, lead in environmental science, innovate to achieve clean growth and increase resource efficiency to provide benefits to both our environment and economy, and keep our pledge to hand over our planet to the next generation in a better condition than when we inherited it”.

1.11 In looking to achieve this, the 25YEP emphasised a number of themes, three of which will be the focus of this Supplementary Planning Document (SPD):

- i. Net gains in biodiversity,
- ii. High quality green infrastructure provision and standards, and
- iii. Delivering for wildlife.

1.12 The 25YEP laid the foundation for:

- i. the Environment Act (2021) to tackle biodiversity loss and recover nature through a mandatory 10% Biodiversity Net Gain (BNG) planning policy,
- ii. and for Local Nature Recovery Strategies (LNRS) which will deliver more habitat; in better condition; in bigger patches that are more closely connected.

1.13 The most recent State of Nature report (2023)³ for the UK suggests there has been a steep decline in the abundance of wildlife in the UK since the 1970s. The abundance of 753 terrestrial and freshwater species has on average fallen by 19% across the UK since 1970. The UK distributions of 4,979 invertebrate species have on average decreased by 13%, the distributions of 54% of flowering plant species and 59% of bryophytes (mosses and liverworts) have decreased across Great Britain (see Figure 4). 2% (151 species) are extinct in Great Britain and a further 16% (almost 1,500 species) are now threatened with extinction here.

Figure 4. Source: reproduced from the State of Nature Report (The State of Nature Partnership, 2023)



³ State of Nature Report (2023) The State of Nature Partnership: [TP25999-State-of-Nature-main-report_2023_FULL-DOC-v12.pdf](https://www.stateofnature.org.uk/wp-content/uploads/2023/06/TP25999-State-of-Nature-main-report_2023_FULL-DOC-v12.pdf)

1.14 *Figure visually depicting the statistics stated in 1.14* The State of Natural Capital Report (2024)⁴ shows that all of England's ecosystem assets have been degraded by land and sea-use change, pollution, natural resource overexploitation and climate change. They are therefore less able to cope with the impact of future change and both the assets themselves and the benefits they provide to our society are all at high-risk of further degradation. The report identifies priority actions for policy areas and ecosystem assets (see Figure 5).

⁴ State of Natural Capital Report (2024) Natural England: [NERR137 Edition 1 State of Natural Capital Report for England 2024 - Risks to nature and why it matters.pdf](#)

Figure 5. "Priority actions for reducing risks to natural capital". Source: reproduced from the State of Natural Capital 2024 report (Natural England, 2024)



The Local context of improving biodiversity

- 1.15 Cheltenham Borough Council (CBC) declared a climate emergency in July 2019 and published the [Climate Change Supplementary Planning Document \(SPD\)](#) in 2022, setting out Cheltenham Borough Council’s ambitions for all developments within the borough and how they should respond to the climate change and biodiversity crisis. Gloucestershire is a nature-depleted county like much of the UK⁴, and Cheltenham has a host of opportunities to protect, restore and enhance its biodiversity.
- 1.16 All public authorities have a Biodiversity Duty, meaning to deliver plans, partnerships and actions to conserve and⁵ enhance biodiversity. A baseline for this duty is set out in

⁵ Gloucestershire Wildlife Trust (2024). Create a wilder Gloucestershire with us: <https://www.gloucestershirewildlifetrust.co.uk/campaign-wildergloucestershire-us-0>

Cheltenham Borough Council's [First Consideration Report \(2024\)](#), which includes delivering this SPD as one of our commitments.

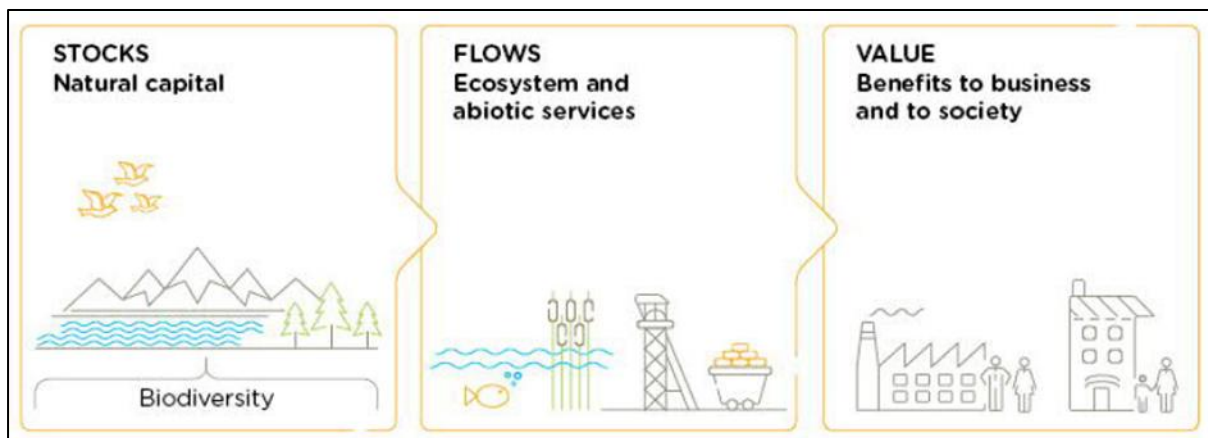
- 1.17 To address biodiversity degradation, [Cheltenham Borough Council's Corporate Plan 2023-2027](#) sets the task to '*Develop an Ecology and Biodiversity Supplementary Planning Document to further support sustainable development*'. Key Priority 2 states that '*we can position ourselves to offer advice and share best practice, signposting to other leaders along the way, making it easier for others to follow.*'

2. What is Biodiversity and Nature Recovery, and why are they important?

What is biodiversity?

- 2.1 To understand the importance of biodiversity, we must understand and have an appreciation for natural capital and ecosystem services. Natural capital encompasses the Earth's stock of both renewable and non-renewable natural resources, including plants, animals, air, water, soils, and minerals. Ecosystem services are the benefits that humans derive from these natural resources. These services include essential functions such as pollination, flood risk mitigation, and air purification. Essentially, ecosystem services represent the value that humans gain from the natural environment and properly functioning ecosystems (see Figure 6).

Figure 6. Natural Capital, ecosystem services and biodiversity



- 2.2 Biodiversity refers to the variety of life forms within natural capital. It is inherently valuable and plays a crucial role in sustaining ecosystem services. The quantity and quality of biodiversity can serve as indicators of the health of natural capital stocks and the effectiveness of the ecosystem services they provide.
- 2.3 Despite being fundamental to our existence, the world is losing its biodiversity at an ever-increasing rate. It is vital that we maintain and increase biodiversity in order to maintain the scale and resilience of ecosystem service delivery and the benefits communities receive as a result.

What is Nature Recovery?

- 2.4 Nature recovery refers to the process of restoring and revitalising ecosystems that have been degraded or lost due to human activity, climate change, or other factors. It involves regenerating natural habitats, creating new ones and protecting them (and the species they support) from degradation. The goal is to create healthier, more resilient environments that can support a wide variety of species on a large scale. Nature recovery is important for a number of reasons, all of which contribute to the overall health of the planet and the well-being of its inhabitants. These reasons are:
- i. **Biodiversity Conservation:** Many ecosystems and species are threatened by habitat loss, pollution, and climate change. Nature recovery helps restore these ecosystems, providing a safe haven for endangered species and ensuring a rich diversity of life;
 - ii. **Climate Change Mitigation:** Healthy ecosystems, such as forests, wetlands, and grasslands, act as carbon sinks absorbing carbon dioxide from the atmosphere. Restoring these environments can help mitigate the impacts of climate change by reducing greenhouse gas concentrations;
 - iii. **Ecosystem Services:** Nature recovery restores critical ecosystem services like water purification, soil fertility, and pollination. These services are essential for food production, clean water, and overall human health, making nature recovery vital for sustainable development;
 - iv. **Resilience to Natural Disasters:** Restoring ecosystems like riparian zones, wetlands, and forests enhances natural buffers against flooding, storms, and erosion. Healthy landscapes are more resilient to extreme weather events and provide safer, more stable environments for communities;
 - v. **Human Well-Being:** Access to nature improves mental and physical health by providing spaces for recreation, relaxation, and connection with the natural world. Nature recovery is in the public interest as can create more green spaces in urban areas, improving quality of life and promoting social cohesion, and.
 - vi. **Sustainability:** Nature recovery helps balance the needs of development with the preservation of natural resources. By restoring ecosystems, we ensure that future generations can continue to rely on healthy, functioning ecosystems to meet their needs.
- 2.5 In essence, nature recovery is crucial for maintaining the delicate balance between human progress and environmental health, ensuring a sustainable future for both people and the planet.

3. Legislation and planning policy

- 3.1 A comprehensive framework of international, national, and local policies and legislation exists to protect and enhance biodiversity. These emphasise the importance of safeguarding existing biodiversity, implementing enhancements, and achieving a measurable net gain in biodiversity through the planning process. This commitment is reinforced by a robust legislative framework that includes protections for species and sites of ecological significance, the requirement for 10% BNG, and the establishment of LNRS.

Legislation

- 3.2 The primary pieces of legislation relating to biodiversity and nature conservation in England are:
- i. [The Environment Act 2021\(as amended\)](#) - This made provision for the introduction of the mandatory 10% BNG policy, to ensure developments covered by the Town & Country Planning Act (1990) deliver an increase in biodiversity value post-development. This Act also introduced a statutory requirement for LNRS' to be produced by responsible authorities appointed by the Government;
 - ii. [Natural Environment and Rural Communities Act \(NERC\) 2006 \(as amended\)](#) - Local Planning Authorities (LPAs) have a statutory duty to have regard to conserving biodiversity insofar as it is consistent with the discharging of their normal duties;
 - iii. [The Conservation of Habitats and Species Regulations 2017 \(as amended\)](#) (often referred to as the 'Habitat Regulations') – This is the mechanism by which the European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora (otherwise known as 'the Habitats Directive 1992') is implemented in the UK, and
 - iv. [The Hedgerow Regulations 1997 \(as amended\)](#) – Protects all hedgerows meeting the criteria for 'importance' from removal with certain exemptions.
 - v. [The Water Framework Directive 2017 \(updated 2022\)](#)
 - vi. [The Salmon and Freshwater Fisheries Act 1975](#): Consolidates the Salmon and Freshwater Fisheries Act 1923 and certain other enactments relating to salmon and freshwater fisheries and repeals certain obsolete enactments relating to such fisheries.
 - vii. [Wildlife and Countryside Act 1981](#): the Wildlife and Countryside Act 1981 Is up to date with all changes known to be in force on or before 02 March 2026. There are changes that may be brought into force at a future date.

National policy

3.3 The [National Planning Policy Framework \(NPPF\)](#) sets out how the Government intends the planning system to operate when determining planning applications and in preparing Local Plans. The NPPF has a range of requirements relating to biodiversity in Chapter 15 that are relevant to this SPD.

Local policy

3.4 Cheltenham Borough Council has development policies relating to nature recovery and green infrastructure in both the JCS and the Cheltenham Plan (CP). Figure 7 below presents a summary of the guiding principles of Cheltenham’s local biodiversity policies, and the Geographical Information Systems (GIS) that can be used.

Figure 7. Nature recovery policies from the Development Plan

Policy	Source	Guiding principles	GIS framework
SD7	JCS, page 54	<ul style="list-style-type: none"> • Cotswold National Landscape Management Plan • Cotswolds Nature Recovery Plan 	Interactive Landscape Character Map
SD9	JCS, page 59	<ul style="list-style-type: none"> • Connected urban network • Coordination with multi-purpose green infrastructure • Design with habitat in mind • Consideration of protected sites 	Gloucestershire interactive Local Habitat Map Gloucestershire Natural Capital
INF2	JCS, page 80	<ul style="list-style-type: none"> • Inclusion and consideration of ponds • Sustainable Drainage Systems and ensuring rainwater permeability • Avoid discharges into the public system • Integration of watercourses • Control of the Himalayan Balsam invasive species 	Flood maps including groundwater flooding
INF3	JCS, page 84	<ul style="list-style-type: none"> • Connection of strategic assets such as the Cotswolds National Landscape, River Severn and its washlands, rivers, floodplains, pedestrian and cycle routes. • Connection of local assets such as parks, private gardens, recreation grounds, amenity space, play space, allotments, woodlands and orchards • On site first • Maintenance commitments • Living roofs and green walls 	Public Rights of Way (PROW), green space study map, allotments, TPOs, cycle routes

GI 2	CP, page 84	Cheltenham Tree Strategy	Tree Preservation Orders (TPOs)
GI 3	CP, page 86	Cheltenham Tree Strategy	Tree Preservation Orders
BG 1	CP, page 44	Cheltenham Suitable Alternative Natural Greenspaces (SANG) Action Plan	Map in November
BG 2	CP, page 45	Cheltenham Suitable Alternative Natural Greenspaces (SANG) Action Plan	Map in November

4. Biodiversity Net Gain (The Environment Act 2021 (as amended))

The Environment Act 2021 (as amended) mandates that new development must achieve a minimum 10% net gain in biodiversity (also referred to as Biodiversity Net Gain⁶) calculated using the [DEFRA Statutory Biodiversity Metric](#). How this will be achieved is detailed through an approved Biodiversity Gain Plan (BGP). It also mandates the use of the BNG User Guide and the trading rules.

- 4.1 For the purposes of calculating BNG, biodiversity ‘units’ are calculated in the Statutory Biodiversity Metric, using habitats as a proxy for biodiversity. Species present on a site do not factor into the BNG calculation, though protected species legislation still applies separately to the requirements of BNG. This means that species afforded legal protection under the [Wildlife and Countryside Act \(1981\) \(as amended\)](#) must still be protected and any potential harm to them adequately mitigated, under license where necessary, regardless of the BNG requirements for a development site. See chapter 9 “Building biodiversity and nature recovery into development” for guidance on how the provision of ecological enhancements on development sites can be made for species, in addition to delivering any measures required under protected species legislation.
- 4.2 In the Statutory Biodiversity Metric, habitats are split up into three groups:
 - i. Area habitats (e.g. grassland, woodland, or scrub);
 - ii. Linear habitats (e.g. hedgerows and lines of trees), and
 - iii. Watercourse habitats (e.g. rivers and streams).
- 4.3 Biodiversity units are calculated within each group. If all three habitat groups are present on a site, 10% BNG has to be achieved in all three groups to achieve an overall 10% net gain in biodiversity.
- 4.4 Specialist BNG pre-application advice is available for applicants who wish to discuss the specific requirements of their development proposals with Cheltenham Borough Council before submission of a planning application. This can cover any of the topics on the Government’s information page on [Biodiversity net gain - GOV.UK](#). 10% BNG can be achieved on site (within the red line boundary of a planning application) by retaining, enhancing or creating habitat, or off-site via offsetting (see Chapter 6 of this SPD).

⁶ ‘Biodiversity Net Gain’ and ‘biodiversity gain’ are used interchangeably by central government. Both refer to the mandatory 10% biodiversity gain policy and its regulations, introduced by the Environment Act 2021.

BNG Exemptions

- 4.5 There are a small number of developments which are exempt from the BNG regulations. BNG exemptions include:
- i. Development that does not impact a priority habitat and impacts less than:
 - ii. 25 square metres of on-site habitat;
 - iii. 5 metres of on-site linear habitats such as hedgerows;
 - iv. Householder applications;
 - v. Self-build and custom build applications considering they fulfil all three criteria listed on the [Planning Practice Guidance](#);
 - vi. Biodiversity gain site (including habitat banks);
 - vii. Other exemptions;
 - viii. High speed rail transport network;
 - ix. urgent crown developments, and
 - x. developments that are granted planning permission by a development order (including permitted development rights).
- 4.6 These developments are however still required to meet Cheltenham Borough Council's Development Plan policies which relate to biodiversity, green infrastructure and open space.

BNG "Small sites"

- 4.7 A development with 9 dwellings or fewer, on less than 1 hectare of land is considered a "small site" under the BNG regulations. The development of small sites still falls under the requirements of the BNG policy, e.g. they still have to achieve a 10% net gain in biodiversity, but their BNG calculations can be made on a simpler version of the Statutory Biodiversity Metric called the "Small Sites Biodiversity Metric". This can be completed by a Competent Person. The DEFRA guidelines on "competent persons" with regards to BNG must be used. Please note that changes to the small sites' guidance are due to take place in 2026.

5. Biodiversity Net Gain and the Planning Process

- 5.1 The mandatory BNG policy needs to be considered in development plans at site-selection/viability stage with the input of suitably qualified ecologists (see Chapter 9 for more information on this).
- 5.2 Pre-submission, the following must be prepared alongside the planning application with regards to BNG:
- i. A Preliminary Ecological Appraisal (PEA) or Ecological Impact Assessment (EiA) with all baseline habitats present on the site (within the red line boundary of the planning application) mapped using [UKHab mapping](#); and
 - ii. A completed Statutory Biodiversity Metric completed by a 'competent person'.
 - iii. The LPA must be satisfied that a minimum 10% net gain will be produced as a result of any development which does not fall under a BNG exemption. Either by a metric and accompanying ecological document or a metric and written confirmation that off-site units will be purchased and why (considering the hierarchy)
- 5.3 Pre-commencement, the following will be required:
- i. A Biodiversity Gain Plan (BGP),
 - ii. A 30-year Habitat Management and Monitoring Plan (HMMP), and
 - iii. A legal agreement to secure the details of the HMMP and monitoring fees for the delivery of 10% BNG on all onsite significant gains and off-site habitat creation.
- 5.4 Please refer to the planning process diagram below (Figure 8), which sets out how the mandatory BNG policy must be considered and applied from development site selection through to development commencement, by the developer, applicant, and the Local Planning Authority (LPA).
- 5.5 For minor development schemes, Gloucester City Council's Biodiversity Net Gain: Small Developments Guide (March 2024) can provide some practical guidance.

Figure 8. BNG in planning process



have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2024) which states (in paragraph 180) that *'Planning policies and decisions should contribute to and enhance the natural and local environment...'*. And (3) Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) which encourages new development to: "contribute positively to biodiversity and geodiversity whilst linking with wider networks of green infrastructure. For example, by incorporating habitat features into the design to assist in the creation and enhancement of wildlife corridors and ecological steppingstones between sites".

Figure 9. What is a habitat bank?

What is a habitat bank?

A habitat bank is an area of land where habitat creation or enhancement has achieved an uplift in biodiversity unit value of the land. The units created can be sold to developers and allocated to their development proposal on a national register, to meet a developer’s BNG requirements.

Figure 10. The difference between biodiversity units and credits

The difference between biodiversity UNITS and CREDITS

Biodiversity units are a measure of natural habitat that is used to assess biodiversity net gain. They are what the Statutory Biodiversity Metric calculates and are a proxy for biodiversity (they do not include protected species).

When achieving 10% BNG on site is not achievable, biodiversity units can be purchased from habitat banks (see Figure 10) to offset the loss of biodiversity units on a development site.

Biodiversity credits are what can be purchased from central government as a last resort to offset the loss of biodiversity units on a development site. They have not been calculated from a specific site using the Statutory Biodiversity Metric. Central government will use the funds from the sale of biodiversity credits to invest in habitat creation or enhancement – see [Statutory biodiversity credits - GOV.UK](#).

- 6.3 The primary objective for delivering off-site BNG is to locate new habitats as close as possible to the development site, ensuring they are functionally accessible for the species they aim to support.

The National Biodiversity Gain Site Register

- 6.4 Habitat Banks used to offset biodiversity losses must be registered on the national biodiversity gain site register and the registered gains allocated to the specific development in question. These are two separate processes. Achievable biodiversity gains will be secured via a binding legal agreement (see chapter 10), and this will be a pre-requisite to registering for the BNG site register.

7. The Gloucestershire Local Nature Recovery Strategy (LNRS) (The Environment Act 2021 (as amended))

- 7.1 LNRS' propose how and where to recover nature and improve the wider environment across England. The requirement to produce an LNRS is set out in the [Environment Act 2021 \(as amended\)](#).
- 7.2 Each LNRS sets out priorities for nature recovery and proposes actions in locations where it would make a particular contribution to achieving those priorities. DEFRA has appointed 48 responsible authorities to lead on preparing a LNRS for their area. Gloucestershire County Council is the responsible authority working with Gloucestershire Nature Partnership who have prepared the Gloucestershire LNRS. Cheltenham Borough Council is one of the supporting authorities for the Gloucestershire LNRS.
- 7.3 LNRS' contain:
- i. A list of priorities for habitats and species across the area they cover, and
 - ii. A collection of maps showing where these priorities should be applied in the area they cover.
- 7.4 With regard to BNG, the LNRS will be the determining factor for setting the strategic location of a habitat in the Statutory Biodiversity Metric (whether this is pre or post-development). If the habitat is within the LNRS, then Strategic significance within the statutory biodiversity metric applies only to certain habitat measures and is not a blanket rule for all LNRS priorities. This incentivises the creation of habitats which have been identified as priorities for the local area in the LNRS on development sites, or on habitat banks if these banks are within a priority area on the LNRS map, as a small multiplier (x1.15) will be added to them in the statutory Biodiversity Metric, thus increasing the overall BNG calculation by a factor of 15%.
- 7.5 The LNRS must be used by developers to plan site-selection, site design, landscaping design, and ecological enhancement plans for their development proposals. The LNRS will be used by Cheltenham Borough Council to inform responses to development proposals. It will be used to secure provision of ecological enhancement for species which the LNRS shows will be impacted by a development proposal, and compensation for the loss of habitats of importance to Gloucestershire which the LNRS also shows will be impacted by a development proposal.

Borough-Wide Ecological Connectivity

- 7.6 Ecological connectivity across the Borough will be addressed strategically through the emerging Gloucestershire Local Nature Recovery Strategy (LNRS). The LNRS, prepared in

accordance with the Environment Act 2021, will identify: Ecological connectivity across the Borough will be addressed strategically through the emerging Gloucestershire Local Nature Recovery Strategy (LNRS). The LNRS, prepared in accordance with the Environment Act 2021, will identify:

- I. Strategic habitat networks across Gloucestershire
- II. Key ecological corridors and stepping stones
- III. Areas of habitat fragmentation and ecological “pinch points”
- IV. Priority opportunities for habitat enhancement and creation

7.7 Within Cheltenham, this strategic approach will help to articulate connectivity between significant ecological assets such as Leckhampton Hill and the River Chelt, including the urban corridor that links these areas. The LNRS mapping will provide spatially defined priorities that extend beyond individual development site boundaries and identify opportunities for coordinated action.

7.8 This guidance therefore requires development proposals to:

- I. Demonstrate how they respond to the spatial priorities and opportunity areas identified in the Gloucestershire LNRS
- II. Contribute to strengthening ecological corridors, particularly where development lies within identified connectivity zones.
- III. Address ecological pinch points where fragmentation currently limits species movement.
- IV. Deliver habitat enhancements that contribute to the wider Nature Recovery Network, rather than solely focusing on site-level mitigation.

7.9 Developers should have regard to LNRS opportunity mapping once adopted and demonstrate how proposals align with borough-wide ecological connectivity objectives. This may include off-site contributions, partnership working, or coordinated habitat delivery where appropriate.

7.10 This strategic alignment will ensure that development contributes to a coherent and resilient ecological network across Cheltenham and Gloucestershire.

8. Cheltenham Borough Council's Tree Strategy (GI2 CP P,83 & GI3 CP P,86)

- 8.1 Cheltenham Borough Council's Tree Strategy plays a vital role in supporting the borough's wider ambitions for nature recovery, as outlined in this SPD. By embedding principles of sustainability, biodiversity, and community engagement, the strategy sets out a proactive and evidence-based approach to managing Cheltenham's trees—recognising them as a critical part of the town's natural capital. At its core is the principle of planting the right tree in the right place, ensuring long-term benefits for wildlife, people, and the urban environment alike. This strategic approach helps safeguard existing tree stock, promotes species diversity, and ensures that both public and private trees are managed and protected in ways that reflect their ecological, social, and climate value.
- 8.2 The Tree Strategy directly supports Cheltenham's nature recovery goals by aiming to increase tree canopy cover, particularly in areas of greatest need, using data-driven insights such as tree equity mapping. In doing so, it enhances local biodiversity by providing habitats for a wide range of species and improving ecosystem resilience. Trees planted and maintained through this strategy will also contribute significantly to Cheltenham's climate mitigation efforts—sequestering carbon, regulating urban temperatures, and reducing flood risk. Furthermore, by improving air quality and providing accessible green space, the strategy contributes to public health and wellbeing. The Tree Strategy also recognises the importance of community involvement and education in supporting long-term environmental stewardship, making it a key pillar of Cheltenham's broader vision for a greener, healthier, and more resilient future.
- 8.3 The Tree Strategy supports the continuity of veteran trees and the need to create future veterans. Veterans and ancient trees are important for biodiversity (deadwood habitat, specialist invertebrates and fungi, cavity-nesting birds and bats) as well as for landscape character.
- 8.4 The aims of the Tree Strategy are to:
- i. **Increase Tree Canopy Coverage:** One of the primary aims is to address the disparity of canopy cover across Cheltenham. This involves looking at a broad range of data including tree equity data and inspection data etc to better inform the location and planting of trees in spaces where they make a social, environmental and economic contribution. This will help to expand canopy cover and contribute to environmental health. This aim will also inform decisions in the planning process to better protect trees on private land. This should be achieved through diversity of species and characteristics of Cheltenham's tree stock.
 - ii. **Enhance Biodiversity:** Trees support a wide range of plant, animal, fungi and bacteria species. A key aim of this strategy, feeding into our Nature Recovery Strategy Supplementary Planning Document, is to increase biodiversity by planting a broad

range of tree species, which provide habitats for wildlife and contribute to ecological resilience.

- iii. **Help Mitigate Climate Change:** Trees are important for absorbing carbon dioxide (CO₂). Cheltenham has a commitment to carbon net zero by 2030. By maintaining and increasing the number of trees that can sequester carbon, and reduce heat island effects in our urban area, we can help mitigate climate change and help regulate our local climate.
- iv. **Improve Air Quality and Mitigate Flood Risk:** Trees act as natural filters, improving air quality by collecting pollutants and releasing oxygen. They also help manage water runoff and reduce the risk of flooding by slowing the flow of rainwater into drains, streams and rivers.
- v. **Enhance Health and Well-being:** Trees are important to our communities. They support both our mental and physical health. Urban trees help create attractive areas, whilst trees in our green spaces enhance these spaces, create areas for recreation, reducing stress, and encouraging outdoor activities.
- vi. **Protect and Maintain Existing Tree Stock:** A key part of any tree strategy is the preservation of existing trees. This involves robust inspection and maintenance, good biosecurity measures and ensuring we plant the right tree for the right place so that full crown potential can be achieved.
- vii. **Protect and Enhance the Historic Environment:** Preservation of ancient and veteran trees within historic parts or gardens important for natural foraging.
- viii. **Promote Education and Awareness:** This aim will help to engage local communities with the broader understanding and a sense of ownership of their environment, and
- ix. **Maximise Funding:** This trees strategy can be used as a lever for funding for future tree management.

9. Building nature recovery into development

(Paragraphs 187, 192 and 193 of the National Planning Policy Framework, and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006 as amended by the Environment Act 2021.)

- 9.1 This chapter sets out how nature recovery should be integrated into the planning process, regardless of the scale of a development or whether the mandatory biodiversity gain condition applies to it. Nature recovery can be proactively planned into new development of all kinds and all scales, from individual houses, barn conversions, to masterplans for large residential or road schemes. Building nature recovery into development must be seen as an opportunity not a constraint, because of the environmental benefits derived from increasing natural capital and improving ecosystem services.
- 9.2 There are three key stages prior to the submission of a planning application (or prior to works starting for permitted development projects) where nature recovery must be considered. These are:
- i. Feasibility study,
 - ii. Impact assessment, and
 - iii. Scheme design.

Feasibility study

- 9.3 Feasibility assessments concerning ecological impacts must be a priority from the outset of any proposal, ideally before design and planning application submission. This proactive approach aligns with Cheltenham's Development Plan and ensures compliance with planning application validation requirements. The [CBC validation checklists](#) set out what is required to be submitted with planning applications regarding ecology, trees, and BNG. A planning application will not be validated without meeting these requirements.

Engaging Ecological Expertise

- 9.4 Assessing the feasibility of a project from an ecological perspective requires specialist knowledge. Engaging a qualified ecologist is vital, as comprehensive surveys and assessments will need to be conducted, and appropriate mitigation, compensation, net gain, and enhancement measures integrated into the proposal **prior to submission**. Utilising professional ecological services can prevent costly delays and facilitate a more efficient planning process. The Chartered Institute for Ecologists and Environmental Managers (CIEEM) have a directory of Ecological and Environmental practices which are registered with CIEEM, found here [Registered Practice Directory](#), which can be used to find a suitably qualified ecologists to undertake survey work.

- 9.5 It is also essential that the post-development plans for the provision of green infrastructure/soft landscaping/habitat creation are assessed for their feasibility before these aspects of development proposals are submitted. This must involve assessing the type, condition and/or quality of the soil on a site.
- 9.6 Measures may need to be taken prior to construction to prepare the soil on some sites to make it more suitable for certain habitat creation. For example, a field which has been used for arable purposes (crop production) will have a high nutrient load. This is not suitable for species-rich grassland creation as these habitats require low nutrient loads. The nutrient load of the soil on site will have to be degraded over time in preparation for habitat creation, and this must be factored into the plans for a development proposal.
- 9.7 Cheltenham Borough Council aims for nature recovery to be integrated into development proposals alongside wider environmental protection objectives, including air quality management, invasive species control and the safeguarding of water environments.

Air Quality and Ecological Health (Air Quality Standards Regulations 2010)

- 9.8 Air pollution can have significant adverse effects on habitats and species, particularly through nitrogen deposition and particulate pollution affecting sensitive grasslands, woodlands and aquatic ecosystems. In considering planning applications, the Council will have regard to the most up-to-date national guidance, including Air pollution and development: advice for local authorities (Defra).
- 9.9 Development proposals should: Assess potential air quality impacts on designated sites, priority habitats, and ecological networks.
Demonstrate how impacts have been avoided, minimised or mitigated through design.
Incorporate green infrastructure, tree planting and habitat buffers that contribute to pollutant interception and improved ecosystem resilience; and
Support modal shift and sustainable transport measures that reduce emissions at source.
By embedding air quality considerations into site design and layout, development can actively contribute to healthier ecosystems and communities while strengthening ecological connectivity across the Borough.

Invasive Non-Native Species

- 9.10 Where invasive non-native species are identified within planning applications, their management must comply with relevant legislation. Under Wildlife and Countryside Act 1981 (as amended), species listed on Schedule 9 make it an offence to plant or otherwise cause these species to grow in the wild.
In addition, under the Environmental Protection Act 1990, invasive plant material such as Japanese knotweed is classified as 'controlled waste' and must be handled, transported and disposed of safely at an appropriately licensed facility.

Planning applications must:

- I. Identify the presence of any invasive non-native species through ecological survey where relevant;
- II. Include a biosecurity and method statement for their containment, treatment and disposal;
- III. and demonstrate how spread will be prevented during construction to protect adjoining land, habitats and watercourses.

Effective management of invasive species presents an opportunity to restore native habitats and improve ecological condition as part of wider nature recovery objectives.

Protecting Waterways and Aquatic Ecosystems (Water Framework Directive Regulations 2017)

- 9.11 Cheltenham's watercourses, including the River Chelt, form a key component of the Borough's ecological network and provide important ecosystem services including flood attenuation, water purification and habitat connectivity.

Development should be designed to:

- I. Prevent pollution during construction and operation;
- II. Incorporate sustainable drainage systems (SuDS) that mimic natural hydrology;
- III. Provide buffer zones to watercourses to support riparian habitats;
- IV. Avoid fragmentation of aquatic and riparian corridors; and
- V. Contribute to measurable improvements in water quality where feasible.

Protecting and enhancing waterways is integral to nature recovery. By integrating water-sensitive design, habitat enhancement and pollution prevention into development proposals, applicants can deliver multiple benefits for biodiversity, climate resilience and community wellbeing.

Pre-Application Advice

- 9.12 Seeking pre-application advice can clarify information required, including potential specialist input (if applicable) at an early stage, thereby supporting a formal application and reducing the likelihood of delays later in the planning process.
- 9.13 Cheltenham Borough Council can provide pre-application advice to developers planning projects of any size, subject to the mandatory Biodiversity Gain condition or not. [Pre-application advice fees](#) are dependent on the size and type of development planned.

Consulting Natural England

- 9.14 For developments potentially impacting European Protected Species (EPS) or nationally or internationally designated sites (e.g., SSSIs, Natura 2000 sites), early consultation with Natural England is advisable. In such cases, a Habitats Regulations Assessment (HRA) may also be necessary. Some impacts on EPS can be mitigated through district-level licensing schemes, such as for Great Crested Newts (see Figure 11). Alternatively, a bespoke licence from Natural England may be required.

Consulting The Environment Agency

- 9.15 For developments where a main river runs within or along the site boundary, early consultation with the Environment Agency (EA) is advisable. In addition, if a development is determined to be an Environmental Impact Assessment (EIA) development, the Environment Agency will be a statutory consultee. The EA may be able to provide pre-application advice relating to main rivers and ordinary watercourses as well as ‘water-based’ protected species such as fish, otter and water vole.”

Figure 11. District Level Licensing for Great Crested Newts in Cheltenham

District Level Licensing for Great Crested Newts in Cheltenham

NatureSpace operate a District Level Licensing Scheme in Gloucestershire [About us - NatureSpace Partnership Limited](#). This is an option for developers whose surveys of waterbodies on or near to their sites carried out, which indicate Great Crested Newts (GCN) are present and may be impacted by development. Developers must consult their ecologist as to the best course of action under these circumstances; in order to deliver the best possible outcome for biodiversity and this protected species.

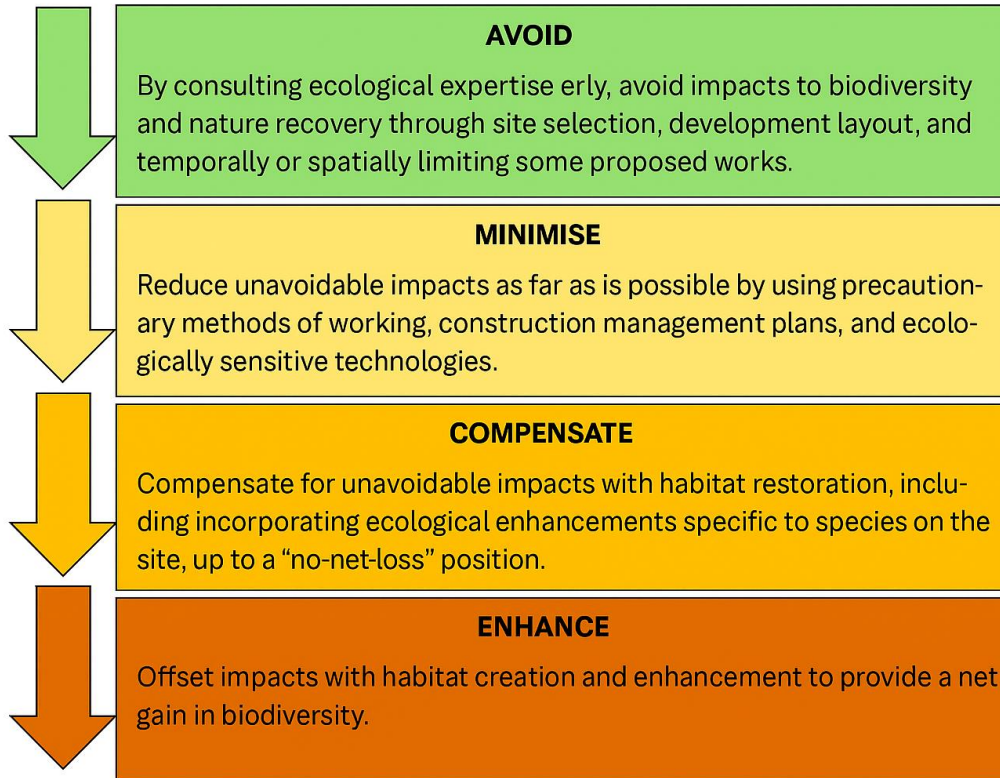
Impact assessment

- 9.16 Where a proposed development may affect designated sites, priority habitats or protected species, the applicant’s suitably qualified ecological consultant must undertake appropriate ecological surveys and impact assessments. These must be completed at an early stage and inform the design process prior to submission of any planning application. Assessments must extend beyond a Preliminary Ecological Appraisal (PEA) and statutory Biodiversity Net Gain (BNG) metric calculations, providing a comprehensive understanding of habitat condition, ecological function and connectivity.
- 9.17 All qualifying development will be required to deliver Biodiversity Net Gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021), including submission and approval of a Biodiversity Gain Plan where applicable. However, BNG does not override the requirement to avoid ecological harm in the

first instance. Proposals must clearly demonstrate compliance with the biodiversity mitigation hierarchy (Figure 13), ensuring that impacts are avoided, then minimised, then restored, with compensation and BNG applied only as a last step.

- 9.18 To prevent avoidable habitat degradation (“anti-trashing”), development proposals must:
- I. Avoid unnecessary land stripping, vegetation clearance or soil removal prior to the determination of planning permission;
 - II. Retain existing habitats in situ wherever possible, particularly those contributing to connectivity or functioning as priority habitat;
 - III. Clearly define construction exclusion zones and root protection areas;
 - IV. Protect retained habitats from compaction, storage, contamination or hydrological change during construction; and
 - V. Phase clearance sensitively, supported by method statements, to prevent ecological deterioration before mitigation is secured.
- 9.19 Deliberate or premature clearance of habitats to reduce ecological value prior to assessment or determination will not be supported and may be taken into account in decision-making.
- 9.20 Ecological submissions must set out avoidance measures, construction safeguards, habitat protection plans and long-term management arrangements alongside BNG proposals. Through early ecological input, robust site protection and adherence to the mitigation hierarchy, development can secure measurable biodiversity gain while safeguarding existing ecological assets and supporting wider nature recovery objectives.

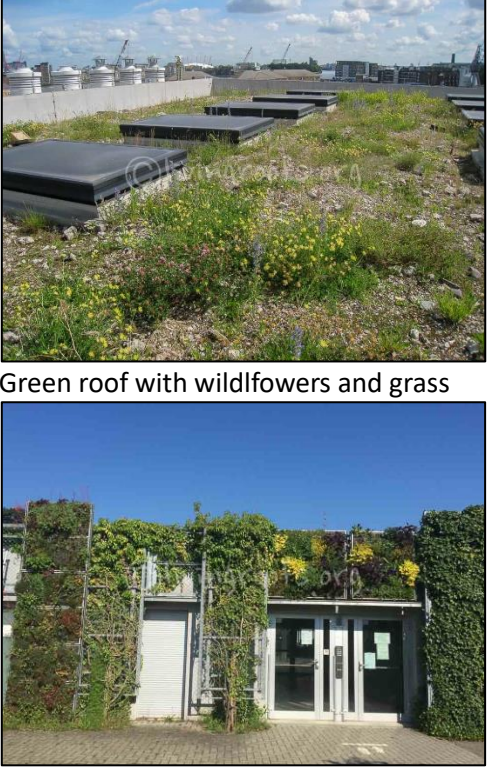
Figure 12. Diagram depicting the four key steps to consider when carrying out impact assessments to avoid adverse impact. The hierarchy of these mitigation measures are: avoid, minimise, compensate, enhance.



Scheme design

- 9.21 Development design must be informed by ecological surveys and impact assessments, including BNG calculations. The applicant and ecological consultant must ensure that ecological impacts, along with the mitigation hierarchy and BNG requirements, have informed scheme design. Design work should commence only after completing all relevant ecological surveys. Practical guidance on incorporating ecology into development design, with examples, is provided in Figure 13.

Figure 13. Practical guidance on incorporating ecology into development.

Ecological enhancement in development	Example	Supporting Development Plan policy
<p><u>Pollinator friendly and biodiverse planting</u></p> <p>Urban and suburban planting schemes must incorporate a mix of native shrubs, trees, and plants to provide year-round nectar and pollen for pollinators such as bees, hoverflies, butterflies, and other beneficial insects.</p>	 <p><i>Photo source: South Gloucestershire Biodiversity SPD</i> <i>Photo depicting mixed vegetation including wildflowers and trees essential for pollinators.</i></p>	<p>Policy INF3 'Green Infrastructure' of the Joint Core Strategy</p>
<p><u>Green roofs and living walls</u></p> <p>Urban and suburban development proposals should incorporate green roofs and living walls where possible. The type of green roof or wall should be chosen dependent on the context (e.g. ecological, garden, park) and using guidance from organisations like Livingroofs.org, the leading UK green roof website and the Green Roof Code of Practice grocode2014.pdf</p>	 <p>Green roof with wildflowers and grass</p> <p><i>Photo sources: livingroofs.org</i> <i>Living Wall: carefully curated living wall with mixed vegetation.</i></p>	<p>Policy SD9 'Biodiversity and Geodiversity' of the Joint Core Strategy:</p>

<p><u>Boundary treatments and boxes for hedgehogs</u></p> <p>Incorporate wildlife-friendly fencing with a 13cm x 13cm gap at ground level or a 150mm clearance between the fence and the ground to facilitate movement for hedgehogs and other small mammals. Additionally, consider installing hedgehog boxes in quiet, shaded areas under shrubs or thick vegetation, with the entrance facing away from prevailing cold winds. These features should be indicated on the landscape or ecological plans.</p>		<p>Policy SD9 'Biodiversity and Geodiversity' of the Joint Core Strategy</p>
<p><u>Bird box provision in open spaces</u></p> <p>Where there is access to adequate public and private open space (including gardens), and mature trees capable of supporting them, install appropriate nest boxes for garden birds</p>	 <p><i>Photo source: South Gloucestershire Biodiversity SPD</i></p>	<p>Policy SD9 'Biodiversity and Geodiversity' of the Joint Core Strategy</p>



<p><u>Bird box provision integral to buildings</u></p> <p>To support species such as swallows, house martins, sparrows, swifts, starlings, barn owls, and kestrels, integrate nesting and roosting features into building designs.</p> <p>When installing external boxes, ensure they are positioned at least 5 metres above ground, facing north or east to avoid direct sunlight. Maintain a clear flight path and protect from predators by avoiding proximity to trees or climbing plants. For swift boxes, placement under eaves or soffits is ideal to provide shade and shelter.</p> <p>Utilise materials like woodcrete or woodstone for durability and insulation. Where direct integration into the building is not feasible, external boxes can be mounted securely, adhering to manufacturer guidelines.</p>		<p>Policy SD9 ‘Biodiversity and Geodiversity’ of the Joint Core Strategy</p>
<p>Incorporate Bee Bricks and other invertebrate features built into developments</p>		<p>Policy SD9 ‘Biodiversity and Geodiversity’ of the Joint Core Strategy</p>

Photo source: South Gloucestershire Biodiversity SPD

Photo source: South Gloucestershire Biodiversity SPD

Sustainable Drainage Systems (SuDS)

Chapter 6 of the CIRIA SuDS Manual 2015 ‘Designing for Biodiversity’ explains the design criteria that must be followed to deliver the objective of designing SuDS with biodiversity benefits.

Chapter 8 of the Gloucestershire SuDS Design & Maintenance Guide 2015 ‘SuDS, Biodiversity and Amenity’ also provides guidance and good practice on how to protect and enhance biodiversity with SuDS installations.

DEFRA recently released updated the national standards for SUDS – available here: <https://www.gov.uk/government/publications/national-standards-for-sustainable-drainage-systems>

The standards/requirements for biodiversity can be found here: <https://www.gov.uk/government/publications/national-standards-for-sustainable-drainage-systems/national-standards-for-sustainable-drainage-systems-suds#standard-6-biodiversity>

Some local examples of SuDs: <https://www.gloucestershirewildlifetrust.co.uk/what-we-do/current-projects/gloucester-and-cheltenham-waterscapes-project>

https://www.susdrain.org/case-studies/pdfs/suds_awards/007_18_03_29_susdrain_suds_awards_priors_farm_estate_suds_retr_ofitting_project_cheltenham.pdf



Photo source: Cheltenham Borough Council





Photo Source: Cheltenham Borough Council



Photo Source: Cheltenham Borough Council

Policy INF2 ‘Flood Risk Management’ of the Joint Core Strategy

See also: Chapter 10 ‘Biodiversity and Geodiversity’ of the Cheltenham Plan

<p><u>Specific measures for tree provision</u></p> <p>To come from the CBC Tree Strategy when finalised – see section 8</p>		<p>Policy INF3 ‘Green Infrastructure’ of the Joint Core Strategy</p>
<p><u>Hedgerows</u></p> <p>Create a successful hedgerow by starting with careful planning and site preparation, then planting a mix of native species, ensuring proper spacing and protection. Maintaining the hedgerow through appropriate management practices is crucial for its long-term health and biodiversity. Guidance on planting new hedgerows can be found here BN11: Planting new hedges - GOV.UK</p>	 <p><i>Photo source: Suffolk Wildlife Trust</i></p>	<p>Policy INF3 ‘Green Infrastructure’ of the Joint Core Strategy</p> <p>Policy SD9 ‘Biodiversity and Geodiversity’ of the Joint Core Strategy</p>
<p><u>Grassland</u></p> <p>Creating species-rich grassland involves careful preparation, appropriate species selection, and ongoing management to encourage a diverse plant community. Key steps include choosing suitable sites, preparing the soil, selecting appropriate seed mixes or green hay, and implementing a targeted management plan focused on cutting and grazing. Guidance on creating and restoring species rich grassland can be found here: Create and restore species-rich grassland – Farming</p>	 <p><i>Photo source: Cheltenham Borough Council website</i></p>	<p>Policy INF3 ‘Green Infrastructure’ of the Joint Core Strategy</p>
<p><u>Multilayered planting structures:</u> Developers and land managers should incorporate multi-layered planting structures combining trees, shrubs and ground layer vegetation as a means of maximising ecosystem resilience, and amenity values within urban sites.</p>		<p>Policy SD9 ‘Biodiversity and Geodiversity’ and INF3 Green Infrastructure</p>

The Building with Nature Green Infrastructure Standards

- 9.22 Development design must be informed by ecological surveys and impact assessments, including BNG calculations. The applicant and ecological consultant must ensure that ecological impacts, along with the mitigation hierarchy and BNG requirements, have informed scheme design. Design work should commence only after completing all relevant ecological surveys. Practical guidance on incorporating ecology into development design, with examples, is provided in Figure 13.
- 9.23 Cheltenham Borough Council strongly encourages developers to follow the Building with Nature Standards (and demonstrate how they have done so). Building with Nature awards are available for development projects which demonstrate exceptional use of the standards (assessed independently of Cheltenham Borough Council) and achieving this recognition promotes long-term value of a development by improving the resilience of the built environment to climate change, and ensuring healthier, more attractive spaces for people and wildlife alike. For more information visit the [Building with Nature](#) website.
- 9.24 Blue and green infrastructure (BGI) forms the foundation of a resilient and healthy environment in the Cheltenham Borough. It includes parks, trees, hedgerows, private gardens, green roofs and walls, sustainable drainage systems (SuDS), ponds, wetlands and watercourses such as the River Chelt.
- 9.25 When planned positively, BGI delivers multiple benefits:
- 9.26 Integrating blue and green infrastructure into development proposals must be seen as an opportunity to enhance natural capital and ecosystem services, rather than as a constraint.
- I. Strengthens ecological connectivity and supports the Nature Recovery Network;
 - II. Improves water quality and reduces surface water flood risk;
 - III. Enhances climate resilience through shading, cooling and carbon storage;
 - IV. Improves air quality and intercepts pollutants;
 - V. Supports health and wellbeing through access to nature; and
 - VI. Contributes to local character and place-making.
- 9.27 Integrating blue and green infrastructure into development proposals must be seen as an opportunity to enhance natural capital and ecosystem services, rather than as a constraint.

Strategic Role in Cheltenham

- 9.28 Within Cheltenham, green corridors and watercourses play a critical role in linking habitats between the urban area and surrounding landscapes. Enhancing green streets, riparian buffers, urban tree canopy and SuDS features helps reinforce these connections, particularly where development occurs within existing built-up areas. Development proposals should

demonstrate how BGI has been embedded into site layout from the outset, contributing to biodiversity net gain, ecological connectivity and water management objectives.

Recommendations for Small-Scale Development

9.29 Nature recovery and climate resilience are relevant to all development, regardless of scale. Even minor proposals, such as single dwellings, householder extensions, conversions or infill plots- can make meaningful contributions.

9.30 **Small-scale developments are encouraged to incorporate:**

- i. Native tree planting appropriate to site size;
- ii. Urban greening
- iii. Species-rich hedgerows instead of close-board fencing;
- iv. Climbing plants and green walls;
- v. Replacement of impermeable surfacing with permeable alternatives.

9.31 **Sustainable Drainage (Blue Infrastructure):**

- i. Rain gardens and small bioretention areas;
- ii. Water butts and rainwater harvesting;
- iii. Permeable paving;
- iv. Swales or shallow planted channels where space allows.
- v. SuDS features should be designed to provide both drainage and biodiversity benefits.

9.32 **Habitat Features:**

- i. Integrated bat and bird boxes within new buildings;
- ii. Log piles or invertebrate habitats in garden spaces;
- iii. Pollinator-friendly planting schemes;
- iv. Retention of mature trees and boundary vegetation wherever possible.

9.33 **Water Protection:**

- I. Where development is located near a watercourse, proposals should provide undeveloped buffer zones, avoid culverting, and prevent surface water or sediment runoff from entering the water environment.
- II. Through thoughtful integration of blue and green infrastructure, even small developments can cumulatively deliver significant benefits for Cheltenham's environment, supporting nature recovery while enhancing the quality and resilience of the built environment.

9.34 **Design Features:**

For all scales of development, blue and green infrastructure should:

- I. Be multifunctional (delivering biodiversity, drainage, climate and amenity benefits);
- II. Be designed for long-term management and maintenance;
- III. Use locally appropriate native species;
- IV. Avoid fragmentation of existing green corridors; and
- V. Contribute to measurable biodiversity improvements where applicable.

Noise, vibration, light and air pollution impacts on wildlife

- 9.35 Scheme design must include measures to prevent non-physical disturbances to wildlife during and post-construction. These disturbances can include noise, vibration, light and air pollution.
- 9.36 Noise and vibration pollution generated by construction machinery and traffic can impact wildlife by disrupting communication, altering foraging, burrowing and nesting behaviours, and causing habitat avoidance. These impacts can cause long-term stress, leading to reduced reproductive success.
- 9.37 Light pollution from construction activities can impact wildlife by causing disorientation, altered behavioural patterns and disrupting circadian rhythms. These impacts can lead to increased predation risk and reduced foraging success. Development proposals must demonstrate how they have been informed by current best practice guidance, including the Institute of Lighting Professionals (ILP) *Guidance Note for the Reduction of Obtrusive Light* and *Bats and Artificial Lighting in the UK*. Schemes should be designed to avoid, minimise and mitigate impacts from artificial lighting on bats and other nocturnal species through sensitive layout, appropriate luminaire selection, directional lighting, low lux levels, warm colour temperatures and the use of timers and motion controls. Development must ensure the protection of nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework and to enable the Council to discharge its duty under Section 40 of the Natural Environment and Rural Communities Act 2006 as amended by the Environment Act 2021. Proposals should retain and buffer key commuting and foraging corridors, including hedgerows, woodland edges and watercourses, and demonstrate through appropriate ecological assessment that dark corridors will be maintained and that favourable conservation status of protected species will be safeguarded.
- 9.38 Air pollution generated by construction activities (for example from dust and vehicle/machinery emissions) can impact wildlife by causing respiratory problems from

direct inhalation, habitat degradation from pollutant build-up in soils and water bodies, and food-chain alterations from the air pollution particulates settling on soil and plants before these enter the food chain.

- 9.39 Non-physical disturbances like these must be reduced as far as is practicable. Measure to address this will be secured by the LPA in suitably worded conditions for the provision of Construction Environment Management Plans (CEMPs).

10. Legal agreements

- 10.1 If planning permission is granted for a proposal that is subject to the mandatory Biodiversity Gain condition, this could be subject to a legal agreement such as a Section 106, which secures the details of the BGP and HMMP (if offsite habitat creation is proposed) plus the fees required for monitoring of significant gains

Legal agreement options

- 10.2 For a developer who is meeting the biodiversity net gain condition via either on-site significant gains or off-site through habitat creation within the LPA boundary a S106 will be required to both secure BNG delivery and enable the developer to register the site on the National BNG sites register where required (off site habitat creation). The S106 would be agreed between the landowner of the site and the LPA.
- 10.3 For a developer who is creating biodiversity gain off-site, on a habitat bank outside the LPA boundary, a Conservation Covenant will be required to both secure BNG delivery and enable the developer to register the site on the National BNG sites register. The Conservation Covenant would be agreed between the landowner of the habitat bank and a [Responsible Body](#), namely Natural England. Responsible bodies have been designated as such by central government. Their role is to legally secure land and its associated conservation objectives⁷. Cheltenham Borough Council will require proof of purchase for habitat units used to meet the biodiversity gain condition and the BGP stage.

⁷ [Responsible Bodies and Conservation Covenants | The Wildlife Trusts](#)

11. Long-term management, monitoring, and enforcement

- 11.1 Cheltenham Borough Council will require most developments in Cheltenham to be managed long-term to secure the ecological and environmental benefits of the green/blue infrastructure provision, soft landscaping, and habitat creation and/or enhancement that forms part of the development long-term.

What is the difference between management and monitoring?

- 11.2 **Management** is the execution of the activities outlined in a management plan to control the progression of the targets in the management plan. These management plans will either be a Landscape Ecological Management Plan (LEMP) (small sites with non significant gains) or a Habitat Management and Monitoring Plan (HMMP) (large sites or significant gains) for BNG applications.
- 11.3 **Monitoring** is observing and collecting information about the management to track progress and identify whether the targets of the management are being met or not. This may result in changes in management.
- 11.4 It is important to note that outside of BNG, if an EPS licence (see chapter 9) is required for a development to be lawful, monitoring will form a key component and condition of the licence and will require the employment of an ecological consultant to take this forward.
- 11.5 **Monitoring reports** are required as part of long-term management under a HMMP. These monitoring reports must be submitted to the LPA at agreed frequencies. These frequencies are agreed in the contents of the approved HMMP when this is submitted to the LPA and should be proportionate to the scale of the development.
- 11.6 Management and monitoring feed-back into each other over time. The information gathered during monitoring can inform ongoing management, and the results of the management activities provide the information gathered during monitoring.
- 11.7 The LPA requires a fee to be paid to secure the monitoring of all significant gain sites.

What is the difference between a LEMP and a HMMP?

- 11.8 A **LEMP** is a long-term management plan which may be secured for small scale non-significant gain sites.

- 11.9 A **HMMP** is a 30-year management plan which will be secured for large and/or significant developments which are subject to the mandatory biodiversity gain condition. It must contain explicit management prescriptions for all the habitats created, retained or enhanced which contribute to the BNG calculation for a development. Natural England has developed a standard template for HMMPs which is available online, here: [Habitat Management and Monitoring Plan Template - JP058](#)
- 11.10 LEMPs and HMMPs are usually conditioned, or form part of a legal agreement (especially where a fee is required for the council to review monitoring reports) but these can be provided up-front within a planning application's submission documents. Standard condition wording is used for HMMPs, and the wording is varied for LEMPs, proportionate to the development.

Roles, responsibilities, and enforcement

- 11.11 It is the role of the developer/landowner to make sure the management plan is delivered by a suitable organisation and that this organisation complies with the details of the management plan, including submitting monitoring reports according to the agreed reporting schedule.
- 11.12 Monitoring the delivery of a management plan sits with the party who has conditioned a management plan on a development to secure the delivery of its contents, e.g. an LPA for planning obligations and conditions.
- 11.13 Non-compliance with a management plan which has been conditioned or secured with a legal agreement between the LPA and the developer/landowner will result in enforcement or other legal action. Enforcement action stemming from breach of a planning condition cannot be appealed. Action taken following breach of a S106 can be appealed. However, if an appeal is lost, the appellant will be subject to fines. Enforcement action will be taken where breaches of conditions and legal agreements are within the public interest and expedient.
- 11.14 Proactive monitoring will take place from Cheltenham Borough Council's ecology team. Breaches of conditions or legal agreements will be reported to enforcement by those who identify the breach (this may be members of the public or Officers working within CBC), followed by the CBC enforcement team liaising with the planning team and establishing enforcement action in a collaborative manner.
- 11.15 Cheltenham Borough Council have established a monitoring IT programme which alerts the LPA at each monitoring interval for planning applications which have been subject to

mandatory BNG. This ensures that the LPA are aware of monitoring report due dates and can conduct site visits where appropriate.

12. Nature Recovery Checklist

12.1 This chapter contains a checklist for developers to use to check for the inclusion of best practice for nature recovery in their development proposal. This is intended to be applied in addition to Cheltenham Borough Council's [validation list requirements](#) and is a more qualitative assessment of whether their proposal meets expectations and requirements for nature recovery as set out in this SPD.

Figure 14. Nature Recovery checklist.

Check	Policy / NPPF /validation hook	When is this required?	✓ / x
Have you engaged ecological expertise as early in the scoping/design of your development proposal as possible?		Scoping/site selection and pre-design if possible	
Have you sought pre-application advice from the development management team at CBC to help guide your development proposal with regard to biodiversity and nature recovery?		Pre-application	
Have you had ecological and arboricultural (where relevant) surveys carried out for your proposed development by a suitably qualified professional?	CBC planning application validation requirement	Pre-application, validation and determination	
Have you had an ecological report completed with the findings of completed surveys contained within it?	CBC planning application validation requirement	Pre-validation and determination	
Have you had a BNG assessment (a report and a completed Statutory Biodiversity Metric) completed for your proposed development by a suitably qualified professional?	NPPF / Environment Act 2021	Pre-validation	
Have you identified all possibilities to achieve 10% BNG, calculated using the Statutory Biodiversity Metric, on your proposed development site, demonstrating how the mitigation hierarchy has been applied?	NPPF / Environment Act 2021	Pre-validation	

Have you read the relevant biodiversity policies in the Development Plan and applied these to your proposed development?		Pre-determination	
Have you used the Gloucestershire Local Nature Recovery Strategy (LNRS) to inform your on-site and/or off-site biodiversity gain provision for your proposed development?		Pre-determination	
Where relevant, have you consulted Natural England regarding potentially impacting EPS or nationally/internationally designated sites?	NPPF	Pre-determination	
Where relevant, have you consulted NatureSpace with regards to district level licensing for Great Crested Newts (GCN)?		Pre-determination	
Have you incorporated pollinator-friendly and biodiverse planting in the landscaping scheme for your proposed development?	Policy INF3 'Green Infrastructure' of the Joint Core Strategy	Pre-determination but can be conditioned	
Have you incorporated ecological enhancements such as boundary treatments and boxes for hedgehogs, species-specific bird boxes in open spaces or integrated into buildings, and bee bricks and other invertebrate features on buildings in the landscaping scheme for your proposed development?	Policy SD9 'Biodiversity and Geodiversity' of the Joint Core Strategy	Pre-determination but can be conditioned	
Have you incorporated biodiverse Sustainable Drainage Systems (SuDS) solutions in your proposed development?	Policy INF2 'Flood Risk Management' of the Joint Core Strategy See also: Chapter 10 'Biodiversity and Geodiversity' of the	Pre-determination	

	Cheltenham Plan		
Have you followed the guidance in the CBC Tree Strategy with regards to tree protection and provision in your proposed development?	Policy INF3 'Green Infrastructure' of the Joint Core Strategy CBC Tree Strategy	Pre-determination but can be conditioned	
Has your design for hedgerows and grassland included locally sourced biodiverse and native species where possible?	Policy INF3 'Green Infrastructure' of the Joint Core Strategy Policy SD9 'Biodiversity and Geodiversity' of the Joint Core Strategy	Pre-determination but can be conditioned	
Have you engaged with local contractors to implement, monitor and report on a long-term management plan (LEMP or HMMP) for your proposed development post-completion?		Pre-commencement	

Nature Recovery Supplementary Planning Document: Consultation Statement

1. Introduction

1.1. This statement is the 'Consultation Statement' for the Nature Recovery Supplementary Planning Document (SPD). It has been prepared as required by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It sets out the consultation undertaken and summarises the comments received during the consultation period, including details of how the main issues raised have been dealt with in working towards a final SPD for adoption.

2. Town and Country Planning Regulations

2.1. The SPD is produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The relevant regulations relating to the consultation process are explained below.

- i. Regulation 12: Regulation 12(a) requires the Council to produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated into the SPD.
- ii. Regulation 12(b) requires the Council to publish the documents (including a 'consultation statement') for a minimum 4 week consultation, specify the date when responses should be received, and identify the address to which responses should be sent.
- iii. This statement is the 'Consultation Statement' for the SPD as required by Regulation 12(a). The document also sets out information about the consultation as required by Regulation 12(b). Following the consultation period, as the SPD progresses towards adoption, the 'Consultation Statement' will be expanded to recognise involvement by outside bodies and public participation during this consultation period.
- iv. Regulation 13: Regulation 13 stipulates that any person may make representations about the SPD and that the representations must be made by the end of the consultation date referred to in Regulation 12. This consultation statement sets out this requirement.
- v. Regulation 35: Regulation 12 states that when seeking representations on an SPD, documents must be made available in accordance with Regulation 35. This requires the Council to make documents available by taking the following steps:
 1. Make the document available at the principal office and other places within the area that the Council considers appropriate.
 2. Publish the document on the Council's website.

3. The Statement of Community Involvement (SCI)

3.1. This consultation statement has been prepared within the context of the Cheltenham SCI and reflects the 2012 Regulations, set out above. The relevant SCI set out how the council will consult and involve people in the preparation of Local Plans, including Supplementary Planning

Documents. Consultation on the draft SPD was carried out in line with the principles of the adopted SCI.

4. Draft SPD Consultation

4.1. Consultation on the draft SPD was carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The SPD and its accompanying consultation was made available for inspection by the public for a four week period from Friday 7 November 2025 until midnight Sunday 7 December 2025. A copy of the SPD and this consultation statement was made available to view at:

https://www.cheltenham.gov.uk/info/46/planning_policy/1926/nature_recovery_supplementary_planning_document

4.2. All interested parties were invited to make comments, these included:

- i. Specific consultation bodies that the Council consider may have an interest in the Local Plan;
- ii. General consultation bodies that the Council consider appropriate; and
- iii. Such residents or other persons carrying on business in the District which the Council consider appropriate to invite representations from.

4.3. A total of 19 responses were received from a range of stakeholders including statutory bodies, local authorities, parish councils, community organisations, planning agents, elected members and local residents. The breakdown of responses is as follows

- i. 3 Statutory Bodies: Gloucestershire Wildlife Trust, the Environment Agency, and Historic England.
- ii. 3 Local Authorities / Public-Sector Partners: Gloucestershire County Council, Cheltenham Borough Council internal officers, and Charlton Kings Parish Council.
- iii. 3 'Friends' Groups: Friends of Charlton Kings, Friends of Glenfall Way, and Friends of Oakley Pastures (joint response).
- iv. 2 Community Groups: Cheltenham Civic Society and Charlton Kings Parish Council (separate from GCC thematic comments).
- v. 3 Elected Members: Cllr Chris Day, Cllr Jan Foster and Cllr Jackie Chelin.
- vi. 5 Planning Agents and Consultants: including SF Planning, independent consultants, the Gloucestershire Local Nature Partnership, and others providing professional representations.
- vii. 2 Individual Residents: raising issues relating to biodiversity, trees, soil health and local environmental concerns

4.4. The following *Table 1: Summary of responses from public consultation* shows the main issues raised by the respondents and how those issues have been addressed in the final SPD:

Table 1: Summary of responses from public consultation

Response representative	Summary of key issue	Officer response	Summary of amendments made to SPD
<p>Josh Gibbs - Gloucestershire Wildlife Trust (GWT)</p>	<p>Borough wide ecological connectivity could be more strongly articulated to produce a document that includes maps of key ecological pinch points and opportunities in Cheltenham e.g.: the urban corridor between Leckhampton Hill and the River Chelt. Could be helpful to developers to contribute beyond individual site boundaries.</p>	<p>The text has been updated to reflect this comment. The guidance now makes clear that development proposals will be expected to respond to LNRS mapping and contribute to strategic connectivity objectives beyond individual site boundaries. This ensures that ecological enhancement is delivered at both the site and landscape scale, in alignment with the county-wide Nature Recovery Network.</p>	<p>See section 7.2 updates The document has been updated to clarify how borough-wide ecological connectivity will be addressed strategically through the Gloucestershire Local Nature Recovery Strategy (LNRS).</p>
	<p>Stronger reference to green/blue infrastructure as a functional network, not just design features. GWT recommends presenting Green Infrastructure (GI) features (eg: hedgerows) as components of a functional ecological network instead of discrete enhancements.</p>	<p>A section has been added to incorporate blue and green infrastructure as a functional network.</p>	<p>See Borough Wide Ecological Connectivity 7.6. Also 'The Building with Nature Green Infrastructure Standards on pages 35,36</p>
	<p>GWT suggests adding informal small-scale habitats (eg: private gardens, green lanes, incidental grassland... etc) to the list of ecological assets; ie, not solely focusing on statutory habitats, Biodiversity Net Gain (BNG) habitats and formal green spaces.</p>	<p>Added a section on small scale habitats.</p>	<p>See changes in sections 4,5 and 6 (BNG)</p>
	<p>GWT suggest including a recognition of the relationship between heritage and ecological</p>	<p>An acknowledgement of the relationship between heritage and ecological assets with particular</p>	<p>Amended. See paragraph 8.4 (vii)</p>

Josh Gibbs - Gloucestershire Wildlife Trust (GWT)	assets particularly around ancient/veteran trees, historic water bodies and parkland habitats.	reference to ancient and veteran trees has been added	
	GWT recommends mentioning Cheltenham Borough's six local wildlife sites, acknowledging that the sites exist within the borough, are important biodiversity features and that their impact should be considered in development proposals within the mitigation hierarchy.	There are two local wildlife sites, Pilley Bridge LNR and Griffiths Avenue LNR	No change
	Within the summary of the Cheltenham tree strategy, the GWT recommends addressing the continuity of veterans and ancient trees and the need to create future veterans. Veterans and ancient trees are important for biodiversity (deadwood habitat, specialist invertebrates and fungi, cavity-nesting birds and bats) as well as for landscape character. Providing explicit routes for succession would align the SPD with best practice on ancient/veteran tree management and reinforce trees as long-term natural capital.	We have now addressed the importance of the continuity of ancient and veteran trees in the tree strategy to create future veterans. Vets and ancients are not suitable for most urban spaces because they fall apart. In the built environment, trees don't reach this age class because of the danger that presents to people and structures. We manage woodland areas – Benhall Woods, Leckhampton Hill, and to a certain extent the Honeybourne Line, in a light-touch management style which might be more likely to create vets and ancient trees. The woodland environment provides collective protection for individual trees from the wind which might reduce the likelihood of failure of older trees. There is also usually more space for trees to get big and old and fall apart without damaging structures or hurting people.	Amended. See paragraph point 8.3

	GWT suggests referring to the Gloucestershire Nature + Climate Fund (GNCF) to direct developers to the GNCF instead of seeking offsetting outside of Gloucestershire and thus retain off site BNG funding and ensure habitat creation aligns with the LNRS.	Local habitat banks can be found through Gloucestershire wildlife trust, the Gloucestershire nature and climate fund and other habitat bank providers. This is a great point which we will reflect on the CBC website	No change
	GWT strongly recommends signposting Gloucester City Council's "Biodiversity Net Gain: Small Developments Guide (March 2024),to provide some practical guidance on how BNG can be achieved on minor schemes.	This document has now been superseded by the LNRS so no change needed.	No change
	Double check and correct: <i>'If the habitat is within the LNRS, then it will have "high" strategic significance because it is of particular importance for Gloucestershire. If it is not within the LNRS then it will have "low" strategic significance'</i> . GWT's explains that: "Strategic significance within the statutory biodiversity metric applies only to certain habitat measures and is not a blanket rule for all LNRS priorities".	The wording has been changed to reflect that strategic significance within the statutory biodiversity metric applies only to certain habitat measures and is not a blanket rule for all LNRS priorities	Amended. See paragraph 7.3
The Environmental Agency (EA)	EA, recommends adding a paragraph on 'Consulting the Environmental Agency' at section 9.9 'Consulting Natural England'.	A paragraph on consulting Natural England has been added to page 27 paragraph 9.14	Amended. See paragraph 9:14
	EA recommends making reference to water-related legislation such as the Water Framework Directive or the in the section on legislation (3.2).	A reference to the Water Framework Directive legislation has been made on section 3.2	Amended under Legislation section 3.2. Also referenced in 9.11

	EA encourage to emphasise the importance of the water environments (ponds, rivers, streams, wetlands).	We have added a section on water environment	Amended in section: 9.7 and waterway protection page 35 point 4.
	EA encourage to further highlight the benefits from integrating blue and green infrastructure even at a small scale.	Noted. This comment has been considered and a section reflecting this has been added	Text added in section: Under the Building with Nature Standards pages 33-35
Councillor Chris Day	Proposes a clarification detailing the extent of the requirements of the SPD as grounds for refusal of a planning application.	Each section of the SPD will be updated to be linked to a policy. Important to note that an SPD acts as guidance.	Changes made at each heading throughout
	What requirements of the SPD should be applied to Outline applications, and to what extent its requirements should be deferred to the Reserved Matters stage.	The SPD is supplementary guidance and cannot overrule the planning regulations and the NPPF. All applications are required to meet these.	No change
	Suggests that the SPD should clarify to what extent applicants can be compelled to commit to BNG offsetting within Cheltenham's boundary, as resident's expectations would be that BNG offset takes place within Cheltenham's boundaries, so that the impact on nature and biodiversity within Cheltenham is at worst, neutral.	The whole BNG section has been changed for clarity.	Change has been made to BNG section 5 page 15.
	Consideration of the implications of shared ownership between Gloucester County Council (GCC) and Cheltenham Borough Council (CBC) trees. A section outlining the current state of responsibilities and how that feeds into the tree strategy.	CBC manages trees in leisure spaces (parks, open areas), cemeteries, CBC car parks, housing forecourts and in an ad-hoc way in other housing sites. Gloucestershire Highways manage trees on the highway (the extent of the adopted highway is shown on Earthlight). GCC have a Tree strategy and have been directly engaged on the Cheltenham tree strategy. Operationally officers work together and	No change

Councillor Chris Day		further to the approval of the Cheltenham Tree Strategy in February 2026 officers will be working with GCC to align trees management and planting with the strategy.	
	Further guidance is advised for (9.6) the time period considered acceptable for soil nutrient reduction to be achieved to make soil suitable for habitat creation.	Outside of the scope of this SPD Where soil sampling is required for planning, results will be reported to GCER (Gloucestershire centre environmental records) but reducing nutrient load is outside the scope of this SPD.	No change
	Suggests explanation on (9.10), to detail requirements of assessment at Outline Planning Permission stage and Reserved Matters.	Outside the scope of the SPD. CBC development management team work in line with most up to date guidance from central government.	No change
	Due to the current and future approach described by senior officers for planning enforcement to be reactive reports from the public, councillors etc (not to be proactive) a correction will need to be made to the following in order to accurately reflect the latest Planning Enforcement Policy: (11.14) <i>“Proactive monitoring will take place from Cheltenham Borough Council’s enforcement team”.</i>	We have updated the BNG section to include proactive monitoring. Development management enforcement outside of BNG is not in the scope of this SPD.	Change made in Chapter 11.
Cheltenham Civic Society (CCS)	CCS suggest a Cheltenham specific nature recovery plan.	This nature recovery SPD is specific to Cheltenham.	No change
	CCS recommends that the following policies may be used towards a Cheltenham Nature recovery plan:		

<p>Cheltenham Civic Society (CCS)</p>	<p>1.The creation of a town wide network of green infrastructure including watercourses (notably the River Chelt) and flood plains, disused railway lines and other linear features within and outside the town, all expressed geographically on a map.</p> <p>2.The establishment of this network could be funded through BNG payments. Enhancing connectivity for wildlife. Through the creation of this network, new local nature reserves would form “nodes”.</p> <p>3.Prevention of surface water flooding (porous surfaces, water gardens, water harvesting etc) designed to coordinate public sector actors, statutory undertakers and local groups in creating local plans.</p> <p>4.Land management standards for parks and other public green spaces, such as road verges, and school and hospital grounds, to support nature recovery</p> <p>5.A scheme to transform nature-impooverished areas into greener ones – for example, a bold plan to plant dozens of trees in all the CBC car parks or to enhance grassed areas of parks which lack any value for nature.</p> <p>6.Policies to encourage nature-friendly management of private land, especially of gardens.</p>	<p>1-A water section has been added. Although, important to note that this SPD acts as guidance and not policy. However, we have provided links to relevant national and local policies throughout this SPD.</p> <p>2- BNG payments do not come to the LPA, therefore we cannot use these to create nature reserves.</p> <p>3- Some additional guidance has been incorporated in regard to SuDs.</p> <p>4- Cheltenham Borough Council has a strong green spaces team and very high-quality habitat management. Any increase in management would require additional funding.</p> <p>5- Noted but requires further funding. The Cheltenham Tree Strategy, approved by Cabinet February 2026 is a helpful lever to support wider planting. It should be noted that tree planting needs to be balanced across all competing needs and aligned with appropriate maintenance for which ongoing funding is required.</p> <p>6- Outside of the scope of this SPD.</p>	<p>1-A water section has been added in Para 9.11 and under the Building with Nature Green Infrastructure standards.</p> <p>2- No Change</p> <p>3- See changes made in 9.11, Figure 14, Building with Green Nature Standards section.</p> <p>4- No change</p> <p>5- No change</p> <p>6- No change</p>
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	7.Support for community engagement designed to help nature recovery	7-The parks and green space work closely with the community, please see details in the Biodiversity Duty report adopted by Cabinet March 2026.	7-No change
	The SPD is considered too technical and long in places eg: in BNG description, or offsetting. The CCS suggests making the draft more reader-friendly and accessible to a wide range of audiences by shortening text, adding diagrams, more images and highlighting text. For this, the Climate Change SPD could be used as a model.	The SPD is being produced for a range of different stakeholders. Therefore, some of the content will be technical in nature. However, we have updated the entire BNG section to make it more user friendly.	See changes in sections 4,5 and 6 (BNG)
	A simple leaflet done in conjunction with the Wildlife Trust could be implemented to support the policies in the draft SPD aimed at assisting householders, covering possible ways in which they can restore nature eg: installing water butts to catch run-off from roofs... etc	This is outside the scope of this SPD as this comment suggests creating a separate document. However, the suggestion is noted.	No change
	To bring various stakeholders together, a council-led initiative similar to the Cheltenham Heritage Project, could be done as a Cheltenham Nature Restoration Project.	Senior planning ecologist works closely with the nature recovery partnership, however, a council led initiative would require further resourcing. Outside the scope of this SPD	No change
	Para. No 1.4: Here alone the text addresses the reader as “you”. Either it adopts this friendly style throughout – or not at all.	This has been noted and changed accordingly.	Amended in Para No 1.4

Cheltenham Civic Society (CCS)	Para. No 1.5: What happened to the Little Herbert LNR? As part of the same former railway line as Pilley Bridge LNR, it is an obvious candidate for LNR status if that is in doubt.	Status not changed at time of this SPD creation	No change
	Para No 1.5: We understand that the Leckhampton Hill SSSI is to be designated as a National Nature Reserve in 2026.	Leckhampton hill is now a national nature reserve	This is now reflected in para no 1.5.
	Para No 1.6: The Severn lies to the west of Cheltenham.	This mistake has been noted and changed.	Amended in Para No 1.6
	Para No 1.7: The text here implies that the Jurassic limestone (oolites) are the underlying rocks to the town, which is not the case. Underlying Cheltenham are older rocks than those forming the Cotswolds; laid down about 200 million years ago, these rocks of the Lias group are siltstone, sandstone, limestone and mudstones. Except in the east of borough, it is these, not the Jurassic limestone, that give rise to the soils we have here.	This text has been incorporated to reflect this information	Amended in Para no 1.7
	Para No 1.13 The % figures used here are confusing. Do they mean the distribution of the species has contracted (i.e., the species is found in smaller areas) or has the species itself declined in terms of numbers? And what do the % figures mean in the three images?	Some of the statistics mentioned here are related to distribution and others to abundance. For example, the abundance of terrestrial and freshwater species has fallen by 19%. The distribution of invertebrates has decreased by 13%. This information is taken from the State of Nature Report 2023, so for further details it is available here: https://stateofnature.org.uk/ The % referred to in Figure 4 relate to the text directly above in para 1.14. This will now be made clear in figure 4.	Amended in Para 1.13

Cheltenham Civic Society (CCS)	Para No 2.4: You can't buy habitat with products e.g. bat boxes, swift bricks, bee hotels etc. The habitat is all the surrounding vegetation (landscape), which provides food (insects etc.) for wildlife.	These features are additional to BNG and cannot be included as an enhancement to habitats. They are an enhancement to development for roosting features required in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15)	Section 6 updated page 15 BNG section rewritten
	Fig 1: Tree Protection Orders should be Tree Preservation Orders	The wording from Tree Protection to Tree Preservation orders has been done.	Amended in Figure 1
	Ch.4: Will this need to be changed by the measures likely to be introduced in the emerging Planning and Infrastructure Bill?	Yes, but we cannot comment on that yet. This is a future action when the bill comes to fruition. We will need to consider these changes in any updates of SPDs or new documents once the bill is in place (maybe late 2026 – early 2027)	No change
	Para No 4.5: This table is confusing as it combines two levels in a hierarchy of information	This comment is not clear as the paragraph referenced does not match the description of the figure and can therefore not be changed.	No change
	Para No 4.7: This paragraph is confusing (though that may be the fault of the legislation)	Noted. No change made	No change
	Para No 5.3: Who is going to check management for 30 years and administer the legal agreement? You do not check existing landscape conditions for 7 years. Same applies to 11.14.	Senior Planning Ecologist will be responsible for this. Any noncompliance sites will be reported to enforcement. We have an IT programme that notifies us and records when monitoring visits and reports are due.	Section 10 updated
	Para No 6.2: The inclusion of new abbreviations (EclA and PEA) suggests this SPD will need a glossary. Also how does a habitat bank (land bank), help residents and biodiversity of Cheltenham?	For a glossary reference please see the SLP glossary Habitat banks will only be considered in the hierarchy. Local habitats 1 st .	No change

Cheltenham Civic Society (CCS)	Para No 7.5: Somewhere it needs saying that nature recovery will be more the result of sympathetic land management than protective planning policy. While the latter is essential, it is not sufficient. Nature will only be protected and restored if land managers help it do so, and most of their actions are outside the scope of the planning system.	Out of scope of this document and sadly the authority. We can only work with planning and our own land holding.	No change
	Para No 8.2: Tree Strategies should have target percentages for planting and calculate lost trees as well.	The approach for this SPD is to target tree retention and planting based on more subtle data points as canopy would be enhanced / optimised as a result. For example, we can look at the percentage of large-growing species per ward and look to increase that category of trees in the next planting season. Or we can look at longer-living species per ward, or the age class or condition, or the very simple criteria of how many new trees are in a ward. It's an ethos of optimisation and planting for the situation rather than the heavy-handed approach of increasing mass per borough	No change
	Para No 9.1: You could even add that conserving biodiversity adds to property values, since many people seek a natural setting for their homes.	Outside the scope of this SPD	No change
	Fig 13: This helpful diagram needs a little more context or explanation.	A figure description has been added	Change made to Figure 13
	Fig 14: All these excellent photos need a caption to help convey the message they are supposed to give.	A brief description has been added to complement the photos.	Changed Figure 14 added descriptions
	Para No 9.5: What is the point of checking the soil, when the reality of construction sites is that it is removed and sold because there is no room to accommodate it on site? Especially as	Outside the scope of this SPD.	No change

	the developer often brings in manufactured soil when required.	Under the current planning process soils are only considered for mineral extraction which would be a county matter.	
	Para No 9.10: Developers often strip away, or plough up, pasture prior to any ecological assessment. How can that be stopped?	Outside of the scope of this SPD. We have included some additional information for reference under the BNG section of the document. Anti trashing rules apply. BNG uses the base line habitats. If a site has been cleared we required a worst case scenario and so habitats at 'baselines' will be assumed to be the best quality habitats found on the site through local records and aerial imagery.	See impact assessment changes (pages 27,28)
	Para No 9.12: We are pleased to see Building with Nature referenced but it needs integrating into the rest of the advice. It reads as an afterthought.	Document update throughout.	Document updated throughout.
	Para 11.14: Does CBC have the capacity to undertake its part of this ambitious monitoring exercise?	Yes – it is our statutory duty and we must provide BNG reporting of results.	No change
	Para 12.1: Surely the first question to ask is whether the applicant has read this SPD?	It is assumed that the applicant has read the contents of this SPD	No change
Historic England	Asks that the SPD reflects the relevance of the Historic Environment mindful of recent guidance ' <i>Nature recovery and the historic environment, Natural England, 2023</i> ' where protecting and enhancing the historic environment is considered a defined outcome of nature recovery. Examples of ecologically important sites that are heritage assets are: ancient and veteran trees within	Noted to reflect this.	Amended see section: 8.4 (vii)

	historic parts or gardens important for natural foraging		
	Suggests looking into ‘Planting Trees for the Future Whilst Protecting the Past’ as a guide to tree planting in historic environments as planting trees in historic environments demands special care due to potential impact on designed views, archaeology... etc.	Noted An acknowledgement of the relationship between ancient veteran trees and heritage has been incorporated. However, for more detail please refer to tree strategy as this is outside the scope of this SPD.	Amended see section 8.4 (vii)
	Six locally designated wildlife sites are not explicitly safeguarded; mapping undervalues local sites by mapping areas outside the borough instead of in.	Wildlife sites and green spaces in and outside of Cheltenham are represented in this SPD.	Cleeve Common SSI and Badgeworth SSSI now included in 1.5 and 1.8
Gloucestershire County Council (GCC)	Protect Before Offset Principle: Strong objection to reliance on biodiversity offsetting; preference for onsite protection as first priority.	We will comply with the BNG hierarchy. Onsite net gain is our first priority. Where this is unachievable due to constraints, we will consider habitat units (local provider within Gloucestershire) and as a last resort statutory credit. Details in section 6 – but as it is national policy no change can be made.	No change
	Stronger Safeguards for Key Features: Calls for enhanced protection of ancient/veteran trees, historic hedgerows, wildlife corridors; oppose offsite compensation for their removal. The target should be for every home to be within 250 metres of a mature tree.	For management of ancient and veteran trees please refer to page 11 of the tree strategy. In reference to targets on mature trees; an increase of 20% in canopy cover has been recommended by central government which CBC urban design team are working on.	No change

Gloucestershire County Council (GCC)	River Chelt requires active protection from pollution, flooding and invasive species, especially Himalayan Balsam.	Agreed- air pollution NE new guidelines Air pollution and development: advice for local authorities - GOV.UK has been included. Invasive species identified in planning applications is covered by the Wildlife and Countryside Act 1981 (as amended) under Schedule 9, which makes it an offence to plant or otherwise cause these species to grow in the wild. In addition, under the Environmental Protection Act 1990, this species is classed as ‘controlled waste’ and must be disposed of safely at a licensed landfill site.	Section 9.7 updated
	Policy and Enforcement Weakness: Existing local policies are too vague to refuse development; enforcement capacity and mechanisms (including 30-year commitments) are inadequate.	Please see updated BNG section. BNG enforcement is proactive. Enforcement outside of BNG not in the scope of this SPD.	No change
	Applicability to Small Sites: Concern that exemptions and simplified assessments for small sites undermine biodiversity objectives of 10% improvements given Cheltenham’s development pattern especially in Charlton Kings.	BNG exemption is set to be expanded. 10% net gain will not be required for sites of 0.2ha or below from sometime this year (no set date yet). We can’t change it in the SPD	No change
	Climate Adaptation and Green Infrastructure: SPD insufficiently addresses adaptation measures (flooding, drought, overheating) and lacks strong green infrastructure requirements.	Green and blue infrastructure section has been added. And also, please see climate change SPD.	Changes made, please see section: 9.11, Figure 14 and ‘The Building with green infrastructure standards’ section page 34

Gloucestershire County Council (GCC)	Community Access and Education: Need for stronger protection of wildlife features near schools and improved footpath connectivity for health and wellbeing benefits.	Agreed, however outside the scope of this SPD	No change
	Reliance on LNRS Quality: SPD effectiveness depends heavily on the accuracy and completeness of the Gloucestershire Local Nature Recovery Strategy.	Outside the scope of this SPD – Both documents are meant to complement each other.	No Change
	GCC recommends the inclusion of protecting heritage and the historic environment as part of the delivery of nature recovery co-benefits. GCC suggests to refer to Nature England’s ‘Nature Recovery and the Historic Environment’ which highlights links between heritage assets and biodiversity networks. GCC also note that actions to improve soil, health and water quality are similar to those taken on heritage features	A reference to the importance between heritage and nature has been incorporated into the SPD	Changes made to 8.4 (vii)
	Further clarification is advised on paragraph 9.15, ecology/biodiversity officers may consider lighting requirements for the development’s lifetime. Refer to “guidance notes for the reduction of obtrusive light” .	Now included a section on lighting	See page 38 on noise, vibration, light and air pollution impacts on wildlife.
	Further clarification is asked on the sections relating to Biodiversity Net Gain (BNG) and the Local Nature Recovery Strategy (LNRS) ie, sections 4,5,6,7,10,11.	This has been updated to clarify	Please see sections referenced in comment. In particular sections 6 and 7.

Gloucestershire County Council (GCC)	GCC officers recommend that the Nature Recovery SPD should be aligned with countywide guidance and that it should be referenced. Countywide guidance is due to be updated in 2026 so there is a potential risk of the BNG content in the SPD being dated.	This SPD has been produced to align with current policy. Although we recognise upcoming changes for BNG, we have to rely on current policy.	No Change
	Section 3, to be reviewed as important legislation is not included eg: The Wildlife and Countryside Act 1981.	Addressed and resolved by previous comment. A change has been made to incorporate this.	Wildlife and Countryside Act 1981 included in (vii) of section 3.2.
	In Section 3, the Environment Act 2021 does not need to say, "as amended".	This has been changed to not say "as amended"	Changed to correct wording
	In section 4, more detail is needed explaining what a BGP is, what trading rules are and the options available to achieve BNG on and off-site.	Figures have been updated as well as entire BNG section.	See changes in sections 4,5 and 6 (BNG)
	Sections 5,6 and 10, should explain that a draft BGP or evidence that the net gain requirement can be met offsite, should be submitted as part of the planning application	BNG section updated to reflect this	See changes in sections 4,5 and 6 (BNG)
	In the list of exemptions ii, and iii should be indented to show that they pertain to the first bullet point. "vii" should not be a bullet point; it is the start of a new list.	BNG section updated	See changes in sections 4,5 and 6 (BNG)
	Wording in the SPD creates confusion about when a Section 106 agreement is required for Biodiversity Net Gain (BNG). It should be	BNG section updated to clarify this	See changes in sections 4,5 and 6 (BNG)

Gloucestershire County Council (GCC)	clear that s106 applies only where there are significant on-site gains, not for all developments.		
	The SPD does not clearly state that s106 agreements and Conservation Covenants are managed by the Habitat Bank owner, not by the developer during the planning application process.	BNG section updated to clarify this	See changes in sections 4,5 and 6 (BNG)
	In Paragraph 9.12 promoting Natural England's Green Infrastructure Framework/Standards could be more suitable as they are the Statutory Nature Conservation Organisation (SNCO).	A section on Natural England Green Infrastructure standards has been added	See pages 35,36.
	Pleased to see mention of the LNRS in section 7, and that the SPD will be crucial in delivering LNRS.	This comment has been noted.	No change
	The SPD lacks significant detail on Biodiversity Net Gain (BNG) and Local Nature Recovery Strategy (LNRS), reducing clarity and usability. Some statements about legal agreements and procedural requirements are inaccurate, creating potential confusion for implementation.	BNG section has been updated and resolved this response.	See changes in sections 4,5 and 6 (BNG)

<p>Richard Lawler</p>	<p>Proposal for the final SPD to include reference to multi-layered planting systems as a ‘three-layer greening’ approach combining trees, shrubs and ground vegetation, which aligns with the Tree Strategy and Building Nature Standards. Proposed wording “Developers and land managers should consider multi-layered planting structures- combining trees, shrubs and ground-layer vegetation-as a means of maximising biodiversity net gain, ecosystem resilience, and amenity value within urban sites.”</p>	<p>We agree with this point and will incorporate it into the SPD. However, the wording will be changed from “Developers and land managers should incorporate multi-layered...” We will also not include the wording “maximising biodiversity net gain”.</p>	<p>Included in Figure 14</p>
	<p>The SPD should provide guidance on retrofitting biodiversity measures into existing housing estates, verges and council-managed open spaces, not only new development.</p>	<p>Outside the scope of this SPD</p>	<p>No change</p>
	<p>Monitoring and Biodiversity Net Gain reporting should be made public through an online register so residents can track long-term delivery.</p>	<p>Outside the scope of this SPD</p>	<p>No change</p>
	<p>Tree canopy targets and tree-equity mapping from the Tree Strategy should be clearly embedded in the SPD.</p>	<p>However, we are unable to provide tree canopy targets as we don’t have these imbedded in any local plans yet.</p>	<p>No change</p>

Richard Lawler	Add local examples of biodiverse Sustainable Drainage retrofits such as rain gardens, soakaway planters and sedum strips for car parks and flats.	Noted and included images of local examples for reference as well as links to relevant articles	Please see change made in: Figure 14 page 33.
	Encourage schemes that deliver both biodiversity and community value, such as resident planting projects or school-linked wildlife areas.	The parks and green space work closely with the community, please see details in the Biodiversity Duty report which will soon be published.	No change
	Consider adding local biodiversity indicators such as pollinator counts or bird-box occupancy to supplement the statutory biodiversity metric.	Outside of the scope of SPD.	No change
	Provide a community toolkit for small-scale greening projects so that parish councils and residents can contribute towards borough-wide biodiversity goals.	Outside the scope of SPD	No change
	Introduce an annual Nature Recovery Statement to Cabinet and Scrutiny, reporting progress on Biodiversity Net Gain and Local Nature Recovery Strategy delivery.	Outside the scope of this SPD. Annual biodiversity duty reporting will be undertaken.	No change
Jan Foster: County/District Councillor/Local Resident	Weak Wording on Onsite BNG Requirement: SPD states it is the Council's "preference" for Biodiversity Net Gain (BNG) to be delivered onsite, which is considered too weak. Respondent wants a clear obligation for developers to achieve the maximum possible onsite gain	Wording in the document is technically accurate CBC can only have preference or recommend. It is not an obligation to deliver onsite it is a preference.	No change
	Over-Reliance on Habitat Bank Credits: Concern that developers could use credits for the entire 10% BNG target rather than combining onsite measures with credits. SPD	BNG section updated.	See changes in sections 4,5 and 6 (BNG)

Jan Foster: County/District Councillor/Local Resident	should require partial onsite delivery wherever feasible.		
	Lack of Mitigation Measures for Shortfalls: SPD does not specify that developers must mitigate onsite shortfalls through features such as bat boxes, swift houses, garden ponds, etc., when full onsite BNG cannot be achieved.	BNG section updated. Features such as bat boxes come under NPPF outside of BNG and these will still be required. These features are additional to BNG and cannot be included as an enhancement to habitats. They are an enhancement to development for roosting features required in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15).	See changes in sections 4,5 and 6 (BNG)
Sue Jenkins: Planning consultant	Pa No 2.4 :You can't buy habitat with products e.g. bat boxes, swift bricks, bee hotels etc. The habitat is all the surrounding vegetation (landscape), which provides food for wildlife.	These features are additional to BNG and cannot be included as an enhancement to habitats. They are an enhancement to development for roosting features required in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15)	See changes in sections 4,5 and 6 (BNG)
	Page 11 JCS page 84 - Omit green walls as totally unsustainable and replace with climbing plants.	Outside the scope of this SPD	No change
	Are Tree Protection Orders different from Tree Preservation Orders?	No, they are not.	Wording corrected to Tree Preservation Order throughout.
	Pa No 5.3: Who is going to check management for 30 years and administer the legal agreement? You do not check existing landscape conditions for 7 years. Same applies to 11.4	Senior planning ecologist and monitoring research officer in line with our Biodiversity duty.	No change
	Pa No 6.2 How does habitat bank (land bank), help residents/biodiversity of Cheltenham.	All development must conform to the mitigation hierarchy, local habitat banks are preferred but CBC are bound by BNG legislation. They help maintain BNG requirements	See changes in sections 4,5 and 6 (BNG)

	Pa No: 7.0 CBC may support Glos LNRS, but no guarantee they will help Cheltenham.	LNRS is a material consideration that is taken into account when deciding local planning applications in the borough. outside scope of this SPD	No change
	Pa No 8.2 Tree Strategies should have target percentages for planting and calculate lost trees as well.	Outside the scope of this SPD, see tree strategy.	No change
	Pa No 9.5: What is the point of checking the soil, when the reality of construction sites is that it is removed and sold because there is no room to accommodate on site. Then the developer buys in manufactured soil when required.	Outside the scope of this SPD	No change
	Pa No 9.10: A developer will strip or plough up pasture prior to any ecological assessment.	Outside the scope of this SPD. Please refer to section on BNG regarding anti trashing. .	No change
	Pa No 11.14 : See 5.3 above	BNG section updated	See changes in sections 4,5 and 6 (BNG)
Liz Shield: Planning/consultant from SF planning	Unclear Wording on S106 Requirement for Onsite BNG: Para No 10.2 suggests that developers offsetting biodiversity losses onsite (or offsite within the LPA boundary) must secure BNG delivery and register the site via a Section 106 agreement, creating ambiguity about whether all onsite BNG must be registered like a Habitat Bank.	BNG section updated to clarify.	See changes in sections 4,5 and 6 (BNG)
	Registration Requirement Needs Clarification: It is unclear if the Council intends to require full registration of onsite BNG on the National BNG Sites Register. If so, this introduces	Legal agreement and registration only required for habitat gain sites not sites meeting statutory BNG. Statutory BNG secured via planning condition unless 'significant' gain. BNG section updated	Section 6 updated to make clearer BNG section.

	additional costs and processes that are not legally necessary		
	Potential Misinterpretation of Council's Intention: If the intention is not to require registration for all onsite BNG, the SPD should include clear wording to avoid confusion and ensure developers understand when registration and S106 apply.	Wording updated	See changes in sections 4,5 and 6 (BNG)
	Para No 10.3: This refers to a need for conservation covenants in respect of off site BNG. However, Cheltenham Borough Council is not a responsible body. Is Cheltenham Borough Council proposing to register as a responsible body or will a developer be required to enter into the covenant with a third part e.g. Gloucestershire County Council?	Conservation covenants are outside of the LPA scope. The covenant would be with the landowner and NE. BNG section updated	See changes in sections 4,5 and 6 (BNG)
	Para No 4.5: This section may become out of date if the DEFRA proposals which were consulted on earlier in 2025 come into effect which amend the exemptions for providing BNG. The Council should perhaps consider waiting to see the outcome of the DEFRA consultation if possible.	Exemption set to be 0.2ha or below, however no date for when this change will come into effect.	No change
Sara Trimarco: Local Resident	Need for Explicit Protection of Existing Assets: The SPD should clearly require protection of important hedgerows, veteran and notable trees, and the six local/key	This SPD cannot require protections; however, we have now linked sections to the relevant policies.	No change

	wildlife sites identified by Gloucestershire Wildlife Trust.		
	Safeguarding Unique Breeding Grounds: Explicit reference is needed to protect breeding grounds for declining species, particularly invertebrates, reptiles, and songbirds, within the borough.	This SPD cannot require protections; however, we have now linked sections to the relevant policies.	No change
Oliver W-J: local resident	Section 8 Tree Strategy: Broadly support, but please consider the possibility of tree removal where the roots significantly impact the pedestrian landscape (uneven) and make walking different. Consider replacing concrete with block paving, which improves drainage versus concreting over any pavement repairs.	Outside the scope of this SPD	No change
Nicola Hilary: Gloucestershire Local Nature Partnership	Clarification of LNRS Wording: The SPD currently states that habitats “within” the LNRS have high strategic significance and those “not within” have low significance. This is considered inaccurate. The wording should reflect that significance applies to habitats mapped within Areas that Could Become of Particular Importance under the LNRS.	This has been previously addressed, and the corresponding change has been made.	Change made to para no 7.4
	Alignment with Updated LNRS Guidance: The SPD should incorporate the refined wording and approach from the emerging Gloucestershire Local Nature Recovery Strategy to ensure clarity on when high strategic significance applies in the statutory biodiversity metric.	The correct wording will be incorporated to align with LNRS.	Change made as resolved by previous comment Change made to para no 7.4

Jackie Chelin: County/ District Councillor/ Local resident	Resource and Capacity Concerns: While the SPD is considered balanced and necessary, there is concern about whether planning applicants will fully engage with its requirements and whether CBC has sufficient resources including staff and expertise to manage pre-application advice, monitoring, and enforcement effectively.	It is expected that CBC has the necessary resources to manage, monitor and enforce the contents of this SPD.	No change
	Need for Clear Roles and Partnerships: The document does not clearly outline the partner organisations expected to support checks and provide specialist input, which could affect implementation and efficiency.	There is a Gloucestershire Nature Partnership that CBC participate in.	No change

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Cheltenham Borough Council

Cabinet 14th April 2026

Private Sector Housing Enforcement Policy

Accountable member:

Cabinet Member for Housing and Customer Services, Cllr Flo Clucas

Accountable officer:

Louis Krog, Head of Public Protection

Ward(s) affected:

All

Key Decision: No**Executive summary:**

The Renters' Rights Act 2025 places new duties on this Authority to enforce a broader range of landlord obligations. This includes new compliance requirements, enhanced penalties for repeat or serious non-compliance, and clearer expectations that enforcement activity is fair, consistent and proportionate. To meet these requirements, this Authority must ensure it has a clear housing enforcement policy which is fully aligned with the new legislative framework. Section 8.2 of the Authority's corporate enforcement policy refers to individual service specific enforcement policies of which this is one.

Without a clear housing enforcement policy there is a risk of inconsistent enforcement, legal challenge to decisions and reduced ability to demonstrate compliance with statutory guidance and best practice. Having this policy is essential to ensure the Authority can meet its statutory obligations as of 1st May 2026 when new duties come into force.

Recommendations: That Cabinet:

1. approves the new Private Sector Housing Enforcement Policy at Appendix iii to take effect from 1st May 2026 with transitional arrangements of 6 months to allow the current corporate policy to operate to conclude legacy cases.
 2. authorises the Head of Public Protection to take such actions and decisions as are necessary to facilitate the effective implementation and operation of the Authority's powers referred to in this report.
 3. authorises the Head of Public Protection, in consultation with the Cabinet Member for Housing and Customer Services, to approve minor variations to the policy in line with any revised statutory guidance.
-

1. Implications**1.1 Financial, Property and Asset implications**

The revised Private Sector Housing Enforcement Policy provides the Council with increased enforcement powers ensuring consistency in decision making and landlords compliance with the Renters' Rights Act. This can potentially translate into more penalties being issued and this income would help with offsetting investment in the implementation of the new duties imposed by the Act.

Signed off by: Ela Jankowska, Finance Business Partner
ela.jankowska@cheltenham.gov.uk

1.2 Legal implications

Signed off by: Alison McKane, Deputy Monitoring Officer
alison.mckane@cheltenham.gov.uk

1.3 Environmental and climate change implications

There are no associated environmental or climate implication associated with this report.

Signed off by: Maizy McCann, Climate Officer, maizy.mccann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Quality homes, safe and strong communities
- Reducing inequalities, supporting better outcomes

1.5 Equality, Diversity and Inclusion Implications

See Appendix 2

2 Background

- 2.1 The Renters' Rights Act 2025 introduces new duties on Cheltenham Borough Council as a Housing Authority to enforce a broader range of landlord obligations from 1st May 2026. This includes new compliance requirements, enhanced penalties for repeat or serious non-compliance, and clearer expectations that enforcement activity is fair, consistent and proportionate. To meet these requirements, we must ensure relevant policies are fully aligned with the new legislative framework.
- 2.2 Our existing corporate enforcement policy was reviewed prior to the introduction of the Renters' Rights Act 2025 and does not reflect the suite of new offences.
- 2.3 Without updated policies there is a risk of inconsistent enforcement, legal challenge to decisions and reduced ability to demonstrate compliance with statutory guidance and best practice. Formulating a housing enforcement policy is essential to ensure this Authority can meet its statutory obligations.
- 2.4 The Authority's current enforcement policy was developed within a regulatory framework where local authorities retained broad discretion to resolve non-compliance through informal or advisory action, reflecting the principles of the Regulators' Code. That approach assumed enforcement was generally discretionary and that informal resolution would often be appropriate as a first response. This framework underpins much of the Authority's existing regulatory practice.
- 2.5 The Renters' Rights Act 2025 represents a fundamental shift from that position. Section 107 places a statutory duty on local housing authorities to enforce landlord legislation, altering the balance between informal action and formal enforcement. Where breaches of the defined 'landlord legislation' are identified the Authority must now actively consider enforcement action to meet this duty rather than defaulting to advice or informal resolution in the first instance. As a result, the Regulators Code can no longer be relied upon to justify informal action as the starting point for compliance under the Renters' Rights Act 2025.
- 2.6 Historically, enforcement of private rented sector legislation has varied significantly between local housing authorities. Differences in local policy frameworks, penalty setting mechanisms and approaches to escalation have led to what is termed as a 'postcode lottery' for landlords, where similar breaches may result in markedly different enforcement outcomes depending on the

authority involved. This inconsistency risks undermining confidence in the regulatory system, creates uncertainty for landlords operating across multiple areas and increases the likelihood of challenge to enforcement decisions. This also results in discrepancies to the level of tenant protections.

2.7 In response to these concerns, a voluntary group, the Association of Chief Environmental Health Officers (ACEHO) and Justice for tenants have developed a suite of national framework policies, including an enforcement policy. This is intended to promote greater consistency, transparency and robustness in local authority enforcement approaches while allowing for local discretion where appropriate. Aligning the Authority's new enforcement policy with this nationally recognised framework supports a consistent and defensible approach to enforcement, reduces the risk of unfavourable outcomes to legal challenge and strengthens the Authority's ability to meet its statutory duties under the Renters' Rights Act 2025.

3 Reasons for recommendations

3.1 Failure to adopt a private sector housing enforcement policy risks inconsistency in enforcement decisions and activities, increasing exposure to challenge, as well as an inability to demonstrate that we are meeting our statutory duties to enforce landlord legislation under section 107 of the Act. Approval is therefore sought to adopt the proposed policy with effect from 1st May 2026 aligning our enforcement approach with the new legislative framework.

4 Alternative options considered

4.1 No alternatives have been considered as we do not currently have a service specific private sector housing enforcement policy.

5 Consultation and feedback

5.1 A public consultation was held for 3 weeks which ended 3rd March 2026. A draft copy of the policy was also distributed to the regional engagement representative of the National Residential Landlords Association (NRLA) and Citizens Advice. No comments were received.

5.2 The Policy was also discussed with internal partners including One legal, strategic housing and housing options. Only minor wording formatting changes were made.

6 Key risks

6.1 Absence of a specific housing enforcement policy may result in legal challenge for not fulfilling our statutory duties to enforce robustly under the Renters' Rights Act 2025 to which the Regulators code does not apply.

6.2 Absence of a compliant housing enforcement policy and reliance solely on the corporate enforcement policy may result in legal challenges and associated financial and reputational risks.

6.3 Inconsistent enforcement across council boundaries will send the wrong message to landlords and may result in reduced protection for tenants

Report author:

Bernadette Reed, Public and Environmental Health Manager

Bernadette.reed@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment – Screening
- iii. Private Sector Housing Enforcement Policy

Background information:

NA

Appendix i: Risk Assessment


Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	Absence of a specific housing enforcement policy may result in legal challenge for not fulfilling our statutory duties to enforce under the Renters Rights Act 2025	Head of Public Protection	3	4	12	Remove the risk	Provide a service specific housing enforcement policy to complement the corporate enforcement policy	Bernadette Reed	01/05/26
2	Absence of a compliant enforcement policy will be contrary to the requirements of the Renters Rights Act 2025 to which the Regulators code does not apply The Legislative and Regulatory Reform (Regulatory Functions) Order 2007 ie enforcement consideration as first approach.	Head of Public Protection	3	3	9	Reduce the risk	The work is a collaborative effort between Cheltenham Council, the Associated of Chief EHOs and Justice for tenants and is fit for purpose	Bernadette Reed	01/05/26
3	Reputational and financial risk through legal challenge of weak policy	Head of Public Protection	3	3	9	Reduce the risk	The work is a collaborative effort between Cheltenham Council, the Associated of	Bernadette Reed	01/05/26

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
							Chief EHOs and Justice for tenants		
4	Inconsistent enforcement across council boundaries may lead to a post code lottery and reduced protection for tenants	Head of Public Protection	2	2	4	Reduce the risk	Landlord will be treated the same wherever in the country they operate	Bernadette Reed	01/05/26

Appendix ii: Equality Impact Assessment (Screening)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Bernadette Reed	Service Area: Environmental Health, Private Sector Housing, Public Protection
Title: Private Sector Housing Enforcement Policy	Date of assessment: 11/03/26
Signature: 	

b. Is this a policy, function, strategy, service change or project?

Choose an item.

Policy

c. Name of the policy, function, strategy, service change or project

Private Sector Housing Enforcement Policy

Is this new or existing?

Already exists and is being reviewed

This is a service specific enforcement policy which will sit within the corporate enforcement policy. It will ensure that new duties to enforce legislation under the Renters' Rights Act 2025 which are not subject to the Regulators code are clearly reflected in the enforcement policy and enforcement approach.

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

To adopt a specific fully compliant private sector housing enforcement policy. This will ensure fairness, consistency and transparency in our enforcement activities ultimately giving greater protection benefits to tenants and improved access to a safe and secure home. We aim to

	support good landlords and take action against those who do not comply.
Objectives:	To conduct investigations then determine the most appropriate course of action having regard to the enforcement policy. Where the Regulators code does not apply for elements of the Renters’ Rights Act 2025 then we must actively consider enforcement eg a civil penalty notice or prosecution where the relevant tests are met. This is clearly reflected in the policy.
Outcomes:	Improved transparency, consistency and fairness when carrying out enforcement activities for both tenants, landlords and those acting on behalf of landlords.
Benefits:	This will ensure a transparent and consistent approach to enforcement and enhanced protection for tenants. It will reduce the risk of any legal challenge following enforcement activity and reduce any reputational or financial risk to the Authority. Regional variations in enforcement will be removed and criminal landlords will be deterred.

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

No

Do you expect the impacts to be positive or negative?

No impact expected

Please provide an explanation for your answer:

We currently have a corporate enforcement policy which informs our decision making. We currently take action against landlords and others who do not comply with legal requirements. This policy will merely add clarity and transparency for elements of the new Renters’ Rights Act 2025 which are not subject to the Regulators Code. A public consultation was carried out as described above and no comments were received.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required	No
Owner of Stage Two assessment	
Completion date for Stage Two assessment	

Cheltenham Borough Council

Private Sector Housing Enforcement Policy

Version control

Document name: Private Sector Housing Enforcement Policy

Version: 1.0

Responsible officer

- Bernadette Reed

Approved by: Cabinet 14th April 2026

Next review date: 14th April 2027

Revision history

Revision date	Version	Description
14 th April 2026	V1	First approved by cabinet

Consultees

Internal

- One Legal
- Strategic Housing
- Housing Options

External

- Public
- Citizen's advice
- National Residential Landlords Association

Distribution

Published on Cheltenham Council Website

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Introduction and purpose of the policy

This policy sets out the Council’s principles for enforcing and executing its duties as a Housing Authority under the relevant statute.

S3 Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.

S107 Renters’ Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:

- Chapters 3 and 6 of Part 1 of the Renters’ Rights Act 2025,
- Part 2 of the Renters’ Rights Act 2025,
- Sections 1 and 1A of the Protection from Eviction Act 1977, and
- Chapter 1 of Part 1 of the Housing Act 1988.

S110 Renters’ Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

In this policy, the term 'House of Multiple Occupation' or 'HMO' is defined by the Housing Act 2004.

Aims and scope of the policy

The purpose of this enforcement policy is to provide guidance for Private Sector Housing ("PSH") officers to ensure enforcement action is taken in line with the Regulators Code and the principles of good regulation where required by The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. Of particular note, the following pieces of legislation:

- Parts 8, 9 and 10 of the Housing Act 1985
- Part 8 of the Housing Act 1996
- Parts 2 to 5 of the Housing Act 2004

are subject to The Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

This policy document sets out what owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.

All enforcement action will be taken in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

As a public body under the Human Rights Act 1998, the Council will apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Approach to Enforcement

The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation.

S5 Housing Act 2004 places a duty on Councils to take formal enforcement action where a Category 1 hazard exists.

S7 Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard exists. The Council will usually take action where a significant or multiple Category 2 hazard exists.

In addition, Council officers will often investigate and identify the need to take enforcement action through proactive inspections of dwellings through licensing provisions; in response to a complaint or request for assistance; and referrals from other public bodies. All investigations will be carried out in accordance with the relevant statutory requirements. The Council will ensure that appropriate governance is in place to ensure that action is taken in accordance with appropriate policies.

The Council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account. Relevant factors may include, but are not limited to:

- Where there is a risk to public health
- Where there is a blatant or deliberate contravention of the law
- Where there is history of non-compliance

The Council will usually take formal action in the first instance if there has been:

- Non-compliance with previous formal or informal action
- Offences in relation to the licensing of HMOs
- Unlawful eviction or harassment

The Council will take formal enforcement action in the first instance for breaches of the Landlord Legislation.

Investigatory powers

In addition to the Council's informal and formal powers of enforcement, there are investigatory powers relating to the collection of information and relating to the entry of premises including, but not limited to, the powers detailed below.

Power to Investigate

S114 Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information to the Council.

This notice may be given to any person with an estate or interest in the land; the licensor; their agents; or a marketer of a property. It may be given in relation to any offence under the following Legislation:

- Sections 1 and 1A of the Protection from Eviction Act 1977
- Chapter 1 of Part 1 of the Housing Act 1988
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013
- Sections 21 to 23 of the Housing and Planning Act 2016
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025

Failure to comply with a s114 notice is an offence under s131 Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a s.113 notice.

S115 Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation Legislation, or to determine the amount of a penalty. For the purposes of this section, the Rented Accommodation Legislation means:

- Sections 1 and 1A of the Protection from Eviction Act 1977
- Chapter 1 of Part 1 of the Housing Act 1988

- Parts 1 to 4 and 7 of the Housing Act 2004
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013
- Sections 21 to 23 of the Housing and Planning Act 2016
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025

Where an individual has not complied with a s115 notice, s116 Renters' Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

S131 Renters' Rights Act provides that, in addition to the offence of non-compliance with a s114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse or to make a false or misleading statement to an officer exercising their powers. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

S235 Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

S16 Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers.

Entry to Premises

S118 Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under s122-s123 Renters' Rights Act 2025. This power will be exercised without a warrant.

S121 Renters' Rights Act 2025 allows a Council officer named in a warrant to enter rental sector business premises that are not wholly or mainly used as residential accommodation if there are documents on the premises which the officer could require under s122 or seize under s123. In addition, for this power to be exercised, one of the following conditions must be met:

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier
- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given
- That no occupier is present, and waiting for their return might defeat the purpose of the entry

Following a s118 or s121 Renters' Rights Act 2025 entry s122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects

there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Following a s118 or s121 Renters' Rights Act 2025 entry s123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized and will provide that person with a written record of what has been taken.

S126 Renters' Rights Act 2025 permits the Council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection (1)(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection (1)(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

In addition, s239 Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property in order to carry out a survey or examination. This may be done if any one of the following is met:

- to determine if any Part 1-4 enforcement functions should be exercised
- the premises are part of an Improvement Notice or Prohibition Order
- a management order is in force under Chapter 1 or 2 of Part 4 on the premises

In certain circumstance the Council may obtain a warrant to enter by force, if necessary, under s240 Housing Act 2004.

Informal action

Informal action taken by the Council may be written or verbal advice. Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint indicates that an immediate investigation by a Council officer is warranted.

In cases where officers visit an address, whether this is a result of a landlord's failure to adequately resolve a highlighted issue or as part of an audit or other investigation, written or verbal advice may be deemed sufficient should the inspection highlight only very minor deficiencies.

Where written advice is deemed appropriate by the Council and is provided, timescales will normally be included to undertake any specified work or actions.

While the Council will use its discretion on whether to carry out informal action for a Category 2 hazard, it does not need to provide written or verbal advice before commencing formal action.

Formal action

If formal action is considered appropriate, the following options are available to the Council.

Statutory notices

S11 and s12 Housing Act 2004 permit the Council to issue a statutory Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the Council depending on the nature and scale of the work.

S6A Housing Act 2004 when enacted will allow the Council to impose a civil penalty where a Category 1 hazard exists and it is of the opinion that it would have been reasonably practicable to secure the removal of the hazard or meet the requirement. This power may be exercised separately or in addition to the issuance of an Improvement Notice. The Council will usually exercise their power to impose a civil penalty in the first instance where a Category 1 hazard exists.

S30 Housing Act 2004 provides that failure to comply with a statutory Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty. The Council would view the offence of failing to comply with the requirements of an Improvement Notice as a significant issue, as it may expose tenants of a dwelling to one or more significant hazards.

Other formal notices may cover a range of matters including, but not limited to, exercising a right of entry under s.239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

Work in default

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice and taking steps to recover any costs incurred, including costs incurred in administering the work in default, plus interest. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council has no duty to undertake works in default and it will be at its discretion. The costs and any interest may be held as a charge against the property until paid.

Emergency or suspended enforcement action

Where there is a Category 1 hazard present, s43 Housing Act 2004 permits the Council to issue an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.

S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice. The Council may then seek reimbursement of costs incurred on the work and the administration of the scheme.

The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.

Prosecution

Where a Civil Financial Penalty is an available alternative to prosecution, the Council will use its discretion, based upon the individual facts of the case in deciding to use its power to prosecute under Part 1 Housing Act 2004. This is likely to be, but not limited to, more serious cases or cases where there have been repeated breaches.

The decision to prosecute will be determined by the evidential strength of the Council's case and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.

In many circumstances, where an offence is committed by a body corporate, legislation enables local authorities to pursue persons involved with the body corporate in addition to, or instead of, the body corporate. These include company officers and, where applicable, company members.

The Council will determine, on a case-by-case basis, whether to take enforcement action against any person or persons that they consider fall within the scope of this category in addition to prosecuting the body corporate.

Civil Financial Penalties for specified offences

This section relates exclusively to Civil Financial Penalties issued by the Council for breaches of the housing law below.

The Council has the power to impose a Civil Financial Penalty for the following:

- Unlawful eviction and harassment of an occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice (s30 Housing Act 2004)
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) (s72 Housing Act 2004)
- Offences in relation to the Selective Licensing of 'houses' (s95 Housing Act 2004)
- Failure to comply with an Overcrowding Notice (s139 Housing Act 2004)
- Failure to comply with a management regulation in respect of an HMO (s234 Housing Act 2004)
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to comply with a banning order (s21 Housing and Planning Act 2016)
- Failure to give a written statement of terms under section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988

- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025

Civil Financial Penalties in respect of these offences operate according to their own independent standalone policy.

Rent Repayment Orders

Part 2, Chapter 4 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

Where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances.

This power will be considered in response to all qualifying offences and where there is sufficient evidence for successful application to the First Tier Tribunal.

The qualifying offences are:

- Unlawful eviction and harassment of an occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice (s30 Housing Act 2004)
- Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
- Breach of a Banning Order (s21 Housing and Planning Act 2016)
- Using Violence to secure entry [s6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [s16J(1) Housing Act 1988]

- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction s16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [s16J(3) Housing Act 1988]

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.

S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. The Council will usually assist tenants by referring or signposting them to relevant organisations.

Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent the landlord from:

- Letting housing in England
- Engaging in English letting agency work
- Engaging in English property management work or
- Doing two or more of those things

The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty in relation to a Banning Order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to:

- The harm, or potential harm, caused to the tenant
- The need to punish the offender
- The need to deter the offender from repeating the offence
- The need to deter others from committing similar offences

Complaints

Contact may be made with the Council about any matters listed here by email at PrivateSectorHousing@cheltenham.gov.uk or by post at:

Cheltenham Borough Council
Private Sector Housing
Municipal Offices
Promenade
GL50 9SA

A service user can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.

Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order.

If a service user disagrees with a statutory notice, they should take action as specified in the notice or order to make an appeal, if any exist. Reference should be made to any notes that may accompany the notice or order for more detail.

Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (“the Regulations”)

Section 13 of the Regulations requires local housing authorities to prepare and publish a statement of principles which they propose to follow in determining the amount of a penalty charge.

The Regulations introduced legal requirements on relevant landlords to:

1. Equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation.
2. During any period when the premises were occupied under the tenancy, to ensure that a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and which contains fixed combustion appliance other than a gas cooker.
3. Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.
4. Where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.

For the purposes of the legislation, living accommodation includes a bathroom or lavatory.

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of the Regulations.

If the landlord then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge and can arrange for remedial action to be taken under certain circumstances. The power to charge a penalty arises from Regulation 8 of the Regulations. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.

The Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

A landlord will not be considered to be in breach of their duty to comply with the remedial notice if they can demonstrate they have taken all reasonable steps to comply. Where there is evidence, including written correspondence, of repeated and consistent efforts to obtain access to the property, with access unreasonably and repeatedly being prevented by the occupant(s) of the property, a landlord will not be considered to be in breach of their duty to comply with the remedial notice. A landlord will be expected to have:

- Communicated the risk of harm that the lack of functioning alarms posed to all occupants in writing on multiple occasions

- Requested access to comply with the remedial notice on a regular basis of no longer than every seven days in writing

In considering the imposition of a penalty, the Council may look at the evidence concerning the breach of the requirement of the notice. A non-exhaustive list of methods that may be used to obtain relevant evidence includes, but is not limited to:

- Evidence obtained from a property inspection
- Evidence provided by the tenant or agent
- Evidence provided by the landlord demonstrating compliance with the Regulations by supplying dated photographs of alarms, together with installation records
- That all detector heads have not passed their expiration or replacement date

Landlords need to take steps to demonstrate that they have met the testing requirements at the start of the tenancy requirements. A non-exhaustive list of methods that may be used to evidence compliance with these testing requirements includes, but is not limited to:

- Tenants signing an inventory form which states that they observed the alarms being tested and confirming that the alarms were in working order at the start of the tenancy

Where a landlord is in breach, the local housing authority may serve a remedial notice. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property

When determining the amount of the penalty charge, regard will be had to whether this is a first breach under the Regulations.

Determining the amount of the penalty charge for a first breach

The minimum amount of a penalty charge for a first breach of the Regulations will be £2500. The starting level of a penalty charge for a first breach of the Regulations will be £3000. The penalty charge amount will then be varied depending on aggravating and mitigating factors.

Aggravating factors include, but are not limited to:

- The number of alarms not working or missing (the Regulations state there should be one per storey)
- Other fire safety concerns/defects in the property which increase the risk posed to the occupants
- The length of time the offence is believed to have been on-going
- The frequency of complaints by the occupiers to the landlord about the non-working or missing alarms
- The costs of any remedial work the Council have carried out in response to the breach
- Whether the property is let as a HMO (which increases the overall risk)
- The number of occupants living in the property
- Presence of vulnerable occupiers such as elderly, children or disabled people
- Any history of previous enforcement or non-compliance of the landlord
- Attempts to obstruct the investigation

Mitigating factors include, but are not limited to:

- The property being small and low-risk (for example a one-bedroom ground floor flat with a large number of fire escapes including large windows)
- A single occupant living in the property
- Evidence that all required alarms were checked and in working order at the start of the tenancy
- Written evidence that some efforts to gain access and comply with the remedial notice were made and access was prevented by the occupant

Determining the amount of the penalty charge for a subsequent breach

The penalty for subsequent breaches by the same landlord will be £5000.

Penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the Regulations”) make it unlawful to rent out a domestic property if it has an EPC (Energy Performance Certificate) rating of F or G (unless a valid exemption has been registered on the PRS Exemptions register).

The Regulations make it unlawful to fail to comply with a compliance notice served by the Council.

The Regulations cover all relevant properties, even where there has been no change of tenancy.

The Regulations were introduced to improve the energy efficiency of housing in the private rented sector and to reduce greenhouse gas emissions and tackle climate change. They should help make tenants’ homes more thermally efficient.

An energy performance certificate (EPC) gives the property an energy efficiency rating – A rated properties are the most energy efficient and G rated are the least efficient. It’s valid for 10 years and must be provided by the owner of a property, when it is rented or sold.

If you are a landlord and you fail, when requested, to provide an EPC for the start of a tenancy, you will be in breach of the Regulations.

An EPC contains information about the type of heating system and typical energy costs. It also gives recommendations about how the energy use could be reduced, lowering running costs. You can find the recommended energy efficiency improvements on the current EPC.

If you’re a private landlord, you must either:

- ensure your rented properties have an EPC with a minimum ‘E’ rating
- register a valid PRS exemption on the PRS exemptions register

Failure to do either of these is a breach of the Regulations.

The Council investigates any potential breaches of the regulations. If the Council is satisfied that you are or have at any time in the 18 months preceding the date of service of the penalty notice, breached the Regulations, you may be subject to a penalty notice imposing a financial penalty. The Council may also impose a publication penalty.

The “publication penalty” means publication, for a minimum period of 12 months, or such longer period as the Council may decide, on the PRS Exemptions Register of such of the following information in relation to a penalty notice as the Council decides:

- Where the landlord is not an individual, the landlord’s name
- Details of the breach of these Regulations in respect of which the penalty notice has been issued
- The address of the property in relation to which the breach has occurred, and
- The amount of any financial penalty imposed.

The Council will impose the following financial penalties:

- (a) letting a property with an F or G rating for less than 3 months: £2,000
- (b) letting a property with an F or G rating for more than 3 months: £4,000

- (c) registering false or misleading information on the PRS exemptions register: £1,000
- (d) failing to provide information to the Council demanded by a compliance notice: £2,000

The Council may not impose a financial penalty under both subsections (a) and (b) above in relation to the same breach of the Regulations. But they may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000.