

**Council – 9 April 2014**

**Public Questions (13)**

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| <b>1.</b> | <b>Question from David Bayne to the Leader Councillor Steve Jordan</b>   |
|           | Noting the widespread local and political support for the designation of a Local Green Space on the Leckhampton White Land, how will this proposal now be taken forward as part of the JCS implementation of NPPF para 76 in order to protect in perpetuity this important amenity land?"  |
|           | <b>Response from the Leader</b>  |
|           | <p>Request for Local Green Space (LGS) designation at Leckhampton has been proposed by both statutory consultees (Warden and Leckhampton Parish Council), local action group (LEGLAG), individuals and the Cheltenham MP Martin Horwood. Some of these individuals and groups have simply submitted a request for its designation; others have submitted information which further sets out reasoning for such a designation to be made.</p> <p>The approach adopted by the JCS is that LGS designation must be consistent with the local planning of sustainable development. As such, planning for such designations is appropriate within the Cheltenham Plan. The recently published national planning policy guidance confirms this approach and now provides additional guidance on LGS.</p> <p>Within the Pre Submission JCS, Green Infrastructure forms a key policy that will support both place shaping of new developments, access for recreation and health, and support for biodiversity. Submissions made to the Draft JCS on LGS have helped inform these parts of the plan now included within the Pre Submission version, in particular policy INF4 and which now makes specific reference to LGS.</p> <p>The new approach to Policy SA1 in the JCS is designed to ensure that planning applications which come before the adoption of the Cheltenham Plan incorporate areas of local green space which meet the criteria above whilst delivering the development requirements set out in the plan.</p> <p>This Council will now expect any developer submitting a planning application to demonstrate assessment of protection of land for local green space in line with policies SA1 and INF4 of the Pre Submission JCS.</p> |
| <b>2.</b> | <b>Question from Chris Nelson to the Leader Councillor Steve Jordan</b>  |
|           | Can he please explain how the 9,100 new house requirements within the JCS has been calculated for Cheltenham? For instance, how many of these houses are from demand within the town and how many from outside the town (i.e. inwards migration)?  |
|           | <b>Response from the Leader</b>  |

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|                  | <p>The 9,100 housing requirement for Cheltenham has been calculated using the 2011 based household projections with a partial return to trend in household formation rates calculated for the age group 25 – 34 year olds. Migration includes that both from the UK (projection flows from one authority to another in the UK) and international migration, the former being a big factor in population change for many authorities, including the JCS. The raw data that supports the calculation is available to view via the following link <a href="http://www.ons.gov.uk/ons/rel/pop-estimate/population-estimates-for-uk--england-and-wales--scotland-and-northern-ireland/mid-2011-and-mid-2012/rft---mid-2012-uk-population-estimates.zip">http://www.ons.gov.uk/ons/rel/pop-estimate/population-estimates-for-uk--england-and-wales--scotland-and-northern-ireland/mid-2011-and-mid-2012/rft---mid-2012-uk-population-estimates.zip</a></p> <p>The ONS data on migration flows is one of a number of factors input into PopGroup suite of software, run by consultants Nathaniel Lichfield and Partners. Migration flows together with wider inputs including; fertility and mortality rates, household headship rates, housing vacancy rates (including second home and holiday home ownership levels), employment change, unemployment levels and commuting patterns. Details of the PopGroup model can be viewed via the following link <a href="http://www.gct-ics.org/Documents/PublicConsultation/DevelopingthePreferredOption/NLPAssessmentofHousingNeedsFULLREPORT.pdf">http://www.gct-ics.org/Documents/PublicConsultation/DevelopingthePreferredOption/NLPAssessmentofHousingNeedsFULLREPORT.pdf</a></p> <p>The latest outputs from the PopGroup model indicate that around 57% of population increase for Cheltenham is derived from migration, with the greatest number from UK flows as opposed to international migration. Migration forms a key element of population change across all local authorities and is something we have to consider assessing housing need.</p> <p>Conclusions on the projections which have informed the JCS are available via reports commissioned from consultants Cambridge Centre for Housing and Planning Research and Nathaniel Lichfield and Partners, all available to view via <a href="http://www.gct-ics.org/EvidenceBase/AssessmentofHousingRequirements.aspx">http://www.gct-ics.org/EvidenceBase/AssessmentofHousingRequirements.aspx</a></p> <p>In a supplementary question, Mr Nelson referred Members to table SP2A on page 27 of the JCS submission document which appeared to illustrate an oversupply of housing of 569 across three authorities above the target of 30,500. Members could also see on this table that when you look at each Councils' targets and supply figures that it is only Cheltenham that is planning an over supply of houses. So why can we not simply reduce the planned build on Leckhampton by this 569 houses, as to do so would recognize the voice of this Council expressed unanimously at the JCS debate on 28 February and also have absolutely no impact on our partners figures, so could be regarded as a change which this Council could easily agree to without having to re-negotiate or delay the JCS?</p> <p>In his response Councillor Jordan commented that this wasn't a supplementary to clarify the original answer, it was a different question. However, he confirmed that the JCS process had to set out the projected supply and he acknowledged that currently there was an over provision across the JCS area. The figures for Cheltenham could be reviewed when there was new evidence available, including ONS projections.</p> |
| <p><b>3.</b></p> | <p><b>Question from Chris Nelson to the Leader Councillor Steve Jordan</b></p> <p>Public and private statements have been made by Councillors suggesting that it is only because of pressure from Tewkesbury and Gloucester Councils that Leckhampton has been left in the JCS; irrespective of external pressures on Cheltenham Council, real or imagined, can he please state his personal view of whether Leckhampton should remain in the JCS. If he could remove Leckhampton as a strategic site within the JCS, would he?</p>   |

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|           | <p><b>Response from the Leader</b></p> <p>The Conservative majority on Tewkesbury Council have resisted any reduction to the housing allocation at Leckhampton. The difficulty in completely removing the Leckhampton site from the JCS is because it is not in the Green Belt and it is likely that removal at this stage would be challenged at the future Examination in Public (EiP), as well as by other Councils, particularly as other Green Belt sites have been identified to meet the needs of the JCS.</p> <p>There may be hope in the new Local Green Space (LGS) designation included in the NPPF with support from Martin Horwood MP. Included in the policies in the JCS is the requirement for developers to preserve areas of green space that fulfil the LGS criteria. If the Pre Submission JCS is agreed today, this Council intends to insist that any developer submitting a planning application must comply with the policy requirements relating to local green space.</p> <p>There may also be hope in the facts that the new ONS population projections due to be published in May could lead to a reduction in assessed housing need. If this happens, the Council will almost certainly wish to reduce the allocations for the strategic sites rather than ease the pressure for brownfield development</p> <p>So while it would be desirable to remove the Leckhampton site it would not be sensible to do so at this stage for the reasons mentioned above.</p> <p>In a supplementary question Mr Nelson said that having attended the JCS debate at Tewkesbury on Monday night, he was pleased to hear that the reason Up Hatherley was removed from the JCS was because, for political reasons, Cheltenham threatened to reject the JCS. Given that at the 28 February Council Meeting this Council voted unanimously to negotiate the removal of BOTH Leckhampton and Up Hatherley from the JCS, why is it that the Council negotiators did not also insist, for the same political reasons, on saving Leckhampton?</p> <p>In response the Leader advised that Up Hatherley had been in the highest category of Green Belt being proposed for development which justified its removal. In the case of Leckhampton there was currently no legitimate defence against development to justify its removal at this stage, much as he would have liked to. However, there was still a way to go and the council was keen to use the new Local Green Space designation.</p> |
| <b>4.</b> | <p><b>Question from Anne McIntosh to the Leader Councillor Steve Jordan</b></p> <p>Will the Council provide - and make it available for public scrutiny - a full data index, complete with references and background, for the figures given by the Cambridge consultancy they commissioned and upon which they have based their housing projection to 2031?</p>   |
|           | <p><b>Response from the Leader</b></p> <p>All data used is drawn directly from the ONS and can be viewed via the following link <a href="http://www.ons.gov.uk">www.ons.gov.uk</a> . Assumptions made in regard to household formation rates are dealt with via work commissioned from consultants Cambridge Centre for Planning and Household Research and can be viewed via the following link <a href="http://www.gct-jcs.org/EvidenceBase/AssessmentofHousingRequirements.aspx">http://www.gct-jcs.org/EvidenceBase/AssessmentofHousingRequirements.aspx</a></p>  |
| <b>5.</b> | <p><b>Question from Anne McIntosh to the Leader Councillor Steve Jordan</b></p> <p>Until recently, it was felt that we had only to deal with the possibility of severe flooding once in 100 years, but now it is predicted more wet winters will be the norm and thus more flooding. During the developer forum for Leckhampton in 2013, the developers</p>   |

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|    | <p>were asked whether they had considered the flooding risks and they answered that they had only allowed for the standard 1 in 100 year flood event (E. Pimley, pers. comm.) now inadequate in view of emerging data.</p> <p>Will the Council demand further hydrological modelling to still see if the proposed number of houses, other buildings and areas of hard standing still accommodates such flood risks in the light of climatic changes and these comments, and is the council confident the flood barrier built recently off the Shurdington Road to protect Warden Hill homes will save that area from further flooding if the intensive building on the land above them, off Shurdington Road, is allowed?</p>  |
|    | <p><b>Response from the Leader</b></p>   |
|    | <p>The JCS allocation of the urban extension at Leckhampton and the planning application regarding this land are separate matters and so it would be wrong to comment, or pre-judge evidence submitted, as part of the application which has yet to be determined.</p> <p>The site housing totals shown in the Joint Core Strategy are an estimate of capacity taking into account the areas of land within allocations which have been deemed deliverable through work assessing a range of factors including flood risk.</p> <p>The flood risk work undertaken on the Leckhampton site and the other strategic allocations in the JCS was developed in co-operation with the Environment Agency and it has fully reviewed and endorsed it. Both the Level 1 and detailed Level 2 strategic flood risk assessments (SFRAs) took into account the possible impacts of climate change.</p> <p>As part of the level 2 assessment for Leckhampton the flood extents for key return periods (1 in 20, 100, 100 plus climate change and 1000 years to represent Flood Zone 3b, Flood Zone 3a, Flood Zone 3a plus climate change and Flood Zone 2 respectively) were determined and mapped for each watercourse.</p> <p>Because the SFRA2 work was done comprehensively, no further hydrological work is proposed on the part of the local authority on these sites – and this approach has been confirmed as acceptable by the Environment Agency. However, on some sites, detailed Flood Risk Assessments will need to be submitted as part of development proposals.</p> <p>At the Leckhampton site, the SFRA modelling demonstrated that a more detailed Flood Risk Assessment would be required for the site as part of the proposal, and this work will need to be rigorously tested through the development management process and in decision taking.</p> <p>Notwithstanding this, the Environment agency and our own capacity work has confirmed that within the application area, sufficient developable land is available to ensure that the scale of development proposed in policy SA1 is achievable.</p> |
| 6. | <p><b>Question from Margaret White to the Leader Councillor Steve Jordan</b></p>   |
|    | <p>In September 2013, I asked the Lib Dems whether they had altered their 2012 Manifesto, which was to protect the Green Belt and to resist urban sprawl. The answer given was unclear and the Government's views on the subject have been reviewed again which if interpreted correctly by the JCS, will mean much of our green belt and fields can be protected.</p> <p>I have seen no change in the Lib Dem Manifesto published. Can the Lib Dems still claim to be a green party as they are now championing building on the green belt and green</p>  |

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|    | <p>spaces?</p> <p>Therefore, may I ask again if they will ensure that brownfield sites are developed prior to any greenbelt or green fields are built on?</p>   |
|    | <p><b>Response from Cabinet Member</b></p>  |
|    | <p>I would not be as optimistic about the position of Nick Boles, Minister for Planning, as the questioner is. The general consensus among local authorities and environmental organisations like CPRE is that the Government's position has not shifted much. However there seems to be a willingness on Government's part to recognise that environmental considerations may sometimes overcome the requirement to meet assessed housing need; and this is a point we need to bear in mind in our ongoing work on the JCS and the Cheltenham Plan.</p> <p>It would not be a fair assessment of the Liberal Democrat position in Cheltenham to say that we are championing development on green fields, any more than it would be true to accuse the Conservative leaders of the other JCS councils of doing so. Our aim as a group on this council is to protect as much of the countryside as we can, which is the purpose of the amendments we will be putting forward today. However, we also have to bear in mind that at some point we will have to submit a plan that meets the Government's requirements. The recent rejection by Planning Inspectors of the East Devon plan, leaving their countryside open to a developer free for all, shows the risks of having a plan rejected for being non-compliant or not having a plan at all.</p> <p>So far as the manifesto for the coming election is concerned, it will be published shortly, but will certainly contain a commitment to do all we can to protect our green fields and maintain a very substantial Green Belt to prevent the coalescence of Cheltenham, Gloucester and Bishops Cleeve.</p> <p>So far as pursuing a 'brownfield first' policy is concerned, this is answered in my response to question 13.</p> <p>In a supplementary question Margaret White asked the Leader whether he thought his interpretation was superior to that of the government minister.</p> <p>The Leader replied that this was absolutely not the case and a special meeting with officials from the Department of Communities and Local Government had been arranged to clarify the issue. This meeting has made it clear that there was no overall change of Government policy. At this stage in the process it was appropriate to review the boundaries of the Green Belt in order to meet housing needs and once the boundaries are defined defend them for the duration of the plan period. However, there was now more emphasis that failure to meet need could be justified if appropriate for environmental reasons.</p> |
| 7. | <p><b>Question from Margaret White to the Leader Councillor Steve Jordan</b></p>  |
|    | <p>Last September, I drew attention to the fact that the ONS figures being used were intended for short term use only. I was assured that the figures were being scrutinized thoroughly and the public would be informed of the outcome. However, the Council is still awaiting the correct and updated housing figures and is still using figures which the ONS themselves have said were unfit for the purpose that they are being used. The revised figures from the ONS will be available in 2-3 weeks, why do the JCS officers not wait for these to be released to allow a proper assessment of local housing needs?</p>  |
|    | <p><b>Response from the Leader</b></p>  |
|    | <p>Even were we to wait for these updated figures, we would still need the household projections which will not be ready until Autumn 2014. The plan must progress and we have taken advice from two sets of consultants, Nathaniel Lichfield and Partners and the</p>  |

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|           | <p>Cambridge Centre for Housing and Planning Research.</p> <p>The OAN of the JCS is based upon the Interim 2011-based sub-national population projections for England; they are the latest official local authority level projections and as such need to be taken into account as part of the evidence base used in determining the housing requirement. The assumptions made in reaching the OAN were benchmarked against the national projections published in 2013, which presented the outputs of the 2011 census at a national level. The projections at a local level are expected in May 2014 and once available these too will be benchmarked against the assumptions made to date on the OAN.</p> <p>I will be proposing to Council that any change in the ONS figures should be included in the Submission JCS.</p> <p>In a supplementary question Margaret White asked whether the Leader thought it was sensible to use ONS figures which were known to be unfit for purpose.</p> <p>In response the Leader advised that the process would always take account of the latest evidence available. National projections had been produced and once local figures were available they would be taken on board and any appropriate adjustments made.</p>   |
| <b>8.</b> | <b>Question from Dr Elizabeth Pimley to the Leader Councillor Steve Jordan</b>  |
|           | <p>Considering people pressure already evident on Leckhampton hill SSSI grassland how will council ensure their legal obligation to prevent further damage to valuable protected habitat as there is not enough retained public open space to counter this in current plans?</p>  |
|           | <b>Response from the Leader</b>   |
|           | <p>The JCS allocation of the urban extension at Leckhampton and the planning application regarding this land are separate and so it would be wrong to comment or pre-judge evidence submitted as part of the application which has yet to be determined.</p> <p>Although these are yet to be updated, the indicative site layouts in the JCS document show that within the allocation area there is scope to provide significant areas of open space. JCS policy SA1 requires that where areas of local green space meet the requirements of the NPPF, whilst ensuring that the scheme as a whole meets development requirements, these should be retained.</p> <p>The strategic allocation at Leckhampton also contains protected Green Infrastructure corridors which assist with biodiversity preservation and enhancement and create linkages with the surrounding Green Belt, AONB watercourses and the wider countryside.</p> <p>Within the Pre Submission JCS green infrastructure plays a key role in supporting both the place-shaping of new developments, access for recreation and health, and support for biodiversity. Submissions made to the Draft JCS on LGS have helped inform these parts of the plan now included within the Pre Submission version, in particular policy INF4 (Green Infrastructure)</p> <p>Gloucestershire Wildlife Trust and Natural England monitor the state of SSSI's and this monitoring framework is incorporated into the JCS. Protection for the natural environment is a key part of the planning process and we have worked with Natural England and the Wildlife Trust as part of the JCS process.</p> |

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|            | Strategic Objective 4 and (conserving and enhancing the environment) and policy SD11 (Biodiversity and Geodiversity) set out the requirements for applications in protecting biodiversity – alongside the national and legislative protection SSSI's already benefit from.   |
| <b>9.</b>  | <b>Question from Dr Elizabeth Pimley to the Leader Councillor Steve Jordan</b>   |
|            | Considering that 1 in 100 year flood events happening more frequently with climate change how will council ensure developments account for this as current hydrological models used by developers for Leckhampton only factor bad flood event every 100 years?   |
|            | <b>Response from the Leader</b>  |
|            | Please see answer to question 5.   |
| <b>10.</b> | <b>Question from Gerry Potter to the Leader Councillor Steve Jordan</b>  |
|            | Powerful arguments by MPs, prospective MPs, County, Borough and Parish Councillors, CPRE, and many other prominent people, have all stated that the South Cheltenham lands should not be developed with a 1,000 signature petition reinforcing this. A Local Green Space (LGS) application, fully in line with the National Planning Policy Framework (NPPF), has been handed in, together with a Country Park idea with a 2,000 signature petition. Additionally, a 70-page application and Neighbourhood Plan concept put forward by Leckhampton with Warden Hill Parish Council, Shurdington Parish Council and LEGLAG has been sent. Finally, Cheltenham Borough Council voted on February 28, <b>unanimously</b> asking for Leckhampton to be taken out of the JCS.<br><br>What more has to be done to convince Officers that these fields to the South of Cheltenham should not be developed?  |
|            | <b>Response from the Leader</b>  |
|            | What Cheltenham Borough Council voted for on 28 February was that, "This Council directs that the JCS Team reconsider the status of Leckhampton and Up Hatherley as strategic sites within the JCS and explores the possibility of withdrawing these locations from the Strategy and report back to Council in April."<br><br>In reality it is not officers that need convincing but the other Councils in the JCS. While I'm pleased that our 2 partner Councils agreed to remove Up Hatherley as a strategic site they did not support removing Leckhampton. The main difference is that while Up Hatherley is in Green Belt, Leckhampton has no specific protection so it is difficult to delete it completely while elsewhere sites in Green Belt are proposed for development.<br><br>However policies in the JCS, particularly the requirement for developers to preserve areas of local green space whilst meeting the development requirements of the allocation, together with enhanced protection for the AONB, amount to a robust approach to mitigating impacts of development at Leckhampton at a strategic level. If the Pre Submission JCS is agreed, this Council intends to insist on any developer submitting a planning application must comply with the policy requirements relating to Local Green Space.<br><br>In a supplementary question Mr Potter said that during the debate at Tewkesbury's Joint Core Strategy meeting on Monday it was stated that Gloucester City Council has an 11 year housing land supply. Given that Cheltenham and Tewkesbury have struggled to meet their 5 year housing land supply couldn't Gloucester have offered more of its brownfield sites into the JCS. This would surely have saved Cheltenham from having to find roughly an equal share of the housing total with Gloucester and removed hotly disputed sites from the JCS, such as South Cheltenham? |

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|            | <p>The Leader assured Mr Potter that this had had been taken into account as that was the point of the 3 councils working together on the JCS. However the plan covers the next 17 years not just 11.</p>   |
| <b>11.</b> | <b>Question from Gerry Potter to the Leader Councillor Steve Jordan</b>   |
|            | <p>I was told by Planning Officers at Cheltenham Borough Council that evidence is needed about why development should not take place on the Leckhampton fields. I have sent a large amount of photos to CBC Officers, and Councillors, of bad flooding that regularly occurs on the proposed development lands at Leckhampton during times of high rainfall.</p> <p>Why has no notice been taken of the evidence in these photos because the land downstream, slightly west of the proposed development site, was badly flooded in 2007 and it is well known that residents living the other side of the road from this proposed site i.e. the Warden Hill area, are extremely worried that this will happen again if houses were to be built on this land ?</p> <p>There is huge concern that if the soak away on the Leckhampton land is built upon then surely, a torrent of water (when it happens again) would cause a greater deluge towards Warden Hill.</p> <p>There is no confidence in the balancing ponds having the desired effect, no matter how much the developers try to reassure us.</p> |
|            | <b>Response from the Leader</b>   |
|            | <p>Please see question 5, recent photographs do show surface water, however the Environment Agency are of the view that surface water can be dealt with appropriately through suitable sustainable drainage systems. Flooding shown in photos of David French Court also pre-date the flood mitigation scheme implemented at that location.</p>   |
| <b>12.</b> | <b>Question from Liz Dries to the Leader Councillor Steve Jordan</b>  |
|            | <p>Why is this Council voting on this JCS pre-submission document, before the most up to date ONS housing statistics are available in May 2014 and when several of the other vital evidence based documents, the traffic modelling, infra-structure plans, the Strategic Economic plan, SEP, which are needed to support the sustainability of the site allocations, are still not available?</p>   |
|            | <b>Response from the Leader</b>   |
|            | <p>As mentioned in answer to question 7, even were we to wait for these we would still need the household projections which will not be ready till Autumn 2014. It is important we make progress on the JCS; the plan has been informed by the strategic outputs of transport modelling and the update to the Infrastructure Delivery Plan. In addition the Council has been working in partnership with the LEP on the preparation of the Strategic Economic Plan. The Pre Submission version of the JCS reflects the outputs of these elements of the evidence base.</p>  |
| <b>13.</b> | <b>Question from Helen Wells to the Leader Councillor Steve Jordan</b>  |
|            | <p>Will this council follow the NPPF guidelines and commit to development of Brownfield land <u>first</u> before considering new development on existing greenbelt or greenfield land.</p> <p>If not - Why not?</p>   |
|            | <b>Response from Cabinet Member</b>   |
|            | <p>The questioner touches on a major problem with the NPPF. While it sets out 'brownfield first' as a core principle, it provides very little in the way of firm policies to put this principle into action. The NPPF is by no means as robust in supporting 'brownfield first' as the previous policy PPG3, and there is evidence emerging across the country that</p>   |



Planning Inspectors are not being supportive of councils that attempt to impose 'brownfield first' and phasing of development. The requirement in the NPPF for councils to have a five year supply of deliverable housing land also makes it very hard to phase development.

Despite these limitations, we are doing all we can to pursue a 'brownfield first' policy.

Strategic Objective 6 and Policy SD11 in the JCS direct residential development to previously developed (brownfield) land. However, the available previously developed sites in the JCS area are not sufficient to meet need.

The introduction to the infrastructure policies in the JCS encourages the development of brownfield land wherever viable and commits the Local Planning Authorities to take into account, on a case by case basis, evidence of any mitigating circumstances that affect the viability of redevelopment to ensure that development is not biased toward greenfield sites.

In considering sites it is important that the Council has regard and acts upon the guidance on the need for a 5 year housing land supply, set out in the NPPF. Applying a 'brownfield first' approach by withholding greenfield sites until all brownfield areas are developed would make Cheltenham extremely vulnerable to not having a 5 year supply of housing and therefore put the town at risk from speculative development. It would also not accord with the NPPF above.

While the Council is keen to promote the development of brownfield sites, it is not able to refuse to consider planning applications relating to greenfield or Green Belt land on the basis that brownfield sites may be available. The Council will apply the policies of the development plan and NPPF in considering such applications.