

**Cheltenham Borough Council**  
**Council – 21 July 2014**  
**Revised Statement of Community Involvement**

<b>Accountable member</b>	<b>Leader – Cllr Jordan</b>
<b>Accountable officer</b>	<b>Tracey Crews, Head of Planning</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Executive summary</b>	Following formal Examination and receipt of the Planning Inspector's report, Council formally adopted the Statement of Community Involvement (SCI) on 9 <sup>th</sup> October 2006. Since then a number of legislative changes have occurred that require the SCI to be updated. In accordance with a Cabinet decision of June 2013, a revised SCI was published in July 2013 for public consultation. A small number of representations was received and some further amendments to the revised SCI have been made in response. It is a legal requirement that the council has an SCI and it is important that it is fit for purpose. The revised SCI is at Annex 2.
<b>Recommendations</b>	<b>That council adopts the revised Statement of Community Involvement</b>

<b>Financial implications</b>	No implications.  <b>Contact officer: Paul Jones, paul.jones@cheltenham.gov.uk, 01242 775154</b>
<b>Legal implications</b>	The Council is required to have a Statement of Community Involvement and it is good practice to keep the statement under review to reflect changes in legislation  <b>Contact officer: Cheryl Lester , cheryl.lester@teWKesbury.gov.uk, 01684 272013</b>
<b>HR implications (including learning and organisational development)</b>	No implications  <b>Contact officer: Richard Hall, Richard.Hall@cheltenham.gcsx.gov.uk, 01594 812634</b>
<b>Key risks</b>	No risks identified.
<b>Corporate and community plan Implications</b>	No implications

<b>Environmental and climate change implications</b>	No implications
<b>Property/Asset Implications</b>	No implications <b>Contact officer: David Roberts@cheltenham.gov.uk</b>

## **1. Background**

- 1.1** It is a legal requirement that the council produces a Statement of Community Involvement (SCI). The SCI sets out the procedures and methods the council will use when it consults on planning applications and during preparation of new development plans and related documents. In so doing it guides the public and other stakeholders in their engagement with the planning system at local level.
- 1.2** The SCI was one of the first documents prepared by the council under regulations pursuant to the Planning and Compulsory Purchase Act (2004). It was formally adopted in October 2006. Since then there has been considerable change in the planning system. Together with the National Planning Policy Framework (NPPF) 2012, new legislation has emerged including the Planning Act 2008, the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012. Most recently, the government has published National Planning Practice Guidance (NPPG) in March 2014. The net effect of these changes is that the adopted SCI needs to be updated to bring it into line with current law and process.
- 1.3** The principles of the adopted SCI remain unaltered in the revised document. Amendments relate primarily to:
- changes in planning terminology to reflect those made at a national level;
  - changes to the stages of plan preparation and consultation, as set out in the new regulations;
  - removal of references to the now abolished regional and county tiers of planning, including the Regional Spatial Strategies and the Structure Plan;
  - updates to the consultee contacts, as set out in the new regulations;
  - updates to reflect changes in internal advisory groups.
- 1.4** Following resolution by Cabinet in June 2013, the revised SCI was published for formal public consultation. This took place between July and September 2013. Discussion of the response to consultation and resulting actions is provided at section 4 below.

## **2. Reasons for recommendations**

- 2.1** The adopted SCI is out of date. Adoption of the revised SCI will ensure that the Council is compliant with legal requirements.

## **3. Alternative options considered**

- 3.1** The SCI is a legal requirement and there is no option other than to produce it. Whilst updating the document is not expressly required by law, it clearly would not be desirable for the council to require its consultation processes to comply with outdated practice.

## **4. Consultation and feedback**

- 4.1** The original SCI was consulted upon and formally examined by the Planning Inspectorate prior to its adoption in 2006. The adopted SCI forms the basis and bulk of this revised SCI. It is no longer a requirement for the SCI to be independently examined, however it is a requirement to undertake public consultation.
- 4.2** Before public consultation on the revised SCI, internal consultation was undertaken with planning officers. As a result of public consultation on the revised SCI; four representations were received. These are set out together with an officer response at Annex 3. Whilst a variety of issues was raised, several were not relevant to the SCI and only two minor amendments to the draft document were considered by officers to be appropriate and necessary.

## 5. Performance management – monitoring and review

5.1 The Council will regularly monitor the effectiveness of community involvement in the planning process and use the results to review policies and practices. The Council will continue to review and update the SCI where necessary, including any minor amendments to meet regulatory or statutory changes.

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<b>Annexes</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. Revised Statement of Community Involvement</li><li>3. Schedule of consultation representations and officer responses</li></ol>
<b>Background information</b>	<ol style="list-style-type: none"><li>1. Statement of Community Involvement (2006) <a href="https://www.cheltenham.gov.uk/downloads/file/3250/statement_of_community_involvement_2006">https://www.cheltenham.gov.uk/downloads/file/3250/statement_of_community_involvement_2006</a></li></ol>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	An outdated SCI could mislead the public			3	3	6	Close	Revise and adopt updated SCI			
	An outdated SCI could result in legal challenge			3	3	6	Close	Revise and adopt updated SCI			
	The reputation of the council could suffer if an outdated SCI remains in place			3	3	6	Close	Revise and adopt updated SCI			

**Explanatory notes**

**Impact** – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

**Likelihood** – how likely is it that the risk will occur on a scale of 1-6  
(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

**Control** - Either: Reduce / Accept / Transfer to 3rd party / Close

**Guidance**

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

**Risk ref**

If the risk is already recorded, note either the corporate risk register or TEN reference

**Risk Description**

Please use “If xx happens then xx will be the consequence” (cause and effect). For example “If the council’s business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted.”

**Risk owner**

Please identify the lead officer who has identified the risk and will be responsible for it.

**Risk score**

Impact on a scale from 1 to 5 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

**Control**

Either: Reduce / Accept / Transfer to 3rd party / Close

**Action**

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

**Responsible officer**

Please identify the lead officer who will be responsible for the action to control the risk.

For further guidance, please refer to the [risk management policy](#)

**Transferred to risk register**

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on

# **Revised Statement of Community Involvement**

July 2014

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## 1. INTRODUCTION

- 1.1 This document sets out the opportunities by which the public and organisations can engage with the planning system, including the procedures and methods we will use to consult on planning applications we receive and when we are preparing new Local plans (LP) and Supplementary Planning Documents (SPDs).
- 1.2 The Statement of Community Involvement (SCI) was one of the first documents prepared by Cheltenham Borough Council under the regulations of the Planning and Compulsory Purchase Act (2004). The first Cheltenham SCI was adopted in 2006.
- 1.3 We have revised the text of our SCI to reflect current legislation including the provisions of the Planning Act 2008 (as amended), the Localism Act 2011, the Town and Country Planning Local Planning Regulations 2012 as well as the principles and requirements of National Planning Policy Framework (NPPF) 2012.
- 1.4 This document explains:
  - how the planning system operates and how we will manage the planning process (see sections 7, 9 and 10);
  - how we will consult people regarding the production of Local development documents and Supplementary Planning Documents (see sections 9 and 10); and
  - how we will consult people regarding planning applications (see section 11).
- 1.5 The Council would like to hear the views of all the community within Cheltenham and also those outside Cheltenham Borough who are affected by the policies and proposals of the Local Plan and planning applications for development within the borough. This SCI sets out the way in which we aim to achieve this.

### Neighbourhood Plans

- 1.6 The Localism Act 2011 introduced the ability for communities who meet the basic criteria defined in the act to draw up their own neighbourhood plans which can add detail and local objectives to the strategic elements of local development documents. Where resources allow Cheltenham Borough Council will support neighbourhoods in the preparation of their plans where this is appropriate, and under these circumstances will set out procedures and guidance for this support as the need arises. However, procedures on this work are outside the scope of the SCI and will be dealt with on a case by case basis.

### Monitoring

- 1.7 The council will regularly monitor the effectiveness of community involvement in the planning process and use the results to review policies and practices. If necessary, the Council will review the Statement of Community Involvement, including any minor amendments to meet regulatory or statutory changes over time.

## 2. WHO COULD WE CONSULT?

- 2.1 Depending on the type of plan or application being considered there are a number of bodies and groups in the community that we can consult and invite to participate in the preparation of local development documents or to comment on relevant planning applications.
- 2.2 These include 'specific' and 'general' consultation bodies, as listed at Appendix 2, as well as members of the public and groups representing those 'hard to reach' who traditionally do not

engage with the planning process who are contained on our planning policy consultation database.

### **3. DUTY TO CO-OPERATE**

3.1 Section 110 of the Localism Act 2011 sets out a new 'duty to co-operate'. It is a requirement that local planning authorities engage with one another and other statutory bodies to consider joint approaches to plan-making. Cheltenham Borough Council is committed to meeting this duty to ensure that planning delivers the best outcomes for our area by working closely with partner organisations and stakeholders. See Appendix 2 for a list of consultation bodies.

### **4. LOCAL PLANS AND SUPPORTING DOCUMENTS**

#### **Local plans**

4.1 Local planning authorities must prepare a local plan which sets the planning policies for a local authority area. Local Plans are important tools for deciding planning applications. Independent planning inspectors must examine in detail all local development documents prepared by local authorities in England to ensure that they are sound. This examination is the last stage of the process for producing a local plan. By the time a plan reaches examination, the process should have fully involved everyone who has an interest in the document and they should have had the chance to comment

4.2 Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.

4.3 The council is currently producing the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), which will form the strategic vision, objectives and policies for the wider area. The JCS forms part of the Local Plan for Cheltenham, see Diagram 1.

4.4 The council is also working on the Cheltenham Plan which will complement the JCS, dealing with non-strategic planning issues specific to the Borough and containing, where needed, more detailed policy and guidance for the local area.

4.5 All Local Plans also require a Sustainability Appraisal, which is produced in tandem with the Local Plan to assess its environmental and social impact. These appraisals are usually consulted on and examined at the same time as Local Plans.

4.6 In addition to Local Plans, other supporting documents (which are given less importance in planning terms) are listed below:

#### **Supplementary Planning Documents (SPDs)**

4.7 These are locally produced documents which provide additional information relating to a specific policy or proposal within a Local plan or the National Planning Policy Framework.

#### **Local Development Scheme (LDS)<sup>1</sup>**

4.8 This is a work programme that shows which local plans (and sometimes other related documents) will be produced and a timetable for their production.

#### **Statement of Community Involvement (SCI)**

4.9 This sets out how the Council will engage and involve the community at every stage in the production of the Plan making process.

#### **Authority's Monitoring Report (AMR)<sup>2</sup>**

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<sup>1</sup> The preparation of this document is not subject to public consultation.

4.10 Formerly known as the “Annual Monitoring Report”, this monitors the success of planning policies and demonstrates how the council is performing in terms of the Local Development Scheme. From 2012 the AMR has included information about the council’s duty to co-operate with other public bodies.

## **5. OLDER PLANS**

5.1 The Cheltenham Borough Local Plan Second Review was adopted in July 2006 and covers a plan period to mid-2011. It deals with development, helping to conserve the special environment of Cheltenham and identifying land which will be needed for future development. The policies set out in the plan influence decisions on planning applications and support the council's proposals for managing traffic in the town.

5.2 Under the provisions of the Planning and Compulsory Purchase Act, the policies within this plan are saved until they are replaced by subsequent Local Plan Documents.

5.3 The Draft Regional Spatial Strategy for the South West (RSS) and the Gloucestershire Structure Plan Second Review have now been revoked and are no longer relevant.

## **6. NATIONAL PLANNING POLICY FRAMEWORK**

6.1 The government published the National Planning Policy Framework on the 27 March 2012. This framework replaces all previous planning policy statements (PPS), with the exception of PPS 10: Planning for Sustainable Waste Management.

6.2 As a local planning authority, we have to take the National Planning Policy Framework into account in the preparation of local and neighbourhood plans, and it is a material consideration in planning decisions.

6.3 The National Planning Policy Framework sets out the implementation strategy for dealing with existing and emerging plans and in decision taking on planning applications (Annex 1 of the National Planning Policy Framework). As Cheltenham Borough’s Adopted Local plan was adopted in accordance with the Town and Country Planning Act 1990, due weight can be given to policies depending on how consistent they are with the framework. As such, in considering planning proposals the existing Local Plan must be considered in the context of the framework, ignoring all references to planning policy statements (PPS), until the policies within the plan are replaced by the Joint Core Strategy, the Cheltenham Plan or any subsequent local plan.

## **7. GENERAL OVERVIEW OF CONSULTATION ARRANGEMENTS**

7.1 The preparation of a plan will involve evidence gathering and an initial stage of consultation on the proposed scope of the plan, that is, asking people what the plan ought to contain.

7.2 At an early stage, the Council will explore the most appropriate methods of consulting hard to reach groups and attempt to engage these groups in the early stages of the process. This work will involve an internal audit of existing relationships with external bodies and an assessment of the types of consultation which have proven most successful.

7.3 Specific and General consultees, as listed in Appendix 3, and members of the public registered on our database will be consulted on all the various Local plans and Supplementary Planning Documents produced as indicated in Tables 1 and 2.

7.4 It is recognised that some groups may wish only to be involved in the early stages of the decision making process but participation from all groups will be encouraged at every stage.

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<sup>2</sup> The preparation of this document is not subject to public consultation

- 7.5 The Council will prepare local plans which seek to reflect comments received during work with groups, organisations and individuals during the plan preparation stage. These documents will be subject to further public consultation as set out in the regulations. Where required by relevant legislation, documents will be accompanied by a Sustainability Appraisal/Strategic Environmental Assessment. All new local plans and SPDs will be accompanied by a Statement of Compliance to demonstrate how the Council has complied with this SCI.
- 7.6 Each period of consultation will last a minimum of 4 weeks for an SPD or 6 weeks for a Local Plan and will be advertised on the Council's website [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk). Where appropriate, notices will be placed in the local press. Links to the consultation document(s) will be made available on the Council's website. Any notices and advertisements will clearly identify the dates by which representations must be submitted to the Borough Council. Specific and General Consultees and other relevant groups and individuals on our updated consultation database will be contacted at the beginning of the statutory consultation period to let them know that the consultation is taking place.
- 7.7 Paper copies of the documents will be available at each of the libraries within Cheltenham, at the Municipal Offices and at other locations within the Borough, known as Deposit Locations (see appendix 4). There may be a charge to purchase some documents to reflect printing costs. Electronic copies will be made available via the council's website.
- 7.8 The Council will hold public exhibitions where appropriate at accessible locations within the Borough, such as supermarkets and municipal buildings and at other locations which attract large numbers of community members. We will seek to make local plan documents as accessible as possible to people with reading or writing difficulties or who are visually impaired. Some translation of local plans or SPD's into other languages may be possible, subject to reasonable cost limits.
- 7.9 Comments and representations may be received via a form provided on the Council's website, by fax, e-mail, by post or simply handed in to the reception at the Municipal Offices during opening hours. The Joint Core Strategy has a system which allows people to respond online and locate their responses using a unique respondent number. Cheltenham's programme of online engagement is in development and will ensure that responses to Cheltenham Plan consultations can also be made online in a similar manner. Representations received will be made available to view on the Council's website.
- 7.10 Views expressed at consultation events will be recorded and fed into the plan preparation. These views will be documented and made available in summary form on the website and at all deposit locations. All formal representations (those to documents on deposit) received will be considered and responded to through a response report, this will be available on the website and at all deposit locations.
- 7.11 Views and objections will be taken into account wherever possible in the preparation of local plans. Representations will need to be valid and appropriate to be considered by emerging policies and proposals.
- 7.12 The response report will be prepared by officers supported by any relevant Project Management Boards/Working groups and input from councillors and stakeholders where appropriate. The response report will provide a summary of the issues raised and the council's response. There will not be an individual response to each comment. Response reports will be available on the website and at all deposit locations.

## **8. MINIMUM STANDARDS FOR CONSULTATION**

8.1 Cheltenham Borough Council will ensure that minimum standards for community involvement as set out in The Town and Country Planning (Local Planning) (England) Regulations 2012 are met in the production of Local Plans or other planning documents. A summary of these requirements is set out below.

### **Gloucestershire Compact Agreement**

8.2 Cheltenham Borough Council has signed up to the Gloucestershire Compact, the Compact is an agreement between some of the County's public agencies and the Voluntary and Community Sector to support and improve partnership working between sectors and is underpinned by six Codes of Practice which contain specific undertakings for the public sector and the voluntary and community sector, as well as a series of joint undertakings, to improve partnership working. The agreement seeks to achieve a 12 – week consultation period, where possible. This agreement will be considered when setting consultation periods for local development documents.

## 9.0 INTERPRETING THE REGULATIONS: Who the Council will involve and how it will involve them in the production of Local Plans

Please note that this table contains an overview of consultation methods available for each stage of Local Plan preparation. Not all methods will be used in each case, but those most suitable and appropriate given the scale and nature of the consultation will be employed.

9.1 Table 1

Stage	Preparation	Who	How
<b>Preparation of a local plan</b> (Regulation 18)	Evidence gathering Notify and consult on Scope of the plan	<ul style="list-style-type: none"> <li>• Specific and general consultees</li> <li>• Those registered on the Council's database</li> <li>• Any other residents wishing to make representations, or other persons carrying out business in the area that the Council considers appropriate</li> </ul>	Letter, email, internet, forums or community networks, internal and joint working teams, press releases, deposit locations
<b>Publication of a local plan</b> (Regulations 19 and 20)	Consult on proposed submission document	<ul style="list-style-type: none"> <li>• Specific and general consultees</li> <li>• Those registered on the Council's database</li> <li>• Any other residents wishing to make representations, or other persons carrying out business in the area that the Council considers appropriate</li> </ul>	Letter, email, internet, press releases, touring exhibitions, questionnaires, forums or community networks or events, Planning for Real exercises, internal and joint working teams, deposit locations
<b>Submission of documents and information to the Secretary of State</b> (Regulation 22)	Submission of Local Plan and all associated documents in accordance with Regulation 22	<ul style="list-style-type: none"> <li>• Specific and general consultees</li> <li>• Those registered on the Council's database</li> <li>• Any other residents wishing to make representations, or other persons carrying out business in the area that the Council considers appropriate.</li> <li>• Those who have responded previously/asked to be notified of submission</li> </ul>	Letter, email, internet, deposit locations
<b>Independent examination</b> (Regulation 24)	Independent examination of plan by an appointed Inspector	<ul style="list-style-type: none"> <li>• All those who made representations</li> </ul>	Letter, email, internet, press releases, deposit locations
<b>Adoption</b> (Regulation 26)	Adoption of the plan by the Local Planning Authority	<ul style="list-style-type: none"> <li>• All those involved in the process</li> </ul>	Letter, email, internet, press releases, deposit locations
<b>Monitoring</b>		<ul style="list-style-type: none"> <li>• Specific consultees</li> <li>• Any other residents or other persons carrying out business in the area that the Council considers appropriate</li> </ul>	Letter, email, internet, internal and joint working teams

9.2 Wherever sustainability appraisal work is undertaken by the Council at the various stages, it will be included as part of the material that is subject to community involvement. For further details on the stages see [www.legislation.gov.uk/ukxi/2012/767/contents/made](http://www.legislation.gov.uk/ukxi/2012/767/contents/made).

**10.0 INTERPRETING THE REGULATIONS: Who the council will involve and how it will involve them in the production of Supplementary Planning Documents (SPDs)**

Please note that this table contains an overview of consultation methods available for each stage of the plan preparation process. Not all methods will be used in each case, but those most suitable and appropriate given the scale and nature of the consultation will be employed.

10.1 Table 2

Stage	Preparation	Who	How
<b>Preparation stage</b>	Evidence gathering Preparing draft SPD	<ul style="list-style-type: none"> <li>Any relevant consultees, residents wishing to make representations or other persons carrying out business in the area that the Council considers appropriate</li> </ul>	Letter, email, Internet, meetings
<b>Public participation stage</b> (Regulation 12)	Consult on draft SPD	<ul style="list-style-type: none"> <li>Specific and general consultees</li> <li>Those registered on the Council's database</li> <li>Any other residents wishing to make representations or other persons carrying out business in the area that the Council considers appropriate</li> </ul>	Letter, email, internet, press releases, touring exhibitions, questionnaires, forums or community networks or events, Planning for Real exercises, Internal and joint working teams, deposit locations
<b>Adoption</b> (Regulation 14)	Adoption of the plan by the Local Planning Authority	<ul style="list-style-type: none"> <li>All those involved in the process</li> </ul>	Letter, email, internet, press releases, deposit locations
Monitoring		<ul style="list-style-type: none"> <li>Specific consultees</li> <li>Any other residents or other persons carrying out business in the area that the Council considers appropriate</li> </ul>	Letter, email, internet, internal and joint working teams

## 11 DEVELOPMENT CONTROL: DEALING WITH PLANNING APPLICATIONS

11.1 The Council is aware of the importance of consultation with the community and of the need to allow the widest possible dissemination of information about planning proposals. The Council is required to consult various organisations and bodies and is advised to consult others depending on the type of application as set out in the *The Town and Country Planning (Development Management Procedure) (England) Order 2010* for more information see [www.legislation.gov.uk/ukxi/2010/2184/made](http://www.legislation.gov.uk/ukxi/2010/2184/made).

<http://www.legislation.gov.uk/ukxi/2010/2184/made>

### **Methods of consultation**

11.2 **Neighbour notification by letter:** the principal method. Neighbours bordering the site and across the road are targeted as a minimum, with more extensive consultation as appropriate to each case. Comments are required to be made within 21 days. The letter includes brief information about the proposal and gives guidance on the process for comment, including a list of considerations that are material to the planning process. The Council will take account of all the representations received to a planning application and assess the proposal in light of the comments received and other material considerations.

11.3 **Parish Councils:** each Parish Council receives an email notification when an application is registered that affects its area. A weekly list of registered applications is also sent out by email. All planning applications can be viewed online through Public Access [www.cheltenham.gov.uk/publicaccess](http://www.cheltenham.gov.uk/publicaccess). There are 21 days for Parish Councils to submit their comments and this can also be done through Public Access.

11.4 **Site Notices:** these are a formal requirement for applications within conservation areas, major applications and listed building applications. They are also used to supplement letters. They are a highly visible indication of a planning proposal. Site notices are not used for all applications. The statutory requirements call for all applications to be consulted upon through the use of neighbour notification or a site notice. It is considered that neighbour notification is more useful as it directly consults those who are likely to be most affected by a planning proposal.

11.5 **Newspaper advertisements:** these are a statutory requirement for applications in conservation areas, major applications and listed building applications. Cost restricts the use of advertisements to the statutory requirement. The Gloucestershire Echo is supplied with a list of all applications and publishes details, although this is dependent on editorial considerations.

11.6 **Weekly list:** this details every application received in the preceding week and specifies whether a decision is expected to be made by Planning Committee or delegated to planning officers. The weekly list is emailed to Councillors, Parish Councils and any other addresses on request. It is also posted on the Council's web site, which provides a facility for anyone to generate their own weekly list using parameters such as outline applications, a specific agent, or a defined road.



11.7 **Residents' Associations:** arrangements are made with individual groups for applications to be sent as and when submitted in their area of interest.

**Availability of application documents**

11.8 Applications are available for inspection throughout office hours at the built environment reception desk in the Council offices on the Promenade. Copies of documents can be made for a small charge. A Customer Liaison Officer is available to help interpret applications.

11.9 *Libraries*

The Cheltenham Central Library receives a copy of all planning applications and relevant outlying libraries receive copies of applications.

11.10 *Website*

Software on the Council's website allows anyone with access to the internet at home or through local libraries to search planning application records. The Council is working towards 100% availability of documents via the website.

**Planning Applications**

11.11 Planning applications are either determined at planning committee by Council Members who sit on the committee or they are delegated to case officers and are determined without the need to be reported at planning committee. All planning applications are available for delegation. Triggers for a committee decision include:

- Applications submitted by Council Members,
- Applications submitted by Gloucestershire County Council,
- Applications submitted by Council staff working in the Built Environment Directorate,
- Requests from Members within 21 days of the consultation start date,
- Conflict with Parish Council opinion,
- Officer request to seek committee decision.

**Types of application**

**Significant applications**

11.12 Some applications will require special (or additional) procedures due to their particular characteristics, e.g:

- Applications for 50 or more dwellings;
- Applications which are a departure from the Local Plan;
- Applications which propose more than 1,000 square metres of floor space;
- Buildings or structures which exceed 15m in height;
- Applications which are accompanied by an Environmental Statement;
- Other applications which the Council considers would have a significant impact on the environment or a residential area.

An Environmental Statement describes the likely significant effects of the development on the environment and proposed mitigation measures. In

Cheltenham they are required for all projects likely to give rise to significant environmental effects.

Not all significant applications are determined by committee.

#### ***Prior Approval Applications***

- 11.13 These proposals include some types of telecommunications mast and agricultural buildings. Prior approval means that the proposal is in principal permitted development. The Council can consider only the siting and design of the structure. There is a fixed 28 day timescale for agricultural buildings and a 56 day timescale for telecommunications masts. If no decision is made within this period, the application is approved.

Prior approval applications for telecommunication masts include all ground based masts that do not exceed 15m in height and which are outside the Area of Outstanding Natural Beauty and Conservation Areas. The Mobile Operators' Association has independently published its 10 Commitments, which include policy on consultation with local communities: [www.mobilemastinfo.com/index.html](http://www.mobilemastinfo.com/index.html)

#### ***Tree Applications and Tree Preservation Orders (TPOs)***

- 11.14 Some trees are afforded special protection by Tree Preservation Orders because of the contribution they make to public amenity. Where trees are covered by TPOs, any works to them require statutory notification. When a tree preservation order is made, there is a statutory requirement to inform all land owners and interested parties and send them a copy of the order. All directly adjoining neighbours also receive a copy of the order. Nearby neighbours, relevant consultee groups and ward councillors receive a copy of the schedule and plan. There is a statutory 28 day consultation from the date of the service of the notice. All representations are considered by the members of the planning committee who make the decision as to whether or not the order is confirmed.
- 11.15 Tree applications are those which relate to works for the management and/or removal of trees for those trees which are protected by Tree preservation orders (TPOs). There is a distinction between conservation area notifications and tree preservation order applications. With all applications/notifications, the consultation period is 21 days and officers have delegated authority to determine all applications with the exception of:
- applications on Council owned land,
  - notifications or applications from council employees,
  - when a member specifically asks for an item to be referred to the Planning Committee within the consultation period.

The Council will consult the Cheltenham Tree Group and the Cheltenham Civic Society on any planning application which the Council's Senior Tree Officer is consulted on. This will include planning applications where it is identified that a TPO is present and any application where it is declared that trees are to be removed.

- 11.16 Whilst there is no statutory requirement to consult the wider community in respect of work to trees, the Council has adopted a policy to consult as widely as possible. The procedure closely follows that for planning applications and is often a mixture of neighbour/local interest group letters and site notices. Works to trees are not published in the local press. A weekly list is published and sent to the ward councillors, parish councils and local interest groups on request. In particular, at their request, Cheltenham Tree Group and Cheltenham Civic Society receive a copy of the weekly list. All recipients of the list are given 21 days to comment.
- 11.17 As with planning applications, both objectors and supporters can address the members of the Planning Committee. Following a decision (which may be delegated) letters will be sent to all neighbours/parish councils who made representations on the application/notification informing them of the outcome. A copy of the decision notice (in the case of a TPO application) or a letter informing of the outcome of a conservation area notification is sent to the applicant.
- 11.18 Notifications/applications for amendments to works to trees are very rarely received. No further consultations are carried out unless the amendment is for more drastic work, e.g. from an original scheme to prune a tree; to felling it. The tight time limit for conservation notifications does not allow for further consultation to take place.
- 11.19 An appeal can only be lodged against a refusal of consent for, or conditions attached to, works to trees covered by a tree preservation order (TPO). All previous consultees are informed. TPO appeals are dealt with in a similar fashion to a planning appeal. There is no right of appeal in respect of conservation area notifications. The appeals procedure is explained at paragraph 4.29.

#### ***Hedgerow Removal Applications***

- 11.20 As Cheltenham is an urban authority, Hedgerow Removal Applications notifications are rare. Applications under the Hedgerow Regulations 1997 will be determined within 6 weeks of receipt of a removal notice. Consultation letters will be sent out to all relevant statutory bodies in addition to the local ward members and Parish Council. All comments received will be taken into account in making a decision as to whether or not the removal should be granted.

#### **Consultations**

- 11.21 Applicants are encouraged to carry out their own consultation with the community, which might include public meetings, newsletters, questionnaires and exhibitions, before the application is submitted. This allows amendments to be incorporated into the final submission. Applicants should consider the benefits of wide consultation on schemes likely to impact on residents or the environment, regardless of whether the proposal falls below the thresholds listed above.
- 11.22 ***Public meetings:*** if a meeting is held, officers will attend as observers and to provide information when requested.

- 11.23 **Design advice:** the Civic Society and the Panel of Architects of Gloucestershire Architectural Association meet regularly to provide comment on a range of applications.
- 11.24 **Consultation on amendments:** at the discretion of the officers, amendments may be publicised, usually by letter or a site notice. It is customary to allow 14 days for comments although this period may be reduced, according to the application timetable. The Council is drawing up an amended plans procedure which will set out a standard approach in this matter.
- 11.25 **Internal consultation:** advice and comments may be sought from Parks and Landscape, Conservation, Car parks, Community Safety, Environmental Health, Housing, Legal, Property, Strategic Land Use, Tourism, Economic Development, Urban Regeneration, Urban Design, Trees, and from the Building Control Division.

### **Public speaking at Planning Committee**

- 11.26 Planning Committee papers are available five working days before planning committee at the Council offices and on the internet. Objectors and supporters may address the Planning Committee for a period of up to 3 minutes. If more than one person wishes to speak, arrangements are made to consolidate the comments so that there is a maximum of two speakers, one for the proposal and one against. Council Members and Parish Councillors have a right to speak at Committee.

### **Determining planning applications**

- 11.27 The following text sets out the procedures adhered to following the decision made on any type of planning application. All responses received to a planning application are assessed as material considerations in the determination of the application. A summary of the comments received are included within the officer report for each planning application and when an application is determined by Planning Committee a copy of the letter is circulated to Members with the committee papers. The results are published in the Committee minutes and made available on the Council's website.

### **Enforcement**

- 11.28 Most enforcement cases arise following a referral from a member of the public. All referrals are treated confidentially. There is no consultation with the public on enforcement cases. Cases are often sensitive so the anonymity of the complainant is essential. Cases are often resolved by the submission of a planning application which is then publicised in the normal way.

### **Appeals**

- 11.29 Anyone who has submitted a planning application has a right of appeal against the decision to refuse an application, a condition attached to a permission or the non determination of a planning application. There is no

third party right of appeal. The case is examined by an independent planning inspector from the [Planning Inspectorate](#). When an appeal is received the Council notifies all who wrote about the original application, with information about how to make their views known to the Inspector. Previous correspondence is forwarded to the Inspectorate and Ward Members are notified. When an appeal proceeds by way of a hearing or inquiry, the date and venue are publicised by site notice and newspaper advert.

## **12 RESOURCING AND REVIEWING THE STATEMENT OF COMMUNITY INVOLVEMENT**

### **Resource implications**

- 12.1 The majority of the work for Local Plan preparation will be undertaken by the Council's Planning Policy team, supported by other relevant divisions of the Council and key stakeholders. Consultation associated with major planning applications will be undertaken by the Built Environment Division of Cheltenham Borough Council.
- 12.2 Some pre-application consultation may be undertaken by developers for larger applications before planning applications are submitted. This consultation is not within the Council's control and representations on these consultations should be sent to the relevant party, not the council, in the first instance.
- 12.3 A positive relationship with stakeholders and the community will help to overcome any implications derived from these limitations, and the Council is committed to maximising those resources available to it. Consultation opportunities will be maximised through the use of the Council's established relationships with Cheltenham Partnership, business, health and education sector networks.

### **Reviewing the SCI**

- 12.4 The Council will monitor the effectiveness of the consultation undertaken on Local Plans and Supplementary Planning documents to assess whether a balanced representation of the community has been involved in the process. The SCI will be reviewed if it is considered that the consultation methods are insufficient or new practices are implemented. The effectiveness of the SCI will be assessed through the work of the Annual Monitoring Report. The SCI itself will be reviewed as appropriate, and updated as and when required, for example to reflect any new legislation.
- 12.5 The Council will consider any representations made to this document and make any necessary amendments.

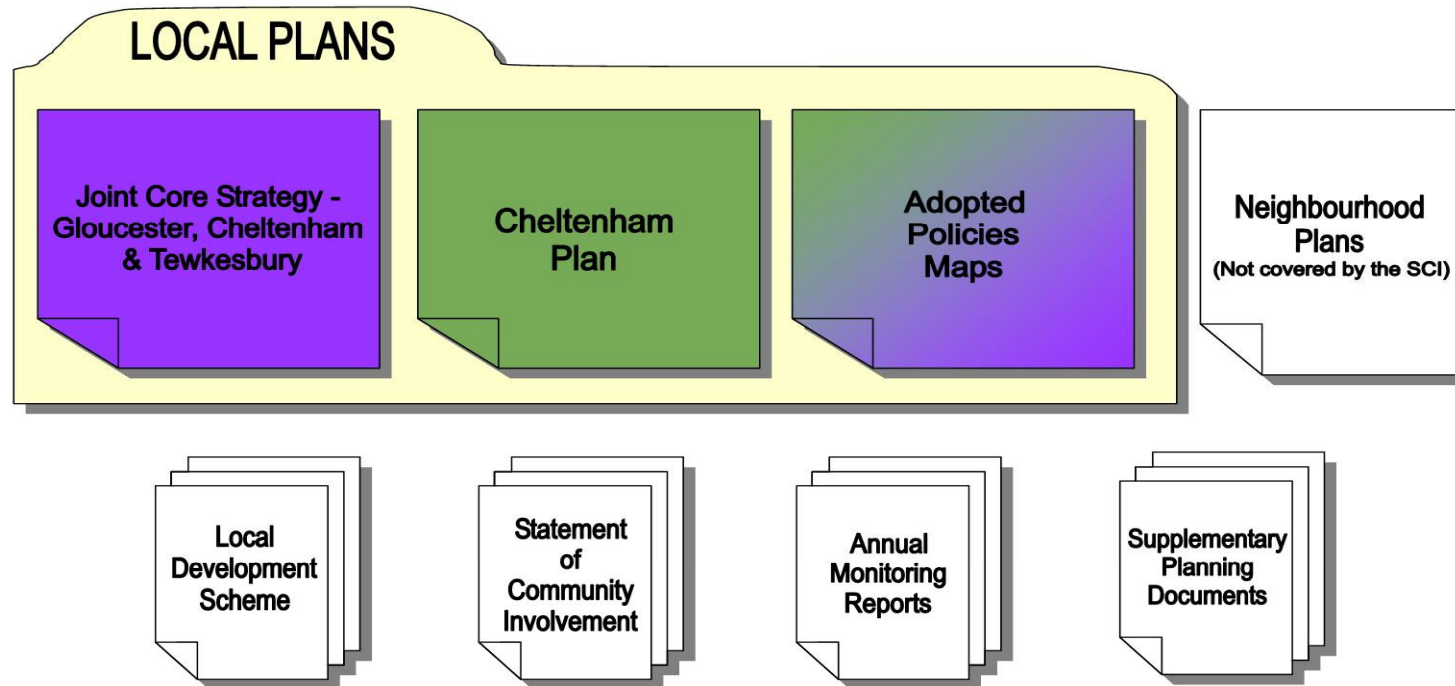
## Appendix 1 Summary of key terms

A guide to the terminology used in this document

<b>Proposals Map</b>	A map of the Local Planning Authority area which illustrates on an Ordnance Survey base map all the policies and proposals contained in the relevant local development document.
<b>Annual Monitoring Report (AMR)</b>	A report on how the Council is performing in terms of the local plans for supplementary planning documents as specified in the Local Development Scheme. It includes a review of the Local Development Scheme's timetable and monitors the success, or otherwise of the local development document policies.
<b>Joint Core Strategy (JCS)</b>	Sets out the long term vision for the district and provides the strategic policies and proposals to deliver that vision.
<b>Local Development Document (LDD)</b>	Any document prepared by a local planning authority, which deals with one or more of: <ul style="list-style-type: none"><li>• the development and use of land</li><li>• the allocation of sites for a particular type of development or use;</li><li>• any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land</li><li>• development management and site allocation policies, which are intended to guide the determination of applications for planning permission;</li></ul>
<b>Local Development Scheme (LDS)</b>	A schedule which shows the local development documents to be produced and the timetable for their production.
<b>Local Plan</b>	Any document which can be considered as a Local Development Document (above)
<b>Cheltenham Partnership (formerly the Local Strategic Partnership, LSP)</b>	The Cheltenham Partnership is a non-statutory, non-executive organisation which operates at a level enabling strategic decisions to be taken and is close enough to individual neighbourhoods to allow actions to be determined at community level.

<b>Material considerations</b>	Material considerations are factors which are important to the decision-taking process. Legally, section 54A of the Town and Country Planning Act 1990 sets out that the local planning authority must determine planning applications in accordance with the local plan unless other material considerations indicate otherwise. Material considerations include issues such as the siting of buildings, mass and design, availability of infrastructure and traffic considerations and other relevant documents.
<b>Planning Inspectorate (PINS)</b>	The government agency responsible for scheduling independent examinations. The planning inspectors who sit on independent examinations are employed by PINs.
<b>Soundness Test</b>	To be sound a local development document should be: <ul style="list-style-type: none"><li>• positively prepared</li><li>• justified</li><li>• effective</li><li>• consistent with national policy</li></ul>
<b>Statement of Community Involvement (SCI)</b>	A document which sets out how the Council will consult and involve the public at every stage in the production of the local development documents. It also applies to major development control applications.
<b>Statement of Compliance</b>	This will set out in detail exactly how the authority has met its community involvement requirements for any particular local plan as set out in the Statement of Community Involvement.
<b>Strategic Environmental Assessment (SEA)</b>	An appraisal of the impacts of policies and proposals on economic, social and environmental issues, required by European legislation.
<b>Supplementary Planning Document (SPD)</b>	Provides additional advice and information relating to a specific policy or proposal in a local development document.
<b>Sustainability Appraisal (SA)</b>	These are required under national legislation for emerging policy and include consideration of social & economic impacts as well as impacts on the environment. This incorporates Strategic Environmental Assessments into the definition.

Diagram 1 Local Plans and supporting documents





## Appendix 2 Consultees

The following pages provide a list of consultation bodies, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012, and associated consultees that are relevant to Cheltenham. Please note, these lists also relate to successor bodies where re-organisations occur. The Planning Policy team within the Council maintains a database of contact details for all other interested individuals and organisations who will be consulted where relevant. Contact the Planning Policy team if you would like to be added to or removed from the database.

From time to time consultation lists will be reviewed. An updated free standing list of consultees will be produced as necessary and this will not require a review or update to the SCI.

### Specific consultation bodies (where relevant to Cheltenham Borough)

The Regulations define specific consultation bodies as:

- the Environment Agency
- the Historic Buildings and Monuments Commission for England (known as English Heritage)
- Natural England
- Network Rail Infrastructure Limited (company number 2904587)
- the Highways Agency
- a relevant authority any part of whose area is in or adjoins the local planning authority's area
- any person -
  - to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
  - who owns or controls electronic communications apparatus situated in any part of the local planning authority's area
- if it exercises functions in any part of the local planning authority's area -
  - a Primary Care Trust established under section 18 of the National Health Service Act 2006(9) or continued in existence by virtue of that section
  - a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
  - a person to whom a licence has been granted under section 7(2) of the Gas Act 1986
  - a sewerage undertaker
  - a water undertaker
- The Homes and Communities Agency

For Cheltenham Borough this includes the following:

- Badgeworth Parish Council
- Bishops Cleeve Parish Council
- Boddington Parish Council
- Bredon Parish Council
- British Telecommunications Plc
- Brockworth Parish Council
- Charlton Kings Parish Council
- Coberley Parish Council
- Cotswold District Council
- Dowdeswell Parish Council
- Relevant Electricity and Gas Companies
- The Historic Buildings and Monuments Commission for England (currently English Heritage)
- The Environment Agency
- Forest of Dean District Council
- Gloucestershire Clinical Commissioning Group (replaces Primary Care Trust)
- Gloucestershire Constabulary
- Gloucestershire County Council
- Highways Agency
- Homes and Communities Agency
- Innsworth Parish Council
- Leckhampton with Warden Hill Parish Council
- Longford Parish Council
- Natural England

- Network Rail
- Prestbury Parish Council
- Severn Trent Water
- Sevenhampton Parish Council
- Shurdington Parish Council
- Southam Parish Council
- Staverton Parish Council
- Stoke Orchard Parish Council
- Stroud District Council
- Swindon Parish Council
- Relevant Telecommunications Companies
- Tewkesbury Borough Council
- Uckington Parish Council
- Up Hatherley Parish Council
- Whittington Parish Council
- Wiltshire County Council

### **General consultation bodies**

The Regulations define general consultation bodies as:

- voluntary bodies some or all of whose activities benefit any part of the local planning authority's area
- bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area
- bodies which represent the interests of different religious groups in the local planning authority's area
- bodies which represent the interests of disabled persons in the local planning authority's area
- bodies which represent the interests of persons carrying on business in the local planning authority's area

Cheltenham Borough Council's planning service holds a database of general consultation bodies and others that have registered an interest in planning policy consultations. These include:

- Local and national interest groups including community, activity and faith-based groups
- Residents that have asked to be included in planning policy consultations
- Businesses that have asked to be included in planning policy consultations
- Businesses with a significant presence in the local area
- Government agencies
- Land owners
- Property developers
- Property agents and planning consultancies

### **Duty to co-operate**

In addition, the Localism Act introduced a duty for local authorities to co-operate with other prescribed bodies in preparing their plans. For Cheltenham these are:

- The Civil Aviation Authority
- The Historic Buildings and Monuments Commission for England (currently English Heritage)
- The Environment Agency
- Gloucestershire Clinical Commissioning Group (replaces the Primary Care Trust)
- Gloucestershire County Council
- Gloucestershire County Council and the Highways Agency (as highways authorities)
- Gloucestershire First (as local enterprise partnership)
- the Homes and Communities Agency
- Natural England
- the Office of Rail Regulation

### **Appendix 3 Document availability**

Documents will be deposited for the purposes of public consultation at the following locations

- Bishop's Cleeve Library
- Charlton Kings Library
- Cheltenham Main Library
- Health Resource Centre
- Hesters Way Library
- Hesters Way Neighbourhood Project
- Lower High Street Resource Centre
- Prestbury Library
- Up Hatherley Library

Copies of the adopted SCI are available for inspection at the offices of Cheltenham Borough Council and on the council's website [www.cheltenham.gov.uk/planningpolicy](http://www.cheltenham.gov.uk/planningpolicy)

## Annex 3

### Statement of Community Involvement 2013 – schedule of representations received following public consultation and officer response

Respondent	Representation	Officer response
Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</p> <p>We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at: <a href="http://www.naturalengland.org.uk/ourwork/planningdevelopment/default.aspx">http://www.naturalengland.org.uk/ourwork/planningdevelopment/default.aspx</a>.</p>	Noted
The Woodland Trust	<p><u>Para 7.3</u> We would like to see the Woodland Trust included as a general consultation body in the consultation process of LDF planning documents – Appendix 2 – ‘General consultation bodies’.</p> <p><u>Para 11.1</u> The new National Policy Planning Framework clearly states: “...<i>planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss</i>” (DCLG, March 2012, para 118).</p> <p>The Government’s policy document ‘Keepers of Time – A statement of Policy for England’s Ancient &amp; Native Woodland’ (Defra/Forestry Commission, 2005, p.10) states: ‘<i>The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland</i>’.</p> <p>The Government’s Independent Panel on Forestry states: ‘<i>Government should reconfirm the policy approach set out in the Open Habitats Policy and Ancient Woodland Policy (Keepers of Time – A statement of policy for England’s ancient and native woodland).....Reflect the value of ancient woodlands, trees of special interest, for example veteran trees, and other</i></p>	Appendix 2 of the revised SCI refers to local and national interest groups. The Woodland Trust is included as a consultee on the Local Plan database.

	<p><i>priority habitats in Local Plans, and refuse planning permission for developments that would have an adverse impact on them.</i>' (Defra, Final Report, July 2012). This has been endorsed by the response in the recent Government Forestry Policy Statement (Defra Jan 2013): <i>'We recognise the value of our native and ancient woodland and the importance of restoring open habitats as well as the need to restore plantations on ancient woodland sites. We, therefore, confirm our commitment to the policies set out in both the Open Habitats Policy and Keepers of Time, our statement of policy for England's ancient and native woodland'</i>.</p> <p>Some local authorities have already listed the Woodland Trust as a non-statutory consultee for planning applications in their adopted SCIs, such as Swindon Statement of Community Involvement (SCI) - Revised March 2013.</p> <p>The Woodland Trust would therefore like to see a similar commitment in this SCI that we will be consulted on all planning applications that threaten ancient woodland.</p>	<p>The NPPF is a material planning consideration that the council must have regard to in determining planning applications. Policy SD10 of the emerging Joint Core Strategy is also material. In cases that are relevant to this part of the NPPF and/or JCS Policy SD10 the council will seek such advice as it deems appropriate to assist in its deliberations, including from its own arboricultural officers.</p>
<p>Network Rail</p>	<p>Network Rail has been consulted by Cheltenham Borough Council on the Revised Statement of Community Involvement (SCI). Thank you for providing us with this opportunity to comment on this Planning Policy document. This email forms the basis of our response to this consultation request</p> <p><b><u>Developer Contributions</u></b></p> <p>The Revised Statement of Community Involvement should set a strategic context requiring developer contributions towards rail infrastructure where growth areas or significant housing allocations are identified close to existing rail infrastructure.</p> <p>Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure including improved signalling, passing loops, car parking, improved access arrangements or platform extensions.</p> <p>As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.</p> <p>Specifically, we request that a Policy is adopted which requires developers to fund any qualitative improvements required in relation to existing facilities and infrastructure as a direct result of increased patronage resulting from</p>	<p>Network Rail is a statutory consultee in the development plan preparation process. This request is not appropriate for inclusion within the SCI. It is properly a matter for the development plan/CIL - policies INF1, INF7 and INF8 of the emerging Joint Core Strategy provide an appropriate framework.</p>

	<p>new development.</p> <p>The likely impact and level of improvements required will be specific to each station and each development meaning standard charges and formulae may not be appropriate. Therefore in order to fully assess the potential impacts, and the level of developer contribution required, it is essential that where a Transport Assessment is submitted in support of a planning application that this quantifies in detail the likely impact on the rail network.</p> <p>To ensure that developer contributions can delivery appropriate improvements to the rail network we would recommend that Developer Contributions should include provisions for rail and should include the following:</p> <ul style="list-style-type: none"> <li>▪ A requirement for development contributions to deliver improvements to the rail network where appropriate.</li> <li>▪ A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated.</li> <li>▪ A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements. In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable. We would not seek contributions towards major enhancement projects which are already programmed as part of Network Rail's remit.</li> </ul> <p><u>Level Crossings</u></p> <p>Development proposals' affecting the safety of level crossings is an extremely important consideration for emerging planning policy to address. The impact from development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision.</p> <p>As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services.</p> <p>In this regard, we would request that the potential impacts from development affecting Network Rail's level crossings, is specifically addressed through</p>	<p>Network Rail is a statutory consultee in the development plan preparation process. This request is not appropriate for inclusion within the SCI. It is a matter for the development plan and the development management process.</p> <p>The council is statutorily required to notify the operator of the network in circumstances set</p>
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	<p>planning policy as there have been instances whereby Network Rail has not been consulted as statutory undertaker where a proposal has impacted on a level crossing. We request that a policy is provided confirming that:</p> <ul style="list-style-type: none"> <li>• The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway: <ul style="list-style-type: none"> <li>○ <i>Schedule 5 (f) (ii) of the Town &amp; Country Planning (Development Management Procedure) order, 2010 requires that... "Where any proposed development is likely to result in a material increase in volume or a material change in the character of traffic using a level crossing over a railway (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both Her Majesty's Railway Inspectorate and Network Rail for separate approval".</i></li> </ul> </li> <li>▪ Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact: and</li> <li>▪ The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.</li> </ul> <p><u>Planning Applications</u></p> <p>We would appreciate the Council providing Network Rail with an opportunity to comment on any future planning applications should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make (further to those above).</p>	<p>out in Schedule 5 to the Town &amp; Country Planning (Development Management Procedure) (England) Order 2010. It is undesirable to introduce a policy relating to an issue that is subject to statutory control and which would, as the first bullet requests, duplicate that statute. In seeking to exceed the provisions of that statute, the council would need clear justifying evidence or leave itself potentially susceptible to challenge. This is exemplified by the final two bullet points given their potentially onerous implications if applied, as requested, universally.</p> <p>Noted, although "close proximity" is a matter of interpretation.</p>
<p>Tetlow King Planning</p>	<p>We recognise that the revised SCI provides a succinct and detailed overview of Cheltenham's development process. The following additions would provide additional clarity to the development process.</p> <p>Para 11.25 should include reference to the Council's legal department. On applications which require the use of a s106 planning obligation agreement, discussions should be initiated at the earliest opportunity with the various stakeholders to ensure that when a decision is made, the planning officers and elected members have the appropriate information, including a draft</p>	<p>Noted. Document amended to include reference to legal services.</p>

	<p>legal agreement, before them.</p> <p>Following para 11.25, there should be the addition of consultation, where appropriate, with Gloucestershire County Council; for example Highways/Transport and Education Department. From experience, development proposals which raise issues which fall under the remit of both a borough and a county council are usually the most problematic to resolve either at the recommendation stage or in the advancement of legal agreements. Cheltenham Borough Council should agree the consultation procedure with these consultees at this stage of the Local Plan process, to ensure these consultees expectations in respect to development proposals are included within the Local Plan documents and that they respond effectively to individual planning applications when necessary.</p> <p>The South West HARP Planning Consortium should be recognised as a key stakeholder within the SCI; representing 15 South West Registered Social Housing providers, including the principle five with properties in Cheltenham, they provide a vital source of information on the provision of affordable housing across the region.</p>	<p>Appendix 2 cites Gloucestershire County Council as a “specific consultation body” in the preparation of development plans. The County Council also is involved in preparation of the development plan as part of the general Duty to Co-operate (and is also cited under this heading at Appendix 2). In terms of engagement with planning applications the policies of the emerging JCS, and in particular the Infrastructure Delivery Plan, will ensure that the County Council is involved in a timely manner.</p> <p>South West HARP Planning Consortium will be added to the database of general consultation bodies referred to at Appendix 2.</p>
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