

## APPENDIX 1

**13/01605/OUT**

# **Land at Leckhampton**

## **Consultee Comments**

1. Leckhampton with Warden Hill Parish Council
2. Highways Agency
3. Contaminated Land Officer
4. HMO Division
5. County Education
6. Crime Prevention Design Adviser
7. Park and Landscapes Division
8. Severn Trent Water Ltd
9. Natural England
10. Gloucestershire Centre for Environmental Records
11. Campaign to Protect Rural England
12. English Heritage
13. Shurdington Parish Council
14. Gloucestershire Bat Group
15. Tewkesbury Borough Council
16. National Planning Casework Unit
17. Cheltenham Civic Society
18. Cotswold Conservation Board
19. County Archaeology
20. Environment Agency
21. Land Drainage Officer

<b>APPLICATION NO:</b> 13/01605/OUT	<b>OFFICER:</b> Mr Craig Hemphill
<b>DATE REGISTERED:</b> 17th September 2013	<b>DATE OF EXPIRY :</b> 7th January 2014
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton
<b>APPLICANT:</b>	Bovis Homes Limited & Miller Homes Limited
<b>LOCATION:</b>	Land At Leckhampton Shurdington Road Cheltenham
<b>PROPOSAL:</b>	Residential development of up to 650 dwellings; mixed use local centre of up to 1.94ha comprising a local convenience retail unit Class A1 Use (400sqm), additional retail unit Class A1 Use for a potential pharmacy (100sqm), Class D1 Use GP surgery (1,200sqm,) and up to 4,500sqm of additional floorspace to comprise one or more of the following uses, namely Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses including a potential dentist practice, childrens nursery and/or cottage hospital; a primary school of up to 1.72ha; strategic open space including allotments; access roads, cycleways, footpaths, open space/landscaping and associated works; details of the principal means of access; with all other matters to be reserved.

## Parish Council

4th March 2014

The Council objects very strongly to the application on the following grounds:

1. **Conflict with Cheltenham Local Plan.** The application is contrary to the existing, valid Cheltenham Local Plan (2nd review 2006) and it runs counter to the intention of the Local Plan in its specific policy on the land at Leckhampton in which Cheltenham Borough Council supported the conclusion of the Inspector that the intrinsic value of the land should be protected as a resource for its recreational, landscape, wildlife and archaeological interest. These issues have been well explained in the objections dated 9 January lodged by Martin Horwood, MP for Cheltenham.
2. **Pre-emption of JCS.** The application attempts to pre-empt the current process of consultation and refinement of the emerging Joint Core Strategy. The inclusion in the draft JCS of strategic developments on the land at Leckhampton is highly controversial. It was based on incorrect projections for population and employment growth and apparent ignorance of the very serious implications for traffic congestion and pollution, as explained in the Council's submission to the JCS Consultation attached at Appendix 2. The applicants seek to use the current shortfall in the housing land supply to justify early determination. But, as is well argued in the submission by Lufton and Associates, Chartered Planning Consultants, dated 28 October 2013, there is no immediate pressure on Cheltenham Borough Council to permit this application just to address the current short-term housing supply requirements; a positive determination at this time when the JCS is being refined would be contrary to the first core planning principle at paragraph 17 of the NPPF.
3. **Conflict with Neighbourhood Plan and Local Green Space Application.** The application is contrary to the emerging Neighbourhood Plan as described in the Neighbourhood Planning Concept that was submitted to Cheltenham and Tewkesbury Borough Councils in August 2013 by Leckhampton with Warden Hill Parish Council and Shurdington Parish Council respectively and which is attached at Appendix 1. The Concept includes a Local
4. **Harm to the setting of the AONB.** The proposed development would seriously harm the setting of the AONB including the iconic view from Leckhampton Hill and the Cotswold Way National Trail as well as the view of Leckhampton Hill from the A46. This is explained in detail by Natural England and the Cotswold Conservation Board in their objections to the

application. Natural England states: 'There are viewpoints of the highest sensitivity along the Escarpment of the Cotswold AONB, such as the Devil's Chimney. The view from the Devil's Chimney gives panoramic views across the Vale which would be interrupted by the proposed development. The scale of the potential development would significantly change the view from an open, rural expansive view to a predominantly urban view of the edge of Cheltenham'. Paragraphs 115 of the NPPF states that: 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty'.

5. **Strong public opposition.** There is extremely strong public opposition to the development. In the exit poll which the Parish Council conducted at the exhibition held by the developers, 94% of people were opposed or strongly opposed the development. In addition, all elected representatives of the area at District and County level are also strongly opposed and so is Martin Horwood, Cheltenham's MP, and Alex Chalk, the prospective Conservative parliamentary candidate for Cheltenham.
6. **Insufficient provision of schooling.** The application includes a new primary school, but this would not be built until a later stage in the development. In the meantime there would be no primary provision for the first 300 or so homes. Warden Hill Primary School and Leckhampton Primary School are both full and there is a shortfall in primary school places in Cheltenham because of the second generation post-war bulge. For secondary schooling, Balcarras and Bournside are always over-subscribed. They are both academies and cannot be forced to expand. Balcarras has insufficient land to expand anyway.
7. **Flood risk.** Warden Hill has been flooded on many occasions, most recently in 2007 when parts of Warden Hill were flooded to a depth of over 1 metre and houses were badly contaminated with swept-out sewage. Flood defences were improved in 2010 to protect against flooding from the south-west tributary of Hatherley Brook, but there remains the risk of flooding from the main tributary, which flows through the site of the proposed development. The main tributary frequently floods gardens in St Michaels Road, and some of the 2007 flooding of Warden Hill came from the direction of the main tributary. The Council is concerned that the proposed development would remove the option of building a flood alleviation scheme on the Leckhampton fields should this be needed to protect south Cheltenham in future from the effects of climate change. The Council is also concerned that the balancing ponds proposed by the applicants in the Flood Risk Assessment and Drainage Strategy (FRADS) may not give adequate protection from heavy rain falling on already saturated ground, as in 2007. As stated on page 26 of the FRADS, the balancing ponds will be cut well below the water table and there is uncertainty over the effects of underground water flow and hydrostatic pressure, especially if climate change produces frequent periods like this winter and last where the water table comes up to the surface for many weeks. Gardens in Woodlands Road across the A46 from the site of the proposed balancing ponds are flooded frequently by underground water flowing under the A46; one house was flooded inside in 2007 and again recently according to local residents. This demonstrates there are significant underground flows in the vicinity of the proposed ponds. The Council is concerned that the applicants may also be underestimating the groundwater flooding on the fields.
8. **Traffic congestion.** As discussed below in Annex A, the traffic problems that would be created by the proposed development are very serious and the applicants have been unable to find any solution to them. The Transport Assessment contains many weaknesses and omissions, as identified in the objections submitted on 22 October 2013 by Robert Williams of Entran Traffic Consultants, who has advised the Council. The traffic system in south Cheltenham is fragile and the extra traffic from the 650 new households would make it unstable during the morning peak traffic period. The 650 homes would directly add about 195 vehicles to the A46 queue, extending the queue down to Shurdington. But disruption to traffic flow through Church Road would add several hundred more vehicles. The traffic

queue could then extend to the A417 roundabout and affect traffic on the A417. If one also includes the extra traffic from the 300 homes at the SD2 site, which is included in the Tewkesbury Local Plan, the queue seems certain to threaten the A417. The Council has made many traffic surveys and studied and modelled the traffic problems in considerable detail, as have the applicants, and no way has been found to mitigate the problems.

9. **Damage to the local economy.** The traffic congestion that would be caused if the development was allowed to proceed would make it much harder to travel into Cheltenham on the A46. This would do serious damage to local economy. The great importance of transport to the local economy and the damage that traffic delays cause to local companies and employment are being emphasised by Gloucester County Council in the case for the A417 Loop road to reduce delays on the A417. The green setting of Cheltenham is also hugely important for attracting new companies into the town. These economic issues are covered in more detail in the Council's submission on the draft JCS at Appendix 2.
10. **Traffic pollution.** Measurements by Cheltenham Borough Council show that nitrogen dioxide (NO<sub>2</sub>) pollution levels exceed the EU-permitted limit of 40 micrograms per cubic metre near the A46 junction with Moorend Park Road. Although data has not been gathered over a full year, CBC has stated that the pollution at this location is likely to exceed the limit throughout the year. The NO<sub>2</sub> pollution in Church Road also exceeds the EU limits in the winter months. The argument is sometimes made that the traffic pollution in Cheltenham is not as bad as in parts of London and in some other UK towns and cities. However, three important issues need to be considered in the context of the present application:
  - a. Medical and epidemiological evidence is showing that the current limits on vehicle pollution may need to be reduced substantially (ref.1). WHO is recommending that the level for pm<sub>2.5</sub> nanoparticles must be reduced by a factor of 2.5. This would mean that pm<sub>2.5</sub> near the Moorend Park Road junction, Church Road and along the A46 will be over the pm<sub>2.5</sub> limit. Compared to NO<sub>2</sub>, pm<sub>2.5</sub> is more pervasive and persistent, and in urban areas background levels are not much lower than roadside levels (ref.2); pm<sub>2.5</sub> from a long A46 queue can be swept up into Cheltenham by the prevailing SW wind.
  - b. The European Commission in 2012 rejected the UK government's plea for further time to introduce anti-pollution measures and in 2013 the UK Supreme Court ruled that the UK government is failing its legal duty on air pollution. Following this ruling, the Commission launched legal proceedings against the UK in February 2014 (ref. 3). Many UK towns and cities now face the risk of multimillion euro fines (ref. 4). The Localism Bill includes clauses that would allow the UK government to pass EU fines on to regional and local authorities and the proportion passed would be relative to the degree to which each authority has power to tackle the problem and has failed to do so. It is one thing to have a pollution problem and to be taking steps to reduce it, but quite another to approve developments that would make bad pollution levels worse. Cheltenham Borough Council could face substantial fines and EU prosecution.
  - c. As well as the pollution danger to residents, there is also a health risk to drivers and passengers inside vehicles (ref. 5). Tests have shown that the majority of pollutants inside a car originate from the vehicle immediately in front. The type of situation in the A46 queue with vehicles nose to tail at an average gap of 3 to 4 metres between vehicles is particularly bad. Some vehicles, notably buses, also ingest their own emissions, and studies have shown that the worst pollution levels can be inside buses in the queue. Cyclists and motor cyclists would also experience high pollution levels (refs. 6-8).

**Conclusion:** For the reasons set out in sections 1 to 10 and in Annex A below and Appendices 1 and 2, the Parish Council believes that Cheltenham Borough Council has no choice other than to reject the application. The Parish Council also believes that the same reasons will force the JCS to be revised to remove the land at Leckhampton from the list of potential strategic development sites.

## References

1. "Safe' levels of air pollution could still be harmful", NHS Dec. 2013. <http://www.nhs.uk/news/2013/12December/Pages/Safe-levels-of-air-pollution-could-still-be-harmful.aspx>
2. "London average air quality levels", Greater London Authority, Feb. 2014 <http://data.london.gov.uk/datafiles/environment/air-quality-london.xls>
3. "EU Commission launches legal action over UK air quality", BBC News 20 Feb 2014 <http://www.bbc.co.uk/news/science-environment-26257703>
4. "UK Cities Face Ban on Heavily Polluting Traffic", Guardian, 28 June 2012. [www.theguardian.com/environment/2012/jun/28/uk-cities-ban-polluting-traffic#history-link-box](http://www.theguardian.com/environment/2012/jun/28/uk-cities-ban-polluting-traffic#history-link-box)
5. "A Driver's Exposure to Traffic Pollution", Clarke R, U of Nottingham, 1998. [http://etheses.nottingham.ac.uk/3664/1/Thesis\\_All.pdf](http://etheses.nottingham.ac.uk/3664/1/Thesis_All.pdf)
6. The exposure of cyclists, car drivers and pedestrians to traffic-related air pollutants". [www.ncbi.nlm.nih.gov/pubmed/7591177](http://www.ncbi.nlm.nih.gov/pubmed/7591177)
7. "Differences in cyclists and car driver's exposure to air pollution from traffic in the city of Copenhagen". <http://www.ncbi.nlm.nih.gov/pubmed/11712590>
8. "Determination of personal exposure to traffic pollution while travelling by different modes". NZ Transport Agency research report 457 Nov 2011 <http://www.nzta.govt.nz/resources/research/reports/457/docs/457.pdf>

## Appendices:

1. Neighbourhood Plan Concept submitted in August 2013 by Leckhampton with Warden Hill and Shurdington Parish Councils to Cheltenham and Tewkesbury Borough Councils.
2. Joint Core Strategy Consultation: Comments by Leckhampton with Warden Hill Parish Council dated 12 December 2013.

## **Annex A:**

### **Why the traffic problems preclude any major housing development on the Leckhampton fields.**

#### **1. Introduction**

The evidence in this annex is largely contained in the Neighbourhood Plan Concept, which was submitted jointly by Leckhampton with Warden Hill Parish Council and Shurdington Parish Council to Cheltenham and Tewkesbury Borough Councils in August 2013 and is included at Appendix 1. Annexes 2 and 3 of the NP Concept analysed the traffic implications for the various strategic developments under consideration in the draft Joint Core Strategy (JCS) as this was emerging in summer 2013. The purpose in Annex A is to analyse the traffic problems specifically for the context of the current application for 650 new homes on the Leckhampton fields.

#### **2. Traffic surveys and model**

The crucial traffic problems arise in the workday peak morning period from 07:30 to 09:15. To properly understand the traffic system, the Parish Council has conducted a large number of surveys of the peak morning traffic between 07:00 and 09:30 at all the main junctions along

the A46 from the A417 to the Moorend Park Road junction and at various locations in Leckhampton. The surveys along the A46 were carried out mainly in February and March 2013 and are described in Annex 3 of the NP Concept at Appendix 1. Six surveys were also carried out at the junction of Church Road and Kidnappers Lane in September/October 2012 and other surveys have been conducted in Farm Lane at the Church Road and Brizen Lane junctions in March/April 2013. The data from the A46 surveys was used to build a computer model of the inward traffic flow on the A46, which was validated by Robert Williams, Director of Entran traffic consultants. The model is described in Annex 3 of the NP Concept.

### **3. What causes the traffic queue?**

The reason the A46 queue forms is that the junction of the A46 with Moorend Park Road has a maximum throughput capacity of about 900 vehicles per hour in each direction on the A46. This capacity also depends on how much traffic is crossing or joining the A46 from Moorend Park Road. From about 08:15 to 08:45, the capacity drops to around 750 vehicles per hour as more of the traffic light cycle is taken up by the Moorend Park Road traffic. The queue starts to form at around 07:40 when the vehicle arrival rate on the A46 exceeds the maximum junction capacity. It grows quickly, reaching the Woodlands Road junction in 5 to 10 minutes. The growth then slackens and the queue grows slowly to a final length of 0.8 to 1.3 km. The queue typically persists to around 09:00, although if the traffic is light the queue can be much shorter and dissipate quite quickly.

### **4. How the 650 new homes would affect the A46 traffic queue**

The traffic from the 650 new homes would affect the A46 queue in two ways. First, vehicles from the new homes travelling into Cheltenham through the Moorend Park Road junction would add directly to the A46 queue. Secondly, the longer A46 queue would cause traffic to start diverting from Shurdington via Leckhampton Lane and Church Road in order to bypass the queue. This would destabilise the traffic flow through Church Road. What happens if Church Road jams is discussed in sections 5 to 12 below.

To calculate how many vehicles would be added directly to the queue by the 650 homes, the Council has used a mobilisation figure of 0.6 vehicles per household during the peak period. This is the mobilisation figure used by the applicants in their traffic modelling. It is consistent with the morning traffic flow that the Council measured in traffic surveys at the Lanes Estate, which is adjacent to the site of the proposed development and also to the SD2 and Brizen Farm sites. Using 0.6 vehicles per household and making a best estimate of the proportion that would travel into Cheltenham on the A46 (as discussed in Annex 3 of the NP Concept at Appendix 1) the 650 homes would directly add about 195 extra vehicles to the A46 queue.

As the queue lengthens beyond each junction, traffic wanting to leave at that junction becomes trapped in the queue, adding further to the queue length. This is taken into account in the traffic model. The model shows that the traffic from the 650 homes would extend the queue to a length of 2.6 km taking it to the Leckhampton Lane junction in Shurdington.

Whilst application 13/01605/OUT is only for 650 homes it is linked through the applicants' illustrative masterplan to the proposed development of 300 houses on the SD2 site, which is already included in the Tewkesbury Local Plan. The SD2 application was previously rejected at a planning appeal because it was deemed to be too isolated and unsustainable without the development now proposed in the present application. If the present application were permitted, approval for the SD2 application would seem likely. Adding the traffic from the 300 SD2 homes would increase the length of the A46 queue by a further 1.1 km, taking the queue through Shurdington to the Badgeworth Lane junction. There would be around 450 vehicles in the queue, of which around 320 were due to the developments. The model calculates that from the end of the queue it would take vehicles nearly an hour to reach the centre of Cheltenham.

## **5. How traffic would be likely to bypass the A46 queue**

The A46 traffic model allows the queue speed to be calculated at each point along the A46 and it predicts that from the Leckhampton Lane junction in Shurdington vehicles in the queue would take about 35 minutes to reach the Moorend Park Road junction. However, drivers can bypass the queue by turning right onto Leckhampton Lane and continuing through Church Road and into Cheltenham either via Leckhampton Road or via Moorend Park Road. This bypass route is slightly longer in distance but would take less than 10 minutes provided that traffic was flowing freely through Church Road.

There would in fact be two bypass routes that drivers could take: one via Leckhampton Lane through Church Road to Leckhampton Road and the second via Leckhampton Lane and Farm Lane and then back to the A46 through the proposed development to the new traffic light controlled junction at the north end of the site, which would be close to the front of the A46 queue. The first route would be quicker, but once a long traffic queue built up in Church Road drivers would be tend to divert instead onto the second route.

Drivers would judge which route to take based on their experience of past congestion. Until about 07:45, most drivers would remain on the A46 knowing that the traffic queue would still be quite short when they reached it. After 07:45, drivers would increasingly decide to divert onto Leckhampton Lane and might choose which route to take at the junction with Farm Lane by observing the length of the traffic queue ahead of them into Church Road. If Church Road jammed up, they would all tend to use the Farm Lane route.

The traffic model shows that if all the vehicles heading to the Moorend Park Road junction diverted onto Leckhampton Lane this would add an extra 8.2 vehicles per minute on average to the 4.1 vehicles per minute that currently turn onto Leckhampton Lane. Such a three-fold increase in the traffic would be likely to jam Church Road as discussed in section 10 below.

## **6. Importance of Church Road to the Cheltenham traffic system**

It is important to appreciate the vital role that Church Road plays in Cheltenham's traffic system and the consequences if Church Road jams up. The route through Church Road allows traffic to flow between south/south-east Cheltenham and west Cheltenham/A46/A417/M5/Gloucester without having to go through the town centre or through the Moorend Park Road junction.

The traffic flow in Church Road was surveyed by the Parish Council at the Kidnappers Lane junction on six mornings between 10 September 2012 and 1 October 2012. The surveys covered all five weekdays and a second Thursday survey was done because on the first Thursday the traffic jammed up (the cause of this is not known). The data from these surveys are in Table A.2.1 of the NP Concept at Appendix 1.

The surveys showed that each workday around 1320 vehicles used Church Road between 07:30 and 09:00, with 675 vehicles travelling in the SW direction (clockwise round Cheltenham) and 650 in the NE direction (anti-clockwise). Without Church Road, the majority of these vehicles would have to travel instead via the Moorend Park Road junction. The clockwise flow through Moorend Park Road would mainly turn left onto the A46; some might continue straight ahead if drivers were heading to west Cheltenham, the M5 or Gloucester. Either way, the vehicles would take up more of the traffic light cycle and would reduce the throughput for the A46 traffic, roughly on a 1:1 basis. The anti-clockwise flow would travel up the A46, adding to the A46 queue. Most vehicles would turn right onto Moorend Park Road. They would have to wait to cross the outbound A46 traffic flow and because there is only a short right turning lane they would hold up the rest of the traffic. This would mean the inward and outward A46 traffic could not cross simultaneously and would need separate traffic light periods. Overall, this could reduce the capacity of the junction to as little as 200 vehicles per hour and add of the order of 800 extra vehicles to the queue length. Such a small throughput would also mean that a long queue of outward travelling vehicles would form back through the centre of Cheltenham.

## **7. Reason that traffic in Church Road is liable to gridlock**

The section of Church Road between Kidnappers Lane and the Leckhampton Road is narrow. Most of the houses on the north side of the road have no space for off-road parking and vehicles are parked along the north side of the road. They park on the pavement as much as possible, but even so it is hard for vehicles to pass in both directions. If a jam happens it is normally resolved quickly by drivers squeezing past each other. More protracted jams do occur occasionally and would be more frequent if the traffic levels were to increase. Mark Power of Gloucestershire Highways has emphasised the importance of keeping any extra traffic away from Church Road and this has been a key issue for the applicants. As Mark Power has also made clear, there is no way to mitigate the traffic difficulties in Church Road, because the road is hemmed in by housing and by the scarp of Leckhampton Hill and the AONB.

## **8. Current situation**

Fortunately, very few drivers currently use Church Road to bypass the A46 queue. This has been confirmed by surveys made by the applicants using number plate tracking and also by the Parish Council by measuring the driving times by the two routes. The Parish Council found that as long as the A46 queue does not extend beyond the Kidnappers Lane junction, the bypass route offers no advantage. However, if the A46 queue reaches as far as the Up Hatherley Way roundabout, the bypass route becomes about 6 minutes quicker. At present, drivers in Shurdington deciding whether or not to use the bypass route do not know how long the A46 queue will be when they reach it. So they tend to choose to stay on the A46. However, the A46 queue does not need to become much longer before drivers can decide with confidence that it would be quicker to use the bypass route.

## **9. Effect of general increases predicted in traffic levels**

Even without any further housing development, the A46 traffic queue is expected to increase by around 75 vehicles because of the general increase in traffic predicted by Department for Transport as the economy recovers. This would increase the queue length by about 0.6 km and make the bypass route clearly quicker for drivers reaching the Leckhampton Lane junction in Shurdington after about 08:15. It was on this argument that it was concluded in the NP Concept that there is no scope for any housing development on the Leckhampton fields that would significantly increase the traffic flow into the Moored Park Road junction.

## **10. How close is Church Road to gridlock?**

The traffic flows measured in the Council's traffic surveys in Church Road are shown in Table A.2.1 of the NP Concept at Appendix 1. Some indication of the maximum capacity of Church Road can be gleaned by looking at when a significant traffic queue forms waiting to enter the narrow section of the road. It appears that when the combined throughput in both directions is less than 16 vehicles per minute, the traffic generally flows well and any queue is short. When the combined throughput exceeds 16 vehicles per minute there is roughly a 50% chance that a substantial queue will form. The maximum throughput capacity seems to be around 19 to 20 vehicles per minute, though it is not clear that this could be sustained for long.

The survey data for 13 September 2012 also indicates how the flow can collapse due to congestion. Because cars and vans can squeeze past each other, the road is only likely to jam absolutely if a large vehicle is trying to get through in the peak period. The road has a 7.5 ton limit, but occasionally an articulated lorry or other very large vehicle does attempt to come through and it then depends on the traffic coming in the other direction stopping soon enough or reversing back. With a larger pressure of vehicles trying to get through, it would be more likely that reversing back would not be possible and the road could then lock up completely.

A more common scenario is for the throughput to progressively decline as the road becomes more congested and vehicles have increasing difficulty passing each other. Long queues then build back along Church Road towards Leckhampton Lane, along Kidnappers Lane and across and along Leckhampton Road. This was the situation for the traffic survey on 13 September 2012. In fact, even on a normal morning when the traffic is flowing well through

Church Road, a short queue does frequently spread back to the Leckhampton Road. So it is easy for problems in Church Road to spread back and block Leckhampton Road.

#### **11. Direct traffic to Church Road from 650 homes**

As discussed below in section 13, the applicants have proposed measures by which they believe they can limit the number of vehicles flowing to Church Road from the 650 new homes to an average of around 0.75 vehicles per minute in the peak period. It would also be important, however, that a big group of vehicles did not arrive at the same time. Also, as discussed in section 13, the measures are controversial and are unlikely to work well or to be acceptable in terms of road safety.

#### **12. Effect of traffic diverting onto the bypass route and the impact on the A417**

As noted in section 5, there would be two routes by which traffic could bypass the A46 queue: one via Leckhampton Lane through Church Road to Leckhampton Road and the other via Leckhampton Lane, Farm Lane and through the proposed development to the traffic light controlled exit near the head of the A46 queue. Vehicles using the Farm Lane route would all contribute to the A46 queue because they would still be passing through the Moorend Park Road junction. Vehicles using the Church Road route would also contribute if they then continued via Moorend Park Road but not if they continued via Leckhampton Road to the Bath Road. The Council's traffic surveys at the Moorend Park Road junction indicate that the traffic through Church Road would split roughly half-half between these two routes. So provided that the Church Road traffic did not jam up, the bypass route could significantly reduce the length of the A46 traffic queue, probably by around 60 vehicles (0.5 km).

On days when Church Road jams up, the situation would be similar to that already described in section 6 with the traffic diverting via the A46 and the Moorend Park Road junction. The clockwise traffic flow would add to the length of the A46 queue on a 1:1 basis by reducing the junction capacity for the A46 traffic. The anticlockwise traffic would flow back to the A46 via Farm Lane and the development. The overall outcome would depend on how badly Church Road jammed and at what stage this happened. A partial gridlock similar to that on 13 September 2012 and starting at about 08:10 would be likely to add somewhere around 270 vehicles to the A46 queue and around 130 vehicles to queues in Church Road, Moorend Park Road and at the exits onto the A46 from the development. This assumes that the traffic light sequences at the A46 intersections are set to avoid huge queues building up on Moorend Park Road and within the development. The traffic model indicates that the 270 vehicles added to the A46 queue would probably cause the A46 queue to extend as far as the A417 junction by about 08:55, although this depends on how quickly traffic flows adjust. This is without including the traffic from the 300 homes on the SD2 site or the general increased traffic levels predicted by the Department for Transport. Both of these would make the queue substantially worse as well as increasing the probability of Church Road jamming.

One might be able to mitigate the impact on the A417 by adding an extra queuing lane along the eastbound carriageway, but this would be expensive and would not necessarily prevent the queue reaching back onto M5 junction 11A. One could also widen the A46 south of Shurdington to allow a two lane queue on the A46, but again this would be expensive.

#### **13. Proposed mitigation measures – reducing the traffic to and from Kidnappers Lane**

To limit the number of vehicles coming to Church Road from the new development, the applicants have proposed closing Kidnappers Lane, creating an alternative route through the new development and making this deliberately torturous with multiple bends to discourage traffic flow. The hope is to discourage the through traffic that currently flows along Kidnappers Lane between Church Road and Up Hatherley Way. The flow is important because it links east and south-east Cheltenham to west Cheltenham and to the A40 and M5 junction 11. The combined flow on this route between 07:30 and 09:00 is of the order of 200 vehicles. The aim would be to reroute these 200 vehicles via the Moorend Park Road junction in order to reduce the traffic through Church Road so that Church Road is less likely to jam.

There are several problems with this proposal:

- The route via the Moorend Park Road junction is longer in distance and there are delays in both directions in queuing at the Moorend Park Road junction, particularly for traffic going anticlockwise round Cheltenham. So to discourage the through traffic, one would need to inject a long delay into the Kidnappers Lane route. This is not practicable and one could not delay the through traffic without also delaying vehicles from the development and existing housing along Kidnappers Lane, Farm Lane and the Lanes Estate. Re-routing via the Moorend Park Road junction would add to the A46 queue.
- Making the route through the development tortuous would create a serious hazard to children, pedestrians and road users.
- As Mark Power of Gloucestershire Highways pointed out at the public meeting on the application, it is difficult to get approval to close roads and it is not at all clear that approval would be granted to close Kidnappers Lane.

#### **14. Proposed mitigation measures – reducing traffic to and from Leckhampton Lane**

The applicants have sought ways to reduce the traffic in Church Road flowing via Leckhampton Lane. They outlined three possible approaches in their public exhibition in February 2013, but none of these works and the application and Transport Assessment leaves the issue vague. The three approaches considered were:

- 1 (a) To close Leckhampton Lane. This is impossible because of the vital importance of the Church Road – Leckhampton Lane route to Cheltenham's traffic system, as discussed in section 6 above.  
  
(b) To alternatively close Leckhampton Lane just to traffic travelling in the NE direction. This would add around 400 vehicles to the A46 queue and would extend the queue beyond the A417 junction and onto the A417.
- 2 To route the traffic travelling NE on Leckhampton Lane back to the A46 by closing the access to Church Road. This would mean routing around 400 extra vehicles through the Moorend Park Road junction, with the same consequences as (1b) above. It would also be routing this traffic through the proposed development with attendant safety risks.
- 3 To impede the traffic travelling NE on Leckhampton Lane in order to remove the time advantage of this route compared with staying in the A46. The applicants have suggested using a string of chicanes along Leckhampton Lane. However, it is not practicable to inject a delay of at least 15 minutes needed to compensate for the increased delay in the A46 queue. If the chicanes were made sufficiently dangerous to be a deterrent, they would be likely to cause traffic accidents, including head on collisions. Also because the chicanes would be permanent they would create a 24-hour traffic hazard.

#### **15. Proposed mitigation measures – more use of public transport**

The applicants propose that significant mitigation might be achieved through more use of public transport. However it seems doubtful that buses will make a substantial contribution to reducing the traffic even if they are routed through the proposed development. Whilst, buses are an attractive option for travelling to the centre of Cheltenham for shopping later in the day, most commuters in the peak period are heading elsewhere and choose the flexibility and convenience of driving. Residents driving into Cheltenham from the proposed 650 homes will be able to join the A46 very near the front of the A46 queue. So they will not suffer significant delay and will have little incentive to use a bus. In several traffic surveys that the Parish Council carried out at the Kidnappers Lane / A46 junction, no residents from the Lanes Estate were observed to board the number 10 bus, even though this is a regular service with a bus every 10 minutes at that time of day. It is hard to see why it would be much different for residents in the proposed development.

## **16. Proposed mitigation – use of park-and-ride**

The drivers who might have an incentive to use buses are those who are stuck at the back of the A46 queue. But this only applies if travel by a park-and-ride bus offers a big time advantage. Because there is no space on the A46 for a dedicated bus lane, the bus would be stuck in the

same queue as the cars. Widening the A46 to provide a bus lane would be very expensive and it would be necessary to bypass Shurdington. So this option is unlikely to be affordable and in any case experience with park-and-ride schemes elsewhere in Cheltenham shows that they do not succeed easily. It has also been suggested that a park-and-ride could be located near the Up Hatherley Way roundabout. However, by the time drivers reach this point, their remaining journey time is quite short. So, it would require some other incentive, such as making parking in Cheltenham or at their place of work seriously expensive. The problem is that such measures would deter people from working or travelling into Cheltenham and would hurt the economy.

## **17. Proposed mitigation – use of alternative routes into Cheltenham**

The applicants have suggested that vehicles could travel by other routes to avoid the A46 queue. It is hard to see what these could be. To the west, the route via the M5 and A40 is very congested and Badgeworth Lane is a poor alternative to the A46 because vehicles would still have to travel into Cheltenham from Hatherley on already congested roads. To the east the only alternative route would be via the A417 to the Air Balloon roundabout and then into Cheltenham via Leckhampton Hill. This route is substantially longer in distance and the congestion up Crickley Hill and at the Air Balloon roundabout is notorious. The route down Leckhampton Hill has a 7.5 ton restriction and a quite dangerous curve below Salterley Grange. The proposed A417 Loop road would reduce the congestion on the A417 but make the route still longer, and even with the Loop, the traffic climbing up Crickley Hill would still be quite slow. It is also against the Highways Agency policy for the strategic highway network to be used for local travel and the case with the Highways Agency and Government for the A417 Loop road could be weakened if Cheltenham were allowing developments that would increase the local traffic on the Loop road.

## **18. Fundamental unsustainability**

The analysis in this Annex has only concerned how the proposed 650 homes would increase the formation and length of the traffic queues. There is another issue over how long the congestion would persist. The existing queue on the A46 forms from 07:40 to 07:55, but typically persists for another hour until there is sufficient spare capacity in the system to allow it to dissipate. If the A46 traffic queue extends to the A417 or even to Shurdington, it will take much longer to dissipate. The A46 is the trunk route to the A417. There is little point in pleading the economic importance of the A417 Loop if the congestion on the A417 up Crickley Hill is merely replaced by congestion on the A46 and spreading from the A46 onto the A417. The traffic system in south Cheltenham is fragile because there is so little road capacity for vehicles to travel in and out of Cheltenham from the south. This cannot be altered. It is a fundamental limitation due to geography and Cheltenham's layout. The system is close to breaking. It is vital to keep it functioning by not overloading it more.

## **19. Conclusion**

The Parish Council has been a member of the applicants' local forum and has given a great deal of detailed consideration to the traffic issues. The Council has explored various potential solutions to the traffic problems. But no ideas have been found to be feasible. The Parish Council is therefore absolutely convinced that these traffic problems are so severe and intractable that they not only prohibit the present application but also preclude any development that would significantly increase the net traffic flow into Cheltenham through the Moorend Park Road intersection in the peak traffic period.

## Highways Agency

31st October 2013

Thank you for consulting the Highways Agency (HA) with regards to this application. We acknowledge this as a mixed use outline planning application seeking permission for 650 C3 Class dwelling houses; 400sqm retail unit Class A 1 Use; additional retail unit Class A1 Use for a potential pharmacy (100sqm): Class D1 Use GP surgery (1,200sqm,) and up to 4,500sqm of additional floorspace to comprise one or more of the following uses, namely Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses.

Having considered the information prepared to support the proposed scheme, in particular the accompanying Transport Assessment (TA), and the Non-Residential and Residential framework Travel Plans, we acknowledge that transport analysis allows for a previously envisaged quantum of development. The TA therefore confirms that a strategic road network specific Addendum will be produced to reflect the impact of the proposed development mix (as identified above) in line with the requirements of the Department for Transport's recently adopted Circular 02/13 "The Strategic Road Network and the Delivery of Sustainable Development". For your information the HA is content that the applicant is working closely with us in developing agreeable assessment for inclusion in the Addendum report.

The Travel Plans appear to have the potential to mitigate the impact of increased car journeys on the strategic road network. However, the HA will need to understand the implications for the SRN, to be demonstrated in the Addendum, before the exact requirements of the Travel Plan can be known.

Whilst the HA awaits SRN specific assessment to be provided by way of an Addendum document we find it necessary to direct that planning permission not be granted for a period of time sufficient to allow for the provision and review of this information. I therefore attach a TR110 confirming our position.

If you have any questions regarding the points raised in this letter please do not hesitate to contact me.

21st May 2014

Further to our letter of 30th October 2013, and our subsequent renewal of the Direction of Non Approval, we have set out as follows an update to the Agency's position regarding the Leckhampton development.

Since our previous letter further work has been undertaken by the applicant's consultants, including assessment of development traffic and the associated impact upon the strategic road network (SRN). This has included a PARAMICS assessment undertaken by our consultants JMP.

The results of this assessment have identified that the scheme proposed, when considered against forecast development growth identified within the emerging Joint Core Strategy, is unlikely to have a significant impact upon the safe and free flow operation of the SRN. Given this to be the case the Agency is lifting the direction of non approval previously placed on the application and replacing it with one offering no objections. The enclosed TR11 0 confirms this.

In lifting this direction it should be noted that this development has been considered within the context of the JCS as it stands. Currently this provides very limited detail, provisional or committed, as to the likely level of highway infrastructure that will be required to deliver growth across the JCS region. This results in a lack of clarity as to how traffic growth will be accommodated by the highway network in the region and the consequential impact of this

growth upon the SRN network. Given this to be the case we would welcome clarification from the JCS authorities as to the proposed infrastructure and associated mitigation strategies that are to be implemented.

The Highways Agency is working closely with the Joint Core Strategy project team and other stakeholders to ensure that the submission, in due course, of the Joint Core Strategy for examination will be supported by a robust transport evidence base.

## **Contaminated Land Officer**

4th October 2013

### Standard Contaminated Land Planning Condition

Unless otherwise agreed by the Local Planning Authority, development shall not commence on site until the following condition has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination until section iv) has been complied with in relation to that contamination.

#### i) Site characterisation

A site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report must include;

a) a survey of the extent, scale and nature of contamination

b) an assessment of the potential risks to;

- human health
- property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
- adjoining land
- ecological systems
- groundwaters and surface water
- archeological sites and ancient monuments

c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'

#### ii) Submission of a remediation scheme

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be produced and will be subject to the approval of the Local Planning Authority prior to implementation. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

#### iii) Implementation of approved remediation scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the development, other than that required to carry out remediation. Following completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority.

#### iv) Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with section i) and a remediation scheme submitted in accordance with section ii). Following completion of measures identified in the approved remediation scheme, a verification report must be produced in accordance with section iii).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

29th May 2014

I have previously commented on this application and there remains the requirement to add the standard contaminated land condition to any planning permission. Information submitted to date does not satisfy the requirements of the recommended planning condition.

#### **HMO Division**

25th September 2013

Bedrooms should have floor areas no less than 7sqm for a single bedroom and 10.5sqm for a double bedroom.

The applicant should be advised that any residential accommodation must comply with the Housing Act 2004 and that any inadequate, insufficient or hazardous accommodation may be subject to enforcement action under the Housing Act 2004, which can include prohibition of use.

Subject to compliance with the above, I have no fundamental objection to this proposal.

#### **County Education**

22nd July 2014

The proposal will comprise 650 residential dwellings. I have based my assessment on the assumption that all of these are qualifying dwellings for the purposes of assessing the S106 contributions required by GCC. The level of contributions may change if the dwelling numbers/mix changes.

GCC is the relevant authority for education, highways and various other community services. It is responsible for determining and negotiating contributions towards these services which include education, library, fire and rescue, transportation strategy, sustainable transport issues, pedestrian and cycle routes etc. **The Development Control Unit of the Environment Department will provide a separate response on highway/transportation issues.**

This development will generate significant additional burden on resources in the area and the developer will be required to provide a number of GCC and District contributions to address the impact on infrastructure. I am also aware that the Draft of the Joint Core Strategy for Tewkesbury, Cheltenham and Gloucester currently identifies the area within which the application is located for the development of in the region of 1,100 dwellings. In formulating my response I consider it appropriate to have regard to the potential additional development likely to come forward in this area in the near future i.e. 1,100 or more dwellings.

I have considered the implications of the proposed scheme on local education and other community resources for which GCC is responsible and whether planning obligations are

relevant. This follows requirements and standards that are used by GCC elsewhere in Gloucestershire and also meets national practice.

## **1. GENERAL**

- a. In all cases GCC work to complete a S106 agreement with the applicant and landowners as soon as possible in relation to GCC requirements. This may be done independently of the timing of planning applications.
- b. Any contributions sought will align with the National Planning Policy Framework March 2012 (paragraphs 203-206) and the CIL Regulations 2010 (section 122 and 123). Planning obligations will be required only where they are:-
  - necessary to make the development acceptable in planning terms; and
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- c. Contributions are ring-fenced for capital works specified by GCC, held in independent accounts and are not interchangeable.
- d. GCC will account for unspent contributions, expenditure and accrued interest.
- e. Unless programmed for expenditure or otherwise agreed, contributions not applied by GCC are returnable to the developer usually within 5 years, together with interest.
- f. GCC must be party to the s106 agreement. The agreement may include other matters such as highway obligations and the District Council may also be party to it. The developer will be required to meet GCC's legal and technical costs in preparing the agreement.
- g. All contributions will be bonded and indexed.
- h. We will assist by promoting early agreement of appropriate terms and instructing solicitors to commence preparation of a s106 agreement with the developer and the landowner as soon as possible in relation to the GCC contributions.

## **2. EDUCATION**

- a. GCC is a Children's Services Authority (CSA). The key aim of the CSA is to improve the co-ordination of services that affect children and young people. These services are:
  - i. Education – taking over functions of the former Local Education Authority (LEA)
  - ii. Social services – where they relate to children and young people
  - iii. Health services – where the CSA works for children on behalf of organisations such as the NHS.
- b. New residential development gives rise to new pupils in relation to the type and numbers of new dwellings. There are direct linkages between the number of dwellings and number of pupils. GCC has a statutory responsibility to ensure sufficient high quality pupil places across the County. Where existing schools do not have surplus places or there are insufficient schools or no schools local to the development additional accommodation is required for the new pupils. There is justification at national, regional, county and local level for requiring contributions to local early years, primary and secondary education facilities where evidence indicates this is reasonable.

- c. Contributions will be bonded, and indexed to the DfE cost multiplier issued by the Department for Education (or by any other Department Ministry or other body upon which the duties in connection with that index devolves, being the cost per pupil for the construction of accommodation to provide additional pupil places) and supplemented by the BCIS Public Sector Tender Price index in the intervening year or years that the DfE cost multiplier is not issued.
- d. When assessing education contributions, GCC's current criteria for a qualifying dwelling are a house without age or health occupancy restrictions and with 2 or more bedrooms. Flats and one bed houses are therefore excluded as they are occupied by lower numbers of school aged children compared to houses.
- e. **This education assessment is based on 650 family houses i.e. 650 qualifying dwellings but with regard to the potential for 1,100 or more dwellings in the area.**
- f. Affordable or social housing is considered to contribute to local education infrastructure requirements in the same proportion as open market housing.
- g. GCC has reviewed and analysed pupil numbers at different development/dwelling types across the county. The current research shows that 7 full time equivalents pre-school children, 25 primary age children and 15 secondary pupils arise per 100 dwellings.
- h. **Pre-School:**
  - i. In accordance with 2g above, 46 early years children (full time equivalents) will arise from this proposal. GCC's Childcare Sufficiency Assessment 2011 identifies that currently demand is matched closely by supply in the area. A development of this size will increase demand significantly requiring additional provision. The increase in demand resulting from the additional 2yr olds who will have a legal entitlement to free early education from 2014 should also be taken into account. The needs of the pre-school children generated by this proposal will be best met by provision incorporated within a new primary school. One early years playroom and one play space for 2 year olds with associated office space, toilets and play areas will be required as part of a new school.
- i. **Primary requirements:**
  - i. In accordance with 2g above, 163 primary pupils will arise from this proposal. 1,100 dwellings would generate 275 children. The primary schools closest to the development are Leckhampton and Warden Hill. Current forecasts indicate that Leckhampton is forecast to remain over capacity to 2016/17 whilst Warden Hill is forecast to have only 21 surplus places in 2016/17. Clearly, there is a need for this proposal to make primary education provision for the 163 children it is likely to generate and for GCC to have regard for the additional 112 children from further development in the area.
  - ii. Leckhampton and Warden Hill schools are on restricted sites and do not have capacity to expand.
  - iii. A one form entry (1FE) school provides 210 places and requires a site of 1.1ha. A 1.5FE school provides 315 places and requires a site of 1.57ha. A standalone development of 650 dwellings would be required to provide a 1 form entry (FE), 210 place school site. To enable expansion of a new school to 1.5FE, this proposal will be required to provide a 1.57ha freehold primary school site to the Diocese at nil cost with access and all necessary services of appropriate capacity to the site boundary. The site to be free from any encumbrances and contamination. It is understood that the Diocese has been in discussion with the

applicant regarding the provision of a site of 1.7ha through its landownership on the site (see v below).

- iv. GCC requires a school of sufficient capacity to be constructed as part of this development to accommodate all pupils arising from the proposal but with capacity for expansion to 1.5FE. Therefore a 1FE (210 place) school with a 1.5FE core and early years accommodation should be provided by this development.
- v. The Diocese of Gloucester owns land within the application site. It is understood agreement has been reached between the Diocese and the applicant to locate the school site on the Diocese land and for the school to be built under an arrangement between the applicant and the Diocese. The Diocese are proposing for the school to operate under their control as a free school as part of the Diocese of Gloucester Academies Trust. GCC is satisfied with this arrangement subject to provisions in a S106 agreement requiring the school to be built to the appropriate standards and accommodation schedule that is compliant with BB99 or any superseding standards. GCC will also require some form of 'step-in' rights in the S106 in the event of the school not being provided within prescribed timetable and/or standards. This may require the provision of a bond.
- vi. Given the forecast lack of places in the area, the timing of the provision of the new school is critical to GCC and the Diocese. As the Diocese are proposing to manage the school build contract, an early date needs to be agreed for the applicant to make the school site available to the Diocese with appropriate access and services connections. These arrangements will need to be the subject of further discussions between the parties.

j. **Secondary requirements**

- i. The closest secondary school is Cheltenham Bournside (approx 2.3km). The latest forecast indicates that from 2018/19 there will be no surplus places at Bournside.

From 2019 there are forecast to be no surplus places within the Cheltenham secondary school planning area.

GCC's School Capacity Return for 2012 also indicates that by 2018 there will be an additional 200 children (11 to 16) from small scale housing developments in Cheltenham, who are not accounted for in the forecasts above.

- ii. In accordance with 2g above, 650 qualifying dwellings will give rise to 97.5 secondary pupils.
- iii. The education cost multiplier per secondary pupil for 2014/15 is £17,832 (11 to 18). This is a fair and representative indication of the capital cost of providing secondary places.
- iv. Given the current and forecast pressure on school places in Cheltenham there is a need for this proposal to provide additional capacity in the area. A contribution of:  $97.5 \times \pounds 17,832 = \pounds 1,738,620$  will be required from this proposal for capital works to extend, remodel, upgrade and improve the capacity and suitability at Cheltenham Secondary Schools and/or Chosen Hill. At this stage discussions have not taken place with the relevant schools to determine where and how this additional capacity will be provided.

- v. If the number of qualifying dwellings change, the contribution will be adjusted up or down by £2,675 per dwelling.
- vi. This contribution to be provided in 2 equal instalments 12 and 24 months after commencement of development.

### **3. COMMUNITY SERVICES**

#### **a. Libraries**

- i. Delivery of a properly resourced and adequate library service to meet the needs of the population arising from the scheme is required.
- ii. Based on the scale of the scheme and the numbers of new inhabitants, there is a requirement to provide an extension to the local service to meet the new demand and maintain the welfare of the new community.
- iii. The local is the council library at Up Hatherley.
- iv. Contributions for community libraries are assessed on the same basis as for statutory libraries, i.e. on the impact of the increased population in relation to stock, equipment and opening hours requirements and the immediate and long term costs arising over a 10 year period.
- v. Operating costs are primarily staffing and premises costs. Guidance for standards of library provision advise a) 216 items to be purchased annually per 1,000 population and b) publicly available personal computers (0.6 PCs per 1,000 population). The cost of provision includes annual running/maintenance costs.
- vi. To deliver a library service to the new community to appropriate standards, contributions will be required, based on comparable costs of £196 per dwelling (this includes all flats and houses).
- vii. **For 650 dwellings this is a total contribution of £127,400.** This will be used towards any of the following to improve the local library at Up Hatherley:- new computers, stock, furniture, opening hours or capital works. If dwelling numbers change this figure will be adjusted up or down by £196 per dwelling.
- viii. As a comparison, the 'Community Infrastructure Levy: advice note for Culture Arts and Planning Professionals' (Arts Council for England, April 2012) sets out recommended CIL charges based on the expected space and building cost implications of population growth for arts and culture provision. The recommended standard charge for libraries is £252 per dwelling.
- ix. The contribution will be payable in 3 equal instalments 12, 24 and 36 months after commencement of development.

#### **b. Youth Services**

- i. It is recommended that the play areas or playing fields also include a multi-use games area and/or skate park to provide outdoor facilities for teenagers. This provision is normally secured by the borough council(s).

### **4. SUMMARY**

- a. This response requires planning contributions from this proposal towards early years, primary and secondary education and libraries.

- b. This assessment may change if the residential mix is altered. The response is valid for 6 months from the date of this letter. After this time we may review the assessment.
- c. These comments are made without prejudice to any other functions for which GCC, the Highways Agency or the District Council have responsibility e.g. highways and transportation, or any stance GCC may take at inquiry, appeal, re-application etc and are made at officer level. GCC members' opinions may differ from my comments. These views do not imply any comment about the merits or otherwise of any development at this site.

## **Crime Prevention Design Advisor**

31st October 2013

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to express concerns over the future design of this the planning application at Shurdington Road, Leckhampton, Cheltenham with reference number 13/01605/OUT. I would like to draw your attention to the PDF document attached to the carrying e-mail which should be read in conjunction with the following crime generating subjects.

### **Crime and Disorder Act**

Gloucestershire Constabulary would like to remind the planning committee of their obligations under the Crime and Disorder Act 1998, Section 17 and their "Duty to consider crime and disorder implications

(1) Without prejudice to any other obligation imposed on it, it shall be **the duty of each authority** to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can **to prevent, crime and disorder in its area.**"

### **Design and Access Statement**

This application's Design and Access Statement has briefly mentioned cycle security and the ODPM's Safer Places, but the statement fails to address crime prevention, designing out crime and site security. Future planning applications for this development should include further information about the creation of a safe environ across the whole development, while providing secure businesses and homes. **"Design and access statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places- the Planning System and Crime Prevention."** (Paragraph 132, Guidance on information requirements and validation, Communities and Local Government 2010)

### **Planning Policy**

Cheltenham Borough Council's Local Plan which contains Policy CP 4:

**"Development will be permitted only where it would:**

**(c) make adequate provision for security and the prevention of crime and disorder;**  
**and**

**(b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety."**

**"Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."** Paragraph 58, National Planning Policy Framework, DCLG 2012

### **Carbon Footprint of Crime**

The carbon cost of crime is based on a formula created by Prof Ken Pease for converting the financial costs of crime into the energy expenditure of the emergency services and criminal justice service as they respond to criminal events. In Gloucestershire this roughly equates to 257,012 tonnes of CO2 generated in 2012, with the Cheltenham responsible for 27% a total of

65,680 tonnes of CO<sub>2</sub>. Over the past 12 months 274 crimes occurred in the Leckhampton area, generating 618 tonnes of CO<sub>2</sub>.

### **Secured by Design**

Secured by Design focuses on crime prevention of homes and commercial premises and can reduce crime by 60%. This can be achieved through the use of security standards for a wide range of applications and products; by removing the various elements that are exploited by potential offenders and ensure the long term management and maintenance of communal areas.

### **School**

- The boundary and access treatment should encourage natural surveillance from the street scene and neighbouring houses.
- School access should be managed and locked, controlling access at the start and end to the school day
- Signage should be used at the entrance and around the car park to impart ownership of these areas
- Trespass onto the school grounds by the local community for their personal use should be discouraged at all times
- Access into the staff car park should be controlled; management practices should ensure the gates are closed during school hours and locked at all other times to minimise visitor footfall passing through the staff parking looking for a short cut.
- Visitor car parking should be sign posted at the entrance to instil Academy ownership, lit to BS5489-1:2003 and subject the natural surveillance
- Cycle storage should offer secure fixing and racks, while ensuring the area is subject to natural surveillance from classrooms and dusk till dawn lighting to remove the fear of crime.
- The reception desk should form an active part of the building's security plan by controlling access into the building, ensuring visitors sign in and by monitoring movement through the internal corridors.
- Designed and built following the Secured by Design publication "Schools - 2010" and the Zurich Insurance groups publication "School and Academy design - A guide to the design and protection of School and Academy buildings"

### **Local Centre**

#### **The layout**

- The planting and boundary treatment should be designed to prevent the formation of desire lines and maintained to provide natural surveillance around the buildings, car park and through the landscaped areas
- Street parking should be avoided as this breaks down any natural surveillance and hinders the flow of traffic.
- The local centre should ensure natural surveillance is provided from each building and through the surrounding area, while incorporating CCTV and a monitored alarm system into the security
- Appropriate lighting levels should be incorporated across any parking area to reduce the fear of crime and restrict light pollution
- The combination of footpath, parking space and landscaping will need careful consideration to prevent accidental or intentional damage to parked vehicles.
- Outside of opening hours these community facilities will be vulnerable to crime and ASB
- Vehicle mitigation should be built into the car park boundary to prevent illegal access with clear closing time for the car park to discourage late night use

- Cycle racks should be provided and installed to offer the greatest level of security.
- Any medical or care facility should provide a secure environment for the residents and staff. The visitor access into the building should be controlled and monitored to increase the residents' security and well being

### **Buildings**

- Any incubation business should benefit from crime prevention in the buildings and landscaping which has been designed to ensure their long term survival
- Each unit should be enclosed with a boundary treatment and secure gates to encourage security and create a defensible space. This will provide extra security for the employees and their possessions; the business, raw materials and final production output; and reduce the permeability through the development.
- Appropriate signage should be used to establish ownership and provide information to visitors.

### **Housing**

- The windows and doors used during construction should meet the security standards BS PAS 24:2012 for doors and windows
- Housing should be grouped together to create perimeter blocking, creating rear garden security and restricted access
- Increased levels of permeability will allow offenders easy, concealed access to each property and convenient escape routes.
- An area of garden should be defined and to clearly separate and instil ownership, thereby creating a defensible space around the house and parked vehicles.
- Garden boundaries should be clearly defined with a 1.5m fence; this will create a defensible space, provide natural surveillance and offer views of the various vistas
- Each property should have sufficient fenestration to encourage natural surveillance across the street scene from high occupancy rooms
- The boundary abutting the POS should be reinforced with a line of defensive planting to restrict garden thefts and burglary

### **Public Open Space**

- The design and layout of the play equipment should cater for a variety of age groups; construction and materials should prevent vandalism; seating should be provided to encourage parents/ guardians to stay longer; rules and responsible owners should be clearly displayed; area should remain unlit to discourage night time use as any play area presents a sinister purpose after sunset.
- The layout of the footpaths and the soft landscaping on either side should encourage natural surveillance in order to reduce the 'fear of crime'
- Footpath will need frequent maintenance to maintain the surface; ideally the planting should be cut back to ensure clear lines of sight. These areas will be frequented by dog walkers; therefore dog waste bins should be provided and emptied regularly.
- Any street furniture used should encourage legitimate use, but discourage street games or late night ASB.
- Street parking and public car parking spaces in adjoining public open spaces will attract dog walkers and family groups, increasing congestion in these areas

- Public areas, courtyards and play spaces should encourage natural surveillance and ownership; offering additional seating to encourage children and families to visit, offer security for cycles and include design features that restrict vandalism
- The landscaping should be managed and maintained to demonstrate ownership, ensure its long term future and prevent future incidents of ASB.
- The boundary treatment, footpaths exceeding 1.5m wide and road edging should include vehicle mitigations to prevent inappropriate access, fly tipping and the abandonment of vehicles.
- The water course will need regular maintenance to prevent localised flooding
- Each swale should be sign posted to warn of water hazards or boggy conditions
- The park space, playing fields and other public open space should be subject to a long term maintenance and management programme to retain passive surveillance and limit the opportunities for stalking or ambush.
- Allotment tool sheds need to be robustly constructed and secured to prevent the theft of equipment. Access should be controlled to reduce the garden's vulnerability to crime, reduce the threat of ASB and damage to the allotment produce

### **Developer Obligations**

Please be aware that these representations are prepared by Gloucestershire Constabulary Crime Prevention Design Advisor to address Crime Prevention through Environmental Design (CPTED) and the 7 Attributes of Safer Places. A separate representation may be submitted by the Constabulary Estate's Department to seek developer obligations towards Police infrastructure through Section 106 and the Community Infrastructure Levy.

### **Conclusion**

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact me should you have any queries or wish to discuss these issues further.

4th June 2014

Following my previous comments submitted on 30 October 2013, I would like to add a few points relating to the new information added to the planning application at Shurdington Road, Leckhampton, Cheltenham with reference number 13/01605/OUT.

Any street furniture located in the community centre, public open spaces or through the street scenes should be selected or constructed to limit potential damage as a result of skateboarding activities.

When public spaces abut private gardens, any soft landscaping should be selected to offer additional security for existing residents.

Any public building should be designed to offer security and reduce criminal damage along blank elevations or loading bays which open onto accessible areas, ideally the rear of these buildings should be enclosed to create a defensible space.

The master plan shows existing roads that have been closed to create new cul-de-sacs, the intended purpose of these roads should be considered as they will simply offer additional ad-hoc parking behind the shop, while providing legitimate access to buildings and garden.

### **Parks & Landscapes Division**

23rd September 2013

We are supportive of allotment provision, our initial thoughts are that the percentage of green space currently shown as allotments could be increased, and the most obvious way of

achieving this is to combine the area currently shown as "community orchard" into a larger allotment site.

In advocating this I would offer the following rationale:

We have plenty of evidence in our current Allotment Strategy to demonstrate that there is demand for allotments in the South of Cheltenham, but there is currently a shortage of land available for this purpose. In other words provision of allotments will help the council to meet this objective, and be welcomed at large, as well as meeting the needs of the new development.

The maintenance demands of green space when designated as allotments is considerably less per square meter than formal and informal green space. If set up and run correctly they generate income and run themselves.

It is mostly the case that fewer larger sites are easier to manage than more, but smaller ones, i.e. the arrangement of having a site warden and volunteer committee ends up replicating itself on each site irrespective of size.

Allotments offer lots of social benefits, i.e. exercise, healthy food, making friends etc.

Well managed allotments contribute to local biodiversity, although there is plenty of opportunity afforded for this elsewhere on the site, and surrounding countryside.

The demand and suitability of a community orchard is less evident, and in any event could be developed at a later date if demand materialises.

## **Severn Trent Water Ltd**

14th October 2013

With reference to the above planning application the company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Limited has NO OBJECTION to the proposal subject to the inclusion of the following condition.

### Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

### Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

## **Natural England**

30th October 2013

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.

This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 Regulation 61 (3) of the *Conservation of Habitats and Species Regulations 2010* (The Conservation Regulations) and Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended).

The proposal is for 650 houses, retail space and public open space on 33.44ha of land at Shurdington Road, Leckhampton. This site is currently used for agriculture and small holdings and includes remnant orchard, wooded stream corridors, fields, trees, ditches and rights of way. The site is 200m from the boundary of the Cotswolds Area of Outstanding Natural Beauty (AONB) and visible from important public viewpoints within the AONB. It is 2km from the Cotswold Way National Trail and within 2km of Leckhampton Hill and Charlton Kings Common Site of Special Scientific Interest (SSSI).

The site is close to two parcels of land owned by Gloucestershire County Council and a parcel of land owned by MA Holdings which are also being considered as part of the draft Joint Core Strategy for the area. The MA Holdings land is adjacent to the AONB boundary. A proposal for 175 houses and mixed use development has already been submitted for Brizen Farm which is just to the west of the site. The whole area could be an urban extension to south Cheltenham with well over 1000 houses.

### **More Information needed for Natural England to be able to respond fully**

Natural England is not able to comment fully as insufficient information has been provided on landscape and ecological impacts of all the development proposals for this area. Natural England is particularly concerned about the scale of the combined developments and the impact this will have on the setting and the Special Qualities of the AONB. The impact of all the proposals need to be considered as a whole and not as individual developments.

### **Joint Core Strategy**

The Joint Core Strategy (JCS) for Cheltenham, Tewkesbury and Gloucester is out for consultation and is due to be adopted in 2014. Until the JCS is adopted and detailed proposals are presented for the adjacent and nearby sites (if allocated in the final JCS) it is not possible to properly assess the impacts on the AONB. Overall impacts on ecology will also need to be informed by development plans for the whole area and there is the potential for mitigation strategies proposed for one development to be undermined by subsequent and separately considered development.

### **Protected Landscape**

This proposal is for a large development in close proximity to the boundary of the Cotswolds AONB. The site is a very sensitive location because it lies below and in open view from the Cotswold Escarpment. Views to and from the escarpment are a recognised Special Quality of the AONB. The development therefore has the potential to impact negatively on views towards the Escarpment and from the Escarpment, particularly from important public viewpoints, such as the Devil's Chimney, on the Cotswold Way National Trail within the AONB.

The Landscape and Visual Impact Assessment (LVIA) includes an illustrative masterplan and viewpoints for this site, the two Gloucestershire County Council sites and the MA Holdings site but does not include Brizen Farm. Natural England advises that detailed masterplans and viewpoints for all the sites are considered together. We also recommend that photomontages for all the sites are produced so that the cumulative impact on the AONB can be assessed.

The LVIA states that while the development will be visible from a number of viewpoints on the Cotswold Escarpment, these are not significant. It is not clear if this statement relates to the one proposal for 650 houses or for all the proposals considered in the LVIA. Natural England's view is that the scale of overall development could have a significant impact on the setting of the AONB, the Escarpment (a Special Quality of the AONB) and the National Trail.

### **The effects on the setting of the Cotswold AONB**

The effect on the landscape character of this part of the Severn Vale is important because it forms part of the setting of the Cotswold AONB. The setting of an AONB is often significant to

the conservation of its special qualities and this is certainly the case here. The proposed development site is 200m from the AONB boundary. Whilst the Vale is extensive, the area including the application site is part of the setting of the AONB and contributes positively to the AONB's special qualities. The lower-lying rural landscape of the Vale below the escarpment is particularly sensitive to large scale built development.

### **The effects on the special qualities of the Cotswold AONB**

The Cotswolds AONB is designated as a nationally important landscape to ensure that its special qualities are conserved and enhanced. The special qualities that could be significantly affected by this development are:

- The Cotswold Escarpment;
- The High Wolds – an elevated landscape with large open landscapes, commons, 'big' skies and long distance views.

Views well beyond the AONB itself are therefore an integral part of the character and special qualities of the AONB. They are extremely important to many visitors' enjoyment of this nationally designated landscape. The special qualities of the AONB are also widely enjoyed by people when outside the designated area. Iconic views of the Cotswold Escarpment and High Wolds, from the Severn Vale, are of a nationally important English landscape feature which is protected by and managed through its AONB status. The potential impact of the proposed developments on views from, and therefore on the enjoyment of, the AONB; and views of the AONB could be long-term, significant and adverse.

There are viewpoints of the highest sensitivity along the Escarpment of the Cotswolds AONB, such as the Devil's Chimney. The view from the Devil's Chimney gives panoramic views across the Vale which would be interrupted by the proposed development. The scale of the potential development would significantly change the view from an open, rural expansive view to a predominantly urban view of the edge of Cheltenham.

### **The effects on the Cotswold Way National Trail**

The Cotswold Way National Trail runs along the top of the Cotswold Escarpment to the south-east of the site. The enjoyment of views from the National Trail could be adversely affected to a significant degree as described above in relation to views from locations such as the Devil's Chimney.

We would also strongly encourage the Council to seek the views of the Cotswold Conservation Board regarding this development.

### **Green Infrastructure**

Given the location of this large development in relation to the AONB, Natural England would recommend that substantial and well designed green infrastructure (GI) is provided to reduce the visual impact of the proposed development on the protected landscape. The proposal for 650 houses on 33.44ha includes approximately 14ha of GI. GI for the other sites is illustrative. Natural England advises that a GI masterplan for the whole site (including Brizen Farm) should be produced to maximise the effectiveness of GI in mitigating landscape impacts (screening and helping the development to blend into its wider landscape setting), and delivering ecological mitigation and enhancements.

Green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement,. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

### **Protected Species**

Surveys have been carried out for bats, badgers, dormice, water voles, otters, birds, reptiles, amphibians and invertebrates. The main impact on European protected species will be

foraging and commuting bats: nine species were identified using the site including rare bats such as Lesser Horseshoe. The hedgerows, streams and trees that provide foraging and commuting routes for bats should be retained. The layout of the development and the lighting should be designed to minimise impacts on bats, particularly the way the hedgerows are used as wildlife corridors.

We have not assessed the survey for domestic species: badgers, barn owls and breeding birds<sup>1</sup>, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

The advice we are giving at the present time relates only to whether, in view of the consultation materials presently before us (including with reference to any proposed mitigation measures), the proposal is likely to be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range (*i.e.* the 'Favourable Conservation Status' test). We have not considered whether the proposal satisfies the three licensing tests or whether a licence would be issued for this proposal. This advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the protected species.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system.

Natural England Standing Advice is available on our website to help local planning authorities better understand the impact of development on protected or BAP species should they be identified as an issue for particular developments. This also sets out, when, following receipt of survey information, the authority should undertake further consultation with Natural England.

### **Biodiversity enhancements**

The development should aim to enhance the biodiversity of the site through the retention and enhancement of the trees, hedges and water courses on the site. These features should be part of a connected mosaic landscape that links to linear landscape features outside the site to provide important commuting routes for wildlife.

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats and the installation of bird nest boxes for house martins, house sparrows and swifts and habitat enhancement. The authority should consider securing measures to enhance the biodiversity of the site. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

### **Soils and Land Quality**

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework).

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra *Construction Code*

*of Practice for the Sustainable Use of Soils on Construction Sites*, and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

For any queries relating to the specific advice in this letter only please contact Sally King on 07900 608 100. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

16th July 2014

Thank you for your consultation on the above dated 09 May 2014 which was received by Natural England on the same date.

We note that your consultation is addressed to a Natural England office which was closed several years ago. Your nearest Natural England office is in Worcester. However, all post should be sent to our consultation hub by email to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk) or, if necessary, by post to the address in Crewe provided above. We would be grateful if you could update your records.

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.

The National Parks and Access to the Countryside Act 1949

The Countryside and Rights of Way Act 2000

The further information provided does not address the concerns we set out in our previous responses to this application. We raised significant concerns relating to impacts on the setting of the Cotswolds Area of Outstanding Natural Beauty (AONB), particularly on views to and from the escarpment.

As the further information we requested has not been provided, Natural England objects to this proposal due to insufficient information regarding impacts on the setting of the AONB, views to and from the AONB, and proposed mitigation. The information needed relates to the impacts of this proposal alone and cumulatively with nearby housing proposals.

We recommend that the Local Planning Authority (LPA) requests further information on the impacts to the setting of the AONB, particularly on views to and from the escarpment, including the cumulative impacts with proposed neighbouring development sites including Brizen Farm. We recommend that the LPA also requests further information on the proposed mitigation for the identified visual impacts. Ideally, mitigation would be provided in a strategic manner across the cluster of future development sites in this locality.

The adopted Local Plan recognises the value of the scarp edge to the AONB and that its urban fringe location makes it sensitive to development pressure (paragraphs 7.18 and 7.20). The Local Plan recognises that development on sites outside but close to the AONB can have an impact on its character, and requires such development to be "designed and landscaped to avoid harming the natural beauty of the AONB" (7.21) (our emphasis). The plan goes on to state: "Special consideration should be given to the impact of proposals on the setting of the AONB and on views into or out of the area" (7.21).

In addition, the pre-submission version of the emerging Joint Core Strategy states in Policy SD8:

Cotswolds Area of Outstanding Natural Beauty (AONB):

All development proposals in or adjacent to the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and

other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan. The further information supplied as a part of this consultation indicates an area of lower/medium density development to the south of the proposed built area. If the LPA is minded to grant permission, we would strongly advise using this 'medium and lower density edge character area' to create a soft edge to the developed area, in order to help mitigate the impacts of this development on views from the AONB. This could include the provision of high standards of urban greening, including street SuDS, grass verges, street planting and trees, front gardens and green roofs. As the design of the built environment is to be resolved through reserved matters, we would recommend that the Council secures urban greening measures as mitigation for visual impacts on the Cotswolds AONB through an appropriately worded planning condition. We consider that this would improve but not fully resolve the proposals compliance with local policy.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Hayley Fleming on 0300 060 1594. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

# Gloucestershire Centre for Environmental Records

3rd October 2013



**GCER Report for planning application:** 13\_01805\_OUT

Search area: 500m from eastings and northings Eastings(393926), Northings(220156)

**Species of conservation importance recorded within the area of search**

Taxon group	Scientific name	Common Name	Grid Reference	Year last recorded	Distance from app point (m)	Location	Species Status
<b>Legally Protected Species - International</b>							
bird	Carduelis carduelis	European Goldfinch	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bern-A2
bird	Carduelis chloris	European Greenfinch	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bern-A2
bird	Cyanistes caeruleus	Blue Tit	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bern-A2
bird	Erithacus rubecula	European Robin	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bern-A2
bird	Parus major	Great Tit	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bern-A2
bird	Parus ater	Coal Tit	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bern-A2
bird	Prunella modularis	Hedge Accentor	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bern-A2, Bird-Amber
bird	Sturnus vulgaris	Common Starling	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bird-Red, BirdsDir-A2 2
bird	Troglodytes troglodytes	Winter Wren	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bern-A2
bird	Turdus iliacus	Redwing	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bird-Red, BirdsDir-A2 2, WACA-Sch1 part1
bird	Turdus philomelos	Song Thrush	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bird-Red, BirdsDir-A2 2
bird	Turdus pilaris	Fieldfare	SO934201	2012	480	Grdn, Cheltenham, Albans Close	Bird-Red, BirdsDir-A2 2, WACA-Sch1 part1
reptile	Anguis fragilis	Slow-worm	SO935204	2008	480	Leckhampton, Hazlewood Close	UK Priority Species 2007, Bern-A3, England NERC S.41, WACA-Sch5_sact9.5a, WACA-Sch5_sact9.5b
reptile	Anguis fragilis	Slow-worm	SO936203	1992	340	Warden Hill	UK Priority Species 2007, Bern-A3, England NERC S.41, WACA-Sch5_sact9.5a, WACA-Sch5_sact9.5b
bird	Dendrocopos minor	Lesser Spotted Woodpecker	SO939197	2000	410	Leckhampton, Brizan FramSO939197	Bern-A2, Bird-Red
bird	Carduelis carduelis	European Goldfinch	SO939203	1995	200	LECKHAMPTON GREEN	Bern-A2
bird	Erithacus rubecula	European Robin	SO939203	1995	200	LECKHAMPTON GREEN	Bern-A2
bird	Falco tinnunculus	Common Kestrel	SO939203	1995	200	LECKHAMPTON GREEN	Bern-A2, Bird-Amber
bird	Parus major	Great Tit	SO939203	1995	200	LECKHAMPTON GREEN	Bern-A2
bird	Prunella modularis	Hedge Accentor	SO939203	1995	200	LECKHAMPTON GREEN	Bern-A2, Bird-Amber
bird	Carduelis chloris	European Greenfinch	SO941203	1995	300	LECKHAMPTON GREEN	Bern-A2
bird	Cyanistes caeruleus	Blue Tit	SO941203	1995	300	LECKHAMPTON GREEN	Bern-A2
bird	Dendrocopos major	Great Spotted Woodpecker	SO941203	1994	300	LECKHAMPTON GREEN	Bern-A2
bird	Erithacus rubecula	European Robin	SO941203	1995	300	LECKHAMPTON GREEN	Bern-A2
terrestrial mammal	Meles meles	Eurasian Badger	SO941203	1995	300	LECKHAMPTON GREEN	Bern-A3, Protection of Badgers Act (1992)
bird	Parus major	Great Tit	SO941203	1995	300	LECKHAMPTON GREEN	Bern-A2
bird	Picus viridis	Green Woodpecker	SO941203	1994	300	LECKHAMPTON GREEN	Bern-A2, Bird-Amber
bird	Prunella modularis	Hedge Accentor	SO941203	1995	300	LECKHAMPTON GREEN	Bern-A2, Bird-Amber
bird	Alcedo atthis	Common Kingfisher	SO842198	1995	450	LECKHAMPTON GREEN	Bern-A3, Bird-Amber, BirdsDir-A1, WACA-Sch1 part1
bird	Carduelis carduelis	European Goldfinch	SO942198	1995	450	LECKHAMPTON GREEN	Bern-A2
bird	Carduelis chloris	European Greenfinch	SO942198	1995	450	LECKHAMPTON GREEN	Bern-A2
bird	Cyanistes caeruleus	Blue Tit	SO942198	1995	450	LECKHAMPTON GREEN	Bern-A2
bird	Delichon urbicum	House Martin	SO942198	1995	450	LECKHAMPTON GREEN	Bern-A2, Bird-Amber
bird	Erithacus rubecula	European Robin	SO942198	1995	450	LECKHAMPTON GREEN	Bern-A2
bird	Falco tinnunculus	Common Kestrel	SO942198	1995	450	LECKHAMPTON GREEN	Bern-A2, Bird-Amber
bird	Hirundo rustica	Barn Swallow	SO942198	1995	450	LECKHAMPTON GREEN	Bern-A2, Bird-Amber
bird	Parus major	Great Tit	SO942198	1995	450	LECKHAMPTON GREEN	Bern-A2
bird	Picus viridis	Green Woodpecker	SO942198	1995	450	LECKHAMPTON GREEN	Bern-A2, Bird-Amber
bird	Prunella modularis	Hedge Accentor	SO942198	1995	450	LECKHAMPTON GREEN	Bern-A2, Bird-Amber
bird	Troglodytes troglodytes	Winter Wren	SO942198	1995	450	LECKHAMPTON GREEN	Bern-A2
bird	Carduelis carduelis	European Goldfinch	SO943202	2012	435	Grdn, Cheltenham, Osprey Road	Bern-A2
bird	Certhia alcyon	Black-headed Gull	SO943202	2012	435	Grdn, Cheltenham, Osprey Road	Bird-Amber, BirdsDir-A2 2
bird	Cyanistes caeruleus	Blue Tit	SO943202	2012	435	Grdn, Cheltenham, Osprey Road	Bern-A2
bird	Dendrocopos major	Great Spotted Woodpecker	SO943202	2012	435	Grdn, Cheltenham, Osprey Road	Bern-A2
bird	Erithacus rubecula	European Robin	SO943202	2012	435	Grdn, Cheltenham, Osprey Road	Bern-A2
bird	Parus major	Great Tit	SO943202	2012	435	Grdn, Cheltenham, Osprey Road	Bern-A2
bird	Parus ater	Coal Tit	SO943202	2012	435	Grdn, Cheltenham, Osprey Road	Bern-A2
bird	Prunella modularis	Hedge Accentor	SO943202	2012	435	Grdn, Cheltenham, Osprey Road	Bern-A2, Bird-Amber
bird	Troglodytes troglodytes	Winter Wren	SO943202	2012	435	Grdn, Cheltenham, Osprey Road	Bern-A2
bird	Turdus iliacus	Redwing	SO943202	2012	435	Grdn, Cheltenham, Osprey Road	Bird-Red, BirdsDir-A2 2, WACA-Sch1 part1
<b>Legally Protected Species - Britain</b>							
bird	Passer domesticus	House Sparrow	SO934201	2012	480	Grdn, Cheltenham, Albans Close	UK Priority Species 2007, Bird-Red, England NERC S.41
bird	Cuculus canorus	Common Cuckoo	SO939200	1995	135	LECKHAMPTON GREEN	UK Priority Species 2007, Bird-Red, England NERC S.41
flowering plant	Hyacinthoides non-scripta	Bluebell	SO941203	1995	300	LECKHAMPTON GREEN	WACA-Sch8
bird	Passer domesticus	House Sparrow	SO941203	1995	300	LECKHAMPTON GREEN	UK Priority Species 2007, Bird-Red, England NERC S.41
bird	Passer domesticus	House Sparrow	SO942198	1995	450	LECKHAMPTON GREEN	UK Priority Species 2007, Bird-Red, England NERC S.41
bird	Turdus iliacus	Redwing	SO942198	1995	450	LECKHAMPTON GREEN	Bird-Red, BirdsDir-A2 2, WACA-Sch1 part1
bird	Turdus pilaris	Fieldfare	SO942198	1995	450	LECKHAMPTON GREEN	Bird-Red, BirdsDir-A2 2, WACA-Sch1 part1
bird	Passer domesticus	House Sparrow	SO943202	2012	435	Grdn, Cheltenham, Osprey Road	UK Priority Species 2007, Bird-Red, England NERC S.41
bird	Pyrrhula pyrrhula	Common Bullfinch	SO941203	1995	300	LECKHAMPTON GREEN	Bird-Amber
bird	Sturnus vulgaris	Common Starling	SO941203	1995	300	LECKHAMPTON GREEN	Bird-Red, BirdsDir-A2 2
bird	Anas platyrhynchos	Mallard	SO942198	1995	450	LECKHAMPTON GREEN	Bird-Amber, BirdsDir-A2 1
bird	Apus apus	Common Swift	SO942198	1995	450	LECKHAMPTON GREEN	Bird-Amber
bird	Larus argentatus	Herring Gull	SO942198	1995	450	LECKHAMPTON GREEN	Bird-Red, BirdsDir-A2 2
bird	Larus canus	Mew Gull	SO942198	1995	450	LECKHAMPTON GREEN	Bird-Amber, BirdsDir-A2 2
bird	Larus ridibundus	Black-headed Gull	SO942198	1995	450	LECKHAMPTON GREEN	Bird-Amber, BirdsDir-A2 2
bird	Phylloscopus trochilus	Willow Warbler	SO942198	1995	450	LECKHAMPTON GREEN	Bird-Amber
bird	Sturnus vulgaris	Common Starling	SO942198	1995	450	LECKHAMPTON GREEN	Bird-Red, BirdsDir-A2 2
bird	Turdus philomelos	Song Thrush	SO942198	1995	450	LECKHAMPTON GREEN	Bird-Red, BirdsDir-A2 2
bird	Turdus viscivorus	Mistle Thrush	SO942198	1995	450	LECKHAMPTON GREEN	Bird-Amber, BirdsDir-A2 2
<b>UK Priority Species and other locally important species</b>							

Species of conservation importance recorded within the area of search

Species of conservation importance recorded within the area of search	Number of records	Number of species
Legally Protected Species - International	1	1
Legally Protected Species - Britain	1	1
UK Priority Species and other locally important species	1	1



## Campaign To Protect Rural England

31st October 2013

Set out below are CPREs comments on the above application. In considering this application our comments cover a variety of concerns, including traffic issues, the impact upon the AONB and aspects of design and layout.

### Introduction

The area is not within the Cheltenham Gloucester Green Belt or Cotswolds AONB, nevertheless this is a highly sensitive location. The outline application occupies part of a strategic land allocation identified as South Cheltenham ' Leckhampton Urban Extension in the Draft JCS for Gloucester, Cheltenham and Tewkesbury. The land allocation in the JCS identifies this area of South Cheltenham potentially as a suitable location for approximately 1,075 homes.

It is essential to stress that just because a site has been identified in the Draft JCS Consultation document it does not and should not lead to the presumption that any application submitted must be automatically approved. It must be considered on its own merits.

In this respect CPRE has three principal concerns namely:

- the effect that this scale of development would have in worsening traffic congestion along the A46 with consequential implications for existing employment in Cheltenham and elsewhere;
- the impact that the development would have on the setting of the Cotswolds AONB and the loss of high quality agricultural land. The site is highly visible from the escarpment to the south and in turn the view of the escarpment from the site is a highly valued feature of this part of Cheltenham, and
- the principles on which the design and layout have been based.

### Traffic

CPRE is exceptionally concerned by the applicant's failure to provide a comprehensive analysis of the potential impact of the scheme on:

- traffic congestion on the A46
- junction capacities
- highway safety
- pedestrian routes and safety
- public transport including the physical ability of the A46 to accommodate a bus lane

Traffic congestion along the A46 (part of the strategic highway network) feeding into Bath Road, already causes very significant delays for existing commuters into and out of Cheltenham.

CPRE has noted and supports the concerns expressed by the Chamber of Commerce over increasing congestion along this route as a deterrent to existing and future employers locating in the town centre. In this respect the applicant's traffic projection of nearly a quarter (23%) increase requires the closest scrutiny.

Unfortunately the applicant has failed to provide a comprehensive analysis of future traffic movements, in particular around existing and proposed junctions in the area. The scheme can only compound problems of congestion along the Shurdington Road by the introduction of priority access junctions from the site to accommodate additional bus and vehicular movements.

Whilst some aspects of highway safety have been considered it appears that no consideration has been given to the likely impact of increased traffic flows on accident statistics. Of particular concern is the provision of safe pedestrian routes and crossings on the A46, including the physical challenge of providing a footpath on its southern side. We also note the failure to provide a full 'walking audit' to key facilities including schools.

To compound all these potential problems it appears that the Shurdington Road is incapable of being adapted to incorporate a dedicated bus lane or other public transport priority measures.

The overall lack of information, with its consequent failure to demonstrate the impact of this proposal, suggests that the applicant has been unable to find a workable solution to accommodate the additional traffic movements that will be generated by the development. As a result the scheme clearly fails to meet the accepted standards on which to make a sound decision.

#### Setting of the AONB

Addressing the issue of landscape impact, we note that the applicant is proposing to protect, from future development, an area of open land to the south by way of a planning covenant as part of the s106 Planning Obligation. The application shows this area as allotments, a community orchard and strategic open space. It is essential that this open land is protected from development in perpetuity. Appropriate mechanisms could include designating the land as Local Green Space as provided for in the NPPF (paragraphs 76 and 77) or as a Village Green under Common Land legislation.

Additionally, a significant proportion of the site is classified as being of high quality and versatility ' Grade 2 and Grade 3a. Development here therefore clearly conflicts with paragraph 112 of the NPPF.

Policy S7 of the Draft JCS states that 'Development proposals in and adjacent to the AONB will be required to conserve and enhance landscape, scenic beauty, wildlife, cultural heritage and other special qualities of the Cotswolds AONB and be consistent with the policies set out in the Cotswolds AONB Management Plan.'

Further the Cotswolds AONB Management Plan LK3 states ' 'The surroundings of the AONB are also important to its landscape character and quality. Views out of the AONB and into its surrounding areas can be very significant. Development proposals that affect views in and out of the AONB need to be carefully assessed in line with Planning Policy Statement 7 (now superseded by the equally strong protected landscape policies contained in paras 115 and 116 of the NPPF) to ensure that they conserve and enhance the natural beauty and landscape character of the AONB.'

We note that Cheltenham CBC endorsed the Cotswolds AONB Management Plan (2008 - 13), and included the following paragraphs in the Cheltenham Local Plan:-

Para 7.22 - "In assessing proposals for development, the Council will be guided by the advice of the Cotswolds AONB Conservation Board ....." and in Para 7.23 ' that any revision of advice "issued by the Cotswolds AONB Conservation Board will be adopted by the Council and used as guidance for development control purposes". This formal policy must therefore form a key part of the Council's context for assessing the current application.

All the above provide excellent reasons upon which to base a refusal and in addition we would stress that in seeking to protect the setting of the AONB it is of equal importance to consider the invaluable role the site plays in terms of its local amenity value and its open views of the AONB escarpment as part of the setting of Cheltenham.

#### Design and layout

In the centre of the site the Residential Density Plan shows a density of 41 to 55 dwellings per hectare. Normally CPRE supports relatively high densities for urban areas as a means to assist in reducing the land take from open countryside. However, in this case the proposed density is clearly inconsistent with the landform, location and existing adjacent housing and is therefore unsympathetic to its surroundings. Indeed, the Design and Access Statement's claim that the average site density of 42dph is reflective of the nearby densities is highly questionable.

Whilst the general decrease in housing density across the site from north to south is welcome, the positioning of land uses and the resultant massing and density shown in the proposed layout takes little account of exceptionally important existing views across the site to the escarpment from Shurdington Road.

This concern is reinforced by the proposal that housing fronting Shurdington Road would be at the highest density (40 to 55dph) in order to create a 'strong sense of enclosure' and to reflect densities near the Bath Road. We believe that this is both an inappropriate approach to design on the site and a questionable analogy, as most areas adjacent to the Bath Road comprise retail uses with single storey storage or flats above.

The developer's intention is that some 2.5 storey homes (up to a maximum of 20% in the vicinity of the local centre) will be provided. It is also the intention that 33% of the total provision is limited to 2 storey buildings. The taller buildings (over 2 storeys) therefore will be taller than surrounding existing properties. These proposals will undoubtedly adversely affect views from existing housing on Shurdington Road, Kidnappers Lane and other surrounding residential areas.

The developers' claim to provide a view across the site along a main street which includes a square and runs from Shurdington Road towards the indicative open space needs close scrutiny. The presence of a square and 90 degree angle on this road would however obscure or prevent such a view being possible from the A46 to the area south of the site.

This loss of view will be further compounded by the proposal for office buildings of 2.5 stories on the site. The applicant seeks to justify the proposal as needed to ensure the development is viable and to reflect building heights on the Bath Road is questionable.

First, the analogy with Bath Road is entirely inappropriate on this part of the A46. It suggests the developer is clutching at straws in an attempt to justify the design.

Second, not only will the offices be visually intrusive but also the statement suggests that any change to their design will threaten the viability of the proposal to provide a range of services, facilities and a relatively high proportion of affordable dwellings. It is therefore essential that this application is closely scrutinised by the Borough Council in order to determine whether:-

- its 'offers' to provide facilities and services are economically viable and sustainable or whether

- if permission were to be granted, a series of alterations will end up being proposed to the site whereby it ultimately ends up merely providing market housing and few facilities.

Importantly, at present, the application proposes that 40% of the 650 homes will be affordable. We note from the JCS Consultation Report that if market conditions dictate the level of affordable housing provision it will be revised in accordance with future SHMA reports. The uncertainty over the number of affordable houses that could potentially be delivered by this site is exceptionally unhelpful and indicates a concern over whether this application should be deemed to be 'premature' at this time.

We also note that the application includes the provision of a care home and that some associated facilities are proposed to be provided on site, such as shops, a pharmacy and a doctor's surgery. However, the site is approximately 3km (1.8 miles) from other facilities provided in, or near, the town centre. Leisure facilities and the hospital for example are not readily accessible therefore this site may not be the best location for elderly residents.

The application also indicates that the existing doctors' surgery at Moorend Park Road, Leckhampton is intending to relocate to a purpose built facility as part of the local centre hub on this site. Importantly, this practice serves a large existing residential area and patients can currently walk to the surgery. Any relocation will increase journeys by car to the new facility which will be beyond easy walking distance for many existing patients.

Taken together the issues outlined above demonstrate that the application fails on many levels to provide a sustainable or sympathetic form of development on this site and would significantly detract from the amenities currently enjoyed by local residents and those accessing Cheltenham from the south.

#### Conclusion

CPRE Gloucestershire strongly recommends that the application be rejected on the grounds of its failure to provide a sustainable solution to the traffic issues highlighted in this representation, its impact upon the AONB and the local character and amenities of the area, or be deferred due to a lack of critical supporting information and its failure to meet the Draft JCS Consultation document requirement 'to demonstrate how the strategic allocation can be developed as a comprehensive urban extension'.

Chairman, CPRE Cheltenham Gloucester and Tewkesbury District

17th July 2014

Given that the JCS Pre-Submission Document has been published, whilst CPRE Gloucestershire has significant reservations about the total number and type of dwellings and the identification of Strategic Allocations, this application must now be judged against the policies set out in the current JCS document, together with the extant Local Plan policies.

It is essential that Members do this as the current application potentially marks the first key step in the implementation of the Plan. Against this background, Members must be satisfied that the application accords with the suite of policies contained in the Draft JCS. If these tests cannot be met then the current application must be refused.

To assist Members we have set out the following key policy requirements which must be met:

**Strategic Objective 8:** Delivering a wide choice of quality homes - page 22

**Policy SA1:** Strategic allocations Policy, paragraph 6 - page 123

**Policy SD5:** Design Requirements, paragraphs 1 and 2 - page 51

**Policy SD5d:** Masterplans and Design Briefs, paragraphs (i) and (ii) - page 57

**Policy SD8:** AONB setting - page 68

**Policies SD12 and SD13:** Housing Mix and Standards: Including reference to the need to provide 40% affordable housing on major sites - page 84 and 87

**Policy INF1:** Access to Highway Network, paragraphs 1(i) to (iv) - page 100

**Policy INF2:** Safety and Efficiency of the Transport Network paragraphs 1 and 2 - page 101

**Policy INF7:** Infrastructure Delivery paragraphs 1 and 2 - page 117

**Policy INF8:** Developer Contributions paragraphs 1 and 2 - page 120

**Policy A6:** South Cheltenham – page 137 There is an outstanding application for a Local Green Space designation which could be compromised by the approval of this application.

There is much uncertainty over the extent of land which will need to be allocated for development at strategic sites, particularly in light of the revised ONS forecasts for the JCS area. Major development at any of the proposed strategic sites could therefore be deemed as premature before the JCS has been independently examined and formally adopted by the three councils.

Importantly, any approval of this major application where it conflicts with the policy requirements adopted by the three local authorities and listed above, would clearly indicate that the implementation of the JCS is unachievable and therefore unsound. To do otherwise would set an unfortunate precedent that would undermine the finalisation of the JCS.

## **English Heritage**

4th October 2013

Thank you for your letter of 20 September 2013 notifying English Heritage of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

### Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

29th May 2014

Thank you for your letter of 12 May 2014 notifying English Heritage of amendments to the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

### Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

## **Shurdington Parish Council**

17th October 2013

We consider that many of our objections to the previous applications for this and the adjacent land in Shurdington (part of Tewkesbury borough), that is not included in this application, remain valid for this application even though things are moving on in the development of a draft JCS which is well advanced.

The Joint Core Strategy and Local plans are not yet complete. Therefore it is premature for Cheltenham Borough Council to decide on this application. At the very least it needs to be considered as part of an overall cohesive development plan.

In addition we reiterate some specific concerns:

If this application is allowed than how can further applications be rejected? Is this acceptable to Cheltenham Borough Council, as the result will be well on the way to complete the coalescence between Cheltenham and Shurdington village?

1. To preserve the setting and special character of historic towns. The fields are ancient arable lands with ridge and furrow ploughing to improve drainage with open views towards the Cotswold escarpment from the area. The setting is important for tourism in and around Cheltenham. The view from the AONB Cotswold escarpment will be negatively impacted.
2. Traffic congestion through Shurdington Village and along the A46 and Leckhampton Lane
3. The A46 trunk road was constructed in 1820 through Shurdington village and is still the original width and lined with houses. Shallow front gardens have restricted any widening of the carriageway.

4. In 2013 the A46 becomes more dangerous with each new development. Footways are inadequate or non-existent and the carriageway is too narrow and restricted by housing development for bus lanes or even cycle lanes. Standing at some of the bus stops is dangerous.
5. Access is now very difficult for cars and extremely hazardous for pedestrians and cyclists. Tragically two elderly parishioners have been killed since 2008 and there have been a number of serious injuries.
6. There is continuous traffic in both directions and long tailbacks at rush hours. When the M5 is diverted severe blockages result; often lasting several hours. The large developments at Brockworth have resulted in a significant traffic increase, both commercial and private.
7. All the potential new development seems to be assessed individually rather than looking at the overall problem. The Shurdington Rd is at a standstill in rush hours and traffic goes dangerously fast off peak. The amount of traffic using Leckhampton Lane has already increased significantly and as such it is becoming more dangerous. Speed needs to be effectively controlled with or without any further development.
8. Some years ago when the proposal for a Shurdington bypass was removed from the plans, measures were promised to reduce the impact of high volumes of traffic. Nothing has happened. Now it is much worse and this application will add to the problems.

#### Other concerns

9. Housing development should be demand driven not developer driven.
10. We believe that it is important to protect agricultural green belt land, even lower grade land such as the Brizen site, for reasons of food security.
11. Flooding: apart from the serious floods of 2007 it is known that major flooding has occurred in the Chargrove / Brizen area in other years. Building will accentuate the problem of flood water which passes over the A46 onto houses and businesses on the opposite side of the road. Shurdington Parish Council has little confidence in the anti-flooding proposals.

#### Area Planning

Shurdington Parish Council considers that the JCS and local plan should be completed prior to consideration of this or any other large development. Consent should not be given on a piece-meal basis.

Shurdington Parish Council opposes any major housing developments which will further aggravate the present issues in the village and therefore opposes major housing development such as this just outside the parish.

### **Gloucestershire Bat Group**

14th October 2013

Thank you for informing the Bat Group about this development, however, we do not comment on planning applications unless a particular bat issue is brought to our attention.

I would like to draw your attention to the fact that all our records are forwarded to the Gloucestershire Centre for Environmental Records. Should there be any doubt concerning the presence of bats in an area these records may be accessed by planning authorities free of charge. An absence of bat records should not be taken to imply an absence of bats.

**Tewkesbury Borough Council**

27th December 2013

Comments attached at end of this document

**National Planning Casework Unit**

6th November 2013

We acknowledge receipt of your letter of 20 September 2013 enclosing the Environmental Statement for the above development.

**Cheltenham Civic Society**

2nd October 2013

We appreciate the need for more houses in Cheltenham, and we do accept that this is a suitable site for new housing. We are therefore broadly in favour of the development. Nevertheless, there are already important congestion issues in Church Road and Shurdington Road which need to be resolved, and which must not be allowed to get worse as the result of this development.

**Cotswold Conservation Board**

21st November 2013

Comments attached at end of this document

**County Archaeology**

1st October 2013

In connection with the above planning application I wish to make the following observations regarding the archaeological implications of development.

I advise that I have checked the application site against the County Historic Environment Record: the wider locality is known to contain extensive archaeological remains relating to later prehistoric, Roman and medieval activity and settlement.

I note that this planning application is supported by an Environmental Statement which is informed by reports presented in Appendix 7 on archaeological investigations comprising a heritage desk-based assessment (RPS Planning and Development, April 2010), a magnetometer survey (Archaeological Surveys Ltd, February 2011) and an archaeological evaluation (Cotswold Archaeology, January 2012).

The results of these investigations were positive in that the investigations identified a number of archaeological features indicative of activity and settlement for which dating evidence was generally sparse. However, the presence of a Roman ditch and a number of intercutting medieval ditches indicates a likely date range.

However, it should be noted that the consideration of archaeological impact is incomplete because there are large areas within the application site where no survey or evaluation was undertaken, and where the archaeological potential is therefore unknown. Areas for which no information is available include the majority of the land fronting onto Shurdington Road, as well as portions of the central and southern areas of the application site.

Therefore, in accordance with the NPPF, paragraph 128, I recommend that in advance of the determination of this planning application the applicant should provide the results of assessment and evaluation within those areas not previously investigated, so as to allow an informed planning decision to be made regarding archaeological impact within the whole of the application site.

I look forward to advising you further when this information is provided.

14th May 2014

**ADDITIONAL INFORMATION: archaeological implications**

Thank you for consulting me concerning the additional information recently submitted in connection with the above planning application, which I note includes an illustrative masterplan (dated March 2014) and also an Addendum to the Design and Access Statement (dated April 2014).

As regards archaeology the position is unchanged in that, as iterated in my letter of 1.10.2013 there are considerable areas of the application site where no survey or evaluation has been undertaken, and where the archaeological potential is therefore unknown. I confirm that areas of the application site for which no archaeological information is available include the majority of the land fronting onto Shurdington Road, as well as large portions of the central and southern areas of the proposed development area.

Therefore, as previously recommended in my letter of 1.10.2013, I recommend that in advance of the determination of this planning application the applicant should provide the results of assessment and evaluation within those areas not previously investigated, to allow an informed planning decision to be made regarding archaeological impact within the whole of the application site, so as to accord with the NPPF, paragraph 128.

I look forward to advising you further when this information is provided.

**Environment Agency**

21st May 2014

The Environment Agency has no objections to the principle of development, but wishes to make the following comments and recommends the conditions within this letter are attached to any permission granted.

**FLOOD RISK AND DRAINAGE**

We have reviewed the submitted Flood Risk Assessment and Drainage Strategy (FRA) undertaken by THDA Consulting Engineers, reference 10-0498 and dated September 2013. This document is in part based upon the flood model report undertaken by JBA Ltd in May 2012 (ref. 2010s4530) and following consultation and additional surveying the phase two report (ref. 2013s6851), also completed by JBA. We previously commented on earlier drafts of these documents at the pre-application stage.

**Flood Risk:**

Our Flood Zone Maps indicate the site is predominantly within Flood Zone 1 with small areas of Flood Zones 3 and 2 adjacent to some of the watercourses and a further area of Flood Zone 2 roughly at the centre of the site. Given the presence of Flood Zones at the site, you should be satisfied that the applicant has appropriately considered/undertaken a Sequential Test in accordance with paragraphs 100-104 of the National Planning Policy Framework (NPPF).

Our Flood Maps are however indicative and the applicant's more detailed FRA and associated modelling report have adequately considered the risk of fluvial flooding to the development. We have previously provided detailed comments on this at the preapplication stage. We are satisfied that the proposed development is not at an unacceptable risk of flooding, and is in accordance with the NPPF and local flood risk policy.

In addition we note the FRA has considered other sources of flooding within Section 14. Under the terms of the Flood and Water Management Act 2010 the Environment Agency leads on fluvial flooding and has an overview for all forms of flood risk. However the Lead Local Flood Authority (LLFA) now leads on other sources of flooding, including ground and surface water

flooding. Accordingly, whilst we are satisfied with the information on other sources of flooding in the FRA, we recommend you consult with the LLFA for any detailed comments in this regard.

The FRA has sought opportunities to reduce the probability and consequences of flooding as part of the development. Whilst we entirely support the proposals to affect this through the drainage of surface water there appears to be the scope to do more. Given the potential for residual flood risk in exceedance events through increased flows to watercourses, we consider it would be appropriate to do more to hold water back at this location. It appears that the proposed open space within the south east corner of the site (strategic open space) offers an ideal storage area which could be re-profiled and used to store water and reduce the risk of flooding downstream in extreme or exceedance events. Our historic records show that the area to the north of the site has flooded previously as highlighted within the FRA. Given its position within the catchment, this area will likely be most at risk during heavy rainfall events such as the 2007 and 2012 as referenced within Section 10 of the FRA.

We do not consider this to be a matter of principle; rather it can be delivered at the reserved matters stage through the detailed landscaping and drainage proposals for this part of the site. Accordingly we would seek to influence this element of the detailed design at either the reserved matters or discharge of condition stage if permission is granted.

**Opportunities for Off-Site Flood Relief Works:**

Should the above suggested flood risk mitigation measures not be feasible at the detailed design stage, we consider it would be appropriate to seek a financial contribution from the developer to address existing off-site flooding to properties to the north of the site. For example property level protection could be delivered for those existing properties that suffered flooding in 2007. (The justification for this, being mindful of the requirements of paragraphs 203-206 of the NPPF, would be the residual risk of flooding in an exceedance event.) For such a scheme to be delivered we would anticipate the Local Authority and LLFA would need to establish a project for the works which relevant development contributions could feed-into. Any such scheme should also have regard to potential future development proposals in the area and there may be opportunities to deliver flood risk improvements as a result of the wider development proposals in Leckhampton and Warden Hill. We would be happy to discuss such options with you in more detail.

**Access:**

We recognise that access to and from the site will be maintained during a flood event however Kidnappers Lane may be subject to overland flows when the capacity of the culvert is exceeded. Given this appears to have been considered within the design we have no major concerns in this regard however you may wish to consider the possible safety implications of such an occurrence, or indeed any traffic impacts. A consideration at the detailed stage may be the requirement to erect signage to inform people that the road is liable to flooding.

**Surface Water Drainage:**

Since the Flood and Water Management Act of 2010, the responsibility for surface water flood risk and drainage has passed to the LLFA. We do retain an overview for all forms of flood risk, and in accordance with this we have the following comments on the surface water drainage:

The drainage of surface water from the site is critical given its location within the catchment (i.e. at the top of the catchment). We usually recommend the existing rate of run-off is calculated using both of the approved techniques and the most precautionary figure used to inform the design parameters.

We note the proposed balancing ponds have been removed from the recorded flood areas in accordance with our recommendations. We also acknowledge the comments in relation to these ponds and the proposals to deal with any groundwater issues in this regard. The

implications of such proposals should be considered by any company or body taking on the maintenance of these structures.

In addition we have previously highlighted the height of a number of the ponds in relation to adjacent ground levels (i.e. the ponds being sited above surrounding ground levels). Whilst this is not best practice as previously advised, we are satisfied with the measures introduced to deal with an exceedence event, for example freeboard and overflow path. However we recommend you consult the LLFA on this specific matter, and any maintenance body should be mindful of this issue as the ponds should be maintained to a standard to avoid a sudden failure.

Whilst the ponds have been designed appropriately in terms of surface water storage and attenuation more could be done to encourage surface water treatment and enhance biodiversity. We appreciate however that these are only the outline proposals and the detailed design will most likely be approved at a later date. This design should accord with CIRIA C697 as recommended within the FRA.

It is recognised that petrol interceptors are to be provided within the treatment train. We would encourage the applicant to include an additional SuDS feature rather than oil interceptors, for example porous paving or swales. We also encourage the applicant to consider other SuDS techniques such as green roofs/walls and rainwater harvesting on larger more suitable buildings such as the commercial buildings, local centre and school. It is unclear why such techniques have not been considered for these areas as such features provide multiple benefits to a development.

**Flood Defence Consent:** There are a number of ordinary watercourses on the site which are tributaries to the Hatherley Brook, including the watercourse along the eastern edge of the site which is designated as a main river. Works in, on, under or over, or within 8 metres of the top of bank of this watercourse will require Flood Defence Consent from us (other non-main watercourses are Consented by the LLFA). The FRA has correctly identified the requirements of the Water Resources Act (1991), Land Drainage Act (1991) and Midlands Land Drainage Byelaws in this regard. For any such permissions required from the Environment Agency the applicant is advised to contact Matt Kerry of our Partnerships and Strategic Overview Team on (01684) 864349.

**Flood Risk and Drainage Conclusion:**

We have no objections to the principle of development subject to the inclusion of suitable conditions. We are satisfied that the proposals are acceptable in terms of flood risk and drainage in accordance with our overview for all forms of flooding. There are additional aspects that could be incorporated at the detailed stage to ensure the development is more sustainable. We recommend you also consult with the LLFA for its views on the proposals. If you are minded to approve this application we request that the following conditions are attached to the decision notice:

**Condition:** Prior to any development on site the detailed design of the proposed land raising within residential area C shall be submitted to, and agreed in writing by, the Local Planning Authority.

**Reason:** To ensure that the new development does not increase flooding to the site itself or adjacent existing development.

**Note:** As detailed on drawing reference 10-0498 100 Rev 1 (dated May 2011) some minor re-profiling is necessary to re-direct surface water flows away from the proposed development areas. As detailed above the opportunity could be taken to formally reprofile other areas around the open space to hold back water from property downstream.

**Condition:** No development layout shall be approved until full drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and agreed in writing by the local planning authority.

**Reason:** To ensure that the new development does not increase flooding to the site itself or adjacent existing development. To ensure opportunities to improve water quality and biodiversity and reduce flood risk are maximised.

**Note:** We would anticipate the LLFA would lead on the detailed drainage design and commenting on the proposals at the reserved matters/discharge of condition stage. However given the importance of the drainage details and the opportunities for reducing flood risk we would appreciate making some comments at the detailed stage as part of our 'strategic overview' role. As a minimum we would expect the drainage proposals to correspond with the preliminary design detailed within the FRA.

### **ECOLOGICAL PROTECTION AND ENHANCEMENT**

We refer you to the advice of Natural England for the majority of ecological protection and enhancement matters, particularly where these relate to protected species. We have the following additional advice on ecological matters that relate to the water environment:

#### **Water Framework Directive:**

Protection of the water environment is particularly important due to the requirements of the Water Framework Directive (WFD). The WFD sets a target of achieving 'good status' or 'good potential' in all water bodies and there must be no deterioration in the existing status of water bodies. Development needs to be planned carefully so that it does not result in deterioration or further pressure on the water environment and compromise WFD objectives. Wherever possible opportunities should be sought for development to contribute to improvements in water body status, for example by improving water quality, fisheries and hydromorphology, and by encouraging groundwater recharge.

The Hatherley Brook is classified as moderate due to its phosphate levels. These levels are likely to be from urban drainage within Cheltenham. We note and welcome the information submitted within the FRA relating to the foul drainage and sewerage capacity following the applicant's consultation with Severn Trent Water.

As indicated above, any new developments should incorporate SuDS to improve the quality of surface water runoff that enters the Hatherley Brook. These drainage systems should incorporate open conveyance through swales, rain gardens and ponds. This should ensure that the water quality of rainwater runoff is improved which will help to meet the aims of the WFD. We note the current drawings of the balancing ponds do not appear to have been designed to encourage biodiversity. Any pond habitats should maximise the biodiversity value by adhering to pond design principles for biodiversity, including variation of depth and edge structure and ensuring water source is of reasonable quality. For example a combination of permanent open water, submerged aquatic berms, reed 'forebays' and variation in contour and cross section of the banks. The successful incorporation of such features can affect the footprint of the pond and therefore the layout of the site but we accept that it is appropriate to submit such specifications at detailed design stage providing there is a commitment in principle at outline.

#### **Protection and Enhancement of Watercourse Habitat:**

We welcome the network of terrestrial habitat corridors being retained and enhanced across the site. These should be wide enough to allow for the maintenance and expansion of wildlife populations. Buffer strips should be maximised along river corridors. The minimum width of the habitat corridors along the watercourses is to be a minimum width of 35m and 30m (for Hatherley and the eastern stream respectively) with a maximum width of 144m. We are

satisfied these are appropriate distances provided they are indeed delivered at the detailed stage, and that the quality of habitat delivered is of a high standard.

Where crossings of watercourses are required for essential access roads culvert design should be such that it minimises impacts on the water environment. Any culvert will need to be the shortest length practically possible. In order to minimise the impacts to fish and aquatic wildlife the culvert invert will need to be at least 300mm below design bed level. A minimum water depth of 300mm will need to be maintained and flow will need to be less than 1-1.5m/s.

The presence of Japanese Knotweed on site has potentially significant effects if works cause distribution of it downstream. The Wildlife and Countryside Act 1981 states that it is an offence to “plant or otherwise cause to grow in the wild” any plant listed in Schedule nine, Part II of the Act. The development should accord with the Act. Further advice can be found in our Japanese Knotweed code of practice at

<http://www.environment-agency.gov.uk/homeandleisure/wildlife/130079.aspx>

Tree and plant species to be planted along the river corridors should include species typically found in riparian habitats including willows. Species to be avoided due to diseases include Ash (*Fraxinus excelsior*) and Alder (*Alnus glutinosa*) but there should be consideration to using native black poplar (*Populus nigra*) but sources must have proven native provenance. We approve of some tree works along the river in principle to improve marginal and in-stream vegetation. We would wish to see a clearer commitment to the replanting of some trees. Furthermore, the cut timbers of any trees felled should be used to construct deadwood habitats, or otter log pile holts.

#### **Otters:**

Otters have been recorded downstream on the Hatherley brook and it is likely that they will travel through these small headwaters albeit infrequently. The significance of this is that this provides another reason for maximising the width and ecological quality of riparian corridors. Equally all new structures such as bridges will need to be designed to reduce the risk of otter mortality through road death and they are another target species for mitigation and enhancements such as introducing bankside cover and riverine habitat improvements.

#### **LAND CONTAMINATION**

This site has been subject to site investigation and risk assessment in 2011. At that preapplication stage we concluded that the site posed a low risk to controlled waters (i.e. groundwater and watercourses). This is due to the predominantly agricultural site history. (Please note that this does not preclude the need for remediation for the protection of human health which is within the remit of the local authority, and we recommend you consult with your Contaminated Land Officer on this.) There is however a small part of the site identified as an area of previous landfill. Since 2011 and the submission of this application, the landfill has been investigated further from a gas risk perspective. It is reported in RPS’s contaminated land ‘follow-up’ letter that the landfill comprises a depression that was filled with builder’s rubble. The risk to groundwater remains unknown however the material appears to be inert. We are satisfied with the principle of development from a land contamination perspective, and any residual risks this site may pose to controlled waters from both contaminated land and the landfill may be covered by the following condition:

**Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be agreed in writing by the Local Planning Authority and implemented as approved.

**Reason:** To ensure the protection of controlled waters.

I trust this letter will assist with your determination of the development, as well as providing advice to the developer for the detailed planning stage. Please do not hesitate to contact us if there are any queries. A copy of the decision notice would be appreciated.

**Land Drainage Officer**

21st May 2014

I have reviewed the Flood Risk Assessment and Drainage Strategy submitted with this application. I am satisfied with its approach and concur with its recommendations and conclusions. I would also reiterate the comments made by the Environment Agency that all SuDS be designed in accordance with CIRIA guidance C697 - The SuDS Manual. From 1st April 2014, the Lead Local Flood Authority (Gloucestershire County Council), will be responsible for the approval, inspection and adoption of SuDS. I would anticipate their involvement in the approval of the final/detail drainage design.

6th June 2014

**REVISED COMMENTS**

I have reviewed the Flood Risk Assessment and Drainage Strategy submitted with this application. I am satisfied with its approach and concur with its recommendations and conclusions. I would also reiterate the comments made by the Environment Agency that all SuDS be designed in accordance with CIRIA guidance C697 - The SuDS Manual.

Defra has delayed the proposed October 2014 implementation of Schedule 3 of the Flood and Water Management Act 2010. In this respect, a further announcement is expected from Defra this summer. Upon the implementation of Schedule 3 of the Act, the Lead Local Flood Authority (Gloucestershire County Council), will be responsible for the approval, inspection and adoption of SuDS.



**Gloucestershire**  
COUNTY COUNCIL

**Planning Application 13/01605/OUT**

**Land at Leckhampton, South West Cheltenham**

**Non-Technical Summary**

## **Proposal**

The proposal seeks outline planning consent for up to 650 houses and mixed uses, with access being determined as part of the outline application. The site is located to the south of Cheltenham town centre on the urban edge of Leckhampton and Warden Hill. The land now forms part of a draft allocation in the Joint Core Strategy (JCS), and in the Pre-Submission Joint Core Strategy - April 2014 for approximately 1125 houses and mixed uses.

## **Policy**

In determining this application, the starting point will be the National Planning Policy Framework (NPPF), as the adopted local plan is out of date in regards to accommodating development post 2011. Due weight should be given to relevant policies in the Local Plan according to their degree of consistency with the NPPF, the closer the policies in the plan to the policies in the NPPF the greater the weight that may be given. The JCS has reached Pre-Submission stage, which forms a statutory stage of the plan preparation process. The policies in the JCS are now agreed by each of the authorities, and subject to soundness will carry forward to public examination. Policies therefore do have some weight.

## **Guidance**

National Planning Practice Guidance, Guidance on Transport Assessments, Manual for Streets  
Manual for Gloucestershire Streets

## **Aim**

The overarching aim of this assessment is ensure;

- Safe and suitable access to the site can be achieved for all people
- Opportunities for sustainable transport modes have been taken up to reduce the need for major transport infrastructure
- The residual cumulative impacts of the development are not severe.
- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development.

## **Trip Rates and Distribution**

To estimate vehicle trips from a development the industry standard is to use TRICS. To validate this we asked the transport consultants to carry out a peak hour manual turning count at the local junction of Brizen Lane with Kidnappers Lane.

The vehicular trip distribution for the residential element of the development was determined by the SATURN model as agreed with GCC. The development of 650 houses and mixed uses are likely to generate the following vehicular trips;

Trips	Morning Peak Hour			Evening Peak Hour		
	(08:00 – 09:00)			(17:00 – 18:00)		
	Arr	Dep	2-way	Arr	Dep	2-way
<b>Total Residential</b>	<b>97</b>	<b>261</b>	<b>358</b>	<b>249</b>	<b>151</b>	<b>400</b>
<b>Total Employment</b>	<b>65</b>	<b>11</b>	<b>76</b>	<b>9</b>	<b>51</b>	<b>60</b>
<b>Total</b>	<b>162</b>	<b>272</b>	<b>434</b>	<b>258</b>	<b>202</b>	<b>460</b>

### **Strategic Modelling**

GCC has a strategic transport model, SATURN, and has a protocol that developers use the model for strategic and large planning applications. The SATURN traffic modelling shows what happens if traffic travels along corridors of least resistance, and plots which routes that may be taken to avoid delays. The results shown that the optimum scenario, is not to restrict flows on Leckhampton Lane, but allow traffic flow to balance along the corridors in Shurdington, Up Hatherley and Leckhampton.

### **Local Transport Modelling**

A Transport Assessment was submitted in support of the application, it is considered that the TA was broadly in accordance with the DfT's Guidance on Transport Assessment, additional guidance National Planning Practice Guidance (NPPG) was issued in March 2014.

Various scenarios have been tested both through strategic modelling and isolated junction modelling. The highway authority consider that the considering the wider network, and the importance of the bus frequency, that the Leckhampton Lane restriction works should not be implemented, but the Moorend signal improvements should be, and coupled with the area wide modal shift and trip banking, the residual cumulative impact of this development compared with future (2023) flows of the network, (which include back ground growth and other JCS developments which will be built out by 2023) will not be severe

It is inevitable that this development will increase the number of vehicle trips onto the network, primarily during the AM and PM peaks. The developer has sought to use containment, and travel pattern plans, to either reduce peak hour travel, or amend daily travel patterns to maximise the capacity of the highway corridors.

### **Congestion**

The A46 experiences recurrent congestion, this is a regular occurrence such as peak hour congestion or regular events. 2 junctions (Moorend signals and A46/Leckhampton Lane) are noted to currently have capacity issues, and this development will add to the performance of these junctions. However the development is only required to mitigate its own impact, and not any existing capacity issues.

Some of the minor roads on to the A46 do experience queuing, and this would be expected onto any Primary/Principal road. But the highway authority prioritised the A46 flows, to be as unhindered as possible, especially to accommodate bus frequencies, and the sake of relatively small queue lengths on minor side roads.

Therefore the highway authority is satisfied that subject to the recommended conditions and contributions a safe a suitable access for all can be achieved, the cumulative impacts of the development are not severe, and the development will actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, to be made more sustainable

### **Accessibility**

Whilst the site is located on the edge of existing development, it is within a range of destinations that can be accessed by walking, cycling and public transport. Its location is therefore consistent with national and local policy, and through area wide travel planning and modal shift, patterns of growth can be actively managed to make the fullest possible use of public transport, walking and cycling.

### **Vehicular Access**

The proposed accesses are;

- Primary access from A46 a signal controlled junction Drawing 2186.09A
- Secondary junction from A46 a priority junction incorporating a bus lane on demand junction. Drawing 2186.17C
- A pedestrian/footway only link from the junction of Kidnappers Lane and Farm lane to a future internal road within the proposed development. Drawing 2186.31
- The closure of the existing Kidnappers Lane/A46 priority junction. Drawing 2186.30
- New junctions onto Kidnappers Lane 2186.32 & 33
- Improvements (visibility) to the Farm Lane/Leckhampton Lane junction. Drawing 2186.40
- Merlin Way pedestrian linkage improvements.

### **Sustainable Development**

The site is located thus that we can actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. GCC has been extremely successful in delivering the DfT funded Local Sustainable Transport Fund in respect of;

- Personalised Travel Planning
- Workplace Travel Planning
- Bike it
- Website and Branding
- Bike Hub

The LSTF team is looking at further projects;

- Bus Maps
- Bus taster tickets
- Cycling and walking maps
- Learning Independence for Travel (LIFT) Training
- Cycle Strategy
- Market and communication

What this is aiming towards is Active Travel, as no matter what our mode of transport choice, all of us walk every day as part of our daily activities of living. Furthermore any of us can cycle (in principle) on pretty much any road or dedicated cycle path that we want to.

There is an irrefutable case that links walking and cycling with the health, wealth and wellbeing of the community and businesses in Gloucestershire. And this is recognised by some of our key employers, who consider coherent active travel routes to be vital to attracting and retaining good staff.

The highway authority recommends that this development should to contribute towards provide a South West Cheltenham Modal Shift Strategy through;

- Site Travel Plans
- Area-wide/corridor Work Place Travel planning
- Branding/website
- Social Media
- Marketing
- Bus Maps
- Bus Tickets/Smart cards
- Cycling and walking maps

The South West Cheltenham Modal Shift Strategy will allow GCC to expand on the work included in the LSTF to develop a real modal shift towards alternative modes, helping to reduce the impact of car borne trips, create healthy active travel, and boost economic growth. These objective align with the three dimensions of sustainable development in the NPPF

### **Mitigation**

The applicant and the highway authority have prepared a package of mitigation that will deliver modal shift and improvements to capacity along key transport networks.

### **Severe**

The NPPF states that;

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

But what is severe? The dictionary has alternatives for severe; acute, very bad, serious, grave, critical, dire, drastic, grievous, extreme, dreadful, terrible, awful, frightful, appalling,

Obviously the use of the term severe has been to convey something very extreme, to ensure that authorities only prevent development on transport grounds in overwhelming conditions

In everyday language we use severe to identify something that rarely occurs and we should be aware, "severe weather" would be an example to describe flooding.

Perhaps we need to understand why the NPPF is using such terminology, in transport when previously it was "nil detriment" or "5%" increase". Previously nil detriment, or only a 5% increase, resulted in refusals on transport grounds, or requiring very expensive infrastructure to resolve. Both of these solutions inevitable resulted in reduced delivery of housing, as developers could not deliver, as sites were unviable

To try and understand how you might calibrate severe in transport terms might be to look at how government pinch point funding is allocated. Pinch point funding seeks to remove bottlenecks on the local highway network which are impeding growth. The fund reflects the government's commitment to supporting economic growth by tackling barriers on the local highway network that may be restricting the movement of goods and people. The fund is aimed at those schemes that can be delivered quickly with immediate impact.

No Pinch Point funding was sought for Shurdington Road, due to its relatively low ranking, strategically in Gloucestershire.

## **Conclusions**

**Gloucestershire County Council as the local highway authority has assessed this application in light of the National Planning Policy, the CBC local Plan, the emerging Joint Core Strategy, and other material considerations**

**The applicant has used the SATURN strategic model, and local junction modelling techniques to understand the wider impact and the local capacity issues.**

**The development is located to make the fullest possible use of public transport, walking and cycling, to be made more sustainable, and subject to the recommended conditions and contributions a safe a suitable access for all can be achieved, the cumulative impacts of the development are not severe.**

**Therefore the highway authority considers there that the development has some weight due to its draft allocation in the JCS Pre-Submission stage, and the site is located adjacent to the existing urban fringe of South West Cheltenham, and raises no highway objection.**



**Gloucestershire**  
COUNTY COUNCIL

**Planning Application 13/01605/OUT**

**Land at Leckhampton, South West Cheltenham**

**Highway Response June 2014**



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**Chapter 10 – Conditions**

## Introduction and Bibliography

**Gloucestershire County Council (GCC)** as the highway authority is a statutory consultee to **Cheltenham Borough Council (CBC)** for this planning application

**Highways Development Management (HDM)** – A team within Gloucestershire County Council, (as the highway authority), that responds to planning applications as a statutory consultee.

**Peter Evans Partnership (PEP)** – Transport consultants appointed by the applicants

**Joint Core Strategy (JCS)** – A document for Gloucester City, Cheltenham Borough and Tewkesbury Borough to identify the need and location of employment and housing sites and associated infrastructure up to 2031

**SKANSKA** – Transport Consultants commissioned by CBC to prepare SATURN scenarios for the JCS

**SATURN - Simulation and Assignment of Traffic in Urban Road Networks.** A network analysis program developed at the Institute for Transport Studies, and distributed by WS Atkins. The model is owned by GCC, and is used for strategic network analysis. This model has been used to predict the traffic distribution based on a Gloucestershire strategic model and includes all permitted development and allocations. The use of SATURN, for the traffic modelling work is consistent with both best practice and current government advice. SATURN is recognised by the Department for Transport (DfT) as an appropriate technique for traffic modelling and scheme assessment and has been used for many years by consultants and local authorities as one of the ‘industry standard’ modelling tools.

**TRICS** - Trip Rate Information Computer System

**TEMPRO** - Trip End Model Programme

**PCU PASSENGER CAR UNITS** PCU’s are frequently used in traffic assessment work and are based on the principal of translating all vehicles into one common traffic ‘currency’ this is achieved by apportioning different PCU values to different types of traffic. Typical values are given in below:

Vehicle Type	PCU Value
Car	1.0
Light Goods Vehicle	1.0
Rigid Goods Vehicle	1.9
Articulated Goods Vehicle	2.9
Public Service Vehicle	2.5

**ARCADY** – Assessment of Roundabout Capacity and Delay, Transport Research Laboratory (TRL)

**PICADY** – Priority Intersection Capacity and Delay, Transport Research Laboratory (TRL)

**LINSIG** - computer software package for the assessment and design of traffic signal junctions

**MOVA** – Microprocessor Optimisation Vehicle Actuation. A control system for traffic light signals at isolated junctions. It intelligently switches between delay-minimising and capacity-maximising modes, depending on traffic demand.

# Chapter 1

## The Proposal

### Proposal

The proposal seeks outline planning consent for up to 650 houses and mixed uses, with access being determined as part of the outline application. For clarity, access for this application has been defined by the local planning authority as, the principal new junctions to the site from the A46 and the connections to the public highway at Kidnappers Lane. The application has a red line which encompasses the 650 houses and mixed uses, although a masterplan demonstrates how 1200 houses and mixed uses could be accommodated.

### Site Location

The site is located to the south west of Cheltenham and immediately south of the built up residential area of Moorend. The site is predominately bounded by two arterial roads, Shurdington Road, part of the Primary Road network A46 to the west, and Leckhampton Lane/Church Road to the east. The A46 links the A417 to Cheltenham, and is one of the principal movement corridors in to the town centre.

### Existing Highway Network

The site is located to the south of Cheltenham town centre on the urban edge of Leckhampton and Warden Hill, although a small residential development finger exists, along part of Kidnappers Lane, of approximately 140 dwellings.

**The A46 Shurdington Road** is an arterial corridor which continues directly into Cheltenham town centre. The Average 24 hour Workday Flows are circa 8150. The Stagecoach 10 Goldrider service operates a predominately 10 minute frequency, with the Stagecoach 46 service operating a predominately hourly service, along the A46, some with dedicated RTPI bus stops. Shurdington Road has segregated footways, and the carriageway is suitable for on street cycling, (although according to the CBC cycle map, a level of experience is required - level 4 of 5). Shurdington Road is predominantly a 7.3 m wide road subject to a 40mph, speed limit.

**Leckhampton Lane** is as single carriageway classified road that links the A46, from a priority junction at the Bell Inn, to Church Road that continues on to Leckhampton Road, in Leckhampton. Leckhampton Lane is subject a 60mph speed limit, apart from the initial section from the Shurdington Road, and the approach to the connection to Church Road, which occurs at a cross road junction, locally known as the Crippetts Lane crossroads. Kidnappers Lane is located to the south of the application site and also meanders through the site, linking with Church Road to the east. Farm Lane connects Kidnappers Lane to Crippetts Lane crossroads.

**The A46** links to the strategic road network, the A417 and then to junction 11a of the M5 giving direct access to the M5 South, and indirectly to the M5 north. The South East can be accessed via the A417 /A419 to Swindon and the M4

### **Planning History**

The application site for 650 houses currently has no policy allocation or designation in the CBC local plan and is referred to as white land. In 2006 the area was included in Regional Spatial Strategy (RSS) as part of wider area of search; however the RSS was revoked in 2010. The land now forms part of a draft allocation in the Joint Core Strategy (JCS), and in the Pre-Submission Joint Core Strategy - April 2014 for approximately 1125 houses and mixed uses.

### **Chapter Summary**

The proposal seeks outline planning consent for up to 650 houses and mixed uses, with access being determined as part of the outline application. The site is located to the south of Cheltenham town centre on the urban edge of Leckhampton and Warden Hill. The land now forms part of a draft allocation in the Joint Core Strategy (JCS), and in the Pre-Submission Joint Core Strategy - April 2014 for approximately 1125 houses and mixed uses.

## Chapter 2

### Policy and Guidance

#### Policy

In determining this application, the starting point will be the National Planning Policy Framework (NPPF), as the adopted local plan is out of date in regards to accommodating development post 2011. Due weight should be given to relevant policies in the Local Plan according to their degree of consistency with the NPPF, the closer the policies in the plan to the policies in the NPPF the greater the weight that may be given.

#### The National Planning Policy Framework March 2012

The primary transport considerations of the NPPF are;

All developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused where the residual cumulative impacts of the development are severe.

Furthermore it is a core policy of the NPPF that the opportunities for sustainable transport have been taken up, safe and suitable access for all is provided, and residual cumulative impact of the development.

Finally the NPPF states where the development plan is absent, silent or relevant policies are out-of-date, grant permission unless;

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

#### Cheltenham Borough Local Plan 2006, (CBCLP), - Principal transport policy

#### TP 1 Development and highway safety

Development will not be permitted where it would endanger highway safety, directly or indirectly, by:

(a) creating a new access, altering an access or increasing the use of an existing access on to the main highway network, or at other points where it would be hazardous to highway users, unless a satisfactory improvement has been carried out; or

(b) generating high turnover on-street parking.

### **Pre-Submission Joint Core Strategy - April 2014**

The JCS has reached Pre-Submission stage, which forms a statutory stage of the plan preparation process. The policies in the JCS are now agreed by each of the authorities, and subject to soundness will carry forward to public examination. Policies therefore do have some weight.

### **Guidance**

National Planning Practice Guidance (NPPG) - CLG

Guidance on Transport Assessments (GTA) - CLG/DfT

Manual for Streets (MfS)- CLG/DfT

Manual for Gloucestershire Streets (MfGS) – GCC

### **Chapter Summary**

In determining this application, the starting point will be the National Planning Policy Framework (NPPF). Due weight should be given to relevant policies in the Local Plan according to their degree of consistency with the NPPF, the closer the policies in the plan to the policies in the NPPF the greater the weight that may be given. The emerging JCS will provide the strategic context, however with limited weight due to the stage of its preparation. National and local guidance are material considerations in determining this application

## Chapter 3

### Trip Rates and Distribution

#### Pre-application Scoping

As is standard practice the transport consultants for the applicant Peter Evans Partnership (PEP) and Gloucestershire County Council Highways Development Management (HDM), entered into early discussions to scope the required assessment and modelling of a strategic application of this size. Originally the application was for 1200 dwellings, and included land south of Farm Lane, within the administration boundary of Tewkesbury Borough Council (TBC). This additional piece of land is allocated in the Tewkesbury Borough Council Local Plan 2006 – 2011 as policy SD2.

GCC has a strategic transport model, SATURN, and has a protocol that developers use the model for strategic and large planning applications. The site is located well within the Central Severn Vale SATURN model and therefore can predict strategic traffic flows across a wide area, to understand future traffic movements and help to assess strategic mitigation, if impact occurs. The model cannot assess individual junction capacity, and therefore isolated junction modelling would be needed to understand if junctions would be over capacity, to determine if mitigation is required and feasible.

Part way through these pre-application discussions land owners of the land south of Farm Lane made the decision to withdraw from the pre-application discussions, and this left the application reduced to 650 dwellings with mixed uses.

The original scope for the SATURN modelling resulted in a slight disagreement with PEP, who wanted to test Do Something scenarios that included build outs of houses on as yet unpermitted and unallocated sites. The Department of Transport document Guidance on Transport Assessments states;

*“The assessment years should consider person trips from all committed developments that would impact significantly on the transport network, particularly where they substantially overlap, such as at the same junctions and/or on roads as the proposed development. The committed developments will typically include development sites that have extant planning permission as well as development plan allocations in an adopted or approved plan”*

*Developments that have been completed but not fully occupied should be included in these assessments. The inclusion or exclusion of committed developments in the assessments should be agreed with the relevant authorities at the pre-application stage.*

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Policy Guidance, and committed development is clearly defined as;

*“Development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next three years)”*

Cheltenham Borough Council views are that despite the limited weight of the JCS, both members and the local community are very concerned about the impact of the proposed development and the potential transport implications arising. Considering the proposed scheme therefore only in the context of committed development would not address these concerns. Therefore CBC required a better understanding of the potential cumulative impacts of developments proposed by the JCS in order to provide the appropriate advice and support to Planning Committee in making a decision on the application.

CBC suggested that GCC should consider the application in line with DfT guidance, taking into account committed sites, but within the wider context of JCS strategic transport modelling. This modelling will provide an overview of the cumulative impact of the spatial strategy of the JCS, taking into account relevant mitigation measures. The JCS commissioned SATURN scenarios remain ongoing with the process of the JCS.

CBC felt that this is a pragmatic approach to providing GCC with a robust position in the context of DfT guidelines, whilst providing the wider strategic analysis sought by Cheltenham Borough Council.

PEP wanted to include specific development sites and build out rates that aligned with some very draft allocation sites; however GCC suggested only included committed developments and growth based on housing demand to 2031.

The developments that formed part of the PEP Do Something (DS) scenarios are detailed and discussed in Chapter 6, including a comparison of the GCC suggested scope.

When the Farm Lane developer withdrew from the pre-application discussions, PEP commissioned further SATURN scenarios, to reflect the impact of 650 dwellings.

Detailed discussion on the application SATURN modelling and the JCS SATURN modelling can be found in Chapter 6.

### **Vehicle Trips**

To estimate vehicle trips from a development the industry standard is to use TRICS. To validate this TRICS trip rate, GCC asked the transport consultants to carry out a peak hour manual turning count at the local junction of, Brizen Lane with Kidnappers Lane. This sensitivity test validated the trip rate.

The Transport Assessment used the following mix for trip generation;

- up to 650 dwellings;
- a primary school;
- a GP surgery;
- a local convenience store and small retail unit; and
- 4 500 sq m of either one or more of the following - B1 employment, care home, dentist, children’s nursery, cottage hospital, other Class A uses.

This results in total traffic for each element as shown in the table below

Trips	Morning Peak Hour			Evening Peak Hour		
	(08:00 – 09:00)			(17:00 – 18:00)		
	Arrival	Departure	2-way	Arrival	Departure	2-way
Privately owned housing	74	210	284	198	116	314
Privately owned affordable housing	13	32	45	31	20	51
Rented affordable housing	10	19	29	20	15	35
<b>Total Residential</b>	<b>97</b>	<b>261</b>	<b>358</b>	<b>249</b>	<b>151</b>	<b>400</b>
<b>Total Employment</b>	<b>65</b>	<b>11</b>	<b>76</b>	<b>9</b>	<b>51</b>	<b>60</b>
<b>Total</b>	<b>162</b>	<b>272</b>	<b>434</b>	<b>258</b>	<b>202</b>	<b>460</b>

This indicates that there would be around 434 two-way vehicle trips arising from the development in the morning peak hour and around 460 two-way vehicle trips in the evening peak hour.

### **Distribution**

The vehicular trip distribution for the residential element of the development was determined by the SATURN model as agreed with GCC. It was assumed that the vehicle distribution for the residents at Leckhampton would be similar to the nearby residential zones within the SATURN model.

During the modelling scoping process it was agreed to use zones 308, 361, and 450 for the morning peak hour residential distribution and 308 and 361 in the evening peak hour, as these zones are adjacent to the proposed Leckhampton site. The distribution for the existing residential zones, within the model, were determined from road side interview surveys undertaken by GCC in 2003, and 2008 and calibrated using traffic count data.

As part of the TA various development scenarios have been modelled using SATURN. The methodology and results of the SATURN modelling are discussed in Chapter 6

## **Chapter Summary**

The development is assumed to generate the following vehicle trips in 2023, and results in the projected trip and distribution as shown in the diagrams below, (Blue Text). The diagrams also shows the comparison of existing flows in 2023 without the application site (Red Text), and 2023 with the application site, and the Leckhampton Lane restriction (Green Text). For base comparison the 2012 surveyed flows are shown (Black Text)

## **AM and PM Predicted Flow Diagrams**

**1. AM Peak hour flows (08:00 – 09:00) CSV SATURN**

**2. PM Peak hour flows (08:00 – 09:00) CSV SATURN**

## Chapter 4

### Accessibility and Access

#### Accessibility

The A46 is primarily served by the bus services 10, operating a 10 minute frequency past the application site. The application proposal of 650 houses and mixed uses would have access to this and other bus services, and also there are range facilities in Warden Hill and Leckhampton that are accessible by walking and cycling.

According to the 2011 Census data (Office for National Statistics), Cheltenham has a lower than average car/van mode share, attributable to the higher usage of active modes. Travel to work by other modes, are the highest in the county, and outperform the country averages, with 18% on foot and 56% in car/van, and with 71.1% containment.

Current guidance on walking distances to bus stops and facilities are contained with Manual for Streets (MfS) and Institute of Highways and Transportation (IHIT) national guidance. Manual for Streets (ref: Section B paragraph 4.4.1) states walkable neighbourhoods are typically characterised by having facilities within a walking range of 10 minutes (approx 800m), although this should not be considered as an upper limit.

For pedestrians without mobility impairment, the Institution of Highways and Transportation (IHT) in their publication, 'Guidelines for Providing for Journeys on Foot 2000' make a series of suggested acceptable walking distances in relation to some common facilities, see table below;

<b>Suggested Acceptable Walking Distances</b>			
	Town Centres, Retail	Employment/school/tourism	Elsewhere
Desirable	200m	500m	400m
Acceptable	400m	1000m	800m
Preferred Maximum	800m	2000m	1200m

NPPF states at paragraph 28 that *'The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel'*. It is worth dwelling on this statement, as the NPPF is not just asking to consider sustainable transport modes, but be balanced **in favour**.

ONS data on commuting patterns collected from the Annual Population Survey (2010 and 2011) indicate a high proportion of people both living and working within the JCS area. This self containment highlights the potential for short-distance trips to transfer where appropriate, to non-car modes, such as public transport, walking or cycling

It is a core policy in the NPPF that in decision making, development should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, to be made sustainable. It is a key thrust of the NPPF to create new multi modal links and ensure they remain sustainable in the long term.

Whilst the site is located on the edge of existing development, it is within a range of destinations that can be accessed by walking, cycling and public transport. Its location is therefore consistent with national and local policy, make the fullest possible use of public transport, walking and cycling, to be made sustainable.

### **Vehicular Access**

The proposed site accesses are being dealt with by this outline planning application. These accesses are;

- Primary access from A46 a signal controlled junction Drawing 2186.09A
- Secondary junction from A46 a priority junction incorporating a bus lane on demand junction. Drawing 2186.17C
- A pedestrian/footway only link from the junction of Kidnappers Lane and Farm lane to a future internal road within the proposed development. Drawing 2186.31
- The closure of the existing Kidnappers Lane/A46 priority junction. Drawing 2186.30
- New junctions onto Kidnappers Lane 2186.32 & 33
- Improvements (visibility) to the Farm Lane/Leckhampton Lane junction. Drawing 2186.40
- Merlin Way pedestrian linkage improvements.

### **Junctions and Links**

#### **Primary access from A46**

This primary access is a signal controlled junction, which interalia replaces the existing Kidnappers Lane junction and removes the signal controlled crossing; replacing it with an uncontrolled crossing facility. This junction will allow the existing Cheltenham bound bus services and diverted bus service to have priority access into the development.

#### **Secondary Access from A46**

This is a priority junction which acts as the access to a proposed boulevard layout. Whilst secondary in highway terms, it can be considered as the main access to the development. Coupled with the priority junction is an on demand signal controlled bus lane which gives priority to buses travelling to Cheltenham, this will be called approximately every 10 minutes.

#### **Pedestrian/footway only link from the junction of Kidnappers Lane and Farm lane**

This section of Kidnappers Lane will be stopped up to vehicular traffic, allowing it to be a permeable link for pedestrians and cycles. This would have the added benefit of removing Kidnappers Lane, which is a single width rural road in this location, as a well established "rat run".

#### **Junctions on to Kidnappers Lane**

2 new junctions are proposed onto Kidnappers Lane, this will enhance the internal layout provide improved multimodal permeability, and also reduced the previously mentioned rat running.

### **Existing Kidnappers Lane/A46 priority junction, (closure)**

This closure is required to enable the Primary access to have the required visibility, and design standards, it will also rationalise the junction street furniture at this section and create a more legible junction. Access by pedestrians and cycles will be retained as will access from within the internal layout.

### **Farm Lane/Leckhampton Lane junction, (visibility improvements).**

The egress visibility from Farm Lane onto Church Road /Leckhampton Lane junction is substandard and whilst the scheme and internal layout is designed to limit trips in this direction, there may be some insignificant increase, but it is deemed necessary to create a safe and suitable access.

### **Leckhampton Lane traffic demand management works**

During the pre-application discussions and during the formal consultation period the highway authority and PEP proposed measures to control the anticipated vehicular demand on Leckhampton lane as a result of the proposal. Various options were developed during this period, all with the same intention to manage the demand. A scheme of priority build outs is suggested, which both increases journey time through this section, and reduces speed, along this rural section. The option was presented at public consultations and events by the applicant and PEP, but it is understood it did not receive local support.

The scheme would need clear signing of priorities and the intervisibility between opposing flows will also be critical to avoid conflicts between opposing flows. The length of the one-way working needs to be optimised to ensure that extended platoons of vehicles in one direction do not cause driver frustration and cause miss use of the layout. This scheme was specifically tested in a do something SATURN scenario, and is discussed at Chapter 6.

### **Church Road Measures**

Measures are proposed to traffic calm the junction of Church Road with Hall Road. This location is known locally as Leckhampton village, and local concerns have been raised about any increase in through traffic from the development, and any further re-distributed traffic onto Leckhampton Lane and onto Church Road.

The measures are proposed to reduce speeds by installing build outs and create a friendlier space, for pedestrians especially given the location of the existing primary school. The width of the remaining gap needs to be designed to ensure that users aren't indecisive and could lead to conflicts as opposing vehicles try to squeeze through the gap. A "gateway" feature is also proposed past the church on Church Road. The intention is to reduce speeds on the approach to the built up area on Church Road.

The works would be subject to public consultation and may need to be incorporated into area wide corridor based scheme if the anticipated housing number in the JCS comes forward.

## **Moorend Signals**

This signal controlled junction can be seen to be a pinch point along the Shurdington Road network and is constrained in width and lane capacity. Probably the most strained arm is the approach to the junction on the Shurdington Road, travelling towards Cheltenham. The carriageway provides a straight on and left turn lane, plus a right turn lane. The right turn lane can take time to clear due to the oncoming lanes this can then block the taper into the straight on and left

The existing layout can be seen in the drawing overleaf.

GCC has proposed that as the junction is showing to be over capacity, that mitigation is required, and has proposed to create some additional capacity during the morning peaks to reduce congestion. The proposal can be seen overleaf which increases the number of inbound lanes to 3.

The applicant is not offering this improvement as part of the application but GCC believes that this mitigation is required is discussed further at Chapter 6

## **Chapter Summary**

The site is located thus that we can actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. GCC has been extremely successful in delivering the DfT funded Local Sustainable Transport Fund in respect of;

- Personalised Travel Planning
- Workplace Travel Planning
- Bike it
- Website and Branding
- Bike Hub

The LSTF team is looking and further projects;

- Bus Maps
- Bus taster tickets
- Cycling and walking maps
- Learning Independence for Travel (LIFT) Training
- Cycle Strategy
- Market and communication

What this is aiming towards is Active Travel, as no matter what our mode of transport choice, all of us walk every day as part of our daily activities of living. Furthermore any of us can cycle (in principle) on pretty much any road or dedicated cycle path that we want to.

There is an irrefutable case that links walking and cycling with the health, wealth and wellbeing of the community and businesses in Gloucestershire. And this is recognised by some of our key employers, who consider coherent active travel routes to be vital to attracting and retaining good staff.

The highway authority recommends that this development should to contribute towards provide a South West Cheltenham Modal Shift Strategy through;

- Site Travel Plans
- Area-wide/corridor Work Place Travel planning
- Branding/website
- Social Media
- Marketing
- Bus Maps
- Bus Tickets/Smart cards
- Cycling and walking maps

The South West Cheltenham Modal Shift Strategy will allow GCC to expand on the work included in the LSTF to develop a real modal shift towards alternative modes, helping to reduce the impact of car borne trips, create healthy active travel, and boost economic growth. These objective align with the three dimensions of sustainable development in the NPPF

**Contributions:**

South West Cheltenham modal shift strategy based on (Work Place Travel Plans): £400,000

Residential Travel Plan: £118,000

Non-Residential Development TPC budget: £18,000

Public Transport Contribution, Diversion of service J/K £385,000

**Total £536,000**

## Chapter 5

### Local Transport Modelling and Impact

#### **Local Transport Modelling**

A Transport Assessment (TA), dated September 2013, was submitted in support of the application, it is considered that the TA was broadly in accordance with the DfT's Guidance on Transport Assessment (GTA), which was the prevailing guidance at the application date, although it should be noted that additional guidance National Planning Practice Guidance (NPPG) was issued in March 2014. This guidance builds on the evidence with the GTA, to make guidance contemporary with the NPPF.

The TA was submitted to examine the impact of the site masterplan area, 1200 units, employment, primary school and other ancillary units. The scope of the TA was agreed between Peter Evans Partnership (PEP), Gloucestershire County Council (GCC) and the Highways Agency (HA). It was necessary for all parties to agree to the areas which would be likely to be impacted by the development proposal, this was done via local traffic counts, discussions with stakeholders and knowledge of local issues. Traffic analysis was therefore undertaken within the agreed study area on the basis of expected changes in traffic movements across the local highway network. Whilst the TA assessed the impact of the total masterplan area of 1200 dwellings, a Supplementary Traffic Note was submitted in January 2014 to assess the impact of the 650 dwelling application site, together with highway mitigation works on Leckhampton Lane. An Addendum to the TA was submitted in December 2013 to respond to issues ( bus capacity, non motorised users and schools) raised by GCC in response to the TA.

#### **Future Year Assessment**

The horizon year, this being the future year necessary to assess the impact of the development was agreed to be 2023. This represents 10 years after the date of the registration of the planning application, in accordance with the aforementioned DfT guidance. This also coincides with the anticipated development completion date.

#### **Modelling Process**

Traffic surveys undertaken in 2011 were utilised by PEP to assess the base year situation at each junction to be assessed. GCC's Central Severn Vale SATURN model produced strategic forecasts of link and junction flows, outputs from the SATURN model were extracted and utilised with the local junction modelling, this included turning movements at each of the junctions in the 2023 forecast year. Capacity analysis of the relevant junctions in the morning and evening peak hours was undertaken on an individual basis so free flow conditions on adjoining links has been assumed for junction capacity testing purposes. The industry standard software ARCADY, PICADY and LINSIG were used to assess roundabout, priority junctions and signals respectively. Base models were validated against observed queues, to ensure that the modelling represented a realistic base scenario with which to assess the future year scenario.

### **Committed Development**

The DfT Guidance on Transport Assessments (GTA) stated that future year assessments should only include the development proposals and any committed developments, it defined committed development as sites with planning permission or sites included with an adopted development plan. This approach is consistent with the recently published Planning Practice Guidance. Although this is considered to be the correct approach in order to ensure certainty of assessment, Cheltenham Borough Council considered that the draft Joint Core Strategy (JCS) proposals should be included within any future year modelling scenario. GCC therefore accepted Cheltenham Borough Council's position and progressed with the modelling on this basis. It can be seen how this approach can be create uncertainty, as since the modelling was undertaken with PEP changes, changes to draft JCS have been made, with the removal of the Up Hatherley site and amendments to housing numbers. The removal of the Up Hatherley site would not adversely impact the modelling, as the site would be unlikely to be built out by 2023, however this is not to say that further changes to the draft JCS will not impact the modelling.

The 2023 land use forecasts took account of existing planning permissions which have not yet been implemented, sites allocated in Adopted Local Plans and development resulting from those sites within the draft JCS which may be built out by 2023. The JCS site information was extracted from the JCS document titled 'Developing the Preferred Options' consultation document.

### **Trip Generation**

Trip rates for the 1200 units together with the employment, primary school and ancillary uses were derived from the Trip Rate Information Computer System (TRICS), this is a national traffic survey database. The assumed trip rates do not take account of any reductions in trips resulting from the residential travel planning, improvements to public transport provision and reduction in trips from the existing highway network as part of the area wide work place travel planning. It is therefore considered that the modelling represents an overly robust assessment.

### **Supplementary Traffic Note Trip Rates**

As stated above, the original TA considered the impact of the Leckhampton masterplan area, this was required for Environmental Impact Assessment purposes, the supplementary traffic note considered solely the impact of the application site, together with the committed developments and JCS sites previously discussed, these committed developments include the 360 dwellings allocated in the Tewkesbury Borough Local Plan at Farm Lane. The trips remain the same as the TA:

Trips	Morning Peak Hour			Evening Peak Hour		
	(08:00 – 09:00)			(17:00 – 18:00)		
	Arr	Dep	2-way	Arr	Dep	2-way
Privately owned housing	74	210	284	198	116	314
Privately owned affordable housing	13	32	45	31	20	51
Rented affordable housing	10	19	29	20	15	35
<b>Total Residential</b>	<b>97</b>	<b>261</b>	<b>358</b>	<b>249</b>	<b>151</b>	<b>400</b>
Primary School	64	44	108	4	7	11
GP Surgery	13	6	108	8	10	11
Local Retail Centre	21	20	19	22	21	18
B1 Office	54	7	41	5	42	43

Some of the journeys undertaken to the individual uses on site will have travelled to or from other uses on the site. Some residents of the proposed dwellings will travel to the primary school, use the local shops, GP surgery or possibly work at the commercial use. Likewise, some people working at the commercial use would visit the local centre.

Therefore the total number of vehicles generated by the proposal would be less than the summation of the individual figures identified. The traffic assessment makes the following assumptions and the resulting trips used for the CSV modelling.

#### Primary School

All trips associated with the primary school would either be internal to the wider Leckhampton masterplan area and would therefore not use the external road network, or would be linked with residents dropping children off as part of their existing journey. These trips have therefore been included in the residential element of the traffic forecasts and have been removed from the analysis to avoid double counting.

#### GP Surgery

The patient catchment area of the GP surgery would be the wider Leckhampton masterplan area and therefore no patient trips would be on the external road network. The majority of trips have therefore been removed from the analysis.

During the peak hours some trips to and from the GP Surgery would be staff. Some 50% of the morning peak hour arrivals and evening peak hour departures are anticipated to be staff. The remaining trips would be patients. The staff trips are included in the employment trips for the purpose of the traffic modelling.

#### Local Retail Centre

The majority of the retail trips would be on the network in any event. This includes linked trips from the residential and employment areas of the development. A small proportion of the trips to and from the retail units would be new. It has been agreed that 20% of trips would be new to the external network. These have been added to the employment trips for the purpose of the traffic modelling.

#### Total Traffic

The trip generation that has therefore been used to input to the Central Severn Vale modelling is as follows:

Trips	Morning Peak Hour			Evening Peak Hour		
	(08:00 – 09:00)			(17:00 – 18:00)		
	Arr	Dep	2-way	Arr	Dep	2-way
Privately owned housing	74	210	284	198	116	314
Privately owned affordable housing	13	32	45	31	20	51
Rented affordable housing	10	19	29	20	15	35
<b>Total Residential</b>	<b>97</b>	<b>261</b>	<b>358</b>	<b>249</b>	<b>151</b>	<b>400</b>
<b>Total Employment</b>	<b>65</b>	<b>11</b>	<b>76</b>	<b>9</b>	<b>51</b>	<b>60</b>
<b>Total</b>	<b>162</b>	<b>272</b>	<b>434</b>	<b>258</b>	<b>202</b>	<b>460</b>

This indicates that there would be 434 two-way vehicle trips arising from the development in the morning peak hour and 460 two-way vehicle trips in the evening peak hour.

#### Traffic Distribution

Traffic has been distributed and assigned to the network using the information extracted from SATURN. It was assumed that the vehicle distribution for residents at Leckhampton would be similar to the nearby residential zones with the SATURN model. Trips from the proposed residential element of the application are distributed using traffic count and turning movements from nearby existing residential estates, these are known as SATURN zones. The distribution for the existing

residential zones within the model were determined from road side interview surveys undertaken by GCC in 2003 and 2008 as part of the model update, this was validated using traffic count data.

The trip distribution for the employment element of the development was derived from the 2001 census travel to work data. The home locations of the employees working in the Leckhampton ward in 2001 were reviewed, based on the home locations of employees a distribution across the local road network was determined.

### **Existing conditions**

#### **A46 Shurdington Road/Leckhampton Lane Priority Junction**

The 2011 base modelling demonstrates that this junction is already over capacity in the morning and evening peak hours. The modelling demonstrates that there are maximum queues along Leckhampton Lane in the AM peak of 16 passenger car units (PCU's) and maximum queues of 97 PCU's for the right turn movement into Leckhampton Lane from the A46. In the PM peak these queues reduce to 9 and 58 PCU's respectively.

The likely reason for the reduction in queues from the AM to the PM peak is due to peak spreading, this is where the PM peak is generally considered to take place over a longer period of time, whereas the AM peak is constrained to a shorter amount of time. The A46 in both peaks is generally slow moving traffic, rather than actual queues (nose to tail vehicles not moving for long periods of time), therefore PICADY struggles to model the junction effectively and therefore over estimates the queues.

From site visits and video footage of the junction drivers travelling westbound slow down, in order to allow the right turn movement into Leckhampton Lane to take place, PICADY is unable to replicate this behaviour, and therefore overestimates the queuing.

It is important to assess the surveyed queue data for junctions; this helps to determine the validity of the base model and also provides additional information where the modelling software is not able to accurately predict the capacity of a junction due to driver behaviour. The surveyed queue data demonstrated that the maximum queue in the morning peak hour is 20 vehicles on the Gloucester approach, with maximum queues of 8 vehicles for the Cheltenham approach. Maximum queues on Leckhampton Lane were around 8 vehicles. It should be noted that in transport planning terms a queue is considered to be stationary vehicles, as opposed to slow moving traffic.

#### **A46 Shurdington Road/Up Hatherley Way Roundabout**

The ARCADY modelling indicates that the average maximum queues during the AM and PM peaks in the 2011 base year are up to 3 PCU's with a maximum queue during the AM peak hour of 8 PCU's for vehicles travelling towards Cheltenham and 6 PCU's for PCU's travelling towards Gloucester. The maximum queue that occurs during the PM peak is 12 PCU's travelling into Cheltenham and 5 PCU's travelling out of Cheltenham. The maximum queue is known as the 95% queue; this queue can be described as the peak of the peak and will only occur once during the peak.

The queue surveys for this junction are lower than those predicted by the base ARCADY model, however it is considered that base model represents a broadly similar scenario to the existing situation on the ground.

#### **A46 Shurdington Road/Kidnappers Lane Priority Junction**

The 2011 base modelling indicates that queues at this junction (onto the A46) are negligible in both the AM and PM peak periods.

The base modelling is comparable to the surveyed queues, with relatively minor stationary queues along the A46; however the surveys do indicate that vehicles can struggle to turn right into Kidnappers Lane, with queues of up to 20 vehicles for the right turn movement.

#### **A46 Shurdington Road/Woodlands Road Priority Junction**

The 2011 base modelling indicates that queues at this junction (onto the A46) are negligible in both the AM and PM peak periods.

The surveyed queues are similar to the base modelling queues in relation to Woodlands Road and the A46 Gloucester approach; however the surveys estimate queues of up to 25 vehicles on the A46 Cheltenham approach, this peak within the peak lasts for approximately 20 minutes between 8.25 and 08.45. The PM peak shows queues of up to 16 vehicles on the A46 Cheltenham approach, but only for around 10 minutes at 17.50. The reason for the inconsistency between the base modelling and the surveyed data is that the modelling cannot mimic driver behaviour, at this location vehicles travelling along the A46 stop to allow vehicles to enter and exit Woodlands Road, which forms the queuing, however the model assumes a free flow of traffic. This is discussed in more detail in the future year modelling section.

#### **A46 Shurdington Road/Moorend Park Road Signalised Junction**

The 2011 base modelling demonstrates that the junction is operating within capacity in the AM and PM peak periods. Mean maximum queues on all arms in the AM peaks are between 15 and 17 PCU's with a average maximum queue of 32 PCU's eastbound along the A46. Queues in the PM peak are between 12 and 30 PCU's, with 30 PCU's eastbound and 26 PCU's queuing westbound.

The surveyed queues are generally consistent with the base modelling, with the largest queues on the A46 Cheltenham approach in both the AM and PM peak hours. There is generally queuing vehicles on all arms, with average queues on the A46 Gloucester approach in the region of 8-12 vehicles across the peak hour. The surveys demonstrate that the queuing in the nearside lane of the A46 Cheltenham approach reaches a maximum of 14 vehicles across both peak hours, whilst the right turn lane can queue back as far as 45 vehicles, with the average during the peak hours being around 30 vehicles. It is difficult to know exactly how the survey company distinguished these queues as the right turn lane is not capable of accommodating this level of vehicles, therefore the data should show a maximum queue commensurate with the capacity of the right turn lane and a

queue in lane 1 incorporating vehicles travelling ahead and vehicles turning right who are waiting in lane one. In any event, the base modelling and the surveys demonstrate that there is existing queuing at this junction.

#### **A46 Shurdington Road/Leckhampton Road/Norwood Road Roundabout**

This junction is shown to operate within capacity in all scenarios in the 2011 base year. Maximum average queues are around 2-3 vehicles, with the maximum queue at any time during the peak hour being up to 8 PCU's in the AM peak hour on the A46 east arm of the junction. The maximum queue during the PM peak is 8 PCU's on the A46 east arm.

The surveyed queues in the morning peak hour are generally comparable to the base modelling results, although queues on Leckhampton Road can reach 18 vehicles, but only over a 10 minute period. The surveyed queues do not compare well to the base model in the PM peak with queues on Leckhampton Road of between 11 and 27 vehicles from 18:00-18:15, however queues in the 'traditional' peak hour are comparable to the base model on all approaches with the exception of Norwood Road. There is a single spike on 18 vehicles queuing for 5 minutes at 17:35 on Leckhampton Road. Queues on Shurdington Road and Norwood Road increase sharply at around 15:50 for a 5 minute period, whilst queues on Shurdington Road have a number of peaks within the peak, which last around 5 minutes. Queues on Norwood Road reach up to 22 vehicles with a peak spread between 16:55 and 17:20, this is due largely to the high flows along the A46, which results in vehicles struggling to egress Norwood Road.

#### **Leckhampton Road Double Mini Roundabout**

The modelling demonstrates that during the 2011 base year that this junction is generally operating within capacity, except on a single arm in each peak hour. During the AM peak hour the Leckhampton Road south arm (mini roundabout with Charlton Lane), shows a maximum queue of 14 PCU's. During the PM peak hour the Leckhampton Road north arm (mini roundabout with Church Road) shows a queue of 10 PCU's.

Queues are comparable with the base modelling in all scenarios, with the only anomaly being a spike of 16 vehicles queuing in the PM peak at 15:30 on the Leckhampton Road approach to Charlton Lane.

#### **2023 Modelling**

As stated above 2023 is the future assessment year of the development, the results of 2023 modelling for the application site, 650 units plus employment and ancillary uses are presented within the Supplementary Traffic Note. The future year modelling assesses the impact of the development when it is expected to be fully built out and occupied, the future year assessment also includes traffic from the 360 dwelling Tewkesbury Local Plan allocation at Farm lane, any other sites with planning permission and allocated in an adopted Local Plan and traffic resulting from the draft

JCS proposals, most notably 1500 houses at Brockworth and the anticipated build out of that site, however this does not include the allocation at Up Hatherley which has recently been removed.

Each junction was tested for capacity in the 2023 design year with and without the application development. A sensitivity test was also undertaken to determine the impact on the local highway network by restricting the amount of traffic turning into Leckhampton Lane from the A46. It is known that right turning traffic blocks ahead on traffic at this junction and that vehicles travelling out of Cheltenham slow down to allow drivers to exit Leckhampton Lane and drivers to turn right into Leckhampton Lane. The sensitivity test considered that impact of traffic calming measures along Leckhampton Lane; this would discourage traffic from using Leckhampton Lane and therefore reduce flows. In attempting to resolve the issue of the Leckhampton Lane junction it is accepted that this will assign more traffic to the A46. Results for all junctions will be presented with and without the Leckhampton Lane capacity restriction for clarity.

### **A46 Shurdington Road/Leckhampton Lane Priority Junction**

The Leckhampton Lane junction was tested with no mitigation measures and with a capacity limit of 300 PCU's two way on Leckhampton Lane. The AM peak 2023 scenario without development demonstrates that maximum average queues on Leckhampton Lane will be 45 PCU's with queues of 156 PCU's travelling eastbound into Cheltenham. It should be noted that PICADY can not accurately model driver behaviour at this junction and therefore considers the slow moving traffic to be an actual queue, whereas in practice it is not a queue, the queue lengths are therefore overestimated. The 2023 AM peak with development estimates queues to be 54 vehicles on Leckhampton Lane and 178 on the A46 eastbound. The 2023 AM peak with development and with the Leckhampton Lane capacity restriction estimates queues to be 4 vehicles on Leckhampton Lane and 87 on the A46 eastbound.

The PM peak 2023 scenario without development demonstrates that maximum average queues on Leckhampton Lane will be 88 PCU's with queues of 315 PCU's travelling eastbound into Cheltenham. The 2023 PM peak with development estimates queues of 95 PCU's on Leckhampton Lane and 328 PCU's on the A46 eastbound. It should be noted that PICADY can not accurately model driver behaviour at this junction and therefore considers the slow moving traffic to be an actual queue, whereas in practice it is not a queue, the queue lengths are therefore overestimated. The 2023 PM peak with development and with the Leckhampton Lane capacity restriction estimates queues to be 12 vehicles on Leckhampton Lane and 145 on the A46 eastbound.

The results of sensitivity tests indicate that there would be an improvement on the capacity of the junction if the capacity restriction along Leckhampton Lane was implemented. The number of right turning vehicles into Leckhampton Lane from the A46 would be reduced; however this would increase through traffic and therefore impact the local network elsewhere. Although the development will clearly increase traffic on the network, the overall capacity at the junction will improve as part of the development mitigation measures. It is not considered that the residual cumulative impact of development at this junction will be 'severe'

### **A46 Shurdington Road/Up Hatherley Way Roundabout**

The 2023 AM modelling indicates that queues at this roundabout are up to 6 PCU's in all scenarios including the Leckhampton Lane capacity restriction. The 2023 PM peak without development is estimated to have queues on 6 PCU's on the A46 east arm of the roundabout, queues of 9 PCU's with development and queues of 15 vehicles on the A46 east arm and 16 vehicles on the A46 west arm with the development traffic. The increase in queues on the A46 with the capacity restriction is expected, as less traffic is turning into Leckhampton Lane from the A46 and will be continuing along the A46. It is not considered that the residual cumulative impact of development at this junction will be 'severe'.

### **A46 Shurdington Road/Kidnappers Lane Signalised Junction**

A new eastern site access will replace the existing A46/Kidnappers Lane priority junction, which will be closed to vehicular traffic. The site access has been modelled in the 2023 future year scenario with development only. The AM modelling demonstrates queues of 6 PCU's on the A46 west arm with queues of 7 PCU's on the A46 west arm with the Leckhampton Lane capacity restriction. The PM peak modelling estimates queues of 8 PCU's on the A46 east arm with queues of 10 PCU's on the A46 west arm. The mean max queues in the PM peak change from the A46 east to west with the introduction of the Leckhampton Lane capacity restriction. This is due to additional vehicles travelling eastbound along the A46 due to the restriction which will increase queues on the west arm of the A46. The junction modelling shows that this junction would operate within capacity in the future year of 2023.

### **A46 Shurdington Road/Woodlands Road Priority Junction**

The 2023 modelling in the AM peak period estimates queues on Woodlands Road to be around 2 PCU's in all scenarios, including with the Leckhampton Lane capacity restriction being implemented. This is due to the fact that the re-distribution of traffic across the network due to the restriction at Leckhampton Lane is more staggered over the AM peak, than the PM peak. The 2023 modelling indicates that queues in the PM peak hour with and without development would be around 12 PCU's along Woodlands Road. The 2023 PM peak modelling indicates that queues on Woodlands Road with the capacity restriction in place would be 101 PCU's, however in practice this queue will not occur. The PICADY model is unable to replicate driver behaviour, whereby drivers on the A46 slow down to allow drivers to exit Woodlands Road, the model therefore assumes that traffic from Woodlands Road cannot exit onto the A46 due to the slow moving traffic on the A46 blocking this movement, however in practice the slow moving traffic aids the egress from Woodlands Road. Due to the general re-assignment of traffic across the network it is likely that flows along Woodlands Road would increase, however the queuing as predicted by PICADY would not occur. It is not considered that the residual cumulative impact of development at this junction will be 'severe'.

### **A46 Shurdington Road/Moorend Park Road Signalised Junction**

The 2023 AM modelling results estimates that there will be queues of around 37 PCU's in all scenarios, including with the Leckhampton Lane capacity restriction. Despite the modelling results, it is expected that the queues would increase in the AM peak hour, however as the junction is

nearing capacity in 2023 assessment year, the SATURN model has assumed that traffic will re-distribute onto other routes, this will be explained more in the SATURN section of this report. It should be noted that when the traffic counts were undertaken the signals were not fully optimised with the MOVA operation, therefore any counts and subsequent future year assessment modelling did not consider the full impact of the intelligent signals. The modelling therefore represents a worse case scenario.

The 2023 PM modelling indicates that the junction is already over capacity without the development, with queues of 64 PCU's on the A46 west arm of the junction. The modelling with the development traffic included is predicted to slightly reduce the queues at the junction due to the general re-assignment of traffic across the network. The SATURN model assigns traffic based on the quickest route, it does not simply add all traffic to the back of an existing queue, therefore traffic from the A46 has re-assigned to other routes.

The SATURN model will also take into account the additional delays on the A46 resulting from the proposed points of access to the development, which will also impact the re-assignment and increase the number of drivers which alter their route. However, the impact of the Leckhampton Lane capacity does have a significant impact on queues at this junction in the PM peak hour. The model estimates that queues will increase to 96 vehicles on the A46 east arm of the junction, this is not surprising given the high flow of vehicles leaving Cheltenham in the PM peak. The reason the queues increase at the junction with the Leckhampton Lane capacity restriction, is due to traffic being unable to re-assign along Leckhampton Lane and additional traffic is travelling along the A46.

A slight anomaly occurred with the base modelling, which did not include the full optimisation of the intelligent signals, which subsequently results in the future year modelling being overly robust. Furthermore, the modelling does not consider the mitigation proposed by the developer, namely improvements works to the junction to produce extra capacity, travel planning measures to reduce development and existing network trips and the enhancement of the signals with bus priority known as real time passenger information. Given the above improvements together with the overly robust nature of the modelling, and that the fact that this site is allocated in the JCS for development, it is not considered that the residual cumulative impact of development is within acceptable parameters

#### **A46 Shurdington Road/Leckhampton Road/Norwood Road Roundabout**

The mean max queues for all scenarios increase slightly with the development in 2023 from around 2 to 3 PCU's in the AM peak and from 5 to 6 PCU's in the PM peak. Overall, the Leckhampton Lane capacity restriction makes no material difference to the operation of this junction due to the general re-distribution of traffic across the local network. It is not considered that the residual cumulative impact of development at this junction will be 'severe'.

#### **Leckhampton Road/Church Road/Charlton Lane Double Mini Roundabout**

The ARCADY modelling indicates that queues on the southern approach will increase in the 2023 AM peak from around 21 to 28 PCU's, whilst the capacity restriction on Leckhampton Lane makes no material difference. In the 2023 PM peak the mean max queues with and without development on the southern and northern approaches are 13 PCU's, however this increases to 21 PCU's on the

northern approach with the Leckhampton Lane capacity restriction. It is not considered that the residual cumulative impact of development at this junction will be 'severe'.

### Mitigation Measures

#### **Impact of Leckhampton Lane Capacity Restriction**

The modelling demonstrates that the impact of the capacity restriction can be beneficial on some routes; however there is an adverse impact on other routes, due to the re-assignment of traffic on the network. The table below extracted from the TA shows the comparison with and without the constriction, but does not show the wider impact.

Link	Two-way Traffic (PCUs) - Morning Peak Hour				
	Flows without development	No Capacity Restriction		With Capacity Restriction	
		flows	Compared to base	flows	Compared to base
Church Road east of Kidnappers Lane	958	955	-3	648	-310
A46 east of A417	2726	2733	+7	2710	-16
A46 east of Norwood Road	1388	1419	+31	1365	-32
Badgeworth Lane	662	663	+1	535	-127
Up Hatherley Way west of Caernarvon Rd	1186	1166	-20	1134	-52
Hatherley Road east of Cold Pool Lane	330	340	+10	349	+19
Caernarvon Road west of Alma Road	705	788	+83	781	+76
A40 east of M5 junction 11	5852	5907	+55	5927	+75
A417 east of A46	2215	2212	-3	2247	+32
Leckhampton Hill	1512	1523	+11	1492	-20
A435 Cirencester Road	1271	1282	+11	1322	+51

	Two-way Traffic (PCUs) – Evening Peak Hour				
Link	Flows without development	No Capacity Restriction		With Capacity Restriction	
		flows	Compared to base	flows	Compared to base
Church Road east of Kidnappers Lane	1135	1242	+107	994	-141
A46 east of A417	2613	2628	+15	2647	+34
A46 east of Norwood Road	1315	1315	0	1309	-6
Badgeworth Lane	938	921	-17	767	-171
Up Hatherley Way west of Caernarvon Rd	1356	1395	+39	1195	-161
Hatherley Road east of Cold Pool Lane	583	585	+2	638	+55
Caernarvon Road west of Alma Road	645	683	+38	741	+96
A40 east of M5 junction 11	5593	5648	+55	5567	-26
A417 east of A46	2805	2796	-9	2807	+2
Leckhampton Hill	1198	1235	+37	1311	+113
A435 Cirencester Road	896	921	+25	934	+38

Overall, our recommendation is that due to the general wider re-assignment of traffic, which would result from the capacity restriction, and the adverse impact this would cause, primarily to the public transport corridor on Shurdington Road, the benefit that these restrictions may have on Leckhampton Lane are outweighed by the disadvantages to the, bus frequency, Shurdington Road and surrounding network, that these works should not be implemented. It is considered that allowing traffic to use as many routes as possible and dissipate more “evenly” across the network, is the preferred GCC strategy, for a sustainable development.

### Other Measures Considered

#### Moorend Park Junction

GCC suggested that vehicles turning right from Shurdington Road at the Moorend Park Road adversely affect the junction performance and increases queue lengths on Shurdington Road. The traffic survey at the junction identified some 39 vehicles turning right approaching from the east and some 63 turning right from the west in the morning peak hour. In the evening peak hour the surveys identifies some 44 vehicles turning right approaching from the east and some 87 turning right from

the west. The traffic survey identified some 167 vehicles turning right approaching from the north and some 15 turning right from the south in the morning peak hour. In the evening peak hour the surveys identifies some 336 vehicles turning right approaching from the north and some 18 turning right from the west.

A series of sensitivity tests were undertaken by PEP to determine the impact of banning right turns from different arms of the Moorend Park Road for the existing and proposed traffic conditions with the development of the illustrative masterplan.

In summary the results indicate that banning the right turns on Shurdington Road and utilising the road space to improve the junction capacity gives a small improvement to the operation of the junction but makes little material difference to the queuing on Shurdington Road.

Banning the right turns on Moorend Park Road and utilising the road space to improve the junction capacity has more of an impact on the operation of the junction. The testing indicates that the optimum cycle time, phasing and staging can be revised, which gives an improved capacity and reduced queue lengths on all arms.

GCC consider that capacity improvements at this junction, based on a design proposed by GCC's signal consultant, and not involve the banning of any movements, is recommended.

#### Leckhampton Lane Junction

The Leckhampton Lane junction with Shurdington Road is a three-arm priority junction with Leckhampton Lane as the minor arm. Traffic surveys undertaken in 2011 identified some 284 vehicles turning right during the morning peak hour and 249 in the evening peak hour. The traffic waiting to turn right blocks the ahead movement.

The TA notes that capacity testing of the junction does not give representative results because of the driver behaviour. A review of video footage indicates that drivers travelling westbound on Shurdington Road stop or slow down deliberately to allow right turners into Leckhampton Lane. Right turners are usually only delayed by a maximum of five seconds because of the artificial gaps created by the drivers. Left turners from Leckhampton Lane also take advantage of this to access Shurdington Road.

Consideration has been given to upgrading the junction. The options considered have included:

- providing a right turn lane to enable ahead traffic to pass right turning traffic
- providing traffic signals to give right turning traffic the ability to cross opposing ahead traffic;
- banning right turning traffic on Shurdington Road;
- the introduction of traffic calming measures along Leckhampton Lane to discourage traffic from turning right from Leckhampton Lane.

Changing the form of the junction is not a viable option because there is not enough land within the highway boundary. Banning right turns or introducing traffic calming measures on Leckhampton

Road to reduce capacity indicates that there would be some improvement at the junction. The banning of this movement would result in increased pressures on the A46 and is therefore not considered reasonable. The SATURN modelling demonstrates the impact of the capacity restriction at Leckhampton Lane.

In summary the simplistic testing indicates that banning or limiting the right turn would cause additional right turners at the Kidnappers Lane junction and the Moorend Park Road junction. If the right turn is banned completely the delay currently seen at Leckhampton Lane is likely to shift to Moorend Park road.

### **Eastern Site Access Sensitivity Test**

Concerns were raised by the highway authority regarding the right turn movement into and out of the eastern site access, which is proposed to form a priority junction with the A46, the issues were potential additional delay on the A46 by right turning traffic. Modelling was undertaken banning the right turn from the A46 and the right turn onto the A46, and that the traffic banned from undertaking these movements use the new signalised Kidnappers Lane Junction. The modelling indicates that the western site access operates within capacity when accommodating the additional right turning traffic into and out of the site and that the queuing along the A46 would not exceed the available road space. It is predicted that queues on Woodlands Road would increase in the PM peak hour due to additional vehicles turning right out of Woodlands Road to access the eastern site access; however as with the previous Woodlands Road modelling, the model overestimates queues at this location as it can not replicate driver behaviour accurately.

Overall, it is considered that very little development traffic would choose to use to the eastern site access, due to the availability of the signalised western access and high traffic flows along Shurdington Road, however traffic that did decide to turn right from the A46 into the eastern site access would be able to turn due to slow moving traffic conditions in the peak hours. It is not considered that banning the right turn is necessary to mitigate the impact of the development.

### **Personal Injury Collisions**

Personal injury accident data for the approach road network for the three year period May 2010 to April 2013 was obtained from Gloucestershire County Council by PEP. There were no reported accidents on Kidnappers Lane, Farm Lane, Moorend Park Road or Hall Road. There are no clusters of accidents in the area. There are four separate junctions with two accidents, although at each junction the accidents were unrelated. There were two accidents near the Shurdington Road/Church Lane junction. One slight accident involved a rear end shunt and one serious accident involved a cyclist undertaking a queue of traffic. There were two slight accidents at or near the Shurdington Road/Leckhampton Lane junction, involving a pedestrian crossing the road and a right turning vehicle colliding with a cyclist travelling in the opposite direction. There were two accidents at the A46 Shurdington Road/Up Hatherley Way roundabout. One slight accident involved a vehicle colliding with another vehicle after losing control. One serious accident involved a vehicle clipping a cyclist. There were two accidents at the Leckhampton Road/Moorend Road junction. One serious accident involved a vehicle reversing out of a drive and hitting a pedestrian and one slight accident involved a vehicle pulling out of the junction into the path of another vehicle.

There was one fatal accident on Leckhampton Road involving a vehicle colliding with an elderly pedestrian crossing the road. There was one serious accident on Shurdington Road near the Kidnappers Lane junction involving a lorry hitting a pedestrian. The accident was as a result of a suicide attempt. There was one serious accident along Shurdington Road between Woodlands Road and Moorend Park Road involving a vehicle hitting a pedestrian crossing the road. There was one serious accident near the Painswick Road junction where a right turning vehicle collided with an oncoming motorcycle. There were three slight accidents along Church Road, two of which were in Leckhampton village and involved pedestrians. One accident was as a result of a speeding vehicle clipping a pedestrian and one accident involved a child running into the road. The accident at the Leckhampton Lane/Crippetts Lane junction involved a vehicle pulling out of the Crippetts Lane arm of the junction into the path of another vehicle travelling along Leckhampton Road. Elsewhere accidents were single slight accidents in a range of locations including along Shurdington Road close to the site frontage, at the Moorend Park Road junction, further north of the Moorend Park junction and along Leckhampton Road.

The local safety records do not meet the criteria for examination in the Local Authorities Association former guidelines. No junction has been identified by the County Council in their latest review as needing attention. The County Council is monitoring the safety record on Leckhampton Road as a result of two fatal accidents in different locations, although the road is not identified as needing attention.

### **Impact**

It is inevitable that this development will have some impact, as there will be an increase in the number of vehicle trips onto the network, primarily during the am and pm peak. The developer has sought to use containment, and travel pattern plans, to either reduce peak hour travel, or amend daily travel patterns to maximise the capacity of the highway corridors. The A46 is an important route from the A417 to the A46, and is usually busy during predominately 2 distinct weekday periods, nominally 7am – 8 am and 4pm – 6 pm (GCC survey data April 2013)

Using this traffic data we can see that the A46 is relatively free flowing for 19 hours a day. During these remaining 5 hours, the A46 experiences queuing, of varying degrees.

It is perhaps worth understanding queuing and congestion. Congestion can be defined as an increase in the level of traffic flow, causing the average speed of vehicles to reduce. There are several types of congestion.

Recurrent congestion; this is a regular occurrence such as peak hour congestion or regular events.

Non-recurrent congestion—this is unexpected occurrences such as accidents or vehicle break-down.

Pre-congestion or borderline congestion—this is where vehicles have slowed, but are not actually affected by the congestion, such as before and after peak times, or approaching a congested area. This report looks at recurrent congestion.

The A46 experiences recurrent congestion. Congestion leads to delays in journeys and unreliability in journey times. Slow and stationary traffic can have an effect on air quality. Therefore congestion

can affect the economy, quality of life and the environment. However we need to measure the existing queuing and congestion, and determine what the impact of this development, and whether that impact is severe

2 junctions (Moorend signals and A46/Leckhampton Lane) are noted to currently have capacity issues and this development will add to the performance of these junctions. However the development is only required to mitigate its own impact, and not any existing capacity issues.

From the traffic survey data these situations of congestion are relatively short lived and unlikely to translated into severe congestion, in terms of the NPPF

Once again, this is not to say that there would be no queuing, but delays should be of relatively short duration and certainly not of such significance as to amount to a severe delay. In the off-peak no particular problems are predicted under normal conditions.

Some of the minor roads on to the A46 do experience queuing and this would be expected onto any Primary/Principal road. But the highway authority prioritised the A46 flows as unhindered as possible, especially to accommodate bus frequencies, and the sake of relatively small queue lengths on minor side roads.

### **Severe**

The NPPF states that;

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

But what is severe? The dictionary has alternatives for severe; acute, very bad, serious, grave, critical, dire, drastic, grievous, extreme, dreadful, terrible, awful, frightful, appalling.

Obviously the use of the term severe has been to convey something very extreme, to ensure that authorities only prevent development on transport grounds in overwhelming conditions

In everyday language we use severe to identify something that rarely occurs and we should be aware, "severe weather" would be an example to describe flooding.

Perhaps we need to understand why the NPPF is using such terminology, in transport when previously it was "nil detriment" or "5%" increase". Previously nil detriment or 5% resulted in refusal on transport grounds or requiring very expensive infrastructure to resolve. Both of these solutions inevitable resulted in reduced delivery of housing as developers could not deliver, as sites were unviable

To try and understand how you might calibrate severe in transport terms might be to look at how government local pinch point funding is allocated. Local pinch point funding seeks to remove bottlenecks on the local highway network which are impeding growth. The fund reflects the government's commitment to supporting economic growth by tackling barriers on the local highway

network that may be restricting the movement of goods and people. The fund is aimed at those schemes that can be delivered quickly with immediate impact.

Two junctions schemes in Gloucestershire were identified which were causing congestion that, affected not only the junctions, but the secondary and tertiary links of the highway network. These schemes were Walls roundabout, and Over roundabout in Gloucester. Capacity improvements on these would improve the free flow of movement on many parts of the network in the surrounding area that were previously restricted.

As described Shurdington Road experiences queuing during morning and peak peaks, and this development will add trips, but it is the view of the highway authority that with the mitigation recommended, the development would not have a serve residual cumulative impact, in the context of the NPPF.

### **Chapter Summary**

A Transport Assessment (TA), dated September 2013, was submitted in support of the application, it is considered that the TA was broadly in accordance with the DfT's Guidance on Transport Assessment (GTA). Trip rates for the 1200 units together with the employment, primary school and ancillary uses were derived from the TRICS

Traffic has been distributed and assigned to the network using the information extracted from SATURN. The distribution for the existing residential zones within the model were determined from road side interview surveys undertaken by GCC in 2003 and 2008 as part of the model update, this was validated using traffic count data. The trip distribution for the employment element of the development was derived from the 2001 census travel to work data.

Local junctions were identified and modelled with DfT approved computer programmes, to establish the future (2031) capacity of each junction with and without the development

Personal injury accident data for the approach road network for the three year period May 2010 to April 2013 was obtained from Gloucestershire County Council.

It is inevitable that this development will have some impact, as there will be an increase in the number of vehicle trips onto the network, primarily during the am and pm peak. The developer has sought to use containment, and travel pattern plans, to either reduce peak hour travel, or amend daily travel patterns to maximise the capacity of the highway corridors.

The highway authority is satisfied that subject to mitigation a safe and suitable access for all can be achieved, the cumulative impacts of the development are not severe, and the development will actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, to be made more sustainable.

## **MOOREND SIGNALS JUNCTIONS SKETCHES**

**1. OS Base**

**2. Option 1 Improvement west approach**

## Chapter 6

### STRATEGIC MODELLING

#### **Scoping Agreement**

As noted in the Applicant's transport consultants' Transport Assessment (TA) Report, the application traffic studies were based on liaison with Gloucestershire County Council (GCC) as local highway authority and the Highways Agency (HA) as the national highway authority. The applicant's traffic consultant initially prepared a 'Scoping Study' and the assumptions and methodology were subsequently agreed through this liaison process. This included agreement on the approach to traffic forecasting, using GCC's Central Severn Vale (CSV) SATURN, Strategic Highway Peak Hour Traffic Model.

#### **CSV SATURN Model - Background**

The CSV SATURN model is owned by GCC and part funded by the HA and has been developed over a number of years by GCC's traffic modelling term consultants to facilitate the testing and assessment of alternative land-use options and highway infrastructure plans and proposals. It has a current model 'base year' of 2008, and has been widely used over recent years to forecast the traffic impacts of a number of future development proposals, schemes and strategies in the Central Severn Vale area.

The model includes the Gloucester and Cheltenham urban areas and the M5 motorway corridor between junctions 12 (to the south) and 9 (to the north) as the core 'simulation' (detailed) area, with the rest of the County modelled as 'buffer' (outer) network. It should be noted that the CSV model is strategic in nature, meaning that although the core urban areas are modelled in relative detail, not all the local roads in the outer simulation and buffer networks are included in the modelled highway network. Such is the case with the Leckhampton area, which is located on the south-west outskirts of the Cheltenham urban area, with only the main roads and key distributors being modelled in that area.

#### **Area Wide Strategic Modelling**

The purpose of using an area wide strategic model is to gain an understanding of the wider traffic impacts of any development / schemes tested. Vehicle drivers choose a route through a particular highway network based on a range of factors including distance and speed (journey time), perceived delay, value of time and personal preference. All traffic models are based on mathematical algorithms which calculate the monetary costs of all relevant routes available for all origin-destination pairs, and assign vehicles accordingly to networks on a 'minimum journey time' basis. Minor adjustments to one small section of a preferred route e.g. the introduction of a flow restricting highway infrastructure can therefore have the effect of causing certain traffic movements to choose an alternative route to save time. This ability to predict the potential redistribution of traffic across a wider area is characteristic of a strategic traffic model.

As noted earlier, at the traffic forecasting scoping stage it was agreed to use the CSV SATURN strategic model to test the area wide impact of the proposed Leckhampton development. This required some minor manual adjustments in the local network area, where the model was lacking in detail. These adjustments were agreed with GCC, and comprised the addition of the Kidnappers Lane and Farm Lane local roads to the network, between A46 Shurdington Road and Leckhampton Lane / Church Road, as well as adjusting the position of where certain model zones loaded vehicle trips onto the local highway network.

### **Traffic Forecasting Process**

It was agreed that the traffic forecasting process would be undertaken in the following two distinct stages, each comprising an analysis / comparison 'with' and 'without' the Leckhampton development, based on the application proposal:

- Stage One: Comprising a strategic analysis of traffic conditions in 2023 (the agreed future forecasting year), using the CSV SATURN AM and PM peak hour models;
- Stage Two: A second stage comprising a detailed capacity analysis of the effect of these future traffic movements at key junctions within the vicinity of the development site.

The relevant peak hour traffic flows were extracted from the CSV SATURN model runs and used as input to the Stage Two process – as briefly outlined above. This involved the use of 'stand-alone' junction capacity testing, assuming free flow conditions on adjoining network link sections. Industry standard ARCADY, PICADY and LinSig modelling software were used to assess roundabout, priority junctions and traffic signal controlled junctions respectively. The reason for these local junction assessments is that stand-alone junction models provide more detail in how each individual junction is modelled and are therefore more sensitive to minor variations in traffic flow than the strategic model.

The applicant's TA, dated September 2013, and subsequent Supplementary Traffic Note, dated January 2014, have provided capacity testing results for the following list of junctions – which were discussed and agreed with GCC at the scoping stage:-

A46 Shurdington Road/Leckhampton Lane – Priority Junction;

A46 Shurdington Road/Up Hatherley Way – Roundabout;

A46 Shurdington Road/Kidnappers Lane – Priority Junction;

A46 Shurdington Road/Woodlands Road – Priority Junction;

A46 Shurdington Road/Development Site Access – Priority Junction;

A46 Shurdington Road/Moorend Park Road – Traffic Signal Junction;

A46 Shurdington Road/Leckhampton Road/Norwood Road – Roundabout; and

Leckhampton Road/Church Road/Charlton Lane – Double Mini-Roundabout.

The outcomes from these various junction capacity assessments are reviewed and discussed in Chapter 5.

### **Future Forecasting Year for Assessment**

A design year of 2023 was agreed with both GCC and the HA, as the likely completion date for the application development. Hence this was the future horizon year assumed for traffic testing purposes, although it was noted that the build out period will be dependent on market conditions over the construction period. Also, a 2023 forecast year represents a period of 10 years after the registration of the planning application, which is in accordance with Department for Transport (DfT) guidance.

### **Applicants Development Proposals**

The land use proposals included within the red line application site boundary which forms part of the overall Illustrative Masterplan for the whole of the Leckhampton development area – as shown in the TA - Appendix 7, comprise the following mixed uses:-

- Up to 650 residential dwellings;
- A primary school;
- A GP Doctors Surgery;
- A local convenience store and small retail unit; and
- 4,500 sq m of either one or more of the following –B1 employment, Care home, dentist, children’s nursery, cottage hospital, other Class A uses.

### **Trip Generation and Distribution**

Vehicle trip generation rates and distribution assumptions were agreed through discussions with GCC, and included in a ‘CSV Model Briefing Note – dated September 2013’. These have since been included in both the main TA document, dated September 2013, as part of the Appendix 9 – TN13 Traffic Forecasting Report, and also in the Supplementary Traffic Note, dated January 2014, as part of Chapter 2 – Vehicle Movements.

The agreed vehicle trip rates for the various proposed land uses listed above are shown in Chapter 3. Within the CSV SATURN model, the agreed distribution of the new residential vehicle trips onto the surrounding network has been based on the existing distribution patterns for nearby residential zones; while for the employment related trips, these were based on information provided by the applicant’s transport consultants, based on 2001 journey-to-work census data (at the time that the CSV SATURN traffic modelling work was agreed and commissioned, information from the 2011 census was not yet available).

### **Other Future Land Use Assumptions**

As discussed the DfT Guidance on Transport Assessments states that future year assessments should include only the development proposal together with any committed developments. These forecast local traffic growth rates are included in TEMPRO.

However, following discussions between the applicant’s traffic/planning consultants and Cheltenham Borough Council it was agreed that, rather than using ‘general’ TEMPRO growth factors, applying the draft Joint Core Strategy (JCS) proposals would provide a more accurate detailed

estimate of forecast housing numbers in the CSV modelled area and should therefore be taken into account in the testing of any future year modelling scenarios. GCC highways officers subsequently accepted CBC's direction during the model scoping discussions, and progressed with the strategic traffic modelling on that basis.

With an agreed 2023 future design year as the likely date for completion of the application development, hence this was the year assumed for forecast traffic modelling purposes. The 2023 land use forecasts therefore took into account existing permissions not yet implemented, sites already allocated in adopted Local Plans, together with estimates of likely development resulting from further development by 2023 in the emerging JCS, with particular steer taken from the 'Developing the Preferred Options' consultation document and the associated Housing Background Paper, dated November 2011.

The assumed land uses as originally provided for the CSV SATURN modelling purposes were included in the TA – Appendix 9. Before commencement of the traffic modelling, these have since been amended to take account of minor revisions to the proposed JCS allocations, including a reduction in the number of dwellings envisaged for the illustrative masterplan area for Leckhampton, from 1,300 down to 1,200 all of which are assumed to be completed by 2023.

PEP 'CSV Model Briefing Note – September 2013' sets out the final agreed JCS housing development build out assumptions by 2023 for modelling purposes. These are summarised in the table below.

<b>JCS Area</b>	<b>Assumed Housing Numbers built by 2023</b>
Leckhampton – Applicants Site	650
Leckhampton – Illustrative Masterplan – Other Development	350 + 200
North West Cheltenham	2,200
Starvehall Farm	380
North of Brockworth	1,275
Churchdown	400
North of Gloucester (Innsworth & Twigworth)	1,405
Tewkesbury (Town)	919
Tewkesbury (Rural)	1,350

Since the traffic modelling was carried out, the allocations in the draft JCS for final approval have been amended yet again, particularly with regard to the total housing numbers for Innsworth & Twigworth (reduced down to 1,400 by 2031) and to the location of the Churchdown sites. These changes show clearly the continuing level of uncertainty inherent in any traffic modelling exercises undertaken in advance of confirmation and approval of the final agreed JCS development numbers.

### **Strategic Traffic Modelling – Comparison of Option Tests**

Referring to the Applicant's most recent 'Supplementary Traffic Note', dated January 2014, which should be viewed along with the earlier TA Report, dated September 2013, this section provides a high level overview of the CSV SATURN strategic model traffic assignment in the south west Cheltenham area immediately adjacent the Leckhampton development site.

In addition to the 2012 observed vehicle flows, collected from local traffic survey data, a series of three 2023 design year assignment options have been compared to assess the impact of the application site. These comprise:-

- 2023 Base + JCS Developments, Without the Leckhampton Application Development Site,
- 2023 Base + JCS Developments, With the Leckhampton Application Development Site, and
- 2023 Base + JCS Developments, With the Leckhampton Application Development Site, but with a restricted capacity (150 vehicles per hour each way) on Leckhampton Lane, with the aim of restricting through traffic.

In addition to the development associated with the application site (650 houses) as part of the overall Leckhampton JCS development allocation, developments at Farm Lane (circa 350 houses) and on the Council Land (circa 200 houses) have been assumed to make up the cumulative total of 1,200; as such, both of these sites have been assumed as part of the 2023 Base + JCS Developments.

In addition to the 2012 base flows, CSV SATURN model traffic assignments for each of the three options are presented as a set of directional traffic flows on the attached spreadsheet traffic flow diagrams, separately for the AM (08:00-09:00) and PM (17:00-18:00) peak hours.

Before comparing the traffic assignments for each of the options under review, it should be noted that the traffic flows used in both the strategic overview and the detailed junction capacity assessments have not taken account of possible mitigation measures aimed to reduce both existing traffic on the adjacent road network and the predicted traffic generation from the applicant's development proposal.

Forecast traffic flows could be affected by a potential future Park & Ride facility which might be located on the A46 Shurdington Road corridor, while a package of residential travel plan measures would aim to reduce vehicle trips generated by the new development. Public transport improvements and area wide work place travel planning would also help reduce future vehicle trips on the existing highway. It is therefore agreed that the subsequent junction modelling reported in the Applicant's TA – September 2013, and most recent Supplementary Traffic Note – January 2014, has therefore provided a robust assessment.

### **SATURN Outputs**

As part of the commissioned SATURN modelling, Atkins prepared 2 Technical Notes, TN05 and TN06.

The second TN was produced to create new scenarios based on a reduced number of dwellings (650). This has caused a confusing number of flow plots, which PEP should have clarified in a summary modelling note, and compared the differences.

These Technical Notes includes flow comparison diagrams, between different scenarios

## **TN05 Scenarios**

**Scenario 1:** 2023 Base + JCS Developments

**Scenario 2:** 2023 Base + Leckhampton Application Development Site (1200 dwellings)

**Scenario 3:** 2023 Base + All Development including Leckhampton Application Development Site (1200 dwellings)

**Scenario 4:** 2023 Base + All Development excluding Leckhampton Application Development Site (1200 dwellings)

## **TN06 Scenarios**

**Scenario 1:** 2014 Base + Joint Core Strategy (JCS) Development built out by 2014 (in line with the housing trajectories spreadsheet provided by PEP Consultants), WITHOUT the Leckhampton development

**Scenario 2:** 2014 Base + JCS Development built out by 2014 (in line with the housing trajectories spreadsheet provided by PEP Consultants), WITH the Leckhampton development

**Scenario 3:** 2023 Base + JCS Development built out by 2023 (in line with the housing trajectories spreadsheet provided by PEP Consultants), WITHOUT the Leckhampton development

**Scenario 4:** Sensitivity test '2023 Base + JCS Development built out by 2023 WITH the Leckhampton development', testing a capacity limit of 150 PCUs' (passenger carrying units) per hour on Leckhampton Lane.

- a. The Leckhampton development to include only 650 houses, 4,500 sq m B1, 500sqm Retail and 300 sq m GP Surgery
- b. The development at Farm Lane (c.350 houses, in model zone 305) and the development on the Council land, (c. 200 houses) to be included as part of the 'Base', rather than as part of the overall Leckhampton development.

SATURN outputs can take many forms, but it is worth looking at the overall redistribution that could occur when considering future background growth and the development traffic. As previously described SATURN is a peak hour model, so in this section I will attempt to compare the most relevant scenarios, to assess the level of impact on the network.

### **TN06 Scenario 3 versus TN06 Scenario 1**

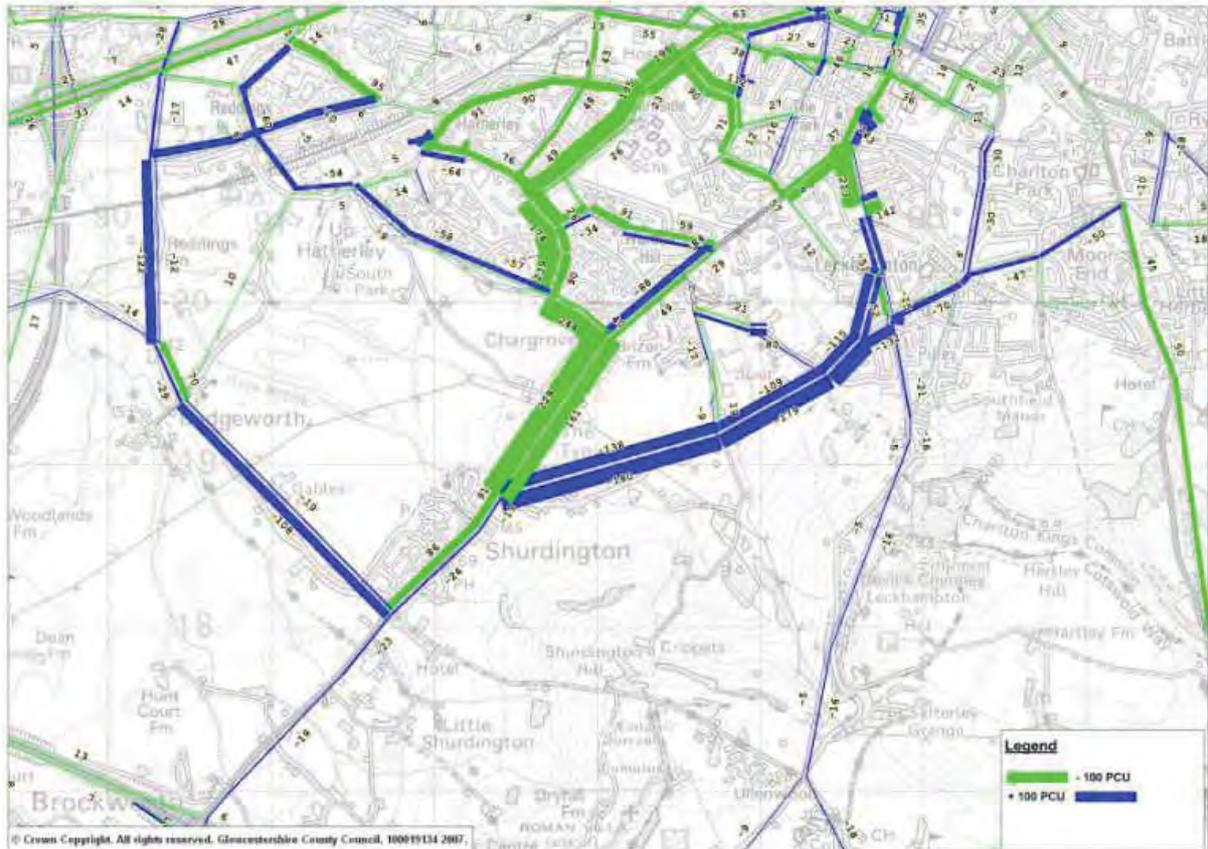
This scenario assumes what the network increase would be in year 2023, but without 650 houses (application site). This is showing 2023 minus 2014 and therefore shows what the increase in traffic would look like if growth occurred but WITHOUT Leckhampton.

### **TN06 Scenario 3 versus TN05 Scenario 3**

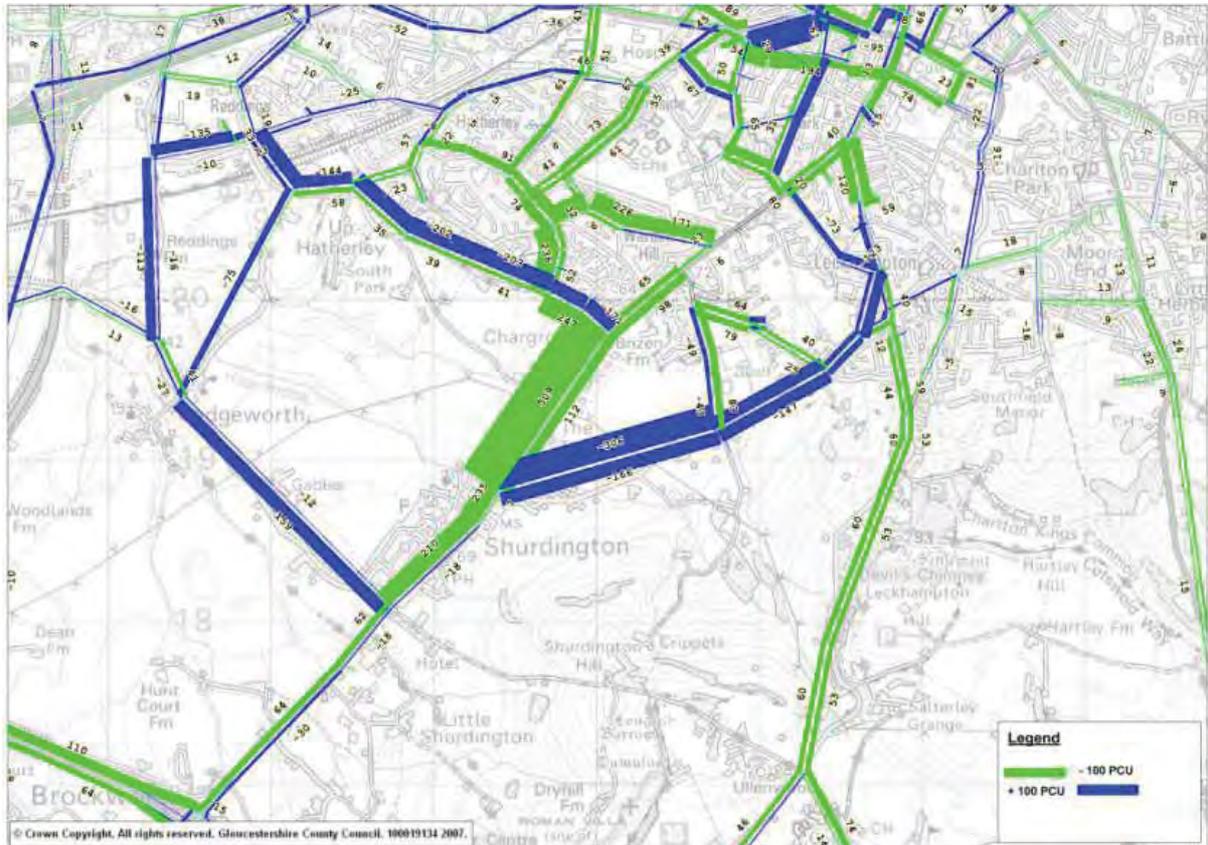
This scenario assumes what the difference in traffic flow and distribution would be in 2023 when the 650 houses (application), is included.

### TN06 Scenario 4 versus TN06 Scenario 3

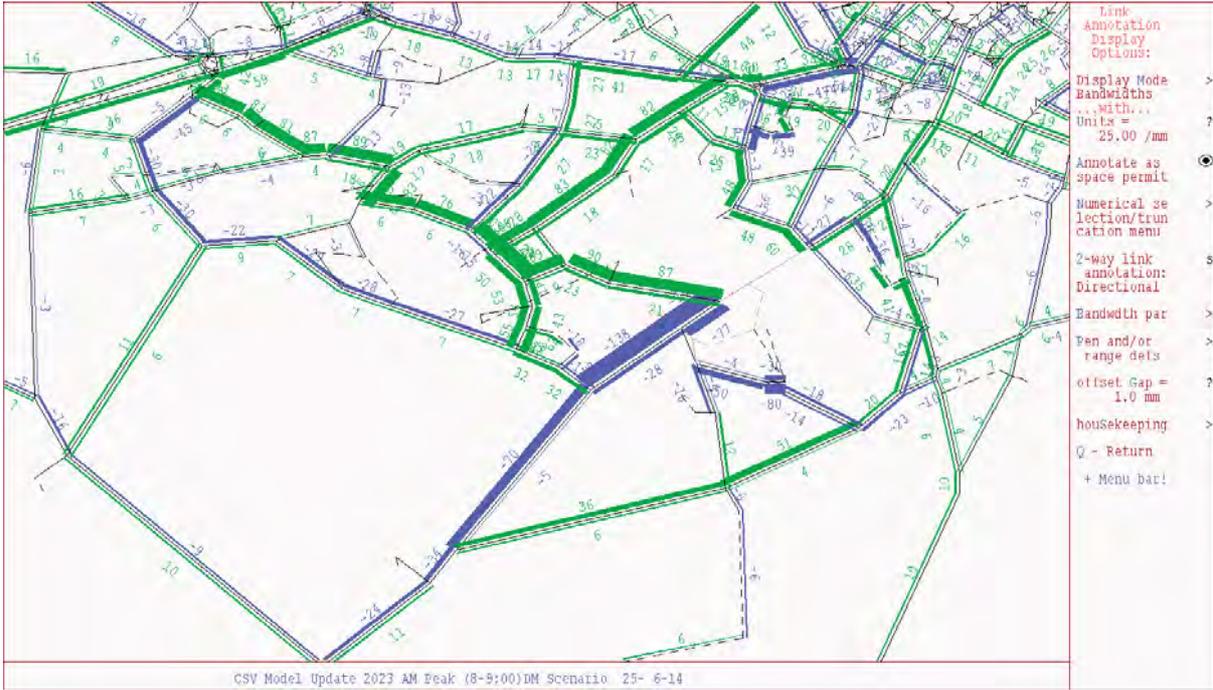
This scenario assumes what the network increase and redistribution would be in year 2023, with 650 houses (application site). This is shows where traffic would increase and redistribute to, if the flow restrictions work on Leckhampton Lane was implemented. The diagram below shows that with the Leckhampton lane restrictions on place, which effectively restricts flows through Leckhampton Lane, shows a morning peak redistribution of traffic eastwards from Shurdington Road (green lines), with onward travel to the town centre, and some flows coming back on to the Shurdington Road, via Woodlands Road and Moored Road.



The second diagram below, which shows the reverse evening peak, shows a similar re-assignment



The concern with introducing this restriction on Leckhampton Lane is that SATURN is showing that with this in place flows may increase disproportionately on the existing network in Warden Hill. GCC consider that on balance it is preferable not restrict flows on Leckhampton Lane, as SATURN shows much more equalised flows across the whole network, as shown below in the 2023 AM base + JCS +650 dwellings plot.



This SATURN plot shows a much wider redistribution of traffic, and even reduction on traffic along the frontage of the development persuadably due to the new access junctions.

### **Leckhampton with Warden Hill Neighbourhood Planning**

Leckhampton with Warden Hill Parish Council formed a Joint Neighbourhood Forum for Neighbourhood Planning. A document was prepared which included a section on Traffic Congestion, and interalia pollutions levels. My response to these findings is limited to traffic flows, as air quality will be dealt with by CBC.

The parish has used mathematical formulae for traffic modelling, unfortunately I have no way of assessing how accurate, robust or credible the evidence base is, and whether the correct trip rates, distribution and growth patterns have been used, and what discount has been used for travel planning and trip banking.

Traffic models are primarily used to asses junction capacity in the morning peaks but this formulae appears to be measuring queue lengths, and does not appear to follow the DfT guidance on transport assessments

In the conclusion at 6.11 it suggests that the LTP3 describes the A46 as the worst congested hot spot in the Cheltenham - Gloucester area, and refers to a plan, which shows the 30 most congested junctions in 2026. Unfortunately this plan has been totally misinterpreted, as the 2 junctions on the A46, refer to the side roads at Bentham and Whitelands Lane. These are very narrow width side roads and when assessed with their ratio of flow to capacity (RFC), the side roads will be over capacity by some margin, with queues of only 4 or 5. Not only is this a gross exaggeration of the facts, (albeit the plan is not particularly clear), minor queuing on to the A46 is not considered an issue in the determination of this application.

However I do agree with statement regarding funding for infrastructure, and funding depends a lot on money from developers, however the NPPF only requires improvements to the transport network that cost effectively limit the significant impacts of the development.

The DfT approved SATURN modelling and isolated junction modelling has identified junctions currently without spare capacity, and this development will add to those junctions. Notwithstanding this the SATURN modelling does show that drivers will take alternative routes, modes, and choices and therefore with the package of capacity improvements, and travel planning, mitigation the view of the highway authority is that the development would not have a serve residual cumulative impact, in the context of the NPPF.

## Chapter 7

### Mitigation - Contributions

#### Physical Works (to be funded by development, through contribution)

- Merlin Way footpath improvement: £5,000
- Church Road works: £30,000
- Farm Lane/Crippets Lane/Leckhampton Lane visibility splay improvements: £5,000
- Kidnappers Lane Road Closure works (x3): £20,000
- Kidnappers Lane TROs (3 x £10,000): £30,000
- RTPI to Moorend Park Road signals: £10,000
- RTPI for other signals (4 x £30,000): £120,000 (to enable diversion of Service 10 bus)

#### Public Transport – Contributions to Serve Development

- Diversion of service J/K: £385,000 (minus ticket receipts ranging from £12,000 to £60,000 by year 5)

#### Travel Plan

Residential Travel Plan: £118,000

Non-Residential Travel Plan TPC budget: £18,000

#### Non-Physical Off-Site Contributions:

- South West Cheltenham Modal Shift Strategy: £400,000

### Mitigation – Conditions

- Primary junction onto Shurdington Road
- Secondary junction onto Shurdington Road
- Improvements to Moorend signalised junction

## Chapter 8

### Reserved Matters

#### Parking

This is a reserved matter so a recommendation is not required on this element at this stage, and should be dealt with by the Reserved Matters condition application. Advice is given on this element to inform the developer in advance of the Reserved Matters application. Cycle parking is required at a minimum level of 1 space per dwelling and is required to be secure and sheltered. Car Parking is required to be provided in accordance with the criteria set out in paragraph 39 of the NPPF. Visitor car parking is also required to be included within the development. In order for garages to be counted towards the parking provision minimum internal dimensions of 3m by 6m are required. Parking courts should be avoided.

#### Layout

The layout of the site is also a reserved matter not to be agreed now. Advice is given on this element to inform the developer in advance of the Reserved Matters application. The layout will need to provide safe and suitable access to and from each dwelling for all modes. A Swept Path Analysis of the layout will be required demonstrating a large refuse vehicle (9.86m long, 3 axle) can traverse the site with an oncoming estate car with at least 0.5m clearance between the vehicles and other vertical boundaries such as kerbs and fences.

## Chapter 9

### Conclusions

Gloucestershire County Council as the local highway authority has assessed this application in light of the National Planning Policy, the CBC local Plan, and the emerging Joint Core Strategy, and other material considerations. In determining the type of recommendation the highway authority needs to assess if;

- the residual cumulative impact from the application is severe
- safe and suitable access for all can be achieved
- the opportunities for sustainable transport modes have been taken up
- any adverse impacts do not significantly and demonstrably outweigh the benefits of allowing the proposal

The applicant has used the SATURN strategic model as described earlier and local junction modelling techniques to understand the wider impact and the local capacity issues.

#### **Wider Strategic Impact**

The SATURN traffic modelling shows what happens if traffic travels along corridors of least resistance, and plots which routes that may be taken to avoid delays. The results shown that the best scenario is not to restrict flows on Leckhampton Lane, but allow traffic flow to balance along the corridors in Shurdington, Up Hatherley and Leckhampton.

#### **Local impact**

It is inevitable that this development will increase the number of vehicle trips onto the network, primarily during the am and pm peak. The developer has sought to use containment and travel pattern plans to either reduce peak hour travel, or amend daily travel patterns to maximise the capacity of the highway corridors. The A46 is an important route from the A417 to the A46, and is busy during predominately 2 distinct weekday periods, nominally 7am – 8 am and 4pm – 6 pm (GCC survey data April 2013)

Using this traffic data we can see that the A46 is relatively free flowing for 19 hours a day. During these remaining 5 hours, the A46 experiences queuing, of varying degrees.

It is perhaps worth understanding queuing and congestion. Congestion can be defined as an increase in the level of traffic flow, causing the average speed of vehicles to reduce. There are several types of congestion.

Recurrent congestion; this is a regular occurrence such as peak hour congestion or regular events.

Non-recurrent congestion—this is unexpected occurrences such as accidents or vehicle break-down.

Pre-congestion or borderline congestion—this is where vehicles have slowed, but are not actually affected by the congestion, such as before and after peak times, or approaching a congested area. This report looks at recurrent congestion.

The A46 experiences recurrent congestion. Congestion leads to delays in journeys and unreliability in journey times. Slow and stationery traffic can have an effect on air quality. Therefore congestion can affect the economy, quality of life and the environment. However we need to measure the existing queuing and congestion, and determine what the impact of this development, and whether that impact is severe

Two junctions (Moorend signals and A46/Leckhampton Lane) are noted to currently have capacity issues and this development will add to the performance of these junctions. However the development is only required to mitigate its own impact, and not any existing capacity issues.

From the traffic survey data these situations of congestion are relatively short lived and unlikely to translate into severe congestion, in terms of the NPPF

Once again, this is not to say that there would be no queuing, but delays should be of relatively short duration and certainly not of such significance as to amount to a severe delay. In the off-peak no particular problems are predicted under normal conditions.

Some of the minor roads on to the A46 do experience queuing and this would be expected onto any Primary/Principal road. But the highway authority prioritised the A46 flows as unhindered as possible, especially to accommodate bus frequencies, and the sake of relatively small queue lengths on minor side roads.

Therefore the highway authority is satisfied that subject to the recommended conditions and contributions a safe a suitable access for all can be achieved, the cumulative impacts of the development are not severe, and the development will actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, to be made more sustainable

# Chapter 10

## Draft Conditions

### Draft Conditions subject to agreement with CBC and phasing of development

1). No works shall commence on site until full engineering details of the primary and secondary accesses to the development, generally in accordance with the approved access plans, have been submitted to and agreed in writing by the local planning authority, the approved works shall then be completed prior to any occupations of any proposed dwelling or unit, and shall be retained as such thereafter until and unless adopted as highway maintainable at public expense

Reason: To mitigate the impact of the development in accordance with paragraph 32 of the NPPF.

2). No works shall commence on site until full engineering details of the capacity improvement works at the Moorend Park Road/A46 junction, generally in accordance with GCC drawing Option 1 – Improvement A46 West, have been submitted to and agreed in writing by the local planning authority, the approved works shall then be completed prior to any occupations of any proposed dwelling or unit, and shall be retained as such thereafter until and unless adopted as highway maintainable at public expense

Reason: To mitigate the impact of the development in accordance with paragraph 32 of the NPPF.

3). Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

4). No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

NOTE: The applicant is advised that to discharge condition the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

5). No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

NOTE: The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

6). No phase(s) of the development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- the parking of vehicles of site operatives and visitors;
- specify the type and number of vehicles;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- access routes to the specify the intended hours of construction operations;
- measures to control the emission of dust and dirt during construction

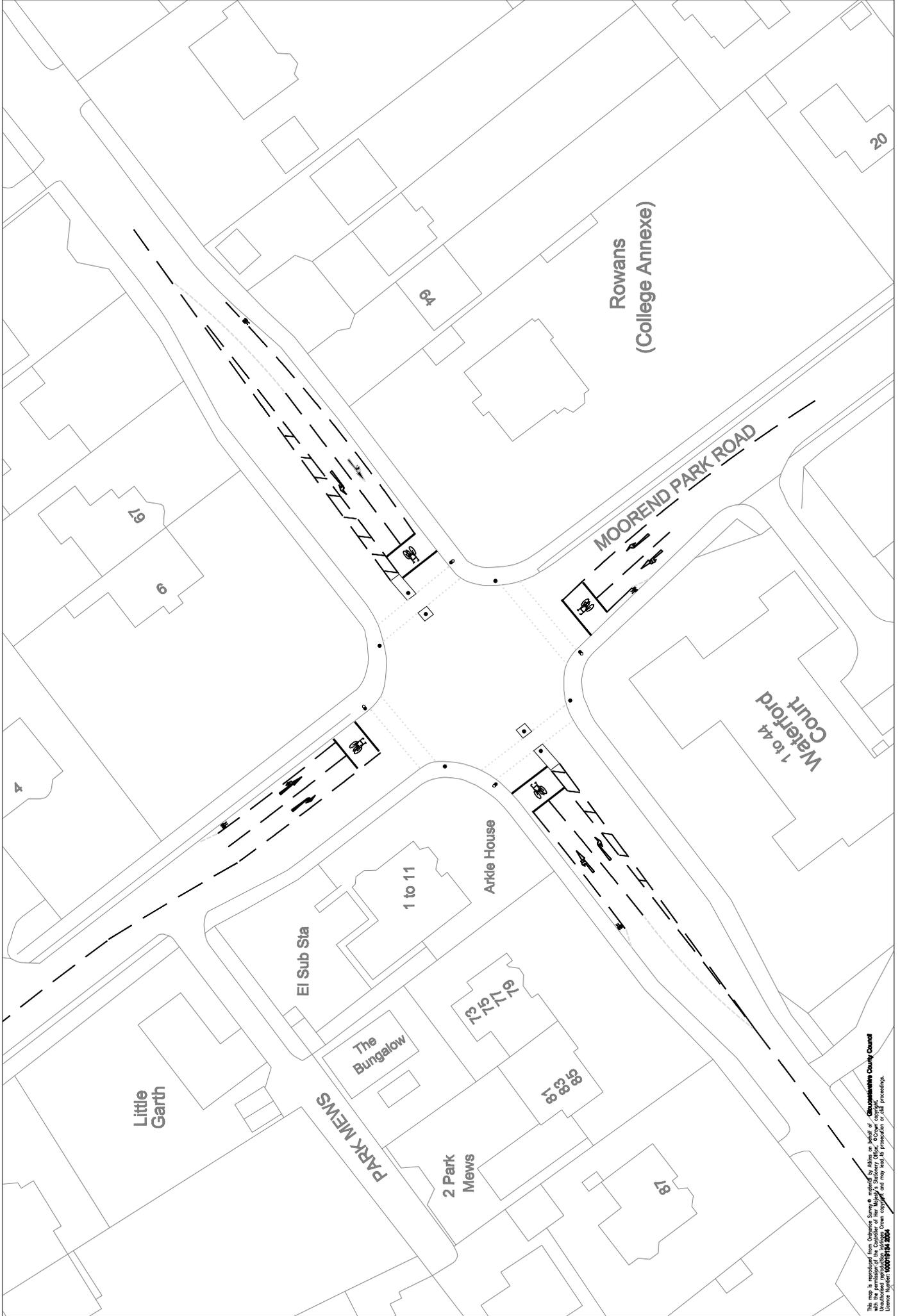
Reason: To provide safe access to site during the construction period

7). No works shall commence on site until details of cycle signage, and non motorised highway improvements, to enable resident and employees of the development to safely access nearest facilities, have been submitted to and agreed in writing by the local planning authority, the approved works shall then be completed prior to any occupations of any proposed dwelling or unit, and shall be retained as such thereafter until and unless adopted as highway maintainable at public expense

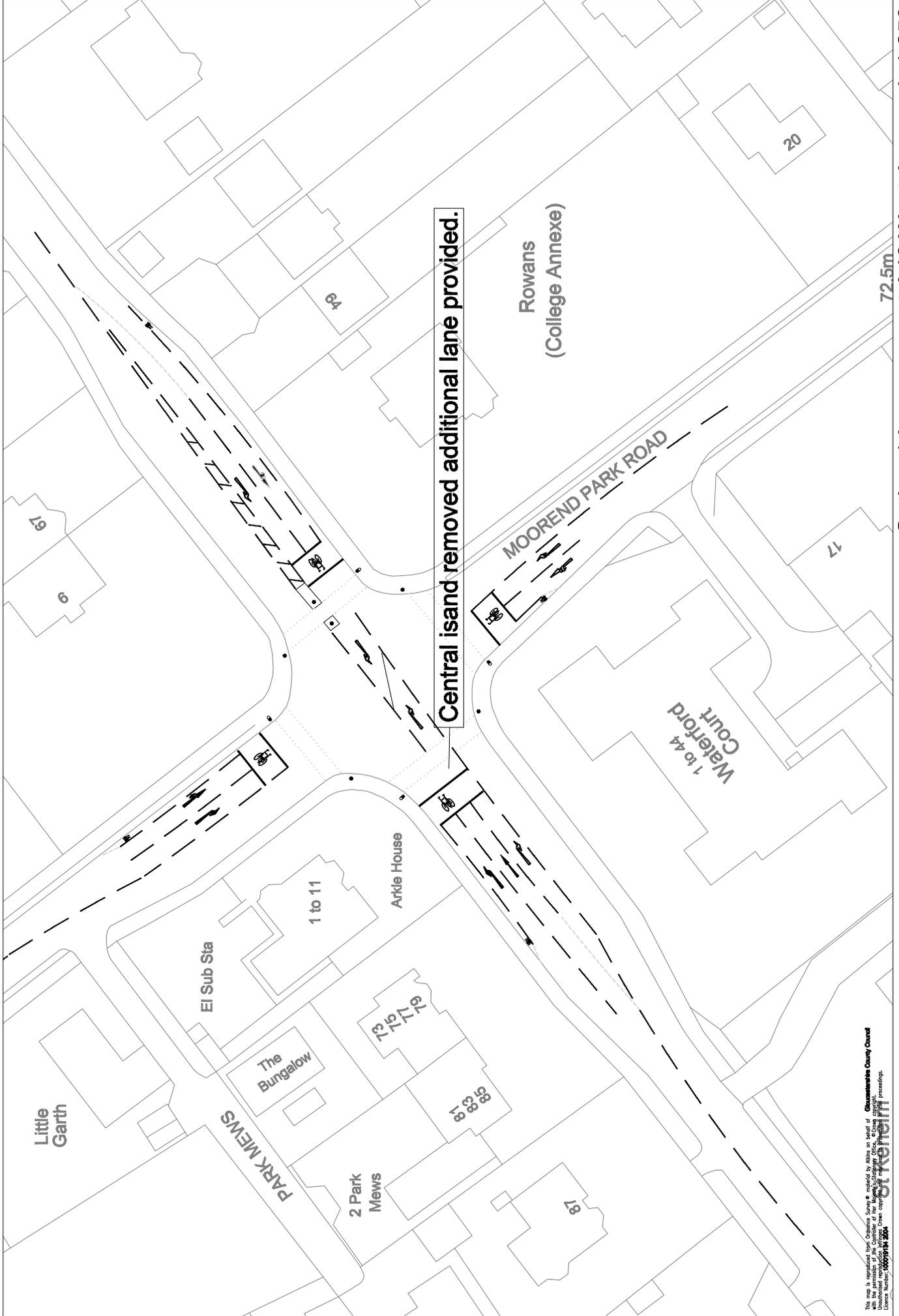
Reason: To mitigate the impact of the development in accordance with paragraph 32 of the NPPF.

### **Informative(s)**

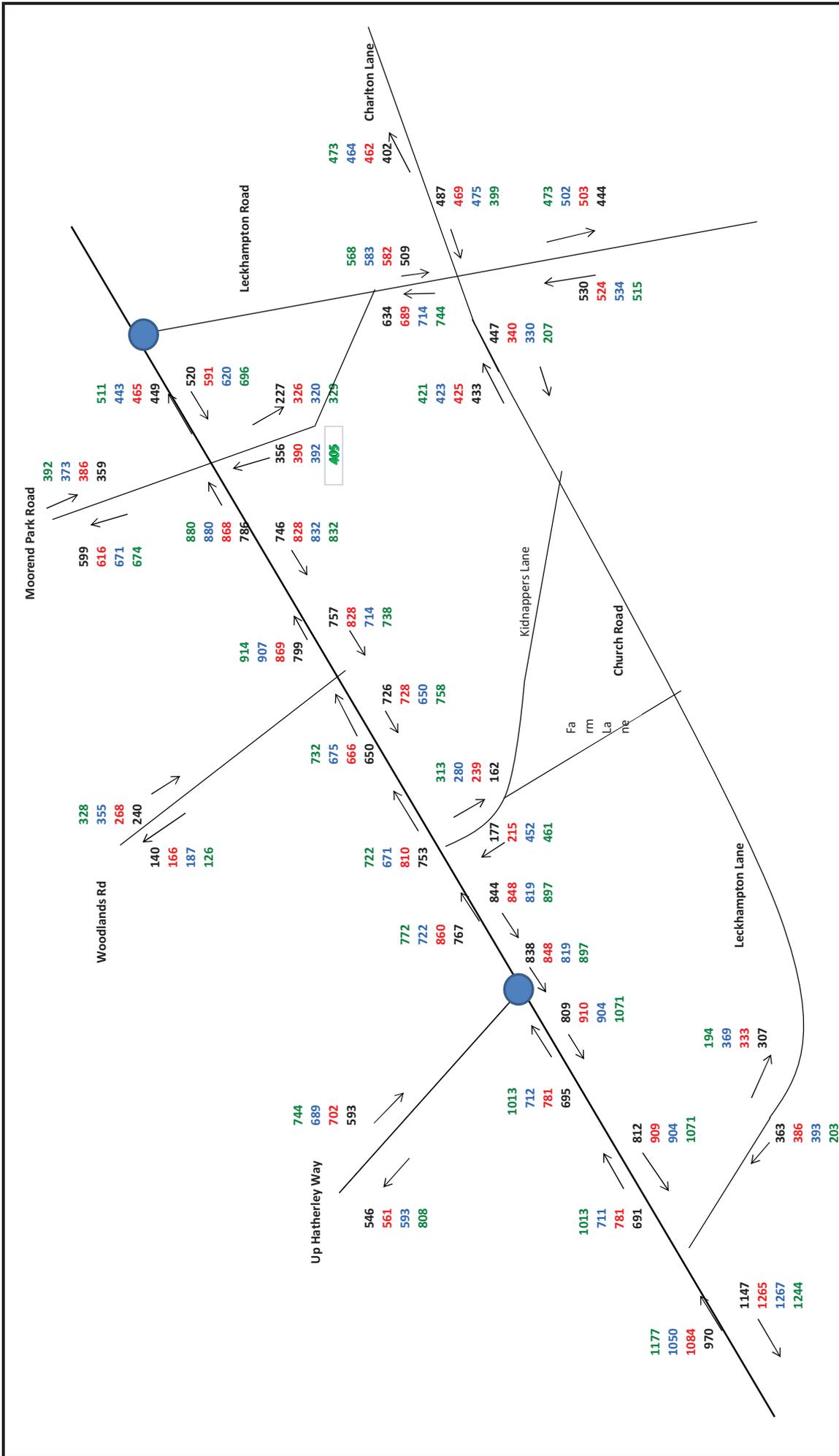
1. The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before commencing works on the development.



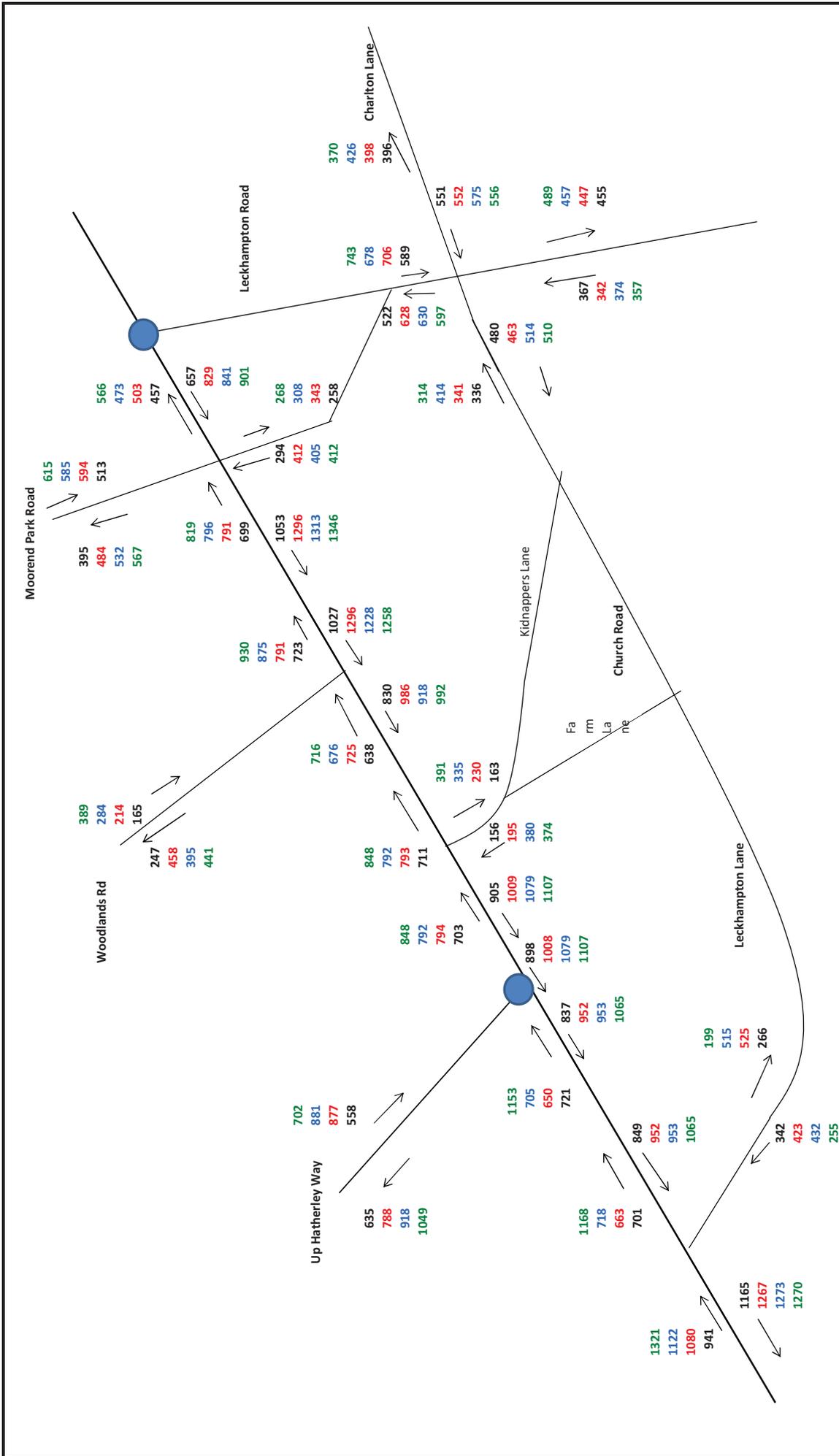
This map is reproduced from Ordnance Survey © material by licence on behalf of **Clonmelaine County Council** with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright. Licence number: 100019144 2024



Central isand removed additional lane provided.



Scale	NTS	Predicted A.M. Peak hour flows (08:00 - 09:00hrs) Traffic Flows: CSV SATURN Model Assignments  2012 Existing Vehicle Flows: (Traffic Surveys) 2023 Without Leckhampton Application Site (650 houses) 2023 With Leckhampton Application Site (650 houses) 2023 With Leckhampton Application Site (650 houses) + Sensitivity Test (ST) ST:- Leckhampton Lane Restricted Capacity; 150 vehs per hour each way.
Date	17th June 2014	
Drawn by	HS	



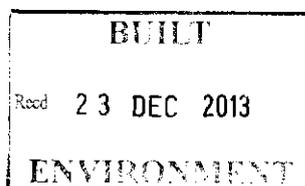
Scale	NTS	Predicted P.M. Peak hour flows (17:00 - 18:00hrs) Traffic Flows: CSV SATURN Model Assignments  2012 Existing Vehicle Flows: (Traffic Surveys) 2023 Without Leckhampton Application Site (650 houses) 2023 With Leckhampton Application Site (650 houses) 2023 With Leckhampton Application Site (650 houses) + Sensitivity Test (ST) ST:- Leckhampton Lane Restricted Capacity; 150 vehs per hour each way.
Date	17th June 2014	
Drawn by	HS	

## Deputy Chief Executive's Unit

Rachel North  
Deputy Chief Executive



Mr C Hemphill  
Planning and Environment  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA



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19<sup>th</sup> December 2013

Dear Mr Hemphill

**RE: Planning application consultation for Land at Leckhampton, South Cheltenham**

Thank you for inviting Tewkesbury Borough Council to comment on the above planning application as an adjacent Authority. The application was considered by the Borough Planning Committee on the 10<sup>th</sup> December 2013 where the attached report was presented.

At the Planning Committee meeting Members agreed to the recommendations contained within the report, which are repeated below for your information:

1. Tewkesbury Borough Council supports, in principle, the location of this site as a strategic location for development.
2. The current proposal has the potential to prejudice the proper and comprehensive planning of the area by allowing development to come forward in a piecemeal manner rather than in co-operation with, and supported by, a wider development strategy. Cheltenham Borough Council should therefore ensure that appropriate mechanisms are put in place to ensure that the proper planning of the area through the comprehensive development of this site is not prejudiced.
3. The comments set out in Section 4.2 of this report should also be taken into account in the consideration of the planning application.

I trust that the contents of this letter and associated report will be considered in the determination of this planning application.

Yours sincerely

Senior Planning Officer  
For the Development Manager



# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	10 December 2013
<b>Subject:</b>	Planning Consultation from Cheltenham Borough Council – Land at Leckhampton, Shurdington Road, Cheltenham.
<b>Description of Development:</b>	Residential development of up to 650 dwellings; mixed use local centre comprising Class A1 local convenience and retail units; Class D1 use GP surgery, and up to 4,500sqm of additional floorspace to comprise uses within Classes A, B1 offices, C2 care home, and D1 uses (potentially including dentist practice, children’s day nursery and/or cottage hospital); a primary school; strategic open space, landscaping and other associated works and roads.
<b>Report of:</b>	Julie Wood, Group Manager Development Services
<b>Lead Member:</b>	Councillor D M M Davies
<b>Number of Appendices:</b>	Two

## Executive Summary:

A planning application has been submitted to Cheltenham Borough Council for a mixed use development, including the provision of up to 650 dwellings and a mixed use local centre at Leckhampton, South Cheltenham. The site directly abuts the boundary of Tewkesbury Borough and the Council has therefore been duly consulted on the application as a neighbouring authority. Given the scale of the proposal, and its significance to Tewkesbury Borough, it is considered that Member approval should be sought prior to providing a response.

## Recommendation:

**That Members RESOLVE to comment on the South Cheltenham planning application consultation as follows:**

1. **Tewkesbury Borough Council supports, in principle, the location of this site as a strategic location for development.**
2. **The current proposal has the potential to prejudice the proper and comprehensive planning of the area by allowing development to come forward in a piecemeal manner rather than in co-operation with, and supported by, a wider development strategy. Cheltenham Borough Council should therefore ensure that appropriate mechanisms are put in place to ensure that the proper planning of the area through the comprehensive development of this site is not prejudiced.**
3. **The comments set out in Section 4.2 of this report also be taken into account in the consideration of the planning application.**

**Reasons for Recommendation:**

To provide Tewkesbury Borough Council's consultation response to Cheltenham Borough Council for the proposed mixed use development at Leckhampton, South Cheltenham.

**Resource Implications:**

None.

**Legal Implications:**

None.

**Risk Management Implications:**

None.

**Performance Management Follow-up:**

None.

**Environmental Implications:**

As set out in the report.

**1.0 INTRODUCTION**

- 1.1** An outline planning application has been submitted to Cheltenham Borough Council for a mixed use development, including the provision of up to 650 dwellings and a mixed use local centre at Leckhampton, South Cheltenham. The site is being promoted as part of a wider development constituting an urban extension to the south of Cheltenham. The site directly abuts the boundary of Tewkesbury Borough and the Council has duly been consulted as a neighbouring authority.
- 1.2** The site extends a total of 33.44 hectares and is located to the south west of Cheltenham Town Centre and to the west of Leckhampton. The site lies outside the Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB). The Hatherley Brook runs through the middle of the site from south to north, and unnamed watercourses also run along the western and eastern boundaries from south to north. A number of mature trees, hedgerows and public rights of way also run through the site. The A46 bounds the site to the north west.
- 1.3** There are many issues for Cheltenham Borough Council to consider in determining this application. Officers consider that, as a consultee, it is only appropriate that the Council make representations based on the impact of the proposal on Tewkesbury Borough. With this in mind, it is considered necessary to focus on the principle of the development, its timing, and the impact it could have on the ability to deliver a comprehensive wider development strategy for the area.

## **2.0 THE PROPOSAL**

- 2.1** The application seeks outline planning permission for a mixed use scheme comprising residential development of up to 650 dwellings; a local centre; a primary school, affordable housing and areas of strategic open space, landscaping and other associated works and roads. The proposed local centre would comprise local convenience and retail units, a GP surgery and up to 4,500sqm of additional commercial/community uses.
- 2.2** The application has been submitted in outline form, although the proposed means of access is to be dealt with at this stage. The proposed access arrangements include the provision of two new access points off Shurdington Road (including the relocation of the existing Kidnappers Lane junction) and three off Kidnappers Lane. Although the remaining matters of layout, scale, appearance and landscaping are reserved for future consideration, a series of indicative Masterplans have been provided, which indicate the likely characteristics of the development.
- 2.3** The application has also been accompanied by an Environmental Statement as required under the Town and County Planning (Environmental Impact Assessment) (England) Regulations 2011. The Environmental Statement assesses the impacts of the development and mitigation proposals in relating to: socio economic factors, landscape and visual amenity, archaeology and cultural heritage; ecology and nature conservation; transport, noise and air quality.

## **3.0 POLICY CONTEXT**

- 3.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Following the revocation of Regional Strategies and Structure Plans, the Development Plan for this planning application comprises the Cheltenham Borough Local Plan Second Review (adopted July 2006).
- 3.2** It will be for Cheltenham Borough Council to determine whether the proposal accords with the Development Plan or not; and to what degree other material considerations have an impact on the decision-making process. Other material policy considerations in this case will include the NPPF and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy (JCS).
- 3.3** The NPPF
- 3.3.1** In March 2012, the Government published the NPPF, which sets out a presumption in favour of sustainable development. The NPPF states that development proposals that accord with the development plan should be approved without delay. In other cases, *"where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted"*.
- 3.3.2** There are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing our natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.
- 3.3.3** Paragraph 49 of the NPPF sets out that applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant

policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. It will be for Cheltenham Borough Council to determine whether they consider that they have an up to date five-year housing land supply in accordance with the NPPF and the implications this has on their housing policies.

### **3.4 The Emerging Joint Core Strategy**

**3.4.1** Tewkesbury, Cheltenham and Gloucester Councils continue to work in partnership in preparing a Joint Core Strategy (JCS), which will provide the strategic policy for development across the three administrative areas until 2031. The Draft JCS is currently the subject of public consultation and will gain further weight as it continues through the plan making process.

**3.4.2** The Draft JCS plans for 33,200 homes to be delivered over the plan period from 2011-2031. This results in a requirement for Cheltenham Borough to deliver 10,000 dwellings over the JCS plan period, a requirement for 500 dwellings annually. The Draft JCS proposes an urban extension to the South of Cheltenham at Leckhampton (Policy A6), which encompasses land within both Cheltenham and Tewkesbury Borough' administrative areas, and aims to ensure that development is brought forward as part of a comprehensive scheme of development.

## **4.0 CONSIDERATION OF THE PLANNING PROPOSAL**

### **4.1 Principle of Development**

**4.1.1** The current application comprises one of three parcels of land, in separate ownership, that are proposed within the emerging JCS as an urban extension at Leckhampton. The site is located outside the Green Belt and Cotswold AONB, although it is noted that it abuts the AONB boundary. This strategic allocation would form a significant part of Cheltenham Borough's housing land supply over the JCS plan period, and the JCS evidence base indicates that it would be a suitable location for a strategic urban extension. As such, it is considered that, in principle, the location of this site as a strategic location for development is acceptable having regard to the emerging planning policy for the area.

**4.1.2** However, the current application does not include all of the land within the Draft JCS allocation. The part of the allocation at Farm Lane, within Tewkesbury Borough, is not included within this proposal. This land is currently allocated by the Tewkesbury Borough Local Plan to 2011, under Policy SD2, for the development of approximately 360 dwellings as part of a wider comprehensive development at South Cheltenham.

**4.1.3** Similarly, Policy A6 of the Draft JCS aims to ensure that development of land at South Cheltenham is brought forward as a comprehensive scheme of development, to ensure that it can deliver an integrated form of development that provides good quality layout and design, and the required level of physical and social infrastructure.

**4.1.4** Members will recall that a previous planning application for a development of 360 dwellings on the land at Farm Lane was dismissed on appeal in March 2009, where the Secretary of State agreed with the Council that allowing a piecemeal development of the land would be likely to prejudice the comprehensive development of the proposed urban extension and especially the infrastructure necessary to achieve a high quality development.

**4.1.5** It is noted that the current application seeks to address the infrastructure requirements for the whole of the proposed allocation in order to bring their parcel of land forward, including a site for a primary school, a doctor's surgery and local transport improvements. However, it remains to be seen if the applicants are able to demonstrate how the scheme can form a comprehensive urban extension without the co-operation of the other land owners.

**4.1.6** It would clearly be preferable for development at this location to be presented to Cheltenham and Tewkesbury Borough Councils as a comprehensive scheme rather than in a piecemeal way, which has the potential to prejudice the proper and comprehensive planning of the area. However, in the event that Cheltenham Borough Council is supportive of the principle of this development they should ensure that appropriate mechanisms are put in place to ensure that the comprehensive development of this area is not prejudiced.

## **4.2** Other Environmental and Social Planning Considerations

**4.2.1** *Masterplanning and Landscape Impact* - It is noted that the planning application has been submitted in outline form. However, particular importance should be attached to the visual impact of the proposed development on the landscape, especially given its siting abutting the Cotswolds AONB. The masterplan generally appears to respond well to the key site constraints, and to the key structural landscape features such as the watercourses running through the site. The utilisation of the brook corridors as 'green fingers' is specifically regarded as a positive design feature, as is the provision of a fragmented edge abutting the AONB.

**4.2.2** In determining the application, Cheltenham Borough Council will need to be convinced that the proposals are underpinned by a strong and ambitious vision for the architecture, urban design and landscape design of the development. In addition, it will need to be ensured that appropriate connectivity and integration is made with existing and future neighbouring parts of the development, including the Farm Lane site.

**4.2.3** *Transport* – It is understood that the Local Highways Authority has raised a number of concerns to the proposal in its current form. In response, it is understood that the applicants are currently carrying out further transport modelling work, which will be submitted to Cheltenham Borough Council as an Addendum to the Environmental Statement in due course. The Highways Agency and the Local Highways Authority will need to be satisfied that the development provides an acceptable level of new and improved infrastructure to mitigate the impact on the strategic and local highways networks respectively.

**4.2.4** *Flood Risk* – The application has been accompanied by a detailed Flood Risk Assessment, which confirms that the applicants have carried out detailed flood modelling of the watercourses on the site. It is noted that the majority of the site is located within Flood Zone 1 (low risk), although a small area to the north of the site falls within the modelled Flood Zone 2 areas (medium risk). The NPPF and its associated Technical Guidance seek to steer new development to Flood Zone 1.

**4.2.5** It is understood that the proposal would include a small amount of housing within the modelled Flood Zone 2 area. Whilst it is understood that the proposal includes mitigation works that would effectively remove this land from Flood Zone 2, the land is still at this stage within a medium risk flood area. As such, the Sequential Test should be applied as set out in the NPPF, which would need to demonstrate why all the required housing could not be located within Flood Zone 1.

- 4.2.6** *Gypsy and Traveller provision* - Policy C4 of the Draft JCS requires the provision of new gypsy, traveller and travelling showpeople sites to be considered as part of urban extensions and strategic allocations. There does not appear to be any provision for such accommodation, which is a key local planning requirement.
- 4.2.7** *Other Environmental Matters* – Cheltenham Borough Council will need to ensure that appropriate assessments have been carried out in relation to archaeology, ecology, noise and air quality. Appropriate mitigation measures should be put in place to address any identified adverse impacts to ensure that the development has an acceptable impact on the environment in accordance with national and local planning policy.
- 4.2.8** In addition, measures should be put in place to secure high levels of energy efficiency with the development in order to improve its sustainability benefits. It is recommended that consideration be given to constructing dwellings to Code Level 4 under the Code for Sustainable Homes, and non-domestic buildings should aim to be constructed to at least a 'Very Good' rating under BREEAM standards. Cheltenham Borough Council should also seek to secure a development where at least 10% of the energy supply arising from it be secured from decentralised and renewable or low carbon energy sources.
- 4.2.9** *Social Infrastructure* – The latest Gloucestershire Housing Needs Assessment demonstrates a need for 40% affordable housing in this location. In order to meet the specified needs it is considered that 70% of affordable units should be rented accommodation and 30% shared ownership. All affordable housing should meet minimum internal floor area size measurements, design and quality standards as described by the Homes And Communities Agency.
- 4.2.10** It is understood that the development provides for a new on-site primary school, which would provide for the number of primary school pupils that a development of this scale would be likely to generate. In addition, it will need to be ensured that such infrastructure is of a size and nature that can accommodate additional housing that may come forward in the area, so as not to prejudice the proper and comprehensive planning of the area. Furthermore, Cheltenham Borough Council will need to secure off-site contributions towards improving existing local secondary schools. Contributions towards improving existing library facilities should be sought. Cheltenham Borough Council will also need to be satisfied that the development provides for an appropriate level of onsite public open space, including sports pitches and children's play areas.

## **5.0 CONCLUSIONS**

- 5.1** In light of the above, it is recommended that Members resolve to support, in principle, the location of this site as a strategic location for development.
- 5.2** Cheltenham Borough Council should ensure that appropriate mechanisms are put in place to ensure that the proper planning of the area through the comprehensive development of this site is not prejudiced. In addition, the comments set out in Section 4.2 of this report should be taken into account in determining this planning application.

## **6.0 CONSULTATION**

- 6.1** As the Authority determining the application, Cheltenham Borough Council has consulted all statutory bodies and other interested parties, including Tewkesbury Borough Council and local Parish Councils. The application has been advertised in the Gloucestershire Echo and site notices have been displayed in the area advising local residents of the application.

**7.0 RELEVANT TEWKESBURY BOROUGH COUNCIL POLICIES/STRATEGIES**

- 7.1** Tewkesbury Borough Local Plan to 2011 – March 2006.  
Emerging Joint Core Strategy.  
Emerging Tewkesbury Borough Plan.

**8.0 RELEVANT GOVERNMENT LEGISLATION/POLICIES**

- 8.1** The Planning and Compulsory Purchase Act 2004.  
The National Planning Policy Framework (NPPF).

**9.0 RESOURCE IMPLICATIONS (Human/Property)**

- 9.1** None.

**10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

- 10.1** As set out in the report.

**11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

- 11.1** None arising from this report.

**12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

- 12.1** None.

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**Background Papers:** The Draft Joint Core Strategy (October 2013)

**Contact Officer:** Oliver Rider; Senior Planning Officer  
Email: [oliver.rider@teWKesbury.gov.uk](mailto:oliver.rider@teWKesbury.gov.uk)

**Appendices:**

1. Proposed Masterplan Documents.
2. Non-Technical Summary of the Environmental Statement.

**Planning application Ref:** 13/01605/OUT  
**Proposal:** Mixed development  
**Location:** Shurdington Road, Leckhampton, Cheltenham

## **Response of the Cotswolds Conservation Board**

The Cotswolds Conservation Board ('the Board') was established by Parliament in 2004.

The Board has two statutory purposes<sup>1</sup>:

- a) to conserve and enhance the natural beauty of the AONB; and
- b) To increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board has a duty to seek to foster the economic and social well-being of people living in the AONB.

1. The Board is of the view that the proposal lies within the setting of the Cotswolds AONB and significantly impacts upon one of the special qualities of the AONB as identified in the Cotswolds AONB Management Plan 2013-18<sup>2</sup>:

"The Cotswolds escarpment, including views to and from it."

2. The Board therefore strongly supports the views of Natural England (NE) regarding this impact and potential cumulative impacts as set out in their letter dated 25<sup>th</sup> October 2013.
3. The Board notes that the applicant's Planning statement paragraph 4.5 suggests that "The NPPF does not contain policies that indicate development in this location should be restricted" and therefore implies that footnote 9 to paragraph 14 of the NPPF does not have to be considered in relation to this application.
4. The applicants Planning Statement contains no reference to paragraph 115 of the NPPF:

*"115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty..."*

5. The purpose of designation of AONBs is to conserve and enhance the natural beauty of the area. (Section 82(1) Countryside and Rights of Way Act 2000.)
6. Natural England is the government body responsible for advising the government regarding the designation of landscapes (AONBs and National Parks). NE has issued "Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England" (**APPENDIX 1**). Paragraphs 6.1 to 6.12 of the guidance set out the principles of assessing natural beauty and the factors to be considered with respect to a particular area. It is noted in 6.1 that "*Natural beauty is not exhaustively defined in the legislation*".

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<sup>1</sup> Section 87, Countryside and Rights of Way Act 2000, as amended by the NERC Act 2006.

<sup>2</sup> <http://www.cotswoldsaonb.org.uk/?page=managementplan>

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**Proposal:** Mixed development

**Location:** Shurdington Road, Leckhampton, Cheltenham

7. A factor identified in the guidance relating to landscape quality is "scenic quality" (Table 3 *Factors related to Natural Beauty* - page 13).
8. It is clear therefore that the conservation and enhancement of the scenic quality of a designated area is part of the purpose of designation, and that a designated area is judged to have scenic quality.
9. The scenic quality of a designated landscape can be appreciated visually both from within the area and from outside it. Therefore proposals which potentially affect the appreciation of the scenic quality of the AONB have to be judged against the constraining affect of NPPF 115. This is the case here, contrary to the applicants Planning Statement.
10. The issue of the importance of the retention of views of the Cotswold escarpment was considered by the Planning Inspector with respect to appeal reference APP/G1630/A/12/2183317, a copy of which is attached to this response. **(APPENDIX 2)**
11. Paragraph 29 of that decision states:

"29. In views towards the AONB the visual effect of the development on Site A would be much more pronounced. This is due to the prominence of the topography and the construction of the housing on the elevated part of the site. At present Mount View Drive appears as two parallel rows of houses on the western side of Gretton Road. Whilst this development seems to me to be a highly evident feature it does nestle into its setting and the upper slopes of Langley Hill rise up behind to form a backdrop. It is the case that the new houses would interrupt that foreground view and be prominent to the observer standing outside the site in Greet Road. Whilst some of the upper slopes would be apparent the context of the rising hillside behind the town would be significantly diminished. **From Gretton Road the situation is likely to be even worse because the observer would find that views towards Salter's Hill and the AONB escarpment on the other side of the valley would be greatly impeded due to the proximity and elevation of the built development. The adverse impacts on the setting of the AONB would be significant.** *[My emboldening]* Whilst these impacts would be confined to limited viewpoints it seems unlikely that they would diminish in time, even with the proposed landscaping."

12. Paragraph 32 of that decision states:

"32. Of greater importance is the harm to the setting of the AONB arising from the housing on the elevated part of Site A. The latter plays a role in providing the foreground setting to Langley Hill within the adjoining AONB with which it shares a number of topographic and landscape features in common. The appeal development would interrupt westerly views thus adversely affecting the setting of the AONB. Furthermore views would be impeded in an easterly direction towards the Cotswold escarpment on the other side of the valley.

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**These impacts would be limited to those public viewpoints close to the east and west site boundaries. Nevertheless there would be significant harm to the setting of the AONB.** *[My emboldening]* This would be contrary to development plan policy, including saved Policies S.6 and NHE.5 in the SP and saved Policy LND2 in the LP.

13. Paragraph 70 of that decision includes:

"...Whilst there would be significant landscape harm and conflict with development plan policy there would also be substantial benefits. Most notably these would include the contribution towards housing land supply in the face of a serious short term deficit."

14. This decision makes clear that the interruption of even very localised views of the AONB can cause significant harm to the setting of the AONB, contrary to Local Plan POLICY CO 2 - DEVELOPMENT WITHIN OR AFFECTING THE AONB

The supporting text to policy CO 2 provides further detail regarding impacts of developments outside but affecting the Cotswolds AONB:

*"7.20 The Council confirms its support for these objectives. It considers it particularly important to protect the scarp as the dominant feature of Cheltenham's setting and is concerned at the cumulative effect of even small-scale development and of development in new locations within the AONB. The Public Local Inquiry Inspector took the view that the attractiveness of the scarp and its location on the urban fringe justify a restrictive policy. The Council, therefore, will not permit development which would harm the natural beauty of the landscape.*

*7.21 Development on sites outside but close to the AONB can also have an impact on its character. Such development should be designed and landscaped to avoid harming the natural beauty of the AONB. Special consideration should be given to the impact of proposals on the setting of the AONB and on views into or out of the area. See also policies CP 3 (sustainable environment) and CO 1 (landscape character)."*

15. The Applicants LVIA shows the view currently available from Shurdington Road (viewpoint 5) with the Cotswolds AONB clearly forming an important landscape feature as a backdrop to the site. These views would immediately be blocked by the proposed "Local Centre" of up to 3 storeys in height, and the further areas of residential developments shown on the indicative masterplan both within and outside the application site itself would further interrupt these views.

16. Cotswold Way National Trail

As identified by Natural England the application site is clearly visible from the Cotswold Way National Trail "from locations such as the Devil's Chimney on Leckhampton Hill. The purpose of National Trails is to "offer some of the best walking, riding and cycling experiences in the country, officially designated by Natural England and the Countryside Council for Wales. The 15 Trails are based on the nation's favourite rambles and rides and provide more than

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4,000kms (2,500 miles) of well-managed routes across some of our finest countryside.”<sup>3</sup>

### **Summary**

The Board supports the contention of Natural England that the proposed development, together with those shown on the indicative masterplan, are likely to have significant adverse effects on the special qualities of the Cotswolds AONB and users of the Cotswold Way National Trail.

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<sup>3</sup> [http://www.nationaltrail.co.uk/uploads/NE\\_National%20Trails%20tagged.pdf](http://www.nationaltrail.co.uk/uploads/NE_National%20Trails%20tagged.pdf)



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## Appeal Decision

Inquiry held on 4, 5, 9-11 April 2013

Site visits made on 3 and 11 April 2013

**by Christina Downes BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 May 2013**

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**Appeal Ref: APP/G1630/A/12/2183317**

**Land adj Gretton Road, Winchcombe, Gloucestershire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Redrow Homes Ltd against the decision of Tewkesbury Borough Council.
  - The application Ref 12/00464/OUT, is dated 30 April 2012.
  - The development proposed is residential development of up to 120 dwellings, vehicular access from Gretton Road, public open space, facilities for sport and recreation and other associated infrastructure.
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### Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 120 dwellings, vehicular access from Gretton Road, public open space, facilities for sport and recreation and other associated infrastructure on land adjacent to Gretton Road, Winchcombe in accordance with the terms of the application, Ref 12/00464/OUT, dated 30 April 2012, and the plans submitted with it, subject to the conditions on the Schedule at the end of this decision.

### Procedural Matters

2. The Inquiry was originally intended to consider a second appeal proposal by Bloor Homes for 92 dwellings on land at Greet Road. However, following the submission of a new scheme with additional landscape information, planning permission was granted for that development and the appeal was withdrawn.
3. The proposal is in outline form with only access to be considered at this stage. The Council indicated that it would have refused planning permission had it been in a position to do so for nine reasons. Six of these related to the lack of provision for affordable housing, open space, education and other infrastructure. The Council is however satisfied that these matters have been addressed through the Planning Obligations by Agreement. These are considered later in the decision. The other putative reasons for refusal concerned the location outside the settlement boundary, the harm to the character and appearance of the landscape and the unsatisfactory nature of the form and layout relative to the prevalent urban morphology of the area.
4. The site comprises two parcels of land. The housing and open space proposal would occupy land between Gretton Road and Greet Road (Site A). The

proposed sport and recreation use would be on land to the east of Greet Road, north of Winchcombe School (Site B).

## Reasons

### ***Whether the proposal is needed to meet the housing requirements of the borough and contribute to the short term housing land supply deficit***

5. The development plan currently comprises the Regional Planning Guidance for the South West (RPG10), the saved policies in the Gloucestershire Structure Plan Second Review (SP) and the saved policies in the Tewkesbury Borough Local Plan (LP). RPG10 was in the process of being reviewed and this had reached an advanced stage following an Examination in Public and proposed changes by the Secretary of State. However the proposed changes to the Regional Spatial Strategy for South West England (the draft RS) never progressed further due to the Government's stated intention to abolish regional strategies. The Order was laid before Parliament on 24 April and is due to come into force on 20 May 2013. It should be noted that all saved Structure Plan policies of relevance to this appeal will also be revoked at the same time. Whilst this occurred following the close of the Inquiry the pending revocation was considered by the parties and I am satisfied that there is no need to seek further comments on the matter.

### Housing requirement

6. The Council prefers to use the housing target in the SP as the basis for its housing land supply calculations. Although this document is currently the statutory starting point it only covers the period to 2010 and is based on household projections dating back to the mid 1990's. In the circumstances the housing requirement in the SP is out of date and not fit for purpose. Whilst a Joint Core Strategy (JCS) is being prepared by Tewkesbury and Cheltenham Borough Councils and Gloucester City Council this is still at a relatively early pre-submission stage. Despite being commenced some years ago this document is not expected to be adopted until December 2014 at the earliest. Although some objectors considered that the appeal scheme was premature in advance of a settled local policy position, the early stage that the document has reached means that such arguments cannot be supported. The emerging JCS can be afforded little weight at the present time.
7. In the circumstances the most up to date and robust housing requirement is provided by the draft RS rather than the SP. The Secretary of State reached a similar conclusion in the recent appeal decision relating to Highfield Farm, Tetbury. Whilst this concerned a different local planning authority, the SP and the draft RS were the same as in the current appeal. The Framework requires an additional buffer of 5% or 20% to be moved forward in the housing trajectory in order to ensure choice and competition in the market for land. In this case the Council considered that a 20% buffer should be added to reflect the persistent under delivery of housing.

### Housing supply

8. The main parties disagreed about the deliverability of some of the housing sites. However it is unnecessary to explore this further because even on the Council's assessment there would be a shortfall of 2,912 dwellings and a supply of only 2.7 years. The Secretary of State when granting planning permission for housing development at Bishop's Cleeve referred to the "pressing need" for

additional housing within Tewkesbury Borough in his decision. The shortfall referred to above takes account of the houses that would be delivered as a result of that decision and also the Bloor Homes planning permission.

9. The spatial strategy in the draft RS, which appears likely to be carried forward in the emerging JCS, is to concentrate housing within sustainable urban extensions around Gloucester and Cheltenham, including Bishop's Cleeve. However there is also a requirement for 2,900 houses in the "rest of Tewkesbury", which includes Winchcombe and Tewkesbury. Aside from the latter, in the 2011 audit of rural settlements undertaken as part of the evidence base for the JCS, the town was ranked second in terms of the overall level of services that it offers and its accessibility. Even on the basis of the whole borough, including Bishop's Cleeve, it was ranked fourth on this basis. The approval of the Bloor Homes development shows that the Council recognises Winchcombe as a sustainable settlement where further development can take place to contribute to the housing shortfall. Furthermore it has acknowledged in its Committee Report that the scale of the appeal proposal would not be prejudicial to the spatial strategy in the emerging JCS.
10. The appeal site is outside the current development boundary for Winchcombe. The proposal would thus not comply with saved LP Policy HOU4 which restricts new housing to limited purposes relating to affordable housing and rural activities. However Paragraph 49 of the Framework makes clear that where a 5 year supply of deliverable sites cannot be demonstrated, housing supply policies should not be considered up to date. It is clear that the Council will not be able to meet its housing commitments without breaching Policy HOU4 and this policy should not therefore be considered as a constraint. Insofar as saved Policies H.6 and S.4 in the SP seek to restrict housing development outside of rural settlements they should not be considered up to date either.
11. There was no dispute that the new houses could be ready for occupation within the next 5 years. Although the Bloor Homes development would add further homes to the local housing market within a similar time period there was no evidence that this would significantly slow down delivery on the appeal site. The Appellant indicated that there would be no objection to a foreshortening of the implementation period to ensure an expeditious start.
12. Winchcombe is undertaking a Neighbourhood Plan and it is creditable that local people involved with this plan are seeking to be pro-active with regards to future development, including the provision of housing and employment. I can understand their concerns that local choices could be limited if the appeal scheme goes ahead, especially in view of the recent Bloor Homes permission. Those involved in its production indicated that they would wish to see an organic growth of the town involving a number of small scale housing developments. This is in line with the *Winchcombe Town Design Statement*, which envisaged infill developments to meet local housing needs. However, notwithstanding the considerable amount of work that has already been done, the Neighbourhood Plan is still at a very early stage. It has not yet reached any consensus with regard to strategy or policy and can have very little weight as a material consideration at the present time.

### Conclusions

13. Drawing together the above points, the appeal proposal is needed to meet the housing requirements of the Borough. Winchcombe is recognised as a

sustainable settlement where further housing development can be expected to take place. The scale of the deficit means that this is likely to occur on sites outside the current development boundary and that saved SP Policies H.6 and S.4 and saved Policy HOU4 in the LP are now out of date in this respect. In his decision, the Secretary of State commented that other than allowing the Bishop's Cleeve appeals there was no other credible way of reducing the 5 year housing land deficit. The same could be said in respect of the appeal scheme. Apart from mention by the Town Council of a proposal for more houses at Brockworth there was no evidence that any significant provision was in the pipeline elsewhere in the borough. Other objectors mentioned that sufficient brownfield land was available but there was no firm evidence that this is the case. The effect on the landscape will be considered under the next issue but the contribution that the scheme would make to help address the serious short term housing land supply deficit in Tewkesbury Borough is an important material consideration in its favour.

***The effect of the proposal on the rural character of the area which is designated as a Special Landscape Area (SLA) and provides the setting for the Cotswolds Area of Outstanding Natural Beauty (AONB)***

14. The planning application was accompanied by a Landscape and Visual Impact Assessment (LVIA). The Council also undertook its own LVIA for the purposes of the appeal. The methodology used in these assessments was based on the *Guidelines for Landscape and Visual Impact Assessment: Second Edition* and has not been challenged. The viewpoints within the Appellant's LVIA were agreed in advance by the Council. I visited most of these during my site visits, including seeing the site from the Gloucestershire Way, the Cotswold Way and the Wychavon Way within the AONB. I also saw the land from more local viewpoints within the SLA, including the approaches along both of the adjoining roads. I have taken all of this information into account in reaching my conclusions along with the oral and written landscape evidence to the Inquiry.

Policy context

15. There are several saved policies in the SP that seek to safeguard the quality of the landscape and the setting of settlements. Of particular relevance is saved Policy NHE.5 in the SP, which indicates that provision should not be made for development that would detract from the particular landscape qualities and character of the SLA. In the LP, saved Policy LND2 requires special attention to be paid to the protection and enhancement of the special landscape character of the SLA, which is of local significance. The supporting text explains that whilst the quality of the landscape is worthy of protection in its own right it also plays a role in providing the foreground setting for the adjacent AONB.
16. The Framework recognises the need to conserve and enhance the natural environment as a core planning principle. It also indicates that policies should set criteria against which proposals affecting landscape areas will be judged. The protection of designated sites should be commensurate with their status and great weight should be given to conserving the landscape and scenic beauty in AONBs. It seems to me that unlike saved LP Policy LND4, which relates to countryside protection in the non-designated areas, saved Policy LND2 is essentially criteria-based and permissive in its tone. There was some debate about whether the Council had used the policy to constrain the principle of development when considering the planning application. However that is clearly not what it purports to do as the Council accepted at the Inquiry.

Indeed the Bloor Homes site is also within the SLA and the Council clearly thought that the designation was not a barrier to granting planning permission. The correct construction of the policy is not at odds with the Framework, it does not seek to apply AONB controls to the SLA and it should not be considered out of date.

#### Effect on the morphology of Winchcombe

17. Winchcombe is a small town that has become established on the western side of the River Isbourne. Much of the settlement is on the lower slopes of the valley within the AONB and the remainder lies within the SLA. The town is surrounded by AONB countryside to the east, west and south and by the SLA to the north. Site A comprises farmed land and adjoins the northern boundary of the settlement. Both Site A and B are within the SLA and Site A adjoins the AONB boundary, which runs along Gretton Road at this point.
18. The northern boundary of the settlement is not even. Mount View Drive forms its current limit on the western side of Gretton Road whereas between Greet Road and the River Isbourne it is considerably further south. The Bloor Homes development will move this part of the settlement a little further northwards. The current settlement edge between Greet and Gretton Roads has a harsh appearance. New development to the west of Greet Road appears to have obliterated a stretch of important hedgerow<sup>1</sup> that previously existed near to that boundary and the view is of built development close to the development edge. The development of Site A would continue the pattern of development between the two roads out of the town but would offer the opportunity of a softer landscaped edge to the settlement provided by the field hedge that runs along the northern ridge and is roughly 5 metres high. With augmented planting there would be a considerable improvement to the setting of the town when approaching along either Greet or Gretton Roads from the north.
19. The housing development itself would occupy the western part of Site A. Its eastern boundary would have a diagonal alignment which is dictated by the presence of the subterranean remains of a Roman villa which is a Scheduled Monument (SM). SM Consent was granted in July 2012. One of the Council's concerns is that the proposed development would disrupt the strong rectilinear field pattern that is a particular feature of the area. However there are several instances of development at the edges of the town where the existing hedgelines have not been followed and boundaries are irregular in shape. One example relates to housing adjacent to the River Isbourne where the development edge has clearly been constrained by the need to avoid building on the flood plain. Another example is Mount View Drive which has straight boundaries that do not appear to follow any natural feature.
20. Although the SM is not to be excavated the proposal to include an informal recreation area and wildflower meadow within this part of the site would be beneficial to its protection. The existing ploughing regime has the potential for further damage to the subterranean remains. There would also be the advantage of display boards to allow people to understand a piece of history on their doorstep. If anyone were to question the diagonal alignment of the development boundary it would likely alert them to the archaeological

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<sup>1</sup> The importance of the hedgerow is in terms of the Hedgerow Regulations 1977. The site visit revealed that much of the important hedgerow shown as H3 in Document 17 no longer exists.

significance of the site. For all of these reasons it is considered that the form and layout of the appeal development would integrate successfully with the existing urban morphology of the town.

#### Effect on the SLA landscape

21. The *Gloucestershire Landscape Character Assessment* identifies the SLA as falling within the *Unwooded Vale: Teddington and Greet Vale Character Area*. Features include a relatively sparsely settled open agrarian landscape with rural villages and scattered farms, medium to small scale hedged fields, scarce woodland cover contrasting to the wooded backdrop of the Cotswold escarpments and broadly undulating, gentle or almost flat vale landscape. The character area also includes the northern part of the built up area of Winchcombe as well as other settlements in the SLA, including Greet.
22. Hedgerows enclosing medium sized fields are a defining feature of the character area. The appeal proposal would largely retain the existing well managed hedgerows around the boundaries of both sites and through the centre of Site A. The new housing would however result in a loss of openness which is another important characteristic of the vale landscape. The significance of the hedgerows would be diminished by the loss of the farm land that they enclose. The proposed wildflower meadow on Site A would be an attractive feature but would not be typical of the landscape within this particular character area. This part of the SLA however is affected by a number of urban influences, including the poorly screened and exposed settlement edge that adjoins the southern site boundary of Site A. There is also the substantial spread of school buildings on the eastern side of Greet Road. Whilst these are presently surrounded by farmland this will be replaced by formal playing pitches and housing once the Bloor Homes site is developed. So whilst there would be some adverse impact to the SLA landscape, this would be relatively slight.
23. The western part of Site A is at a higher level and there is a small local ridge near the northern site boundary. Notwithstanding the screening effect of the northern field hedge, the upper parts of the new houses would be seen when approaching along Greet or Gretton Roads towards the town. There would be some visual perception that the gap between Winchcombe and Greet had been diminished. However the existence of the other existing and future development mentioned above renders this impact of limited importance. Site B would remain largely open and reflect other sports uses on adjoining land. Overall, the relatively flat nature of the vale landscape and the prevalence of hedgerows and other vegetation would mean that any adverse visual impacts arising from the appeal proposal on the SLA would be small scale and localised.
24. There is in addition scope for mitigation in the form of additional planting so that over time the built development on Site A would become better integrated with its surroundings. Furthermore there is the opportunity to create a new softer landscaped edge to the town as referred to above. Overall I consider that whilst the appeal development on Site A would have an adverse impact on the character and appearance of the SLA this would be of limited significance, especially in the longer term.

### Impact on the setting of the AONB

25. The “setting” of the AONB enjoys no particular protection as a designation in its own right. Nevertheless LP Policy LND2 indicates that the SLA plays a role in providing the foreground setting. The Cotswolds Conservation Board<sup>2</sup> in its Position Statement considers the setting to be the area where development can have a positive or negative impact on the natural beauty and special quality of the AONB. This is also a view endorsed by Natural England. Within the *Cotswolds AONB Landscape Character Assessment* and the associated *Cotswolds AONB Landscape Strategy and Guidelines* the land to the west falls within the *Escarpment Outlier: Langley Hill* character area. The character assessment points out that there is considerable variety within the landscape patterns of the various outliers and that this may even apply to different sides of the same hill. It is therefore relevant to consider whether the appeal site has features in common with the adjoining AONB in order to assess the importance of this part of the SLA in terms of setting.
26. The landscape of the AONB itself would remain unchanged by the development proposal. Nevertheless Site A does share topographic similarities with the AONB as the gradient of the lower slopes of Langley Hill continues east of Gretton Road. Unlike the well tended hedgerows along the other boundaries of Site A, the northern hedgerow is much taller, contains trees and is characteristic of the unmanaged hedges that feature on the adjoining slopes of Langley Hill. There are views across the appeal site towards the AONB in both directions due to its elevated position. This is in contrast to the vale landscape where the much flatter topography, hedgerows and vegetation restricts the line of view. It therefore seems to me that Site A shares a number of landscape characteristics with the AONB landscape of Langley Hill. This seems hardly surprising because the AONB boundary, which was established in 1966 well before the SLA came into being, is not defined by topographic or landscape features but rather by Gretton Road.
27. The AONB is crossed by a number of footpaths and both Site A and Site B can be seen from several elevated viewpoints on Langley Hill as well as from Salter’s Hill on the other side of the valley. These are national trails which include the Gloucestershire Way, the Cotswold Way and The Wychavon Way. From these places one gains a clear understanding of the existing settlement pattern which has extended up the lower eastern slopes of Langley Hill within the AONB.
28. Site B would be seen within the context of the adjoining school and its sports fields. The new housing on Site A would be seen as an extension beyond the existing built confines of the town. However this would be within the context of existing development, including Mount View Drive. Furthermore as previously noted the settlement edge extends much further northwards west of Greet Road than east of it. Winchcombe School is also seen as a significant area of development which is level with the northern site boundary. Although at present I would agree it is distanced from the settlement edge this will become much less apparent when the Bloor Homes development is built. In any event from these elevated viewpoints within the AONB there is the mitigating effect

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<sup>2</sup> The Cotswolds Conservation Board was set up by Parliament to conserve and enhance the natural beauty of the Cotswolds AONB and increase awareness and understanding of its special qualities.

of distance. The existing sense of tranquillity that people enjoy when using these footpaths would not significantly change. Taking all of this into account I consider that the impact on views out of the AONB would be insignificant.

29. In views towards the AONB the visual effect of the development on Site A would be much more pronounced. This is due to the prominence of the topography and the construction of the housing on the elevated part of the site. At present Mount View Drive appears as two parallel rows of houses on the western side of Gretton Road. Whilst this development seems to me to be a highly evident feature it does nestle into its setting and the upper slopes of Langley Hill rise up behind to form a backdrop. It is the case that the new houses would interrupt that foreground view and be prominent to the observer standing outside the site in Greet Road. Whilst some of the upper slopes would be apparent the context of the rising hillside behind the town would be significantly diminished. From Gretton Road the situation is likely to be even worse because the observer would find that views towards Salter's Hill and the AONB escarpment on the other side of the valley would be greatly impeded due to the proximity and elevation of the built development. The adverse impacts on the setting of the AONB would be significant. Whilst these impacts would be confined to limited viewpoints it seems unlikely that they would diminish in time, even with the proposed landscaping.

### Conclusions

30. In reaching my conclusions I have had regard to the Local Plan Inspector's views that the development of this land would be prominent and harmful both from the elevated viewpoints of the AONB and from Greet and Gretton Roads. She was also concerned about coalescence between Winchcombe and Greet. Whilst the landscape clearly has not changed since she made her assessment there has been further development within the last 10 years and changes to the settlement edge, including the construction of Mount View Drive and the permission for 92 dwellings on the Bloor Homes land. The Inspector was also of course making her comments under a totally different national planning policy regime and within the context of there being alternative housing land available to meet housing requirements to 2011. It is relevant to note that the Bloor Homes land was not favoured for housing development either.
31. The appeal proposal would extend built development beyond the settlement edge resulting in a loss of countryside. However this in itself is not a bar to development in a situation where the development plan policies relating to the supply of housing are now out of date. Saved Policy LND2 does not prohibit housing development within the SLA in principle. There would be an adverse impact on the character of the SLA landscape itself but this would be localised and should be set against the benefits in terms of the provision of a softer settlement edge.
32. Of greater importance is the harm to the setting of the AONB arising from the housing on the elevated part of Site A. The latter plays a role in providing the foreground setting to Langley Hill within the adjoining AONB with which it shares a number of topographic and landscape features in common. The appeal development would interrupt westerly views thus adversely affecting the setting of the AONB. Furthermore views would be impeded in an easterly direction towards the Cotswold escarpment on the other side of the valley. These impacts would be limited to those public viewpoints close to the east and west site boundaries. Nevertheless there would be significant harm to the

setting of the AONB. This would be contrary to development plan policy, including saved Policies S.6 and NHE.5 in the SP and saved Policy LND2 in the LP.

### **Other Matters**

#### Affordable housing

33. There is no dispute that within the borough there is a substantial undersupply of affordable housing. It is the case that within Winchcombe there have been several affordable housing schemes, including Mount View Drive. The Parish Housing Needs Survey of February 2012 indicates that 40 households with a local connection were in need of affordable housing. Most of these would be accommodated by the Bloor Homes scheme where 32 affordable homes would be built. However this does not mean that there is no further requirement for affordable housing within this area. Whilst locally derived needs should be met first, there are also many nearby parishes for which Winchcombe would be the nearest and most sustainable location in which to live. Furthermore the severe deficit that exists in the borough as a whole cannot be ignored. I was told that 129 households had specified Winchcombe as their preferred choice and that 75 of those have a proven local connection.
34. Saved Policy HOU13 in the LP seeks to negotiate appropriate levels of affordable housing although there is no development plan policy that is specific about level or mix. The proposal is for 35% provision with a mix of social rent, affordable rent and intermediate housing. The Council is satisfied that the quantum and mix would be acceptable to address current housing needs. The Planning Obligation includes the mechanism for provision and this is tied to the occupation of the market dwellings.

#### Congestion and highway safety

35. The Town Council and many local residents were concerned about the increase in traffic on local roads, including within Winchcombe itself which is a historic centre with narrow streets and tight junctions. During my visits to the town I experienced delays caused by parked cars, delivery vehicles and local buses. Whilst queues can quickly develop they are also quick to disperse. I have no doubt that on occasion local roads become congested for longer periods especially at peak times. The appeal development would inevitably add more traffic to the local highway network and this must be judged in combination with the 92 homes to be built by Bloor Homes, also on the northern side of the town. However the evidence shows that junctions within the town would remain well within capacity with both developments in place and that queues would not significantly increase. The Framework makes clear that development should only be refused on transport grounds where residual cumulative impacts are severe. That would not be the case here.
36. Gloucestershire County Council as Highway Authority has raised no objections to the appeal scheme on traffic grounds and this is a matter of considerable weight. The proposal would accord with the relevant development plan policies relating to transportation in accordance with the Framework.

#### Flooding

37. There have been local concerns about flood risk and additional surface water runoff arising from the appeal development. The sites are within Flood Zone 1

where there is a low risk of fluvial flooding. The exception is the eastern part of Site B where no change is proposed. The Flood Risk Assessment concludes that other sources of potential flood risk, including from ground and surface water, would also be low. The post development runoff rates are to be maintained at the existing greenfield level. It is proposed to employ a sustainable drainage system (SuDS) for the housing development at Site A although the SM will be a constraint to drainage infrastructure.

### Tourism

38. It is appreciated that Winchcombe is a very attractive town within the AONB. Its economy relies on the many tourists that visit and attractions include the historic Sudeley Castle. The town especially welcomes walkers who enjoy the numerous national footpaths that descend into the town from the surrounding countryside. Whilst I have concluded that there would be some harm to the setting of the AONB this would be restricted to relatively limited viewpoints along Greet and Gretton Roads. The enjoyment of the footpaths themselves and the tranquil experience valued by walkers would not be unduly diminished.

### Heritage Matters

39. Several of the hedgerows have been found to be important under the 1997 Hedgerow Regulations. These include the hedgerows along the northern and eastern boundary of the Site A as well as that running along part of the centre and the southern boundary. The hedgerow along part of the southern boundary of Site B is also important. The importance of the hedgerows on Site A is due to their association with the SM. The northern boundary hedgerow also gains importance as a historic parish delineation as does the southern hedgerow on Site B. None of these hedgerows are deemed important on account of their wildlife or landscape interest.
40. In the main the significance of the important hedgerows referred to above would not be affected by the appeal proposal, apart from where the central and eastern hedgerow on Site A would be punctuated to provide footpath access. However from my observation at the site visit there are gaps within the hedgerows that could accommodate the necessary pathways. As layout is a reserved matter and the Masterplan in the Design and Access Statement is illustrative it is considered that small adjustments could be made to ensure that no harm ensues to the significance of the undesignated heritage asset.

### ***Whether the proposal would be sustainable development taking account of the three dimensions in the National Planning Policy Framework.***

41. The Framework establishes that sustainable development should be seen as a golden thread running through both plan-making and decision-taking. It identifies three dimensions to sustainable development, economic, social and environmental. It makes clear these roles are mutually dependent and should not be taken in isolation.
42. There is no dispute that in order to address the serious short term land supply deficit new housing in Tewkesbury Borough will have to be built on greenfield sites. As one of the most sustainable settlements in the borough, Winchcombe can be regarded as a suitable location for further housing development. The town is within and adjacent to the AONB apart from the northern section which is within the SLA. All things being equal this locally designated landscape would be considered as a preferable location to the nationally important

landscape of the AONB. Although the Strategic Housing Land Availability Assessment states not to be a policy document it makes clear that sites within the AONB have been ruled out as unsuitable and would need to be considered through the development plan process. It is not an unreasonable proposition that sites close to the settlement edge are generally more sustainable than those further away from it. Having granted planning permission for the Bloor Homes housing scheme, the only remaining land contiguous to the settlement and outside the AONB is Site A.

43. The appeal proposal would result in harm both to the SLA landscape and to the setting of the AONB. The former would be limited due to its localised nature. The latter would be more significant and there would be conflict with policies in both the Structure and Local Plans. There would though also be environmental benefits. These would include the improvements to the SM as well as the provision of a soft landscaped edge to the northern boundary of the town. There would also be other advantages including carbon reduction measures and the use of SuDS techniques. Although there would be a loss of agricultural land this should be set against the gains to biodiversity from the open areas within Sites A and B, including the wildflower meadow.
44. In terms of the social role, the most important benefit would be the provision of market and affordable homes to help meet housing needs over the next five years. There is no reason why the scheme should not deliver a high quality built environment that integrates successfully with the host community. New residents would be able to walk, cycle or travel by bus for many of their journeys. Various measures have been proposed to increase the accessibility of the location, including a section of new footway, various pedestrian crossing points and a Travel Plan. Footpaths across Site A would allow people to walk through the site including across the open space to reach Winchcombe School. In addition there would be a significant contribution to the bus service. As well as benefiting the new population these measures would also deliver wider advantages to the existing population of the town. Site B would offer a substantial area of land adjacent to Winchcombe School for sports pitches. The *Winchcombe Town Design Statement* mentions that there is a need for further sports facilities in the town. It is recognised that the provision would provide mitigation for the recreational needs of the new population. Nevertheless it would also provide a wider benefit to the local community which should not be overlooked.
45. In terms of the economic role the appeal scheme would deliver land in a sustainable location to improve choice and competition in the market place. This would contribute to economic growth both directly and indirectly. There would be new employment created during the period of construction, which is estimated as being three years. It is likely that many would be local jobs and this would boost the local economy. Businesses connected with the construction industry would also benefit and some of these would be local suppliers and trades. Once the development is complete new residents would spend a proportion of their household income locally. Whilst some of these people may already live within the area others would be from elsewhere. The Appellant has estimated that an annual expenditure of £650,000 would be generated of which £160,000 would be spent locally. This seems a relatively conservative estimate given the assumptions on which it is based.

46. I have carefully considered the environmental harm against the advantages of the scheme, including helping to address the serious deficiency of housing land. I have come to the conclusion that taking the policies of the Framework as a whole the proposal represents a sustainable form of development. The policies for the supply of housing are out of date and the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits that would be gained. There are therefore material considerations that override the conflict with the development plan, including saved SP Policy NHE.5 and saved LP Policy LND2 in this case.

### ***Planning Obligations***

47. There are two fully executed Planning Obligations by Agreement dated 9 April 2013. The first is with Gloucestershire County Council relating to education, libraries and transportation. It includes a Bonding provision to ensure that the relevant payments are made. The other is with Tewkesbury Borough Council relating to recreation, community facilities, medical care and various other requirements. I observed that no sum had been inserted in either document relating to the respective councils' legal charges. However I was told that the relevant monies had already been paid. I am satisfied that both of the legal agreements are legally sound and fit for purpose.
48. The policy context for the infrastructure contributions is provided by saved Policy S.5 in the SP, which requires consideration of the need for community services, education, sport and leisure facilities and transport services, amongst other things. Saved Policy GN11 in the LP seeks infrastructure provision and public services necessary to enable development to take place. However it is necessary to consider whether the obligations meet the statutory requirements in Paragraph 122 of the Community Infrastructure Levy (CIL) Regulations in order to determine whether or not they can be taken into account in the grant of planning permission. The requirements are that the obligations must be necessary, directly related and fairly and reasonably related in scale and kind to the development in question. It is noted that the Planning Obligations do not contain a clause that the contributions are conditional on my finding that they comply with the CIL Regulations.

### **Obligations to the County Council**

49. A contribution has been made towards early years and primary education. The evidence indicates that there is a shortfall in provision within the Winchcombe area. There is sufficient information to be satisfied that the level of the contributions is justified. The money would either be spent on improving the qualifications of existing childminders or else towards providing additional capacity at the local playgroup which is oversubscribed. Winchcombe Abbey Church of England Primary School has limited scope to expand. However one room within the building is available to be used as a classroom and the money would be spent to increase capacity in this way.
50. The library contribution is based on the size of the new population and the cost of providing new stock, electronic access and increasing opening hours. However the information does not clearly demonstrate why existing facilities could not meet the needs of new residents. Whilst I was told that the lending area at Winchcombe Library is to be reconfigured to make more space available there is little convincing evidence that this is necessary in order for the development to go ahead.

51. A contribution is included to improve various crossing points on walking routes between the site and the town through tactile paving and the like. The evidence has included a breakdown of the costs to undertake the work, which includes the installation of dropped kerbs and tactile paving. There is also a contribution towards upgrading one of the bus stops local to the site on the bus route that runs towards Cheltenham along Greet Road. The evidence has included a breakdown of the costs to undertake the work, which includes a new bus shelter and real time passenger information displays. The bus service contribution would provide a morning and evening peak hour service on a subsidised route which is not presently viable. The information provided is sufficient to justify the payment and the objective is to encourage new residents to use the bus thus confirming its viability at the end of the one year period. The Travel Plan monitoring contribution would cover the cost of checking modal shift targets during the period that the plan is current. This is in accordance with the County Council's *Travel Plan Guidance* and is necessary to promote sustainable travel.
52. For the reasons given above there is sufficient information to be satisfied that the education and various transportation related contributions meet the CIL tests and can therefore be taken into account. The library contribution however has not been adequately justified, does not meet the CIL tests and cannot be taken into account.

#### Obligations to the Borough Council

53. The provision of the affordable housing would be linked by triggers to the market housing delivery to ensure that the affordable units are constructed within a reasonable timescale. There would be two trigger points and the arrangement would be acceptable to ensure the timely delivery of the affordable housing element of the scheme. The obligation is necessary to meet local housing needs.
54. In accordance with saved Policy RCN1 in the LP the appeal scheme would be required to provide 0.34 hectares of open space. The open space on the eastern side of Site A around the SM, which would include a children's play area, would exceed this requirement. There is provision for a Management Company to be set up and this would be responsible for the long term maintenance of the open space. The company would be financed through annual contributions from each household and is necessary to ensure the open space is properly looked after for the benefit of all who use it.
55. The Council has a local standard for playing pitches in different parts of the borough and in accordance with its Playing Pitch Strategy the requirement here would be for 0.25 hectares and this would be on Site B. The intention would be for this to be used by the school and community although the Planning Obligation makes arrangements for the transfer of the land in the first instance to the Council. A contribution has been made for the laying out of the pitches and the provision of changing facilities. Bearing in mind that the sports land would be transferred for the charge of £1, the financial contributions, which are based on Sport England's cost multiplier, would be reasonable and necessary.
56. There are also contributions towards the Cascades swimming pool in Tewkesbury and towards Astroturf provision at Winchcombe School. Whilst the sums of money involved are based on the Sport England sports facility calculator I have considerable doubts about the justification for these additional

- contributions towards recreational facilities. There was insufficient information to be satisfied that the improvements to the pool would be necessary to accommodate those new residents who wished to use it. Winchcombe School would benefit considerably from the pitch provision referred to above and it is difficult to see how a further payment towards Astroturf could be justified.
57. Representations from local people and from the healthcare provider make clear that the existing medical centre in Winchcombe is operating at capacity. The medical centre contribution would be used to extend the facility and is worked out on the basis of the number of GP's needed to serve the new population, the space to accommodate them and the build costs for this space. There is room on the site to extend the existing building.
58. A contribution has been made for community facilities. It seems that this was initially offered by the Appellant. Whilst I was told that it may go towards more allotments or extending existing burial facilities it is difficult to see how the sum of money was worked out and what specific project it is intended to address to meet the needs of the new population.
59. There are several contributions that relate to facilities for individual households. These include a contribution towards refuse and recycling containers and a contribution towards the Smart Water Scheme. The latter is an anti-theft mechanism and has been requested by the police. Whilst these contributions have been worked out on the basis of cost of provision it seems to me that they relate to items for which individual householders should be responsible themselves. It is difficult to conclude that they are necessary for the development to go ahead. The provision of dog bins and appropriate signage would though be necessary to ensure that the open space on the eastern side of Site A is a safe and pleasant place for all to use. The contributions relate to the cost of provision and are justified.
60. For the reasons given above there is sufficient information to be satisfied that the obligations relating to the affordable housing provision and Management Company and the contributions towards school sports provision, the medical centre, dog bins and signage meet the CIL tests and can therefore be taken into account. The contributions towards the swimming pool, Astroturf provision, community facilities, refuse and recycling and the Smart Water scheme have not been adequately justified, do not meet the CIL tests and cannot be taken into account.

### ***Planning conditions***

61. I have considered the planning conditions suggested by the main parties bearing in mind advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. I have reworded them where necessary in the interests of precision, relevance and enforceability. Wherever possible I have imposed conditions that reflect the Secretary of State's model conditions in the circular.
62. In order to contribute to the housing land supply shortfall in the short term it is reasonable to reduce the implementation period from that normally applied to outline proposals. The Design and Access Statement sets out the principles and parameters that the scheme would follow and against which the proposal has been assessed. This includes frontage development along Gretton Road and further details would be provided at reserved matters stage.

63. There are several conditions that require specific details to be submitted at reserved matters stage. These relate to such matters as materials, bin and cycle storage, planting schedules, hard surfacing as well as implementation. Whilst I can understand that the Council wishes to offer guidance to the developer they cover matters that relate to the reserved matters stage. It does not seem to me that these conditions pass the circular test of necessity. The exception concerns construction details of internal roads and footways and the details required to ensure that individual dwellings are not occupied before access to the public highway has been provided. Such details go beyond the reserved matter relating to layout and so I have worded these as stand alone conditions.
64. Hedgerows and associated trees are to be retained and a condition is required to ensure that they are protected during the construction period. The lower slopes of Langley Hill continue across Site A and details of site levels and slab levels are necessary to ensure that the new houses sit comfortably within the landscape. Such details would not necessarily be linked to appearance or layout and should be required through a stand alone condition.
65. The suggested drainage condition included foul drainage. However it is unnecessary to require details of this as the proposal is to connect to the main sewerage system and can be dealt with under other legislation. There is no suggestion that there is insufficient capacity to accommodate the new dwellings. It is proposed to dispose of surface water using SuDS techniques. The success of this approach in the longer term is particularly dependent on the effectiveness of the future management regime. A condition to cover these matters is therefore required. The sports pitches on Site B would not be provided by the Appellant and it seems likely that their development would require a further planning application by the end user. This would include consideration of the drainage works and so it is unnecessary for a condition relating to this matter to be imposed.
66. In the interests of the safety of future occupiers it is necessary to provide fire hydrants. Several improvements are proposed to pedestrian accessibility. These include a pedestrian crossing facility in Greet Road near to Winchcombe School and a new stretch of footway along the Gretton Road frontage. Conditions are required to ensure these improvements come about but requiring the footway to be maintained is not sufficiently precise and requiring it to be retained seems unnecessary.
67. Access is not a reserved matter but it is necessary to ensure that it is provided in accordance with the submitted details and surfaced satisfactorily prior to adoption. In order to ensure the free flow of traffic along Gretton Road it is appropriate to require a Construction Method Statement to cover matters such as operatives' parking and unloading arrangements. It will also include wheel washing arrangements to ensure excess mud is not deposited on the highway.
68. The Ecological Impact Assessment indicates that there are no designated sites of nature conservation value either on or adjacent to the appeal site. The hedgerows around and within the site would be largely retained and the proposal includes the creation of new grassland and a wildflower meadow in the vicinity of the SM. This would result in a gain to biodiversity but as suggested in the assessment an Ecological Management Plan is necessary for hedgerow enhancement and providing the new habitats on the eastern part of the Site A. The condition also specifies details for future management of these

areas although the open space would be looked after by the Management Company as specified in one of the Planning Obligations. Due to the archaeological importance of the site a programme of investigation and recording is required.

69. The Council suggested a condition requiring a minimum of 10% of the energy supply to be secured by decentralised and renewable or low carbon energy sources. This is not supported by any specific development plan policy and the Appellant's Energy Statement indicated that carbon reductions would be delivered by other means such as insulation of dwellings. It seems to me that the suggested condition, which requires a 30% improvement in carbon reduction above that required under Building Regulations would serve a similar purpose and allow greater flexibility as to how the savings could be achieved.

***Overall conclusions***

70. For all of the reasons given above the appeal proposal comprises sustainable development. Whilst there would be significant landscape harm and conflict with development plan policy there would also be substantial benefits. Most notably these would include the contribution towards housing land supply in the face of a serious short term deficit. I have taken account of the appeal decisions proffered by the Council where the lack of a 5 year housing land supply was found insufficient to outweigh the harm to the countryside. However each case is different and here I have found that the balance of considerations is clearly in favour of granting planning permission, notwithstanding the policy conflict. I have considered all other matters that have been raised but have found nothing that alters my conclusion that the appeal should succeed.

*Christina Downes*

INSPECTOR

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Paul Cairnes	Of Counsel instructed by Ms S Freckleton, Borough Solicitor
<i>He called</i>	
Mr R Eaton BA(Hons) MTPL MRTPI	Planning Consultant with RJE Planning
Mr J Overall BA(Hons) CMLI	Landscape Architect with Ryder Landscape Consultants

### **FOR THE APPELLANT:**

Mr Jeremy Cahill	Of Queen's Counsel instructed by Mr P Stacey, Turley Associates
<i>He called</i>	
Mr D Archer BA(Hons) DipTP MA MRTPI	Director of pad Design
Mr A Cook BA(Hons) MLD CMLI MIEMA CEnv	Director of Pegasus group
Mr P Finlayson BSc CEng MICE MIHT MCIWEM	Managing Director of PFA Consulting Ltd
Mr P Stacey BA DipTP CertArch MRTPI	Planning Director of Turley Associates

### **ROUND TABLE DISCUSSIONS ON CONDITIONS AND PLANNING OBLIGATIONS**

Mrs K Riossi	Senior Solicitor with Gloucestershire County Council
Mr R Pitts	Senior Development Valuer with Gloucestershire County Council
Mr M Glaze	Development Co-ordinator for the Tewkesbury Area with the Highways Division of Gloucestershire County Council
Mrs F Evans BA MCIH	Housing Enabling Manager with Tewkesbury Borough Council
Mr A Sanders BA(Hons)	Leisure and Culture Manager with Tewkesbury Borough Council
Mr G Spencer LLB	Locum Solicitor with Tewkesbury Borough Council
Mr A Ross	Turley Associates
Mr A White	Planning Officer with Tewkesbury Borough Council

### **INTERESTED PERSONS:**

Mrs A Telling	Local resident
Mr R Harrison	Chairman of Winchcombe Town Council
Mr D Bayne	Secretary and Trustee of the Campaign to Protect Rural England (CPRE) Gloucestershire

Mr J Mason	Branch and Secretary of CPRE Cheltenham, Gloucester and Tewkesbury District Local Borough Councillor for the Winchcombe Ward
Mr R Wakeford MRTPI (Hon)	Local resident, Co-ordinator of the Winchcombe Neighbourhood Plan, Town Councillor and Member of the Cotswolds Conservation Board
Mr M Watt MRTPI CMLI FArbor	Planning Officer with the Cotswolds Conservation Board

## **DOCUMENTS**

- 1 Council's notification of the Inquiry and list of persons notified.
- 2 Statement delivered orally by Mrs Telling (local resident)
- 3 Statement delivered orally by Mr Bayne (CPRE)
- 4 Statement delivered orally by Mr Watt (Cotswolds Conservation Board)
- 5 Letter submitted by Mr and Mrs A J Brown, local residents
- 6 Draft conditions
- 7 Table prepared by the Borough Council showing CIL compliance of planning obligations
- 8 Correspondence from Natural England
- 9 Scheduling information for the Scheduled Monument on the eastern part of the site
- 10 Covering letter and extracts from the Inspector's Report into objections to the Tewkesbury Borough Local Plan
- 11 Statement delivered orally by Mr Harrison (Winchcombe Town Council)
- 12 Statement delivered orally by Mr Wakeford
- 13 Statement delivered orally by Councillor J Mason
- 14 Table prepared by the County Council showing CIL compliance of planning obligations (education and libraries)
- 15 Table prepared by the County Council showing CIL compliance of planning obligations (highways)
- 16 Briefing Note by Nathaniel Lichfield & Partners to explain the eVALUATE approach on behalf of the Appellant
- 17 Hedgerow Review submitted by the Appellant
- 18 Planning Obligation by Agreement between the owners, the Appellant and the County Council including the consent of Clydesdale Bank as Chargee
- 19 Planning Obligation by Agreement between the owners, the Appellant and the Borough Council including the consent of Clydesdale Bank as Chargee

## **PLANS**

- A Application plans
- B Topography plan with the urban area marked
- C Plan showing AOBB/ SLA boundary
- D Approved layout of the Bloor Homes (Western) development, east of Greet Road, Winchcombe

## **SCHEDULE OF CONDITIONS**

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the buildings, and landscaping thereto (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 12 months from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of 12 months from the date of approval of the last of the reserved matters to be approved.
4. Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and identified in the revised Design and Access Statement dated August 2012.
5. No development shall take place until details, which show how the existing trees and hedgerows that are to be retained will be protected during the course of construction, have been submitted to and approved in writing by the local planning authority. The details shall accord with BS 5837: *Trees in Relation to Construction*. All approved tree and hedge protection measures shall be in place prior to the commencement of construction and shall be retained thereafter until construction has been completed.
6. No development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
7. No development shall take place until a comprehensive and detailed drainage scheme for the disposal of surface water incorporating sustainable drainage principles and rain water harvesting (where possible), have been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the submitted Flood Risk Assessment and Drainage Strategy dated March 2012 and shall include details of future management and maintenance and a timetable/phasing plan. Development shall be implemented in accordance with the approved drainage scheme.
8. No development shall take place until details of the provision of fire hydrants served by mains water supply, including a timetable for their provision, have been submitted to and approved in writing by the local planning authority. The fire hydrants shall be provided in accordance with the approved details and timetable.
9. No development shall take place until the applicant, or their agents or successors in title, has secured and implemented a programme of

- archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
10. No works shall commence on site until details of a pedestrian crossing facility across Greet Road have been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to occupation of any of the proposed dwellings.
  11. No development shall take place until full details of all roadways within the site have been submitted to and approved in writing by the local planning authority. Details shall include drainage, surfacing, construction, visibility splays, turning heads, street lighting, footways, road gradients and a timetable for provision. Development shall be in accordance with the approved details and timetable.
  12. Before any dwelling is first occupied the road between that dwelling and Gretton Road shall be constructed to binder course or surface course level and shall be retained in that condition until and unless the road is adopted as highway maintainable at public expense.
  13. No dwelling shall be occupied until the footway along the frontage of Gretton Road has been provided in accordance with plan no R281/1 E.
  14. No development shall take place until the proposed access off Gretton Road has been provided in accordance with plan no R281/1 E. The first 20 metres of the access road from Gretton Road shall be surfaced in a bound material and retained in that condition until and unless the road is adopted as highway maintainable at public expense
  15. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:
    - i. the parking of vehicles of site operatives and visitors
    - ii. loading and unloading of plant and materials
    - iii. storage of plant and materials used in constructing the development
    - iv. wheel washing facilities
    - v. measures to control the emission of dust and dirt during construction
  16. No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the local planning authority. The EMP shall be in accordance with the mitigation and enhancement measures in the Ecological Impact Assessment (dated April 2012). It shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be in accordance with the approved details and timetable in the EMP.
  17. A 30% improvement in carbon reduction above the 2010 Building Regulations requirement shall be secured across the development as part of the reserved matters submissions under Condition 1. This shall provide details of how the proposal will contribute to achieve aggregate reduction in carbon emissions in accordance with an agreed delivery trajectory.

*End of conditions*

# Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England

This document contains guidance on the relevant legislation and its application in practice, sets out Natural England's general approach to designation and summarises the relevant governance and statutory procedures. It also contains a suggested method for applying the legislation to the practical assessment of landscapes in designation decision-making.

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- [Appendix 1](#): Evaluation Framework for Natural Beauty Criterion
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- [Appendix 3](#): National Park and AONB Mechanisms, Powers and Duties
- [Appendix 4](#): Boundary Setting Considerations
- [Appendix 5](#): Statutory Provisions

# Guidance for assessing landscapes for designation

## Foreword

This guidance is intended, primarily, for use by Natural England specialist staff to help identify whether land is likely to meet the statutory criteria for AONB or National Park designation. We are, however, making it available on request to external audiences who may find it useful as an aid to understanding how decisions to designate are reached.

We will consider and respond to any formal proposal to designate or vary the boundary of an AONB or National Park but will, at all times, retain discretion as to which if any proposals to take forward, and how and when to do so. In any case which may proceed, Natural England will form its own view on whether or not the statutory criteria are met. The final extent of the area to be the subject of any consequential designation or variation order will also be entirely at Natural England's discretion.

This guidance will only be applied once a decision to commit resources to an assessment of an area of landscape against AONB or National Park designation criteria has been made. In coming to this earlier decision Natural England will have regard to a range of factors including:

- The extent/quality of evidence submitted that land might meet designation criteria;
- The reason(s) for the proposal;
- Evidence of local consensus that designation is appropriate;
- Benefit/positive impact of proposal balanced against the likely cost of designation;
- The relative importance of the proposal compared against other corporate priorities.

# Guidance for assessing landscapes for designation

## 1. Introduction

1.1. This document explains how Natural England normally expects to:

- assess landscapes against the statutory designation criteria for National Park or Area of Outstanding Natural Beauty (AONB) designation;
- identify detailed boundaries for any areas that are considered to meet these criteria; and
- implement any Designation or Variation Orders necessary to give effect to this.

1.2. The assessment process described in this document effectively constitutes the **second** phase of a potential designation or variation project. This guidance will only be used once a decision to commit to undertaking a designation assessment has already been reached by Natural England. This earlier decision will take into account a number of factors including the likely availability of resources to execute a designation order, and its relative importance when compared against other work priorities.

1.3. This guidance updates and supersedes previous approaches developed by the former Countryside Agency for National Park and AONB assessment and boundary definition. It takes account of recent changes in the legislative framework relating to landscape designations as well as the outcome of the South Downs National Park Public Inquiry.

1.4. Although written for use by Natural England officers and their advisers, the document is also intended to be available to assist local authorities, landowners and other stakeholders when considering issues relating to the inclusion of land in a National Park or AONB.

1.5. Most of the conclusions which need to be drawn during an assessment following this guidance, and any decision-making on landscape designation rely on expert, professional judgments and the weighing of considerations, depending on the particular circumstances of each case. These decisions should be informed by professional advice where appropriate as well as information submitted by statutory consultees, the public and stakeholders. Natural England has a wide discretion in deciding what land should be designated, subject to review by the Secretary of State. This discretion is conferred upon it by statute. These matters are not readily susceptible to detailed guidance. This document can therefore only go part of the way towards seeking to offer guidance to those involved in the assessment of landscapes for designation. It is not intended to be complete or exhaustive guidance and it will be possible to depart from this guidance where the circumstances demand it. Above all, it is the actual words of the relevant statutory provisions which need to be applied in decision-making on designations.

## 2. Legal Framework

2.1. The statutory framework for protected landscapes in England was first established in the National Parks and Access to the Countryside Act 1949 ("NPAC 1949"). The legislation has been amended and added to many times since then. Today, land to be included in a National Park or AONB must meet the statutory designation criteria that are set out in the National Parks and Access to the Countryside Act 1949 (for National Parks) or the Countryside and Rights of Way Act 2000 (for AONBs). These are reproduced in Appendix 1 and summarised below. They apply whether a new designation is made or the boundaries of an existing National Park or AONB are varied.

2.2. The requirements for designation can be summarised as follows (with the differences between National Park and AONB highlighted in bold):

## Guidance for assessing landscapes for designation

	AONB	National Park
<b>Technical criteria</b>	Natural beauty	Natural beauty Opportunities for open-air recreation
<b>Desirability</b>	Desirable to designate ... for the purposes of... (defined below)	Especially desirable to designate ... for the purposes of... (defined below)
<b>Designation</b>	AONB (normally with AONB Partnership or exceptionally a Conservation Board)	National Park (with National Park Authority)
<b>Purposes</b>	Conserving and enhancing its natural beauty	Conserving and enhancing its natural beauty, wildlife and cultural heritage Promoting understanding and enjoyment of its special qualities by the public

### National Park

2.3. Section 5(2) of the National Parks and Access to the Countryside Act 1949 defines a **National Park** as an extensive tract of country in England which it appears to Natural England that, by reason of its:

**natural beauty** and the opportunities it affords for **open-air recreation**, having regard to both its character and its position in relation to centres of population, it is especially desirable that it is **designated for National Park purposes**.

2.4. The purposes of a National Park are set out in section 5(1) as follows:

- conserving and enhancing its natural beauty, wildlife and cultural heritage, and
- promoting understanding and enjoyment of its special qualities by the public.

2.5. Some further clarification is provided in the legislation:

- Reference to conservation and enhancement of natural beauty includes conservation of its flora, fauna and geological and physiographical features (s.114(2) NPAC 1949; this provision applies to National Park purposes and not the assessment of natural beauty as such, however see the note to paragraph 6.3).
- When considering the natural beauty of an area, account may be taken of its wildlife and cultural heritage (s.5(2A)(a) NPAC 1949).
- Land is not prevented from being treated as of natural beauty by the fact that it is used for agriculture, or woodlands, or as a park, or that its physiographical features are partly the product of human intervention in the landscape (s.99 Natural Environment and Rural Communities Act 2006 ("NERC")).
- When considering opportunities afforded for open-air recreation, account may be taken of the extent to which it is possible to promote opportunities for the understanding and enjoyment of an area's special qualities by the public (s.5(2A)(b) NPAC 1949).

# Guidance for assessing landscapes for designation

## Area of Outstanding Natural Beauty (AONB)

2.6. Section 82(1) of the Countryside and Rights of Way Act 2000 ("CROW") defines an AONB in England as an area that is not in a National Park but which appears to Natural England to be of such outstanding **natural beauty** that it is desirable that the protective provisions of Part IV of CROW should apply to it for the purpose of conserving and enhancing the area's natural beauty. In such circumstances Natural England may, by order, designate the area as an AONB.

2.7. Some further clarification is provided in the legislation:

- Reference to conservation of natural beauty includes conservation of its flora, fauna and geological and physiographical features (s.92(2) of the CROW Act; this provision applies to the AONB purpose and not to the assessment of natural beauty as such, however see paragraph 6.3).
- Land is not prevented from being treated as of natural beauty by the fact that it is used for agriculture, or woodlands, or as a park, or that its physiographical features are partly the product of human intervention in the landscape (s.99 NERC).

## Distinguishing National Park from AONB

2.8. The differences, at the designation stage, between National Park and AONB may be summarised as follows:

- AONBs need only meet the natural beauty test, National Parks must also meet the recreation test (see further paragraph 7.1);
- the test for desirability is different, with National Parks requiring the standard of 'especially' desirable (para. 8.6);
- AONB purposes do not include promoting understanding and enjoyment of the area's special qualities (para 8.8) except in the case of AONB Conservation Boards (para 8.8);
- in practice local authorities in many AONBs make a big contribution to promoting understanding and enjoyment; however, it is not a statutory purpose that can be taken into account at designation (para 8.9)

2.9. It is Natural England's view that the practical application of the natural beauty criterion is identical in National Park and AONB designation, despite there being differences in the degree to which the criterion is clarified in the legislation (para. 6.1ff. and 8.6).

## Practical application

2.10. As can be seen from the preceding section, the legislation contains no exhaustive definitions of some important concepts: natural beauty, opportunities for open-air recreation, the desirability of designation or how to determine the detailed boundaries of designations.

2.11. Natural England has therefore considered in detail the way in which these concepts have been applied previously in designating National Parks and AONBs. The most recent designation, and the only one which takes into account the NERC Act, is in relation to the South Downs National Park and that has accordingly been taken into account. Natural England has also taken this opportunity to record the current 'best practice' techniques that have been developed in recent years to facilitate robust, rigorous and transparent assessment of landscapes for designation.

2.12. The remainder of this document addresses some particular aspects of the relevant statutory provisions and then sets out guidance on how Natural England normally expects to apply the statute and assess key factors.

# Guidance for assessing landscapes for designation

## 3. Natural England's approach to designation

### Principles

3.1. Natural England may decide to use its statutory powers to designate tracts of land as either AONB or National Park in furtherance of its general purpose of conserving and enhancing the landscape. We will use these powers judiciously, and future designation work within the current legal framework is likely to be confined to a limited number of particularly important boundary variations.

3.2. Natural England intends to select areas for future consideration, and to prioritise these using transparent criteria. Once a project reaches a stage where the designation criteria need to be considered in detail, this guidance should be used. It explains how Natural England normally expects to apply the statutory designation criteria in practice when assessing landscapes for designation.

3.3. In considering whether to take forward a designation or variation project Natural England acts under Government guidance provided in 2004 that remains extant. This guidance states that "ultimately, boundary changes should be rarely needed" and "In considering responses to a consultation, the Countryside Agency [now Natural England] will have regard to local authority (or other) requests to extend or reduce the area being put forward for designation, but the final extent of the area to be the subject of a designation order will be entirely at Natural England's discretion. We would not expect consultation on a limited boundary variation to lead to wholesale re-evaluation of boundaries elsewhere.

3.4. In the simplest possible terms, the consideration of designating land under the legislation raises the following questions:

- Does this landscape have sufficient natural beauty?
- Does this landscape offer sufficient opportunities for open-air recreation?
- Is it desirable to designate this landscape as National Park or AONB?
- Where should the detailed boundary be drawn?

3.5. The main technique used to answer these questions is landscape character assessment. The document "*Landscape Character Assessment: Guidance for England and Scotland*" (Countryside Agency and Scottish Natural Heritage, 2002, under review at the time of writing) specifies two distinct stages for assessing landscapes: **characterisation** and **evaluation**. It also defines the key terms that are used in such assessments.

# Guidance for assessing landscapes for designation

**Table 1** Some key terms from Landscape Character Assessment (LCA)

**Character:** A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse.

**Characteristics:** Elements, or combinations of elements, which make a particular contribution to distinctive character.

**Elements:** Individual components which make up the landscape, such as trees and hedges.

**Features:** Particularly prominent or eye-catching elements, like tree clumps, church towers, or wooded skylines. their character.

**Characterisation:** The process of identifying areas of similar character, classifying and mapping them and describing

3.6. Both characterisation and evaluation can use the techniques of landscape character assessment to gather information in a structured way. The characterisation stage (stage A below) divides the landscape into smaller areas (the 'spatial framework') and provides relatively value-free descriptions of the area. At the evaluation stage (stages B to E), judgments are made about the value of the landscapes within that spatial framework and the course of action that should be taken.

3.7. In the context of AONB and National Park designation, the **value** that is being assessed equates to the designation criteria for National Parks or AONBs as the case may be and in particular the 'technical criteria' of natural beauty and opportunities for open-air recreation. The considerations relevant to these statutory criteria should be stated clearly and then subjected to assessment. For those areas that pass this threshold, a judgment also then needs to be made as to whether it is desirable to designate the land concerned as AONB or National Park.

3.8. Once Natural England is satisfied that it has identified an area that should be taken forward for designation it is necessary to define a boundary in detail. This should be done employing the guidance on detailed boundary setting contained in this document at Section 5 and Appendix 4.

## Practical application

3.9. In general terms, once a broad area of land potentially suitable for designation has been identified, the practical steps involved in assessing land for designation are as follows (see also the diagram below):

# Guidance for assessing landscapes for designation

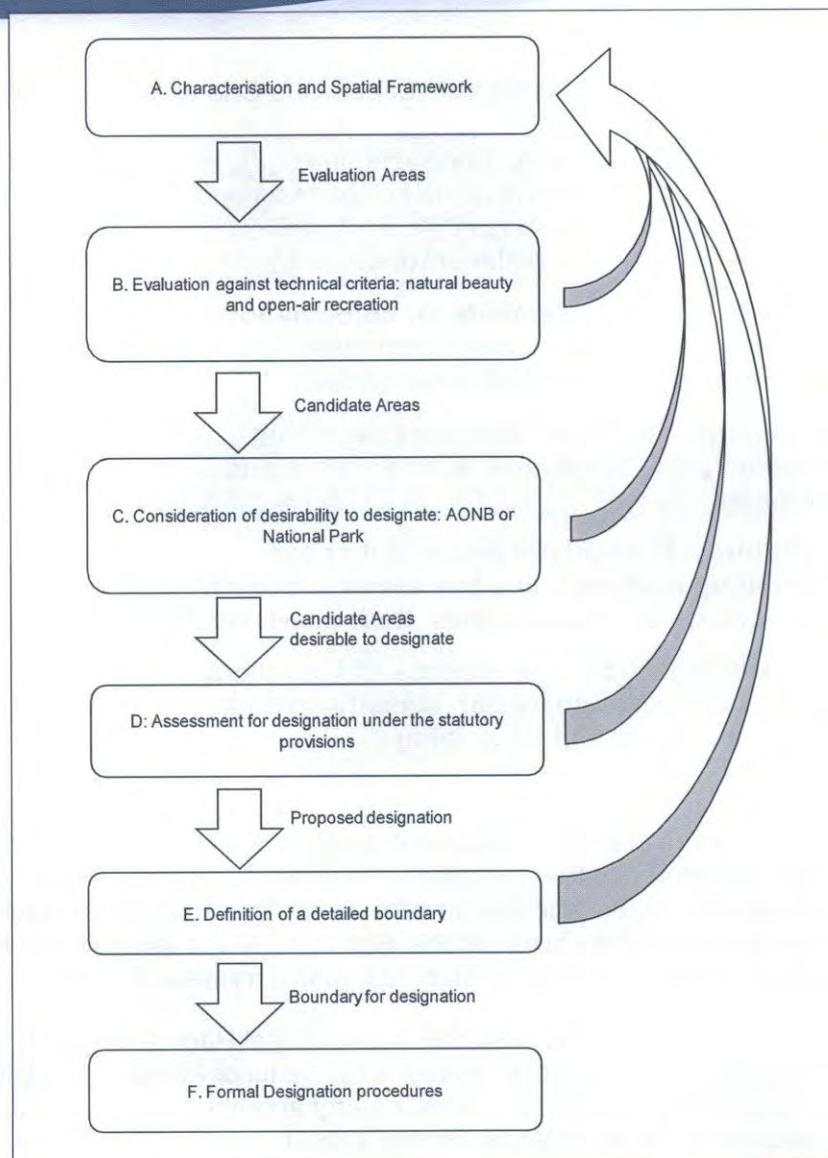
**A. Characterisation and Spatial Framework** (para 4.1ff): This is undertaken at an appropriate scale resulting in:

- a spatial framework of **Evaluation Areas** which are defined below; and
- a description of the character of these Evaluation Areas.

**B. Technical Criteria** (para 5.1ff): Each Evaluation Area is evaluated against the following technical criteria:

- natural beauty (paras 6.1ff) and opportunities for open-air recreation (para 7.1ff) in the case of National Parks; and
- natural beauty only in the case of AONBs.
- An area that appears likely to be able to meet the technical criteria is included in a Candidate Area.

**C. Desirability to Designate** (para 8.1ff): For each Candidate Area, consideration is given to whether it would be desirable to designate the area as part of a National Park or an AONB. At this stage, it may also be necessary to decide between the options of designating National Park or AONB.



**3.10.** This process can then be repeated, if necessary, at more detailed scales for those areas that qualified under the technical criteria (stage B) and are considered desirable to designate (stage C). The intention of this process is to undertake practical evaluation of landscapes to judge whether the building blocks of a potential designation are present.

**D. Assessment for designation under the statutory provisions** (para 8.20): For a potential designation area, it is necessary to stand back and ask in relation to the area as a whole whether it meets the tests set out in statute for designation, both the technical criteria and the desirability of designation consideration.

**E. Definition of a Detailed Boundary** (para 9.1ff): The areas identified for designation are examined to define a detailed boundary which encloses them.

**F. Formal Designation Procedures** (para 10.1ff): Designation or Variation Orders are made and submitted to the Secretary of State for confirmation.

# Guidance for assessing landscapes for designation

## 4. Characterisation and Spatial Framework

4.1. In order to aid the practical evaluation of a broad area of land potentially suitable for designation and to make evaluation a more manageable process, the broad area is divided into units of an appropriate scale to provide a spatial framework of landscape units which have been termed Evaluation Areas in this guidance.

4.2. Evaluation Areas should normally be defined, at least initially, using recognised landscape character assessment techniques described in national guidance<sup>1</sup>. Each evaluation area is characterised, resulting in character descriptions which provide a relatively objective and value-free evidence base for the next stage (evaluation). The characterisation covers not only landscape character (including the factors relevant to natural beauty) but also recreation.

4.3. The starting point should be a broad character assessment (eg at National Character Area level), followed by local character assessments (such as Landscape Character Assessments and Historic Landscape Characterisations prepared at County or District Council level, or local seascape analyses) to inform more detailed evaluation. It is important that the most up-to-date and reliable character assessment information is used. Ideally the character assessment should also have been subject to stakeholder consultation, indicating that it is supported by a broad consensus of opinion. A character assessment that provides a consistent spatial framework across the whole area under consideration is also helpful.

4.4. The use of Evaluation Areas is intended merely to make the practical work of detailed evaluation of landscapes more manageable. It is not intended to lead to the designation or exclusion from designation of any land merely because of the way in which Evaluation Areas have been defined. That is why the process is intended to be flexible and iterative in its application.

## 5. Technical Criteria: General

### Principles

5.1. The technical criteria for designating National Parks are natural beauty and opportunities for open-air recreation. In the case of AONBs it is only natural beauty.

	AONB	National Park
Technical criteria	Natural beauty	Natural beauty <b>Opportunities for open-air recreation</b>

5.2. Natural England considers the practical application of the natural beauty criterion to be identical for both National Park and AONB, despite the fact that there is a difference in the extent to which it has been expressly set out in the legislation (see paragraph 6.5 for further details). Accordingly, the only technical difference<sup>2</sup> between areas capable of being designated National Park or AONB is that, in order to be designated National Park, an area must meet the recreation criterion.

5.3. The following general guidance is given as to how the technical criteria should normally be applied.

<sup>1</sup> Landscape Character Assessment: Guidance for England and Scotland (2002)

<sup>2</sup> Apart from that relating to desirability of designation.

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- Natural England considers the practical application of the natural beauty criterion to be identical for both National Parks and AONBs, despite the fact that there is a difference in the extent to which it has been expressly clarified in the legislation.
- It is not necessary for the land to be included in a proposed designation to be of the same or similar character.
- In the case of National Parks, there should normally be a degree of concurrence between the land which meets the natural beauty criterion and land which meets the recreation criterion. However it is not necessary that they overlap completely.
- Field-by-field evaluation is not appropriate.
- There is no requirement that every parcel of land must meet either or both of the criteria (ie there may be, and is very likely to be, land which meets neither).
- The decision to include land that does not itself meet the technical criteria depends on the location, scale and effect of that land. Particular care is required at the margins of a designation. Within the main body of a National Park or AONB there is likely to be greater scope for the inclusion of sizeable areas of land which do not themselves meet the technical criteria.
- If an area is fragmented by land which does not meet the technical criteria to such an extent that it affects the ability of the area as a whole to meet the technical criteria, then the entire evaluation area is unlikely to qualify.
- Section 99 of the NERC Act clarifies that landscapes that are partly the product of human intervention can still have natural beauty and may be included in designations. This principle is very significant in the context of English landscapes.
- A designation can 'wash over' (ie include) a tract of land even though that land does not itself meet the designation criteria, even close to the boundary of a designated area<sup>3</sup>.
- It is not necessary to identify a precise 'hard' boundary for an area in relation to which the technical criteria are considered at the initial evaluation stage. However, gradual or sudden changes in quality or character near the margin of an Evaluation Area should be recorded, as they may be important for subsequent detailed boundary setting.

## Practical application

5.4. Each Evaluation Area is evaluated against the technical criteria. An area that appears likely to be able to meet the technical criteria (either by itself or with other areas as part of a larger designated area) is included in a Candidate Area.

**Table 2** Candidate Areas

Appears likely to meet technical criteria for:		
Natural Beauty	Open-air recreation	Candidate Area for...
yes	yes	National Park or AONB
yes	no	AONB only
no	yes	Not a Candidate Area
no	no	Not a Candidate Area

<sup>3</sup> This approach was applied in the Secretary of State's decision on the South Downs National Park and was described as "the 'washed-over' principle" (Letter on behalf of the Secretary of State for Environment, Food and Rural Affairs, 31 March 2009, "Proposed South Downs National Park" at paragraph 65).

# Guidance for assessing landscapes for designation

5.5. At a subsequent stage (addressed under 'Desirability' at para 8.20), it is necessary to consider whether a number of Candidate Areas together, or Candidate Areas and an existing designation in the case of a boundary review, form an extensive tract that satisfies the National Park designation criteria, or an area which satisfies AONB designation criteria. This is significant because the statutory criteria for designating land as a National Park or AONB apply to the *extensive tract* or the *area* in question. It is the National Park or AONB as a whole which must satisfy the relevant technical criteria.

5.6. As is explained in paragraph 4.1ff, in practical terms it is simpler and more manageable to make the initial evaluation in relation to parts of a potential National Park or AONB area or extension area – ie the Evaluation Areas – rather than for the National Park or AONB area as a whole. This is not, however, a substitute for the assessment of whether a potential designation area as a whole complies with the relevant statutory provisions.

5.7. The result of the initial evaluation stage of the assessment is that all or part of each Evaluation Area that appears likely to be able to meet the technical criteria (either by itself or with other areas as part of a larger designated area) is identified as a **Candidate Area** for potential National Park and/or AONB designation. In cases where the judgment is not clear cut one way or the other, the area may be identified for further and more detailed scrutiny.<sup>4</sup>

5.8. Below we set out our recommended approach to evaluating the technical criteria in detail. It is based on factors, sub-factors and indicators which taken together tend to show whether or not a criterion is satisfied. However, the assessment of a landscape against the two technical criteria is not a simple 'tick box' exercise. Once appraisal in relation to the listed factors and indicators has been undertaken it will be necessary to stand back and ask whether, having regard to all relevant considerations, the land has sufficient natural beauty and opportunities for open-air recreation, in line with the relevant statutory provisions. The listed factors and indicators are not intended to alter or replace the statutory criteria but merely to provide practical guidance for the assessment of areas against the criteria.

## 6. Natural Beauty

### Principles

6.1. Natural beauty is not exhaustively defined in the legislation. It is also a very subjective characteristic of a landscape and ultimately involves a value judgment. In deciding whether an area has natural beauty, Natural England must therefore make a judgment as to whether people are likely to perceive a landscape as having sufficient natural beauty. In order to make these judgments (some of which are subjective) in a transparent and consistent way, this Guidance sets out which criteria Natural England intends to use.

6.2. In England it is widely accepted that the beauty of all our most cherished landscapes is in part due to human intervention such as agriculture and forestry. It has long been the practice to include such factors in the assessment of natural beauty. This is now clarified in statute, and in the case of both AONBs and National Parks land is not prevented from being treated as being of natural beauty by the fact that it is used for agriculture, or woodlands, or as a park, or that its physiographical features are partly the product of human intervention in the landscape (s.99 of NERC Act).

<sup>4</sup>An Evaluation Area may contain land that meets the criteria to varying degrees. Such variations should be identified. A decision can then be made on whether to exclude the non-qualifying parts of the Evaluation Area from the potential National Park or AONB designation or whether in the context of the area as a whole they can be included. Alternatively, the extent of an Evaluation Area may be adjusted, so that a revised area of land is then re-considered against the technical criteria.

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6.3. It is Natural England's view that fauna and flora (i.e. wildlife), geological and physiographical features<sup>5</sup> and cultural heritage can contribute to the natural beauty of all landscapes and that any assessment of natural beauty must take these factors into consideration, whether in relation to a National Park or an AONB designation.<sup>6</sup> For example, the presence of particular wildlife or cultural heritage features can make an appreciable contribution to an area's sense of place and thereby heighten the perception of natural beauty. There is now express statutory clarification that wildlife and cultural heritage may be taken into account in assessing natural beauty for National Park designations (s.59(1)) of NERC).

6.4. During the passage of the NERC Bill through Parliament, Lord Bach for the Government explained that "the intention, and the current practice, is that wildlife and cultural heritage considerations are factored into the natural beauty assessments rather than being free-standing tests in their own right"<sup>7</sup>. Whilst this statement was made in connection with National Parks, past and present practice has been to treat the practical assessment of natural beauty in National Parks and AONBs in the same way.

6.5. Notwithstanding the differences in the express statutory provisions, the Government's formal position during the passage of the NERC Act was that the natural beauty required of a National Park and an AONB are the same.<sup>8</sup> Natural England considers that there is no material difference between the requirements in practical terms of the natural beauty criterion in the two pieces of legislation. Accordingly, if an area meets the natural beauty criterion, Natural England will normally consider it to have natural beauty of a standard suitable for either National Park or AONB designation.

### Practical application

6.6. The systematic evaluation of natural beauty can be a complex exercise requiring careful assessment and judgment. Natural England has developed a list of **factors that contribute to natural beauty**. It provides a practical framework for an evidence-base which assists in making judgments about natural beauty in a rigorous and transparent way. The suggested factors (see Table 3) have been drawn from the landscape value criteria included in the Landscape Character Assessment Guidance 2002. They have been restated in Table 3 to show more explicitly which factors relate to natural beauty and which to other aspects of the statutory criteria<sup>9</sup>.

6.7. The factors listed in this guidance for the two technical criteria are the main relevant factors. The lists are not intended to be exhaustive and other factors may be relevant in some circumstances. Not all factors will be relevant in every case.

6.8. Each of these factors is itself divided into sub-factors, which are judged by indicators (**see Appendix 1**). The indicators are statements of the features, characteristics and qualities which tend to indicate whether a particular factor is present. The factors, sub-factors and their indicators in Appendix 1 are not presented in order of importance.

<sup>5</sup> This view does not rely on the 'extended definition' of natural beauty contained in s.114(2) NPAC and s.92(2) CROW which refer specifically to the purpose of 'conserving and enhancing' natural beauty.

<sup>6</sup> The European Landscape Convention defines landscape as *an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors*.

<sup>7</sup> Lords Hansard 27 Feb 2006 (Col 79)

<sup>8</sup> See Lords Hansard 20 Mar 2006 (Col 51) and Commons Hansard 13 June 2000 (Col 556W). That the natural beauty criterion was the same for National Parks and AONBs was also accepted by the Inspector in the re-opened South Downs National Park inquiry.

<sup>9</sup> The LCA guidance sets out a list of tests for 'landscape value'. In this approach, all the factors in the list are retained, but they have been disaggregated to show how they relate to the different components of the statutory criteria, including the consideration of the desirability of designation.

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**Table 3 Factors related to Natural Beauty**

<b>Landscape quality</b> This is a measure of the physical state or condition of the landscape.
<b>Scenic quality</b> The extent to which the landscape appeals to the senses (primarily, but not only, the visual senses).
<b>Relative wildness</b> The degree to which relatively wild character can be perceived in the landscape makes a particular contribution to sense of place.
<b>Relative tranquillity</b> The degree to which relative tranquillity can be perceived in the landscape <sup>10</sup> .
<b>Natural heritage features</b> The influence of natural heritage on the perception of the natural beauty of the area. Natural heritage includes flora, fauna, geological and physiographical features.
<b>Cultural heritage</b> The influence of cultural heritage on the perception of natural beauty of the area and the degree to which associations with particular people, artists, writers or events in history contribute to such perception

6.9. The sub-factors and associated indicators should be regarded as a “menu” of examples (developed from past designations and subsequent consultation) from which those appropriate to the character of the landscape under consideration should be chosen, adapted or added to. There is no “scoring” involving accumulations of indicators and it is possible for a landscape to exhibit natural beauty or offer opportunities for open air recreation even a number of the indicators suggested in **Appendix 1** are not present.

6.10. It is useful to highlight some general points on the application of the natural beauty criterion:

- There is no need for a National Park or AONB to display a distinctive or coherent identity. A designation can contain different landscapes so long as the designation as a whole satisfies the natural beauty criterion.<sup>11</sup>

<sup>10</sup> See MacFarlane, R., Haggett, C., Fuller, D., Dunsford, H. and Carlisle, B. (2004). *Tranquillity Mapping: developing a robust methodology for planning support*, Report to the Campaign to Protect Rural England, Countryside Agency, North East Assembly, Northumberland Strategic Partnership, Northumberland National Park Authority and Durham County Council, CESA, Northumbria University. See also <http://www.cpre.org.uk/campaigns/landscape/tranquillity>

<sup>11</sup> The criterion is one of natural beauty, not ‘characteristic natural beauty’. This is clearly laid out in paragraphs 2.45 to 2.48 of the Report into the South Downs National Park, Inspector’s Report (2), 28 November 2008

# Guidance for assessing landscapes for designation

- **Not all factors or indicators have to be present across a designation.** Different parts of a designation can satisfy the natural beauty criterion for different reasons, provided that overall the area is of sufficient natural beauty to be designated as a National Park or an AONB.
- The weight and relative importance given to different factors or indicators may vary depending on the geographic context. For example, in the South Downs, less weight was given to relative wildness and more to relative tranquillity and natural and cultural heritage features, reflecting the area's lowland, settled character and proximity to major centres of population. Comparisons are not to be made to other designated areas or adjacent areas but against wider countryside<sup>12</sup>.

6.11. The effect of **settlements** and other major developments are assessed on their individual merits by considering their particular character and qualities and their relationship to the adjoining landscape. It is recognised that many settlements have cultural heritage qualities that can make a positive contribution to natural beauty. While this could be said to be true regardless of settlement size, in some cases a settlement may detract from the landscape to such an extent that it should be considered an incongruous feature.

6.12. The effects of **incongruous features** are assessed for the extent to which they detract from the natural beauty of an area under consideration. It is relevant to take into account whether a feature is temporary or transient. If an incongruous feature does not adversely affect natural beauty, it is not relevant that the feature does not in itself have natural beauty. It is a matter of judgment whether an incongruous feature has such an adverse effect that the whole potential designation fails to meet the natural beauty criterion (even though the area might, in the absence of the detractor, qualify) or whether it can be included. The cumulative impact of such features and the degree to which qualifying parts of the potential designation are fragmented may be relevant to the assessment.

## 7. Opportunities for Open-Air Recreation

### Principles

7.1. This criterion only relates to designating National Parks. AONBs may fulfil a recreational role but they are not designated for any recreational opportunities they may offer.

7.2. The statute provides simply that the type of recreational opportunities to which consideration should be given are "open-air recreation". The statute excludes "organised games" but is no more restrictive than that. In considering opportunities for open-air recreation, the statute requires that regard be had in particular to the character of the land. This suggests that the character of the land has an important bearing on whether the opportunities for open-air recreation are sufficient to warrant designation. However, a 'markedly superior recreational experience' (see below) does not necessarily rely on the land having any particular character. Nor does the statute provide that particular types of open-air recreation can or cannot be taken into account (save for organised games). Provided that the landscape satisfies the natural beauty criterion, the question of whether or not it offers a markedly superior recreational experience should be assessed on its merits having regard to all relevant considerations.

7.3. Recreational opportunities to be taken into account should normally be consistent with the conservation and enhancement of the area's natural beauty, wildlife and cultural heritage. Quiet outdoor recreation is therefore likely to be the most weighty consideration under this criterion.

<sup>12</sup> In the course of the reopened South Downs public inquiry the Inspector repeatedly used the term "ordinary countryside" to describe wider countryside that was currently undesignated. For example see paragraph 2.53 of the Inspector's Report (2), 28 November 2008

## Guidance for assessing landscapes for designation

7.4. The statute also requires that regard is had to the position of the potential designation in relation to centres of population. This suggests that the accessibility of the potential designation to urban areas also has an important bearing on whether an area should be designated by reason of the opportunities it affords for open-air recreation.

7.5. Opportunities for open-air recreation are not limited to present facilities, but include an ability to look to the future – opportunities is equivalent to the land's potential.

7.6. It is not just the quantity of opportunities that is relevant, but also their quality, which should exceed that normally available in the wider countryside.

### Practical application

7.7. This criterion is normally evaluated in practice by considering a number of **factors that contribute to the presence of sufficient opportunities for open-air recreation** (see Table 4). The factors provide a practical framework for the detailed expert work of assembling an evidence base for making judgments about opportunities for open-air recreation. In assessing land against these factors, it is relevant to consider the type, quality and quantity of opportunities available.

7.8. In considering these factors, the extent to which it is possible to promote opportunities for the understanding and enjoyment of the area's special qualities may be taken into account. It is therefore permissible to look to the future, beyond present potential, to consider whether it is possible to initiate further opportunities in the future, bearing in mind National Park purposes, the duty on public bodies to have regard to these purposes, and the powers and duties of a National Park Authority with regard to recreation. It is important that improvements in future recreation and understanding are not merely vague, speculative or unrealistic aspirations. The potential for improvements must therefore be a realistic possibility within a reasonable time scale.

7.9. It is not necessary that all factors or indicators be present across a designation, as different parts of a designation can satisfy the recreational criterion for different reasons. Overall, there should be a weight of evidence that an area of countryside has (or is capable of providing) sufficient **opportunities for open-air recreation** to such an extent that it provides a markedly superior recreational experience. Comparisons are not to be made to other designated areas or adjacent areas but against ordinary countryside.

7.10. Particular attention should be paid to public access to the land. While it is a matter of judgment whether a lack of public access to an area of land precludes satisfaction of the statutory criterion in a particular case, it is clearly unreasonable as a matter of principle to expect all land to be accessible, whether situated within the main body of a National Park or at its margins. Where there is no access, land may still be visually appreciated and enjoyed by those engaged in open-air recreation elsewhere in the National Park. It has been established that a designation may 'wash over' (ie include) an area of land even when there is no public access to it for recreational purposes.

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**Table 4 Factors related to Opportunities for Open-Air Recreation in National Parks**

The area must be able to deliver a markedly superior recreational experience. This is an overall assessment, to which amongst others the following factors can contribute:

- **Access to high quality landscapes:** the presence of natural beauty and in particular relative tranquillity and relative wildness. There is no particular type of natural beauty that is more suitable for recreation in National Parks. Weight should be given to accessibility from centres of population.
- **Features of interest:** access to a wide range of **natural or cultural heritage features or cultural associations**. This includes landmarks and features of recognised value, appropriate to the enjoyment of open-air recreation. The presence of such features can enrich the landscape experience and sense of place and may enhance people's perception/appreciation of natural beauty and understanding of the special qualities of the area.
- **Good recreation provision:** The area should provide, or have the potential to provide, a range of recreation opportunities, a **diversity** of experiences and the opportunity for high **quality** open-air recreation including in particular that which is consistent with the special qualities of the area and does not detract from the enjoyment of the area by others. Particular regard should be had to the **accessibility of the provision from centres of population**.

7.11. The factors, sub-factors and indicators are given in **Appendix 2**. They are not in order of importance.

## 8. Consideration of Desirability of Designation

### Principles

8.1. The decision whether it is desirable to designate lies at the heart of the legislation. An area of land that satisfies the natural beauty and recreational opportunities criteria is capable of being included in a National Park or AONB. Designation does not, however, follow automatically: it is for Natural England to exercise its judgment as to whether the desirability test is met, i.e. whether an area, which meets the relevant technical criteria should become a National Park or AONB in order to

# Guidance for assessing landscapes for designation

achieve the purposes of that designation. The following are the fundamental practical questions to address in considering each type of designation:

- Is it especially desirable to create a National Park (with a National Park Authority, management plan and certain duties on public bodies) in order to conserve and enhance the area's natural beauty, wildlife and cultural heritage and promote the understanding and enjoyment of its special qualities by the public?
- Is it desirable to create an AONB (with an AONB Partnership or statutory conservation board, management plan and certain duties on public bodies) in order to conserve and enhance the area's natural beauty?

## Purposes of designation

8.2. The objective of giving landscapes National Park or AONB designation is to ensure that the purposes of designation are pursued. The purposes are:

	<b>AONB</b>	<b>National Park</b>
<b>Purposes</b>	Conserving and enhancing its natural beauty	Conserving and enhancing its natural beauty, wildlife and cultural heritage  Promoting understanding and enjoyment of its special qualities by the public

8.3. National Parks and AONBs have the purpose of conserving and enhancing the area's natural beauty, which encompasses its flora, fauna, geological and physiographical features.<sup>13</sup> The Government considers this to confer "the highest status of protection as far as landscape and natural beauty is concerned."<sup>14</sup> In National Parks, this purpose also encompasses the conservation and enhancement of its wildlife and cultural heritage.

8.4. National Parks have the second purpose of promoting the understanding and enjoyment of its special qualities (see para. 8.16) by the public. If there is a conflict between the first and the second purpose, the 'Sandford' principle requires that greater weight should be given to the first purpose<sup>15</sup>.

8.5. The lead role in achieving the purposes of designation rest with the National Park Authority, AONB Partnership or Conservation Board. However, a duty to have regard to the purposes of designation applies to all relevant bodies, which includes Government departments and agencies, public bodies, statutory undertakers and persons holding public office.<sup>16</sup>

## Distinguishing National Park and AONB

<sup>13</sup> S.114(2) NPAC and s92(2) CROW

<sup>14</sup> English National Parks and the Broads: Government Vision and Circular 201 (Defra, 2010), para. 20

<sup>15</sup> S.11A(2) NPAC

<sup>16</sup> Guidance on this duty is available in Duties on relevant authorities to have regard to the purposes of National parks, AONBs and the Norfolk and Suffolk Broads (Defra, 2005) and England's statutory landscape designations: a practical guide to your duty of regard (NE, 2010)

## Guidance for assessing landscapes for designation

8.6. **Different thresholds** apply to AONB and National Park designation. The implication of the word 'especially' is that the threshold of desirability for the designation of land as a National Park is higher than that for an AONB. This may be justified because a National Park designation brings with it more significant changes in the administration of the area.<sup>17</sup>

8.7. In both cases though, Natural England intends to apply a high threshold, in recognition of the fact that National Park / AONB represent the highest level of landscape protection. Areas should be nationally significant in order to be considered desirable to designate, and there should be confidence that the mechanisms, powers and duties resulting from designation are necessary to ensure the delivery of National Park / AONB purposes.

8.8. National Parks and AONBs have **different purposes**. AONBs do not have the statutory purpose of promoting the understanding and enjoyment of the area's special qualities to the public. AONB Conservation Boards<sup>18</sup> are a special case, having the additional purpose of "increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty" (CROW s.87). In all AONBs there is no duty on relevant authorities (other than the Conservation Board) to have regard to the understanding and enjoyment of the area's special qualities.

8.9. In practice, AONB partnerships have been encouraged to promote understanding and enjoyment of the area's special qualities. Currently in many cases local authorities use their powers to do this. This contrasts with National Parks mainly in the scale, resources and expertise available, and in the fact that in National Parks it is an entrenched purpose to which all public bodies must have regard under statute.

8.10. There is also an apparent difference in the first purpose: both designations share the purpose of conserving and enhancing natural beauty (including flora, fauna, geological and physiographical features), but for AONBs this does not expressly include the purpose of conserving and enhancing wildlife or cultural heritage. In fact, 'wildlife' is practically equivalent to 'flora and fauna'. Furthermore, Natural England considers that 'cultural heritage' often contributes to the perception of natural beauty of the area (see Table 3) and so forms part of the AONB purpose to the extent that this is the case.

### Practical application

8.11. In order to help assess whether it is desirable to designate an AONB or a National Park a number of questions can usefully be posed.<sup>19</sup> These are detailed below in Table 5.

**Table 5: Is it Desirable to Designate?**

Is there an extensive tract that satisfies the National Park technical criteria, or an area which satisfies AONB technical criteria?

Is the area of such **significance** that National Park or AONB **purposes** should apply to it?

What are the issues affecting the area's **special**

<sup>17</sup> When considering the desirability of designation of land as either a National Park or an AONB, the actual words used in the statute should be applied in decision-making. However, in this guidance 'desirable' is used as shorthand to refer to the concept relating to both types of designation.

<sup>18</sup> As at March 2011 there are two Conservation Boards: for the Chilterns AONB and the Cotswolds AONB.

<sup>19</sup> It should always be remembered however that the assessment of land for designation must be made by reference to the actual words of the relevant statutory provision.

## Guidance for assessing landscapes for designation

**qualities** and understanding and enjoyment?

Can National Park or AONB purposes be best pursued through the management **mechanisms, powers and duties** which come with National Park or AONB designation?

Are there **other relevant factors** which tend to suggest whether it is or is not desirable to designate the area?

8.12. The considerations relating to AONBs can be applied if the technical criterion of outstanding natural beauty is met. The considerations relating to National Park designation may only be applied if both the natural beauty criterion and the opportunities for open-air recreation criterion are met. It is also necessary to consider whether the Candidate Areas together, or Candidate Areas together with an existing designation in the case of a boundary review, are capable of forming an extensive tract that satisfies the National Park designation criteria, or an area which satisfies the AONB designation criterion. It is advisable, on completion of the "desirability" assessment, to verify whether any desirability factors could affect the overall composition of the proposed designation.

8.13. When considering **significance**, it is useful to take into account the following:

- **Special qualities:** the area's special qualities, ie those aspects of the area's natural beauty, wildlife and cultural heritage, which make the area distinctive and are valuable, particularly at a national scale.
- **Understanding and enjoyment:** the opportunities to promote the understanding and enjoyment of the area's special qualities.
- **Consensus:** Where there is a consensus of opinion that an area meets the statutory criteria or should be designated, this helps in determining whether it is accorded a special value that should be recognised. Views of stakeholders and the public can be strong indicators as to whether there is consensus about the value of a landscape. Evidence of past and present recognition of the importance of the landscape is therefore relevant. Care should be taken to ensure adverse change has not occurred in the landscape since consensus was reached.
- **Rarity or representativeness:** If a landscape, or an element within it, is rare or representative of a particular type of landscape, it may add weight to the judgment that an area should be represented within a National Park or AONB, although this is not an essential requirement.

8.14. Natural England should use these considerations help to judge whether or not an area is **of such national significance** that special purposes should apply to it, i.e.:

- **National Park purposes:** its natural beauty, wildlife and cultural heritage should be conserved and enhanced; **and** the understanding and enjoyment of its special qualities should be promoted;
- the **AONB purpose** alone: its natural beauty should be conserved and enhanced; or
- not of such national significance that those purposes should not apply.

8.15. To assist with decision-making, consideration should be given to whether these purposes can be delivered effectively using current arrangements, or as part of a nationally designated landscape. This assessment may be made by first considering the issues affecting the area's special qualities and options available to address them.

8.16. **Issues affecting special qualities and understanding and enjoyment:** These include current and longstanding issues and the significant forces for change which affect an area's natural

# Guidance for assessing landscapes for designation

beauty, recreational opportunities, and special qualities, and the ability to promote their understanding and enjoyment. The scale and impact of issues and likely changes should be assessed. Both current and possible future issues are potentially relevant.

8.17. **Mechanisms, powers and duties:** Consideration should be given to an appropriate response to issues identified above. The following factors may be relevant (Appendix 3 gives more detail):

- **Management arrangements:** the extent to which current and alternative management arrangements address the issues affecting the area and deliver National Park / AONB purposes. Management in pursuance of National Park or AONB purposes can deliver wider environmental benefits such as climate change mitigation and adaptation, and improved connectivity of wildlife habitats. In cases where AONB designation is an option, consideration should be given to whether, due to the size of the area or its administrative complexity, establishment of a statutory Conservation Board might be justified.
- **Funding:** Current and expected future funding that contributes to National Park / AONB purposes should be considered against likely future funding under alternative scenarios. Concerns regarding the immediate availability of funds to support management of a National Park or AONB should not normally outweigh other considerations of desirability. Designation represents a long term commitment which is likely to outlast current funding and detailed management arrangements.
- **Regulation and development control:** This refers to the ability of statutory regulation powers, and development control powers, to contribute to National Park / AONB purposes.
- **Integrated management for the future:** The degree to which strategic planning (such as Local Development Frameworks, Rights of Way Improvement Plans, NP / AONB Management Plans etc) could contribute to National Park / AONB purposes.
- **Duties and incentives for statutory bodies and others:** Here it is relevant to consider what duties there are on public bodies to deliver National Park / AONB purposes, and what incentives exist for others to contribute to delivering National Park / AONB purposes.

8.18. This is not an exhaustive list of considerations: **other factors** may be relevant if they can reasonably be said to relate to the judgment as to whether it is desirable that a particular area of land should be designated as National Park or AONB.<sup>20</sup> The more directly or substantially a factor bears upon the achievement of National Park or AONB purposes the more weight Natural England is likely to give it in the decision whether or not it is desirable to designate.

8.19. Natural England recognises that designation may have impacts beyond the statutory purposes. Common issues raised include democratic representation, impacts on housing markets and local economies. Natural England, in designating, must bear in mind that Parliament has put in place the basic framework of National Parks and AONBs which addresses some of these issues. In addition, Government policy influences how National Parks and AONBs operate in relation to wider policy areas, such as housing, the economy and planning. Any matters beyond those relevant to the consideration of the desirability of designation may rightly form the basis of Natural England's advice to Government.

8.20. Natural England must then look at all these matters as a whole to satisfy itself whether it is **especially desirable** to designate the area as National Park, or whether it is **desirable** to designate it as AONB. The decision is not taken on the basis of Evaluation Areas or Candidate Areas but rather on the whole area of a potential designation – an “extensive tract of country” in the case of National

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<sup>20</sup> As to other relevant factors which may bear on whether it is desirable to designate land, in relation to the South Downs National Park the Secretary of State considered that it was especially desirable to designate that land because it was in relatively close proximity to major population centres in the South East.

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Parks and an “area” in the case of AONBs. A potential designation may be comprised of land that was, for practical evaluation purposes, contained in part or all of one or more Evaluation Areas. If ultimately the question of designation is to be formally posed, then the whole area to be subject to designation should be considered in its proper context against the actual text of the relevant statutory provisions themselves. In the case of National Park this is section 5 of the National Parks and Access to the Countryside Act 1949, and in the case of AONBs this is section 82 of the Countryside and Rights of Way Act 2000.

## 9. Definition of a Detailed Boundary

### Principles

9.1. The principal purpose of setting a detailed boundary is to determine where it is desirable that the designation of a particular National Park or AONB should begin and end.

9.2. When defining the detailed boundary there may be more scope for excluding particular areas of land that do not satisfy the criteria where they are located close to the boundary rather than within the main body of the designation. This should not however normally require a field-by-field assessment of land at the margins of the designation.

### Practical application

9.3. Natural England will normally apply the guidelines set out in **Appendix 4** when setting a boundary. It is important that decisions reached when defining the boundary are made consistently along its length.

## 10. Formal Designation Procedures

10.1. Natural England has statutory powers to designate National Parks and AONBs<sup>21</sup> and also to vary their boundaries.<sup>22</sup> It does this by making statutory orders, which take effect only if confirmed by the Secretary of State (who may also amend them, or refuse to confirm them). The Secretary of State also has freestanding powers to vary or revoke designations. The following procedures apply equally to new designations as they do to variations to existing boundaries.

10.2. Before any formal orders are made, the legislation specifically requires that all county councils, district councils, National Park Authorities and parish councils, who have land within the area to be designated (or in the National Park or AONB to be varied), must be consulted prior to a designation order being made. As a matter of good practice, Natural England will also throughout the process seek engagement with key stakeholders and the general public.

10.3. Consultation responses may present new evidence to justify the inclusion or exclusion of land, identify further considerations as to the desirability of designation or identify specific boundary issues which need review. Therefore, after consultation, Natural England normally reviews its evidence and produces a revised proposal if necessary. The relevant stages of the process of evaluating land for designation set out above may therefore be repeated as necessary as part of an iterative process.

10.4. Following review and possible refinement, the land proposed for designation and the associated boundary may be formally adopted by Natural England. This final decision is reserved for the Board of Natural England.

<sup>21</sup> s.5(3) NPAC 1949 and s.82(1) CROW 2000

<sup>22</sup> s.45 Wildlife and Countryside Act 1981 and s.83(7) CROW 2000

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10.5. In the case of an AONB, a draft Designation Order is drawn up and placed on deposit for anyone to make representations to Natural England. Only then is it *made* (ie given formal legal existence) and submitted to the Minister with a copy of any representations. In the case of a National Park, a Designation Order is *made*, submitted to the Minister and then placed on deposit for anyone to make representations to the Minister. In both cases, the deposit period is publicised widely and documents and maps will be available for inspection.

10.6. If there are objections from a local authority which are not withdrawn, the Minister must hold a public inquiry. In this context 'local authority' does not include a parish council. The Minister may also hold a public inquiry or afford alternative ways to allow people to make further representations in any event.

10.7. The Minister may or may not confirm a Designation Order, with or without modifications, having considered any representations received and, in the event of a public inquiry, having considered the report of the inspector. If minded to confirm, the Minister makes a Confirmation Order, which contains details of any modifications to the original Order, and specifies when any new designation comes into effect.

10.8. Confirmation of the designation is made by the Minister once he or she has considered any representations to the Designation Order, or following receipt of an inspector's report in the event of a public inquiry. Where any modifications made by the Minister add land to the National Park or AONB not affected by the original designation order, notice must be given that the additions have been made and opportunity provided to hear representations on or objections to them.

10.9. The Secretary of State will need to make an establishment Order in the case of a new National Park to create the National Park Authority and in the case of an AONB if a new Conservation Board is to be created. It may also be necessary to vary establishment Orders in the case of National Park or Conservation Board boundary variations if a new local authority is added to the existing area. Detailed provisions are contained in section 63 and Schedule 7 Environment Act 1995 and section 86(7) CROW.

## 11. Further information

11.1. While this paper deals only with the designation of National Parks and AONBs, Natural England has a wider role to further the role of protected landscapes. Its Protected Landscapes Position (2010) sets out the position Natural England will adopt in this regard and its related advisory and guidance activities, both now and in the immediate future. It provides Natural England's approach to new and amended designations, and sets out how it will continue to work in partnership with the organisations representing the national family of protected landscapes.

11.2. Relevant documents:

- Landscape Character Assessment, Guidance for England and Scotland (SNH & CA, 2002)
- English National Parks and the Broads: UK Government Vision and Circular 2010 (Defra, 2010)
- Natural England's Position on Landscape (NE, 2008)
- Natural England's Position on Protected Landscapes (NE, 2010)
- National Park Management Plans, CA216 (CA, 2005)
- Guidance for the review of AONB management plans, CA221 (CA, 2006)
- AONB Management Plans: A guide, CA23 (CA, 2001)

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- Duties on relevant authorities to have regard to the purposes of National parks, AONBs and the Norfolk and Suffolk Broads (Defra, 2005)
- England's statutory landscape designations: a practical guide to your duty of regard (NE, 2010)

Appendix 1:

**Evaluation Framework for Natural Beauty Criterion**

The sub-factors and associated indicators should be regarded as a “menu” of examples (developed from past designations and subsequent consultation) from which those appropriate to the character of the landscape under consideration should be chosen, adapted or added to. There is no “scoring” involving accumulations of indicators and it is possible for a landscape to exhibit natural beauty or offer opportunities for open air recreation even if a number of the indicators shown in this appendix are not present.

<b>Factor</b>	<b>Example sub-factor</b>	<b>Example Indicator</b>
<b>Landscape quality</b>	Intactness of the landscape in visual, functional and ecological perspectives	Characteristic natural and man-made elements are well represented throughout
	The condition of the landscape's features and elements	Landscape elements are in good condition
	The influence of incongruous features or elements (whether man-made or natural) on the perceived natural beauty of the area	Incongruous elements are not present to a significant degree, are not visually intrusive, have only localised influence or are temporary in nature
	A distinctive sense of place	Landscape character lends a clear and recognisable sense of place
	Striking landform	Landform shows a strong sense of scale or contrast There are striking landform types or coastal configurations
<b>Scenic quality</b>	Visual interest in patterns of land cover	Land cover and vegetation types form an appealing pattern or composition in relation to each other and/or to landform which may be appreciated from either a vantage point or as one travels through a landscape
	Appeal to the senses	Strong aesthetic qualities, reflecting factors such as scale and form, degree of openness or enclosure, colours and textures, simplicity or diversity, and ephemeral or seasonal interest Memorable or unusual views and eye-catching features or landmarks
	A sense of remoteness	Characteristic cognitive and sensory stimuli (e.g. sounds, quality of light, characteristic smells, characteristics of the weather) Relatively few roads or other transport routes
	A relative lack of human influence	Distant from or perceived as distant from significant habitation Extensive areas of semi-natural vegetation
<b>Relative wildness</b>		

Factor	Example sub-factor	Example Indicator
		<p>urban influences</p> <p>Open, exposed to the elements and expansive in character</p> <p>Sense of enclosure provided by (eg) woodland, landform that offers a feeling of isolation</p> <p>Absence or apparent absence of active human intervention</p>
<b>Relative tranquility</b>	<p>Contributors to tranquility</p> <p>Detractors from tranquility</p>	<p>Presence and/or perceptions of natural landscape, birdsong, peace and quiet, natural-looking woodland, stars at night, stream, sea, natural sounds and similar influences</p> <p>Presence and/or perceptions of traffic noise, large numbers of people, urban development, overhead light pollution, low flying aircraft, power lines and similar influences</p>
<b>Natural heritage features</b>	<p>Geological and geo-morphological features</p> <p>Wildlife and habitats</p>	<p>Visible expression of geology in distinctive sense of place and other aspects of scenic quality</p> <p>Presence of striking or memorable geo-morphological features</p> <p>Presence of wildlife and/or habitats that make a particular contribution to distinctive sense of place or other aspects of scenic quality</p> <p>Presence of individual species that contribute to sense of place, relative wildness or tranquillity</p>
<b>Cultural heritage</b>	<p>Built environment, archaeology and designed landscapes</p> <p>Historic influence on the landscape</p> <p>Characteristic land management practices</p> <p>Associations with written descriptions</p>	<p>Presence of settlements, buildings or other structures that make a particular contribution to distinctive sense of place or other aspects of scenic quality</p> <p>Presence of visible archaeological remains, parkland or designed landscapes that provide striking features in the landscape</p> <p>Visible presence of historic landscape types or specific landscape elements or features that provide evidence of time depth or historic influence on the landscape.</p> <p>Perceptions of a harmonious balance between natural and cultural elements in the landscape that stretch back over time</p> <p>Existence of characteristic land management practices, industries or crafts which contribute to natural beauty</p> <p>Availability of descriptions of the landscape in notable literature, topographical</p>

Factor	Example sub-factor	Example Indicator
	Associations with artistic representations	writings or guide books, or significant literature inspired by the landscape.
		Depiction of the landscape in art, other art forms such as photography or film, through language or folklore, or in inspiring related music
	Associations of the landscape with people, places or events	Evidence that the landscape has associations with notable people or events, cultural traditions or beliefs

## Appendix 2:

### Evaluation Framework for Recreation Criterion

The sub-factors and associated indicators should be regarded as a “menu” of examples (developed from past designations and subsequent consultation) from which those appropriate to the character of the landscape under consideration should be chosen, adapted or added to. There is no “scoring” involving accumulations of indicators and it is possible for a landscape to exhibit natural beauty or offer opportunities for open air recreation even if a number of the indicators shown in this appendix are not present.

Factor	Example sub-factor	Example indicator
<b>Access to high quality landscapes</b>	Opportunities to enjoy outstanding natural beauty	Good access (physically and/or visually) to areas that satisfy the natural beauty criterion (see Natural Beauty criterion)
	Opportunities to enjoy relative tranquility and relative wildness	Good access (physically and/or visually) to areas that offer an experience of tranquility or wildness (see Natural Beauty criterion)
<b>Natural or cultural heritage features or cultural associations</b>	Presence of a range of natural or cultural heritage features or cultural associations	Presence of natural features which enrich the experience of the landscape or contribute to understanding of special qualities or sense of place
	Landmarks and other features	Presence of cultural features or cultural associations which enrich the experience of the landscape or contribute to understanding of special qualities or sense of place
<b>Good recreation provision</b>	High quantity of appropriate recreation provision	Presence of recognised or valued landmarks or other features of interest which enrich the experience of the landscape or contribute to understanding of special qualities or sense of place
	Diversity of good quality provision for quiet enjoyment	Presence of extensive network of rights of way or extent of open access land over much of the area
<b>Accessibility</b>	Accessibility to centres of population	Opportunities to enjoy a range of high quality landscape experiences
	Potential for appropriate enhancement and understanding	Opportunities to enjoy a range of different provision for quiet recreation activity
<b>Potential for enhancement</b>	Accessibility to centres of population	Transport links to centres of population
	Potential for appropriate enhancement and understanding	Availability of sustainable transport options providing links to centres of population
<b>Potential for enhancement</b>	Potential for appropriate enhancement and understanding	Possible plans to improve provision for access to or quiet enjoyment of the landscape so as to provide opportunities for the understanding and enjoyment of the area's special qualities, by new provision or improved management of existing

## Appendix 3:

### National Park and AONB Mechanisms, Powers and Duties

#### National Park

- **National Park purposes** must be considered by all public bodies in decisions affecting National Parks.
- If there is a conflict between the two purposes, greater weight should attach to the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the area (**Sandford principle**).
- There will usually be a dedicated **National Park Authority (NPA)** which must pursue the purposes of designation.
- There must be a **National Park Management Plan** to ensure proactive and co-ordinated management of the area.
- NPAs exercise **countryside management functions**.
- NPAs exercise **planning and development control functions**.
- There is greater protection from inappropriate development through **planning policy**.
- NPAs **manage access (physical and intellectual)**.
- An **NPA** must seek to foster the economic and social well-being of local communities within the National Park,
- There is a dedicated government **funding** stream for the NPA over and above the funds that local authorities will continue to receive funding for their remaining functions.

#### Area of Outstanding Natural Beauty

- **AONB purpose** must be considered by all public bodies in decisions affecting AONBs.
- AONB purpose is normally delivered through a dedicated **AONB partnership** made up of the local authorities and other stakeholders.
- There must be an **AONB Management Plan** which sets out the policy for the management of the area and which includes an action plan for carrying out activity in support of the purposes of designation.
- Most AONBs have a small core team (the **AONB unit**) which coordinate, facilitate and sometimes delivers **countryside management** functions.
- There is greater protection from inappropriate development through **planning policy**.
- There is additional **funding** for the delivery of AONB purposes through Natural England and the local authorities plus opportunities for discretionary funding from other sources.
- It is possible to establish a **statutory conservation board** where this would be desirable. This would have the additional purpose of increasing the understanding and enjoyment by the public of the special qualities of the AONB and, as with National Parks, the Sandford principle applies where this purpose comes into conflict with the purpose of conserving and enhancing the natural beauty of the area.
- AONB Conservation Boards have a duty to seek to foster the social and economic well being of local communities

## Appendix 4:

### Boundary Setting Considerations

**Transition areas:** The boundary should not be expected to be a sharp barrier between areas of differing quality. Often there will be a transition of natural beauty and opportunities for open-air recreation across a sweep of land: in those cases the boundary chosen should be an easily identifiable feature within this transition. The boundary should be drawn towards the high quality end of the transition in a manner that includes areas of high quality land and excludes areas of lesser quality land ie it should be drawn conservatively. Visual associations may also be used to help define the extent of land for inclusion in these circumstances.

**Types of boundary:** Wherever possible, an easily distinguishable permanent physical boundary should be chosen. Boundaries should not if possible be overly complex or convoluted. Where a boundary follows a road, the road verges and embankments may be included in the designation where they blend into the wider landscape<sup>23</sup>.

**Other administrative boundaries:** Where local government boundaries follow suitable lines, it may be administratively convenient to adopt them. In the majority of cases, however, they will be unsuitable. Similarly, land ownership is not itself a reason for including or excluding land from designation – there will often be instances where part of a landholding sits within the designated area and part sits outside.

**Inclusion of settlements:** A settlement should only be included if it lies within a wider tract of qualifying land (whether or not this is part of the same designation), having regard to the influence of the settlement on the land in question. Settlements should be assessed on their individual merits and particularly on their character, qualities and relationship to adjoining countryside. The extent to which countryside penetrates the built-up area may also be relevant.

**Integrity of settlements:** Towns or villages should not normally be cut in two by a National Park/AONB boundary. The ability of a settlement to act as a gateway to a designated area is not dependent on its inclusion with a designation. A settlement does not equate to a parish and the division of parishes is acceptable in drawing a boundary.

**Incongruous development:** Unsightly development on the edge of a National Park/AONB should generally be excluded unless it is of a temporary or transient nature.

**Land allocated for development:** Land on the margins of a National Park/AONB identified in development plans (both adopted and emerging<sup>24</sup>), or having the benefit of planning permission, for major built developments (including the extraction of minerals and other deposits) should normally be excluded from the Park/AONB, unless the land will be developed or restored to a land use and quality which contributes to Park/AONB purposes. Land should not be included merely to seek to protect it from specific development proposals.

**Features of interest:** Areas and features of wildlife, geological, geomorphological, historic, cultural or architectural value which are situated on the margins of a National Park/AONB should be included where practicable providing that they are situated within a tract that meets the statutory criteria.

**Marine boundaries:** In coastal areas where a marine boundary is to be drawn, the boundary should follow the mean low water mark or the County boundary in the case of estuaries.

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<sup>23</sup> The metalled surface of a road normally remains outside the National Park.

<sup>24</sup> Proposed development schemes included in emerging development plans will be afforded varying weight depending on the extent to which they have progressed through the development plan preparation process and also the extent to which any adopted plans may remain relevant.

## Appendix 5:

### Statutory Provisions for Designating Landscapes

This appendix reproduces extracts of legislation relevant to designating landscapes. It does not exhaustively cover all legislation relating to National Parks or AONBs.

The legislation is as it currently reads (as at October 2009) and does not show earlier versions or amendments. Provisions not specifically relevant have been left out. When required, the currently applicable legislation should always be referred to directly.

#### National Parks and Access to the Countryside Act 1949 (as amended)

##### **Section 5 National Parks**

- (1) The provisions of this Part of this Act shall have effect for the purpose—
  - (a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and
  - (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.
- (2) The said areas are those extensive tracts of country in England ... as to which it appears to Natural England that by reason of—
  - (a) their natural beauty and
  - (b) the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population,it is especially desirable that the necessary measures shall be taken for the purposes mentioned in the last foregoing subsection.
- (2A) Natural England may
  - (a) when applying subsection (2)(a) in relation to an area, take into account its wildlife and cultural heritage, and
  - (b) when applying subsection (2)(b) in relation to an area, take into account the extent to which it is possible to promote opportunities for the understanding and enjoyment of its special qualities by the public.
- (3) The said areas, as for the time being designated by order made by Natural England and submitted to and confirmed by the Minister, shall be known as, and are hereinafter referred to as, National Parks.

##### **Section 6 General duties of Natural England in relation to National Parks**

- (1) It shall be the duty of Natural England from time to time, to consider what areas there are in England ... falling within sub-section (2) of the last foregoing section, to determine in what order they should be designated under subsection (3) of that section, and to proceed with their designation at such times as Natural England may determine.

##### **Section 7 Designation and variation of National Parks**

- (1) Before making an order designating a National Park Natural England shall consult with every joint planning board and local authority whose area includes any land in the area to be designated a Park.
- (2) Any such order shall describe the area to be designated a Park by reference to a map and such other descriptive matter as may appear to Natural England to be requisite.
- (3) The provisions in that behalf of the First Schedule to this Act shall have effect as to the making, confirmation, coming into operation and validity of any order designating a National Park.
- (4) The Minister may by order made after consultation with Natural England vary an order designating a National Park.
- (5) Before making an order under the last foregoing subsection the Minister shall consult with any National Park authority for the Park in question and with every such board and council as aforesaid whose area, or any part of whose area, is comprised in the National Park, whether as existing or as proposed to be varied; and the provisions in that behalf of the First Schedule to this Act shall apply to any order under the last foregoing subsection.

- (6) It shall be the duty of Natural England to secure that copies of any order such as is mentioned in this section shall be available, at the office of Natural England, at the offices of each joint planning board and local authority specified in subsection (1) or subsection (5) of this section, as the case may be at the offices (where the order is for the variation of an order designating a Park) of any National Park authority for the Park in question, and at such other place or places in or near the Park in question as Natural England may determine, for inspection by the public at all reasonable times.
- (7) In this Section and Schedule 1 “local authority” means—
- (a) in relation to England, a county council, district council or parish council;
  - (b) in relation to Wales, a county council, county borough council or community council.

#### **Section 11A Duty of certain bodies and persons to have regard to the purposes for which National Parks are designated**

- (1) A National Park authority, in pursuing in relation to the National Park the purposes specified in subsection (1) of section five of this Act, shall seek to foster the economic and social well-being of local communities within the National Park, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park.
- (2) In exercising or performing any functions in relation to, or so as to affect, land in any National Park, a relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.
- (3) For the purposes of this section “relevant authority” means—
- (a) any Minister of the Crown,
  - (b) any public body,
  - (c) any statutory undertaker, or
  - (d) any person holding public office.
- (4) In subsection (3) of this section—
- “public body” includes—
- (a) any local authority, joint board or joint committee;
  - (b) any National Park authority;
- “public office” means—
- (a) an office under Her Majesty;
  - (b) an office created or continued in existence by a public general Act of Parliament; or
  - (c) an office the remuneration in respect of which is paid out of money provided by Parliament.
- (5) In subsection (4) of this section, “joint board” and “joint committee” mean—
- (a) a joint or special planning board for a National Park reconstituted by order under paragraph 1 or 3 of Schedule 17 to the Local Government Act 1972, or a joint planning board within the meaning of section 2 of the Town and Country Planning Act 1990;
  - (b) a joint committee appointed under section 102(1)(b) of the Local Government Act 1972.
- (6) In this section, “local authority”—
- (a) in relation to England, means a county council, district council or parish council;
  - (b) in relation to Wales, means a county council, county borough council, ... or community council.

#### **Section 114 Interpretation**

- (1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—
- “area of outstanding natural beauty” means an area designated under section 82 of the Countryside and Rights of Way Act 2000;
- “the Council” means the Countryside Council for Wales;
- “drainage authority” means the Environment Agency or an internal drainage board;

“interest”, in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights;

“land” includes land covered by water and as respects Scotland includes salmon fishings;

“the Minister” as respects England and Wales means the Minister of Town and Country Planning, and as respects Scotland means the Secretary of State;

“National Park” has the meaning assigned to it by subsection (3) of section five of this Act;

“open-air recreation” does not include organized games;

“owner”, in relation to any land, means, except in Part III of this Act or in relation to Scotland, a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let, and, in Part III of this Act, as respects England and Wales means any person being either entitled to the fee simple or being a mortgagee in possession of the land and as respects Scotland has the meaning assigned to it by section twenty-six of this Act;

“vehicle” does not include a vessel, except any vessel adapted for use on land while it is being so used;

“waterway” means any lake, river, canal or other waters, being (in any case) waters suitable, or which can reasonably be rendered suitable, for sailing, boating, bathing or fishing;

- (2) References in this Act to the preservation, or the conservation of the natural beauty of an area shall be construed as including references to the preservation or, as the case may be, the conservation of its flora, fauna and geological and physiographical features.
- (3) References in this Act to the planting of trees shall be construed as including references to the planting of bushes, the planting or sowing of flowers and the sowing of grass and the laying of turf.
- (4) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any subsequent enactment including this Act.

## **SCHEDULE 1**

### **PROVISIONS AS TO MAKING, CONFIRMATION, COMING INTO OPERATION AND VALIDITY OF CERTAIN INSTRUMENTS**

#### **Part I**

Orders designating National Parks, Public Path Orders, Diversion Orders and Extinguishment Orders, and Access Orders

- 1 (1) Before—
  - (a) an order designating a National Park, ...is submitted to the Minister for confirmation, the authority by whom the order was made shall give notice in the prescribed form stating the effect of the order and that it has been made and is about to be submitted for confirmation, naming places in the locality to which the order relates where copies of the order and of the map referred to therein may be inspected, and specifying the time (not being less than twenty-eight days) within which, and the manner in which, representations or objections with respect to the order may be made.
- (2) Before the Minister makes an order varying an order designating a National Park, ... or an access order, he shall prepare a draft of the order and shall give notice stating that he proposes to make the order and the effect thereof, naming places in the locality to which the draft relates where a copy of the draft and of the map referred to therein may be inspected, and specifying the time (not being less than twenty-eight days) within which, and the manner in which, representations or objections with respect to the draft may be made.
- (3) The notice to be given under either of the two foregoing sub-paragraphs shall be given—
  - (a) in the case of an order designating a National Park or an order varying such an order, by publication in the London Gazette, in two newspapers circulating in the country generally and in at least one local newspaper circulating in every county or county borough which includes any of the land to which the order relates:

(3A) Where under this paragraph any notice is required to be given by any person in respect of any land which is already in a National Park for which a National Park authority is the local planning authority, that person shall serve a copy of that notice on that authority.

- 2 (1) If no representations or objections are duly made, or if any so made are withdrawn, the Minister may, if he thinks fit, confirm or make the order, as the case may be, with or without modifications.
- (2) If any representation or objection duly made is not withdrawn, the Minister shall, before confirming or making the order, as the case may be, if the objection is made by a local authority cause a local inquiry to be held and in any other case either—
- (a) cause a local inquiry to be held, or
  - (b) afford to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose,
- and, after considering the report of the person appointed to hold the inquiry or to hear representations or objections, may confirm or make the order, as the case may be, with or without modifications:
- (2A) In sub-paragraph (2) "local authority" does not include, in relation to an order designating a National Park in England, a parish council.
- (3) Notwithstanding anything in the foregoing provisions of this paragraph, the Minister shall not confirm or make an order so as to affect land not affected by the order as submitted to him or the draft order prepared by him, as the case may be, except after—
- (a) giving such notice as appears to him requisite of his proposal so to modify the order, specifying the time (not being less than twenty-eight days) within which and manner in which representations or objections with respect to the proposal may be made;
  - (b) holding a local inquiry or affording to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose; and
  - (c) considering the report of the person appointed to hold the inquiry or to hear representations or objections, as the case may be, ...
- (4) Where, in the case of an access order, it is represented by the Environment Agency or a water undertaker being a water undertaking, that any land comprised in the order as submitted to the Minister or in the draft order prepared by him, as the case may be (or, where notice of a proposed modification has been given under head (a) of the last foregoing sub-paragraph, and land to which the proposed modification relates), should be excluded from the operation of the order on the ground that by reason of—
- (a) the proximity of the land to any reservoir used for the purposes of the statutory undertaking carried on by that Authority or, as the case may be, undertaker, or
  - (b) any other physical factor affecting the flow of water from the land into any such reservoir, the operation of section sixty of this Act as respects that land would be likely to involve danger to the purity of the water supply which could not be prevented by the taking of any reasonable measures, sub-paragraph (2) of this paragraph, or head
  - (c) of the last foregoing sub-paragraph, as the case may be, shall have effect in relation to that representation as if it provided for the consideration of the report therein referred to by the Minister and the Secretary of State acting jointly.
- (5) If, as the result of any representations or objections considered, or inquiry or other hearing held, in connection with the confirmation of an order designating a National Park or the making of an order varying such an order, the Minister is of opinion that Natural England, the Council a National Park authority, county planning authority or, in Wales, the local planning authority or any other person ought to be consulted before he decides whether to confirm or make the order either with or without modifications, he shall consult Natural England, the Council, authority or other person but, subject to the provisions of sub-paragraph (3) of this paragraph, shall not be under any obligation to consult any other person, or to afford any opportunity for further representations or objections or to cause any further inquiry or other hearing to be held.

- 3 As soon as may be after any such order as is mentioned in paragraph 1 of this Schedule has been confirmed or made by the Minister, the authority by whom the order was made, or, in the case of an order made by the Minister, the Minister, shall publish, in the manner required in relation to the class of order in question by sub-paragraph (3) of paragraph 1 of this Schedule, a notice in the prescribed form describing the effect of the order, stating that it has been confirmed or made, and naming a place where a copy thereof as confirmed or made may be inspected at all reasonable hours, and—
- (a) where under the said sub-paragraph (3) notice was required to be served shall serve a like notice and a copy of the order as confirmed or made on any persons on whom notices were required to be served under that sub-paragraph or under sub-paragraph (3A) or (4) of paragraph 1 of this Schedule; and
  - (b) where under the said sub-paragraph (3) a notice was required to be displayed, shall cause a like notice to be displayed in the like manner as the notice required to be displayed under that sub-paragraph:
- Provided that no such notice or copy need be served on a person unless he has sent to the authority or Minister (according as the notice or copy would require to be served by an authority or by the Minister) a request in writing in that behalf specifying an address for service.
- 3A An order designating a National Park shall have effect as from such time as may be determined by the Minister and specified in the notice of the confirmation of that order.
- 4 (1) The Minister may, subject to the provisions of this Part of this Schedule, by regulations make such provision as to the procedure on the submission and confirmation of orders to which this Part of this Schedule applies as appears to him to be expedient.
- (3) In this Part of this Schedule the expression “prescribed” means prescribed by regulations made by the Minister.

### **Wildlife and Countryside Act 1981**

#### **Section 45 Power to vary orders designating National Park**

- (1) Natural England (as well as the Secretary of State) shall have power to make an order amending an order made under section 5 of the 1949 Act designating a National Park, and—
- (a) section 7(5) and (6) of that Act (consultation and publicity in connection with orders under section 5 or 7) shall apply to an order under this section as they apply to an order under section 7(4) of that Act with the substitution for the reference in section 7(5) to the Secretary of State of a reference to Natural England; and
  - (b) Schedule 1 to that Act (procedure in connection with the making and confirmation of orders under section 5 or 7) shall apply to an order under this section as it applies to an order designating a National Park.

### **Countryside and Rights of Way Act 2000**

#### **Part IV Areas of Outstanding Natural Beauty**

#### **Section 82 Designation of areas**

- (1) Where it appears to **Natural England** that an area which is in England but not in a National Park is of such outstanding natural beauty that it is desirable that the provisions of this Part relating to areas designated under this section should apply to it, **Natural England may**, for the purpose of conserving and enhancing the natural beauty of the area, by order designate the area for the purposes of this Part as an area of outstanding natural beauty.
- (2) ...[Wales only]
- (3) In this Part “area of outstanding natural beauty” means an area designated under this section as an area of outstanding natural beauty.

### **Section 83 Procedure for designation orders**

- (1) Where **Natural England** or the Council propose to make an order under section 82, or the Council shall consult every local authority whose area includes any part of the area to which the proposed order is to relate.
- (2) Before making the order, **Natural England** or the Council shall then publish, in the London Gazette and in one or more newspapers circulating in the area of every such local authority, notice that they propose to make the order, indicating the effect of the order and stating the time within which and manner in which representations with respect to the proposed order may be made to **Natural England** or the Council (as the case may be), and shall consider any representations duly made.
- (3) An order under section 82 shall not come into operation unless and until confirmed—
  - (a) in the case of an order made by **Natural England**, by the Secretary of State, or
  - (b) ...
- (4) The Secretary of State or the National Assembly for Wales may confirm an order submitted to him or it under this section either as submitted or with such modifications as the Secretary of State or the Assembly thinks expedient.
- (5) Before refusing to confirm an order under section 82, or determining to confirm it with modifications, the Secretary of State shall consult **Natural England** and every local authority whose area includes any land to which the order as submitted, or as proposed to be modified, relates.
- (6) Before refusing to confirm an order under section 82, or determining to confirm it with modifications, the National Assembly for Wales shall consult the Council and every local authority whose area includes any land to which the order as submitted, or as proposed to be modified, relates.
- (7) An order under section 82 may be revoked or varied by a subsequent order under that section.
- (8) Without prejudice to the powers of **Natural England** or the Council to vary an order under section 82, the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order vary any order under that section made by **Natural England** or the Council; and subsection (1) applies to any order under section 82 made by the Secretary of State or the Assembly by virtue of this subsection with the substitution for references to **Natural England** of references to the Secretary of State and for references to the Council of references to the Assembly.
- (9) It is the duty of **Natural England** and the Council to secure that copies of any order under section 82 relating to England or, as the case may be, to Wales, are available for inspection by the public at all reasonable times—
  - (a) at the office of **Natural England** or, as the case may be, the Council,
  - (b) at the offices of each local authority whose area includes any part of the area to which the order relates, and
  - (c) at such other place or places in or near that area as **Natural England** or, as the case may be, the Council may determine.

### **Section 86 Establishment of conservation boards**

- (1) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may—
  - (a) in the case of any existing area of outstanding natural beauty, or
  - (b) in connection with the designation of any area as an area of outstanding natural beauty, by order establish a board (in this Part referred to as “a conservation board”) to carry out in relation to that area the functions conferred on such a board by or under this Part.
- (2) Schedule 13 (which relates to the constitution of conservation boards) has effect.
- (3) Where the Secretary of State or the National Assembly for Wales considers it expedient for either of the purposes mentioned in section 87(1), an order under subsection (1) may—
  - (a) provide for the transfer to the conservation board to which the order relates of any of the functions of local authorities, so far as relating to the area of outstanding natural beauty in question, or

- (b) provide for any function of a local authority, so far as relating to the area of outstanding natural beauty in question, to be exercisable concurrently by the local authority and by the conservation board.
- (4) Subsection (3) does not apply to functions of a local authority under Part II, III, VII or XIII of the Town and Country Planning Act 1990 [or under Part 2 or 6 of the Planning and Compulsory Purchase Act 2004].
- (5) An order under subsection (1) may make further provision as to the constitution and administration of the conservation board to which it relates, including provision with respect to—
  - (a) the appointment of members,
  - (b) the removal and disqualification of members,
  - (c) the conduct of members,
  - (d) proceedings of the board,
  - (e) the appointment of staff,
  - (f) consultation with other public bodies,
  - (g) records and documents of the board,
  - (h) the provision of information by the board, and
  - (i) complaints of maladministration.
- (6) Before making an order under subsection (1) in relation to an area of outstanding natural beauty in England, the Secretary of State shall consult—
  - (a) **Natural England**, and
  - (b) every local authority whose area consists of or includes the whole or part of the area of outstanding natural beauty, and shall not make the order unless satisfied that the majority of those local authorities consent.
- (8) An order under subsection (1) which amends or revokes a previous order under that subsection establishing a conservation board—
  - (a) may be made only after consultation with the conservation board to which it relates (as well as the consultation required by subsection (6) or (7)), and
  - (b) in the case of an order revoking a previous order, may provide for the winding up of the board.
- (9) Subject to any order under subsection (10), where there is a variation of the area of an area of outstanding natural beauty for which there is or is to be a conservation board, the area of outstanding natural beauty for which that board is or is to be the conservation board shall be taken, as from the time when the variation takes effect, to be that area as varied.
- (10) Where provision is made for the variation of the area of an area of outstanding natural beauty for which there is or is to be a conservation board, the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order make such transitional provision as he or it thinks fit with respect to—
  - (a) any functions which, in relation to any area that becomes part of the area of outstanding natural beauty, are by virtue of the variation to become functions of that conservation board; and
  - (b) any functions which, in relation to any area that ceases to be part of the area of outstanding natural beauty, are by virtue of the variation to become functions of a person other than that conservation board.

### **Section 87 General purposes and powers**

- (1) It is the duty of a conservation board, in the exercise of their functions, to have regard to—
  - (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and
  - (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty,
 but if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).
- (2) A conservation board, while having regard to the purposes mentioned in subsection (1), shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty, shall for that purpose co-operate with local authorities and public

- bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty.
- (3) Sections 37 and 38 of the Countryside Act 1968 (general duties as to the protection of interests of the countryside and the avoidance of pollution) apply to conservation boards as they apply to local authorities.
  - (4) The powers of a conservation board include power to do anything which, in the opinion of the board, is calculated to facilitate, or is conducive or incidental to—
    - (a) the accomplishment of the purposes mentioned in subsection (1), or
    - (b) the carrying out of any functions conferred on it by virtue of any other provision of this Part or by virtue of any enactment not contained in this Part.
  - (5) The powers conferred on a conservation board by subsection (4) do not include—
    - (a) power to do anything in contravention of any restriction imposed by virtue of this Part in relation to any express power of the board, or
    - (b) power to raise money (whether by borrowing or otherwise) in a manner which is not authorised apart from that subsection, but the things that may be done in exercise of those powers are not to be treated as excluding anything by reason only that it involves the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights.
  - (6) Schedule 14 (which relates to the supplemental and incidental powers of conservation boards) has effect.
  - (7) An order under section 86(1) may—
    - (a) make further provision with respect to the supplemental and incidental powers of the conservation board to which it relates or the limits on those powers, including provision relating to the borrowing of money, and
    - (b) provide for any enactment which relates to or limits the supplemental or incidental powers or duties of local authorities or relates to the conduct of, or transactions by, local authorities to apply in relation to the conservation board with such modifications as may be specified in the order.

### **Section 88 Orders establishing conservation boards**

- (1) Any power of the Secretary of State or the National Assembly for Wales to make an order under section 86(1) or (10) is exercisable by statutory instrument.
- (2) No order shall be made under section 86(1) by the Secretary of State unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (3) A statutory instrument containing an order made under section 86(10) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) If a draft of an order made under section 86(1) by the Secretary of State would, apart from this section, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not such an instrument.
- (5) The power of the Secretary of State or the National Assembly for Wales to make an order under section 86(1) or (10) includes power to make such incidental, supplemental, consequential and transitional provision as the person making the order thinks necessary or expedient.
- (6) The power of the Secretary of State or the National Assembly for Wales by an order under section 86(1) or (10) to make incidental, supplemental, consequential or transitional provision includes power for any incidental, supplemental, consequential or, as the case may be, transitional purpose—
  - (a) to apply with or without modifications,
  - (b) to extend, exclude or modify, or
  - (c) to repeal or revoke with or without savings, any enactment or any instrument made under any enactment.
- (7) The provision that may be made for incidental, supplemental, consequential or transitional purposes in the case of any order under section 86(1) or (10) which—
  - (a) establishes a conservation board or provides for the winding up of such a board, or
  - (b) otherwise has the effect of transferring functions from one person to another or of providing for functions to become exercisable concurrently by two or more persons or

to cease to be so exercisable, includes provision for the transfer of property, rights and liabilities from one person to another.

- (8) The power of the Secretary of State or the National Assembly for Wales under section 86(1) or (10) to provide by order for the transfer of any property, rights or liabilities, or to make transitional provision in connection with any such transfer or with any order by which functions become or cease to be exercisable by any conservation board, includes, in particular, power to provide—
- (a) for the management and custody of any transferred property (whether real or personal);
  - (b) for any liabilities transferred to include liabilities under any enactment;
  - (c) for legal proceedings commenced by or against any person to be continued by or against a person to whom property, rights or liabilities are transferred or, as the case may be, any board or other authority by whom any functions are to become exercisable;
  - (d) for the transfer of staff, compensation for loss of office, pensions and other staffing matters; and
  - (e) for treating any person to whom a transfer of property, rights or liabilities is made or, as the case may be, by whom any functions are to become exercisable as, for some or all purposes, the same person in law as the person from whom the transfer is made or the authority by whom the functions have previously been exercisable.
- (9) The power of the Secretary of State or the National Assembly for Wales to make an order under section 86(1) or (10) includes power to make different provision for different cases, including different provision for different areas or localities and for different boards.
- (10) In this section “enactment” includes an enactment contained in an Act passed after this Act.

#### **Section 92 Interpretation of Part IV and supplementary provision**

- (1) In this Part, unless a contrary intention appears—  
“the 1949 Act” means the National Parks and Access to the Countryside Act 1949;  
“area of outstanding natural beauty” has the meaning given by section 82(3);  
“conservation board” has the meaning given by section 86(1);  
“the Council” means the Countryside Council for Wales;  
“liability”, in relation to the transfer of liabilities from one person to another, does not include criminal liability;  
“local authority” means a principal council within the meaning of the Local Government Act 1972;  
“principal area” has the same meaning as in the Local Government Act 1972.
- (2) Any reference in this Part to the conservation of the natural beauty of an area includes a reference to the conservation of its flora, fauna and geological and physiographical features.
- (3) This Part does not apply in relation to any of the lands mentioned in section 112(1) of the 1949 Act (Epping Forest and Burnham Beeches).

#### **Natural Environment and Rural Communities Act 2006**

##### **99 Natural Beauty in the Countryside**

The fact that an area in England or Wales consists of or includes –

- (a) land used for agriculture or woodlands,
- (b) land used as a park, or
- (c) any other area whose flora, fauna or physiographical features are partly the product of human intervention in the landscape,

does not prevent it from being treated, for the purposes of any enactment (whenever passed), as being an area of natural beauty (or of outstanding natural beauty).