

Charmian Sheppard
Chair of WEST Cheltenham Forum
c/o HWP – Community Resource Centre
Cassin Drive
Cheltenham
GL51 7SU

8th May 2017

Dear Councillors / Planning Department,

RE Neighbourhood Planning and the proposed Springbank Neighbourhood Plan

The West Cheltenham Forum (WCF) steering group would like to express its disappointment that it is yet to receive a response to its letter dated 20th March requesting a full and detailed explanation of the reasons for non-designation of its proposed Neighbourhood Plan. This would have been particularly useful in establishing the Borough Council's strategic stance given the application for a Springbank Neighbourhood Plan made only a few days after our meeting with Councillors on 6th March.

The WCF steering group would like to offer comments regarding Springbank Neighbourhood Forum (SNF) application as it will significantly influence how the WCF moves forward. The group have agreed the following comments;

- The SNF application can only evidence casual community engagement; no web presence from the group can be found, no advertising for its meetings has been provided and no attempt has been made by the group to engage with wider local stakeholder organisations, representatives from developers, the WCF or through public meetings.
- The reported membership of the group although consisting of more than the required 21 names includes only 14 premises and does not reflect a cross section of the community either by location, social status, or age. It does not include businesses, local organisations or community groups. In total 20 of the 27 members live in properties backing on to the Greenbelt land at the current residential boundary of Cheltenham.
- The one group that does appear to be represented is the Save the Springbank Greenbelt pressure group.
- The boundary defined by the SNF is coterminous with the Springbank ward and therefore divides the County Council Hesters Way and Springbank ward boundary, the Neighbourhood Co-ordination group boundary and that of the local Hesters Way Partnership. By so doing it divides communities and is detrimental to local community cohesion.
- A criticism of the WCF application was that its area divided the proposed JCS area into two as its western boundary matched the district boundary of Cheltenham. The SNF boundary

also does this and furthermore does not include a second portion of the proposed JCS area which also lies within the Cheltenham district boundary.

- Another criticism of the WCF application was based on a requirement to contact both Tewkesbury Borough and Boddington Parish councils. The SNF application does not evidence any attempts to liaise with these two bodies.
- The SNF cannot show a strategic approach to the economic, social and environmental development of West Cheltenham area nor that of Cheltenham as a whole. This was an intention alluded to at the March 6th meeting by the Head of the Council and in meetings between WCF members and senior officers of the Borough Council Planning department.
- The SNF group has not engaged with the Cheltenham Plan process nor with the Green Space Designation and Engagement Communities Project led by Gloucestershire Rural Community Council (GRCC) and sponsored by Cheltenham Borough Council. The documents produced were based on detailed research by the WCF membership and through consultation with local groups.
https://www.cheltenham.gov.uk/downloads/file/5638/cecp_part_2_chapter_8_st_marks_hesters_waypdf
- GRCC also facilitated workshops with WCF to ensure members understood the NDP processes and what could and could not be achieved. Their expertise, knowledge, advice and guidance is key for ensuring good neighbourhood planning, encompassing the ideas, thoughts and general support from those within a community.

The WCF steering group believes that the SNF is not an appropriate group to organise a neighbourhood development plan (NDP) for the area. The SNF appears to be taking advantage of the NDP process to further its end of preventing development of the Greenbelt land at Springbank. The WCF feels that, whilst this is an admirable intention, the purpose of an NDP cannot be to restrict growth but to develop planning policies that allow appropriate development based on local opinion.

The WCF had developed outline planning themes in preparation for wider public consultation which would have been possible with central government funds made available once formal designation was made. The groundwork had been done and the 80-strong group with wide reaching contacts across the whole area were ready for action throughout the locality, including Springbank.

On these grounds the WCF would like to object to the SNF proposal. It would however, be keen to engage in discussions which would allow an NDP or NDPs to be established for the west of Cheltenham. The WCF believes that having engaged with the wider population, stakeholders and key businesses and with the support of some local councillors that it is best placed to take the NDP process forward for the benefit of the whole community.

Kind regards,

Charmian Sheppard

3571

8th May 2017

localplan@cheltenham.gov.uk

Dear Sir/Madam,

Springbank Neighbourhood Area

This response is submitted on behalf of of Barberry Cheltenham Ltd and Northern Trust Company Ltd in relation to land interests in West Cheltenham.

This response is to the Springbank Neighbourhood Forum that has identified an area application covering an area in the west of the town. This includes land under the ownership of the landowners identified that control land beyond the western boundary of the town that is included within the area application. A plan is attached identifying the area concerned that is included as part of the area application.

As part of the Neighbourhood Forum Application it is stated that the express purpose is to produce a Neighbourhood Plan that will meet the following objectives:

“The Springbank Neighbourhood Forum has been established to promote the social economic and environmental well-being of the neighbourhood plan area, with specific aims of maintaining the open residential character of the neighbourhood, promote the availability, maintenance and use of green spaces, and encourage the creation of affordable housing where space permits, in a similar low density format complementing the existing neighbourhood area”.

In making this representation, we'd like to support the area application and the area of land that falls between the current urban edge of Cheltenham and current Borough boundary that is now identified in part within the Main Modifications to the Joint Core Strategy (JCS) that sees land to the west of Cheltenham identified to accommodate 1,100 dwellings and 45ha employment land as a phase 1 strategic allocation. This has been introduced into the Plan through the Main Modifications.



In supporting the Neighbourhood Plan Area, we do so on the proviso that any subsequent draft of a Neighbourhood Plan should be reflective of the proposed modifications to the JCS.

Our Clients are committed to delivering an attractive and vibrant new neighbourhood at West Cheltenham which would integrate with the existing community by providing green infrastructure and complementary facilities to benefit new and existing residents. To this end, our clients are keen to work with the existing community to facilitate the vision of sustainable, mixed use development at West Cheltenham.

I trust these points will be taken into consideration as part of this consultation process and would be grateful if we could be kept informed on the progress of the Neighbourhood Plan.

Yours faithfully,

Giles Brockbank MRTPI

Hunter Page Planning Ltd

38 Falkland Place
Cheltenham
GL51 0RP

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8th May 2017

Dear Cheltenham Borough Council,

I object to the application for a Springbank Neighbourhood Forum and Area Designation for the following reasons:

1. **The area applied for dissects a community.** A great chunk of Springbank and the part of Hester's Way that lies to the West of Princess Elizabeth Way are a united community of which I have been a part for 20 years, living in the ward of Hester's Way, first on Seacombe Road and then for the last 14 years residing at 38 Falkland Place. Nearly all of the children on my road, including my daughter, go to or went to Springbank Primary Academy. Some went to the nursery at the Springbank Resource Centre and many, like me, are patients of the doctors surgery and dentists based at Springbank Community Centre. It is a nonsense to exclude myself and my neighbours from a neighbourhood forum that will decide a plan for an area that contains important community facilities that we use regularly and of which we are a part.
2. **The membership of the forum is not representative of the area** It is almost entirely made up of the save the Springbank greenbelt pressure group. I believe this to be entirely inappropriate for a forum that is meant to represent the whole community not just the aims and ambitions of a few and therefore is in breach of Section 61F(5), Schedule 9 of the Town and Country Planning Act 1990: "The Council must be satisfied that the forum meets the following conditions— (a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area" I do not see how the Council can be satisfied of this when the principal contact is the person behind the save the greenbelt group and the majority of the forum lives adjacent to the area of greenbelt which is due to be developed under JCS plans. The forum is interested in a single issue and their own interests not for "promoting or improving the social, economic and environmental well-being of an area".
3. **The application has been made for the intention of preventing the West Cheltenham Neighbourhood Forum resubmitting their Neighbourhood Forum and Area application,** one which does have the support of a cross section of the community, residents and organisations. The West Cheltenham Forum has not received a reply to their letter dated 20th March, some **EIGHT** weeks ago, that requested detailed explanation of the reasons for non-designation of its proposed Neighbourhood Plan. These had been unclear and the only official reason given for refusal is

"The submitted neighbourhood area application has been made for an area which is not appropriate as a neighbourhood area. The area cuts across ward boundaries and includes a number of separate communities, which would reduce community cohesion."
and

“The Council considers that the submitted forum application has been made for an area which is not appropriate as a neighbourhood area. The area cuts across ward boundaries and includes a number of separate communities, which would reduce community cohesion. The Council considers that because the area applied for is not agreed as constituting an appropriate area, the membership of the applied for forum cannot be found to comply with Section 61F(5) of the Town and Country Planning Act 1990 part (c); having a membership of “a minimum of 21 individuals each of whom lives in the neighbourhood area concerned”

The Springbank Application actually carves up a strong and vibrant community (I can supply evidence to support this in addition to that provided in point 1 above) whereas the West Cheltenham application sought to build on existing strengths and further develop and enhance the community. This application is an undemocratic attempt by a few to derail the good work being done by the West Cheltenham Forum that was established for the express purpose of promoting AND improving the social, economic and environmental well-being of the area.

4. **Cheltenham Borough Council still has no clear policy on Neighbourhood Plans** and it would be wrong to agree to this application when the reasons for turning down another that included the same area have not been clarified. Please note that should this be passed by cabinet I will call in the decision so that it can be properly scrutinised.
5. **West Cheltenham Regeneration.** CBC and CBH have received a grant of £350K for a research and planning exercise in West Cheltenham. As this has now come forward any Neighbourhood Plans for West Cheltenham should take into account the results of this study. The West Cheltenham Neighbourhood Plan area would have encompassed the whole of the regeneration area however the Springbank one may overlap with it/divide it and therefore be at odds any plans that result from it.

Wendy Flynn

Cheltenham Borough Councillor (Hester's Way)



Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

T: 01260 288800

F: 01260 288801

www.gladman.co.uk

Local Plans Team
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

(Representations submitted by email to localplan@cheltenham.gov.uk)

25th April 2017

Re: Springbank Neighbourhood Development Plan – Application for Neighbourhood Area Designation

Dear Sir/Madam,

Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development with associated community infrastructure. This letter provides Gladman's representations on the application made by The Springbank Neighbourhood Forum for the designation of a neighbourhood area, for the purposes of preparing a neighbourhood development plan.

As this is the first formal stage of preparing a neighbourhood plan, Gladman would like to take this opportunity to comment on the Springbank Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging neighbourhood area should have regard.

Gladman wish to participate in the neighbourhood plan's preparation and to be notified of further developments and consultations in this regard. We would also like to offer our assistance in the preparation of the neighbourhood plan and invite the Neighbourhood Plan Forum to get in touch regarding this.

Legislation

Before a Neighbourhood Plan can proceed to referendum it must be tested against a set of Neighbourhood Plan Basic Conditions, set out in §8(2) of Schedule 4B of the Town and Country

Planning Act 1990 (as amended by section 28a of the Planning and Compulsory Purchase Act 2004). The Basic Conditions which the Neighbourhood Plan must be found in compliance with are as follows:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
- b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order
- c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development
- e) The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations

If the Neighbourhood Plan is not developed in accordance with all of the Neighbourhood Plan Basic Conditions as set out above then there is a real risk that it will fail when it reaches Independent Examination.

High Court Judgments

Woodcock Judgement

The Woodcock High Court judgment demonstrates the implications for progressing a neighbourhood plan where there is no local plan in place nor a five-year housing land supply. In summary, this High Court judgment demonstrates the following key points:

- That §14 and §49 of the Framework in regard to five-year housing land supply and the weight to be given to extant housing land supply policies applies equally to both emerging and 'made' neighbourhood plans as well as other development plan documents otherwise adopted and/or emerging by the local planning authority.
- There is nothing in policy or statute that elevates neighbourhood planning to a level above the wider development plan that enables special consideration.
- Neighbourhood Plans must respect national planning policy and the core planning principles outlined within the Framework.
- Prematurity must be assessed against the whole of the requirements of the PPG. In neighbourhood planning, there is no requirement for qualifying bodies to produce an objective assessment of housing needs.

Crownhall Judgment

On 21st January 2016, Holgate J handed down judgment in R(Crownhall Estates Ltd) v Chichester District Council [2016] EWHC 73 (Admin). This judgment summarises the respective legislation at §12-§28 (further detailed below), and the relevant principles at §29.

This judgment does not however mark the end of policy development, on 11th February 2016, the Secretary of State published a series of updates to the Neighbourhood Planning chapter of the Planning Practice Guidance (PPG). In particular, the PPG now stresses the importance of housing reserve sites and providing indicative delivery timetables to ensure that emerging evidence of housing needs is addressed to help minimise any potential conflicts that can arise to ensure that a neighbourhood plan is not ultimately overridden by the contents of an emerging Local Plan.

It is important to note that the updates to the PPG were drafted following the Crownhall judgment and it is essential that the steering group consider all of the advice and guidance contained in the PPG.

National Planning Policy Framework

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of Neighbourhood Plans and the role they must play in meeting the development needs of the local area in which they control.

Paragraph 16 of the Framework sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. It states that:

"The application of the Presumption (In Favour of Sustainable Development, set out in paragraph 14 of Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:

- *Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan"*

Further guidance on the relationship between Neighbourhood Plans and strategic policies for the wider area set out in a Council's Local Plan is included in paragraph 184 of the Framework:

"The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans...should not promote less development than set out in the Local Plan or undermine its strategic policies".

It is clear from the above that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted Development Plan. As highlighted above, on 11th February 2016, the Secretary of State published a series of updates to the PPG for the preparation of neighbourhood plans. This update makes clear that neighbourhood plans should take account of the latest and up-to-date evidence of housing needs. In particular, where a qualifying body is attempting to identify and meet housing needs, a local planning authority should share relevant evidence on housing need gathered to support its own plan making.

Neighbourhood Plans should also provide indicative delivery timetables and consider the allocation of reserve sites to ensure that emerging evidence of housing need is addressed in order to help minimise any potential conflicts where a post Framework Local Plan is yet to be adopted.

A further update to the PPG was published on 19th May 2016. Paragraph 50 of the PPG¹ makes clear that all settlements have a role to play in delivering sustainable development and should avoid blanket policies restricting housing development. Accordingly, the neighbourhood plan should not include policies that would act to arbitrarily preclude the delivery of sustainable development coming forward within the neighbourhood area.

Relationship with Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to up-to-date strategic policy requirements set out in Local Plans. Where an up-to-date Local Plan has been adopted and is in place for the wider authority area, it is the strategic policy requirements set out in this document that a Neighbourhood Plan should seek to support and meet. When a Local Plan is emerging or is yet to be found sound at Examination, there will be lack of certainty over what scale of development a community must accommodate or the direction the policies in the Neighbourhood Plan should take.

Adopted Local Plan

The adopted Development Plan relevant to the preparation of the Springbank Neighbourhood Plan consists of the adopted Cheltenham Borough Local Plan Second Review. This plan was adopted in June 2006 and therefore is out of date against the requirements of the Framework which requires local planning authorities to identify and meet full Objectively Assessed Needs (OAN) for housing. Whilst this is the Development Plan that the Springbank Neighbourhood Plan will be tested against it is important that sufficient flexibility is included within the Plan so that its contents are not superseded by the provisions of s38(5) of the Planning and Compulsory Purchase Act 2004.

Emerging Local Plan

To meet the requirements of the Framework, the Council has commenced work on a new Local Plan. Consultation on the 'Cheltenham Plan (Part One) Preferred Options' ran between 6th February and 20th March 2017. There is no clear indication provided by the Council regarding anticipated timescales for further preparation of the plan. Further to the preparation of the Cheltenham Plan, the Borough have partnered Gloucester City and Tewkesbury Borough Council to produce a Joint Core Strategy covering the period to 2031. Main modifications consultation ran until 10th April 2017, and subject to

¹ PPG Reference ID 50-001-20160519

agreement from all three parties, it is anticipated that the plan will be adopted in autumn 2017. As such, given that the Cheltenham Plan is in the early stages of preparation, there remains considerable uncertainty over what level of development that Springbank may need to accommodate to assist the Council in meeting its OAN for housing. Accordingly, the Plan will need to ensure that it allows for sufficient flexibility to ensure that it is able to react to changes that may arise through the emerging Local Plan Examination.

Neighbourhood Plan Policies and Proposals

In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the Framework and the wider strategic policies for the area set out in the Council's Local Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.

The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent development from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the strategic development needs for the area. Policies that are clearly worded or intended to place an unjustified constraint on further sustainable development taking place would not be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions.

Communities should not seek to include policies in Neighbourhood Plans that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified, by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals should be designed to add value to policies set out in Local Plan and national guidance, as opposed to replicating their requirements.

The community should liaise with the Council's planning team to seek advice on the appropriateness of the Neighbourhood Plan's proposals.

Sustainability Appraisal/Strategic Environmental Assessment

The preparation of a Neighbourhood Plan may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects. The requirement to undertake an SEA will be dependent on a Neighbourhood Plan's proposals, but is likely to be necessary where a Plan is proposing specific allocations or site designations.

In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan's proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the

emerging Neighbourhood Plan, to ensure the Neighbourhood Plan's proposals have been properly considered through the SEA process, and appropriately justified against other reasonable alternatives. Where an adequate SEA has not been undertaken a Neighbourhood Plan is unlikely to meet the Neighbourhood Plan Basic Conditions.

Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input.

The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals. To be compatible with EU obligations, further appraisals, such as a Habitats Regulations Assessment, may also be required depending on local circumstances.

Should you require any further information about the contents of this response or would like to arrange a meeting with a representative from Gladman then please do not hesitate to contact me.

Yours Faithfully,

Megan Pashley

Gladman Developments Ltd.

m.pashley@gladman.co.uk

Springbank Neighbourhood Area and Forum application to Cheltenham Borough Council

Consultation Deadline: 9th May 2017

Consultation response prepared by Tewkesbury Borough Council

Representation:

Springbank Neighbourhood Area and Forum application to Cheltenham Borough Council

Consultation Deadline: 9th May 2017

Consultation response prepared by Tewkesbury Borough Council

Representation: Neighbourhood Area Designation

Tewkesbury Borough Council recommends that in accordance with Policy SA1 of the emerging Joint Core Strategy planning for Strategic Allocations should be comprehensive in nature. Having a designated Neighbourhood Area that incorporates part of a strategic allocation is therefore not an ideal approach. As such, it is recommended that as far as possible the whole of the strategic allocation be covered by cross-boundary joined-up approach to neighbourhood planning.

If, therefore, a neighbourhood forum and area are designated covering the Springbank ward then we recommend and urge a collaborative approach with Boddington Parish Council. The forum should at all times work closely with the Parish Council on issues which have a cross boundary impact. Furthermore, the forum should engage with the Parish Council and consider developing jointly elements of the neighbourhood planning concerning the emerging strategic allocation at West Cheltenham.

This is particularly the case in relation to consideration of matters such as Local Green Space serving the area, and new physical and community infrastructure which cross Borough boundaries and will affect both existing communities.

Planning of matters related to the Strategic Allocation without the involvement of Boddington Parish council would be ineffective and counterproductive, therefore it is important that the creation of this forum should only serve to strengthen this relationship, and that planning should consider areas on both sides of the boundary equally.

The development of any neighbourhood plan within the JCS area will need to be in accordance with the strategic policies in the JCS, including those related to Strategic Allocations.

Correction to the Application Form:

3. Add “as amended” to the Neighbourhood Planning (General) Regulations 2012.

6. Remove “Schedule 9” as Schedule 9 Part 1 of the Localism Act 2011 inserted Section 61f into the Town and Country Planning Act 1990.

Correction to the Constitution:

5.1 Typo “Further Officers shall be appointed all the Committee deem necessary” Replace ‘all’ with ‘as’

Constitution – Question of Legality of 11.2

11. ‘Dissolution’ at 11.2 it states “If it is agreed to dissolve the group, all remaining money and other assets, once outstanding debts have been paid, will be donated to a community group or local charitable organization, in order to benefit the Springbank neighbourhood. The group/organisation to receive the donation will be agreed at the meeting held to agree the dissolution.” This clause should add “Notwithstanding this, grant or other monies (eg. monies arising from planning obligations) which are held by the group must be administered in accordance with the agreements relating to them. This may mean the return of funds to the awarding body or other parties set out in the agreement.