

Cheltenham Borough Council

Council – 19 June 2017

A petition regarding West Cheltenham

REPORT OF THE LEADER

Accountable member	Councillor Jordan – Leader
Accountable officer	Tracey Crews – Director of Planning
Ward(s) affected	ALL
Key/Significant Decision	No
Executive summary	<p>The following petition, numbering 860 signatories, was received by Council on 27 March 2017.</p> <p>“We ask that you research the impact of the proposed development on the ‘Human Sensory Receptors’ within the communities of Fiddlers Green, Springbank, Cavendish Park and Hayden at the soonest possible opportunity to inform the JCS of such impact before the Planning Inspector’s hearings.”</p> <p>This report has been prepared in response to the receipt of the petition which has triggered a Council debate because it includes more than 750 signatories.</p> <p>Subsequent to the receipt of the petition on 27 March 2017, the West Cheltenham Greenbelt Group have made representations (including the presentation of a petition numbering 1044 signatories on behalf of the residents and families of Fiddlers Green, Springbank, Cavendish Park and Hayden) headed “West Cheltenham Strategic Allocation Change of Greenbelt Status”, to the Joint Core Strategy Proposed Main Modifications consultation and this includes a request to the Joint Core Strategy Inspector to consider the impact of the proposed development on the “Human Sensory Receptors” within the communities of Fiddlers Green, Springbank, Cavendish Park and Hayden.</p>
Recommendation:	<p>To instruct officers to reference the petition (that has been submitted by West Cheltenham Greenbelt Group to the Joint Core Strategy Proposed Main Modifications consultation) and strength of feeling behind it in their opening statement to the inspector at the commencement of the next set of Joint Core Strategy hearings.</p>

Financial implications	None arising specifically from this report. Contact officer: Myn Cotterill Myn.Cotterill@cheltenham.gov.uk, 01242 774958
Legal implications	<p>The petition presented to the Council on 27 March 2017 must be considered in accordance with the Council's Petition Scheme made pursuant to the Local Democracy, Economic Development and Construction Act 2009. The petition will be considered in accordance with the Council Procedure Rules varied in so far as necessary to comply with the attached Process.</p> <p>The land at West Cheltenham within Cheltenham Borough Council's boundaries is not designated for any development within the Cheltenham Borough Local Plan Second Review (2006), but forms part of a proposed urban extension including a 45 hectare Cyber Business Park and 1,100 houses at West Cheltenham. This allocation is included in the proposed Main Modifications to Joint Core Strategy which were agreed by the Council on 10 February 2017 and have been subject to public consultation between 27th February and Monday 10th April 2017.</p> <p>Contact officer: Cheryl Lester (OneLegal), cheryl.lester@tewkesbury.gov.uk, 01684 272013</p>
HR implications (including learning and organisational development)	No direct HR Implications arising from the report Contact officer: GO SS HR Manager, julie.mccarthy@cheltenham.gcsx.gov.uk, 01242 264 355
Key risks	<p>Delay to the progress of the Joint Core Strategy examination and adoption of the plan means that the council will not have an up to date local plan for the area. The absence of the Joint Core Strategy could result in an uncoordinated approach to development, leading to inappropriate and incremental development being allowed on appeal that does not take account of cross boundary implications and requirements for supporting infrastructure, with the potential for adverse environmental impacts.</p> <p>There are applications already submitted relating to strategic sites identified through the JCS and other major applications pending that are being hindered by delays in progressing the plan. It is therefore critical that the examination is advanced as quickly as possible, whilst considering the representations made at each stage of the process.</p> <p>The package of sites and policies identified through the JCS main modifications meets the objectively assessed housing and employment needs for Cheltenham Borough to 2031 (as set out in the Inspector's Interim Findings). The emerging strategic allocation at West Cheltenham forms a vital part of meeting these needs.</p>
Corporate and community plan Implications	The JCS supports and is referenced by the Corporate Strategy and wider community planning. The plan making process is open to all parties through the formal consultation processes and the forthcoming hearings.

Environmental and climate change implications	<p>The JCS is being assessed through a sustainability appraisal process and Habitats Regulation Assessment (HRA) which has considered the environmental, social and economic outputs of the Plan and ensures that development meets the needs of both present and future generations. The Sustainability Appraisal supporting the JCS encompasses Strategic Environmental Assessment as required by EU Directive (2001/42/EC). In addition HRA has been undertaken as required under the European Directive 92/43/EEC on the "conservation of natural habitats and wild fauna and flora for plans" that may have an impact on European (Natura 2000) Sites. The JCS Sustainability Appraisal as amended is available at www.gct-jcs.org</p>
Property/Asset Implications	<p>None arising specifically from this report.</p> <p>Contact officer: Head of Property</p> <p>David.Roberts@cheltenham.gov.uk, 01242 264151</p>

1. Background - Content of petition received

- 1.1 The following petition, numbering 860 signatories, was received by Council on 27 March 2017.
- 1.2 “We ask that you research the impact of the proposed development on the ‘Human Sensory Receptors’ within the communities of Fiddlers Green, Springbank, Cavendish Park and Hayden at the soonest possible opportunity to inform the JCS of such impact before the Planning Inspector’s hearings.”
- 1.3 This report has been prepared in response to the receipt of the petition which has triggered a Council debate because it includes more than 750 signatories. Information is provided at Appendix 2 of this report which explains the process for dealing with petitions at Council that are to be subject to a Cheltenham Council debate.

2. Consideration of the proposal in the context of the emerging Joint Core Strategy

- 2.1 The Joint Core Strategy (JCS) has now reached 'Main Modifications' stage. These are changes to the 'Pre-Submission' (June 2014) version of the JCS that have been discussed at the hearings with the Inspector and reflect her interim findings. They have been considered and agreed by each of the three JCS Councils.
- 2.2 A fundamental part of the planning process, running alongside the development of the JCS, is the assessment of the likely effects on the environment, humans, animals and habitats of the proposals. Plans which do not adequately assess these impacts are unsound and would not be capable of adoption.
- 2.3 The JCS is being assessed through a sustainability appraisal process and Habitats Regulation Assessment (HRA) which has considered the environmental, social and economic outputs of the Plan and ensures that development meets the needs of both present and future generations. The Sustainability Appraisal supporting the JCS encompasses Strategic Environmental Assessment as required by EU Directive (2001/42/EC). In addition HRA has been undertaken as required

under the European Directive 92/43/EEC on the "conservation of natural habitats and wild fauna and flora for plans" that may have an impact on European (Natura 2000) Sites.

- 2.4** The JCS sustainability appraisal has been the subject of examination hearings and continues to be updated, assessing changes in the plan. The framework uses a number of objectives and decision-aiding questions that include consideration of likely effects on health (No 14) and (air, light & noise) pollution (No 9) and inequalities/well-being (No 12). Each element of the emerging JCS, including potential strategic site allocations, was tested against this framework and the findings reported in the SA Reports. The latest Sustainability Appraisal Addendum Report was issued on the 6th of October 2016 and can be found here Page C41 details the assessment specifically for West Cheltenham: <http://www.gct-jcs.org/Documents/New-Evidence-Base-and-Associated-Documents/161006-SA-Addendum-Report-Final.pdf>
- 2.5** Through the Sustainability Appraisal, mitigation measures were identified for any potential significant negative effects found to ensure that there were no residual negative effects. This included site-specific requirements and development management polices to control and protect the health of people in and around the area.
- 2.6** On submission of an application for development of the strategic allocation at West Cheltenham an Environment Impact Assessment will also be required which will assess the impact of the specifics of the development proposal on human receptors.
- 2.7** This along with JCS policy SD15 'Health and Environmental Quality' will allow decision takers to ensure that effects on health and wellbeing are fully appraised when considering any application and conditions if required to mitigate any harm can be attached to any approval.
- 2.8** The JCS authorities have recently updated the West Cheltenham statement of common ground (SoCG). This sets out common ground between the Councils' environmental health team and Severn Trent on what needs to be done to control odour from the waste water treatment works in light of the development. The Council's team have also peer reviewed and found sound more detailed technical odour work which is also included. This can be found as JCS examination document EXAM 264
- 2.9** Throughout the Main Modifications process of the JCS the inclusion of the West Cheltenham emerging strategic allocation was discussed at length both through the examination, in hearing sessions and in JCS examination documents: The matter was then brought to Councils in late 2016.
- 2.10** At meetings of Council on the 18th of October 2016, the 10th of February 2017 and the 27th of March 2017 questions on the impacts of the West Cheltenham allocation were heard and answered.
- 2.11** Decisions to approve the proposed main modifications to the June 2014 JCS as those the Council endorses and considers necessary to make the JCS sound were made at Council on the 18th of October 2016 and again on the 10th of February 2017. These modifications included the greenbelt changes and allocation of developable and safeguarded land at West Cheltenham.
- 2.12** Along with the questions, answers and minutes of those meetings, key JCS examination evidence regarding the inclusion of West Cheltenham and the detailed appraisal of effects on health and wellbeing can be found at: <http://www.gct-jcs.org/PublicConsultation/Gloucester,-Cheltenham-and-Tewkesbury-Joint-Core-Strategy-Examination-Document-Library.aspx>
These are:
- The Joint Core Strategy Sustainability Appraisal.(SA) linked to above
 - JCS Green Belt papers EXAM 142 and EXAM 196 – describing the process by which the Greenbelt was assessed and the consideration of alternatives.

- EXAM 198 the earlier statement of common ground between the JCS authorities and the West Cheltenham Consortium (now updated by EXAM 264)
- EXAM 232 the Inspector’s interim findings – recommending the site for allocation and giving her reasons
- EXAM 259 Inspector’s “Note of Recommendations...”- explaining her finding that “exceptional circumstances exist for the release of this land from the Green Belt”

2.13 In accordance with the council resolution of the 10th of February 2017 and those of the other JCS authorities, the Proposed Main Modifications were published for consultation between 27th February and 10th April 2017.

2.14 During the consultation the JCS authorities received approximately 1200 individual comments from 258 individual respondents, including the West Cheltenham Greenbelt Group. The authorities also received 490 postcards regarding Leckhampton. A representation (made subsequent to the presentation of the petition to the Council on 27 March 2017) from the West Cheltenham Greenbelt Group (including the presentation of a petition numbering 1044 signatories on behalf of the residents and families of Fiddlers Green, Springbank, Cavendish Park and Hayden) headed “West Cheltenham Strategic Allocation Change of Greenbelt Status”, includes a request to the Joint Core Strategy Inspector to consider the impact of the proposed development on the “Human Sensory Receptors” within the communities of Fiddlers Green, Springbank, Cavendish Park and Hayden. All comments and responses to the JCS mentioned above including that petition have been sent in full to the inspector for her consideration.

3 Reasons for recommendations

3.1 The recommendation identifies an appropriate course of action as required by the Petition Scheme. Through the JCS examination the JCS Inspector has agreed that she will hear evidence on the proposed main modifications. .

Report author	Contact officer: Development Manager – Strategy, philip.stephenson@cheltenham.gov.uk, 01242 264 379
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Process for dealing with petitions at Council 3. Copy of Petition and covering letter as presented to Council on 27 March 2017 4. Copy of Petition and covering letter of 10 April 2017 submitted by the West Cheltenham Greenbelt Group to the Joint Core Strategy Proposed Modifications consultation

Appendix 1 Risk Assessment

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
CR33	If the council does not keep the momentum going with regards to the JCS and move towards adoption this could result in Inappropriate development. It could also lead to other negative consequences such as the intervention in the plan making process by government or the loss of New Homes Bonus.	Tim Atkins	May 2012	4	4	16	Reduce	Ongoing actions managed by JCS team	Ongoing	Tracey Crews	Corporate Risk
<p>Note : The JCS programme holds a detailed risk assessment which is managed through Operational Programme Board and Strategic Issues Board</p> <p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

Appendix 2 Process for dealing with petitions at Council

The following is the recommended process to be followed for the debate of a petition at the Council meeting in accordance with the Council's Petition Scheme. The Council Procedure Rules shall be suspended in so far as necessary to facilitate this process.

1. The Mayor will remind members of the procedure to be followed

2. Statement by the petition organiser

The Mayor will invite the petitioner organiser or their representative to come to the microphone and speak for up to 5 minutes on the petition. There will be no questions and the petition organiser/their representative will take no further part in the proceedings.

3. Clarification on the background information in the officer's report

Members will be invited to ask any questions for clarification as to the facts in the officer's report.

4. Statement by the relevant Cabinet Member

The Cabinet Member whose portfolio is most relevant to the petition will be invited by the Mayor to speak for a maximum of 5 minutes on the subject of the petition. They may wish to refer to the background report from officers circulated with the papers for the meeting.

They may also wish to propose a motion at this point; if so, the motion must be seconded.

5. Debate by members

Where a member has proposed a motion (which is seconded), the usual Rules of Debate (Rule 13) will apply.

If there is no motion, the Mayor will invite any member who wishes to speak on the petition to address Council for up to a maximum of 3 minutes.

When the 15 minutes set aside for the debate (as laid down in the Council's Petition Scheme) is up, the Mayor may decide to extend the time allowed for the debate but will bring it to a close when they feel sufficient time has been allowed.

6. Conclusion of Debate

The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows:

- taking the action requested in the petition (provided the matter is reserved to full council for decision)
- referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition
- taking no further action on the matter