

**Cheltenham Borough Council**

**Meeting of Council – 11<sup>th</sup> December 2017**

**The Pre-Submission Cheltenham Plan 2011-2031**

<b>Accountable member</b>	<b>Councillor Andrew McKinlay, Cabinet Member Development and Safety</b>
<b>Accountable officer</b>	<b>Tracey Crews – Director of Planning</b> <b>Philip Stephenson – Development Manager (Strategy)</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Executive summary</b>	<p>All local authorities are under a statutory obligation to prepare a development plan. Cheltenham Borough Council has chosen to do this through the preparation of two main development plan documents; the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the Cheltenham Plan. Together the two plans will provide the planning framework for the Borough until 2031, along with Gloucestershire minerals and waste plans and any neighbourhood plans made.</p> <p>Work to progress the development of the Cheltenham Plan has been underway since 2012. In summer 2013 consultation took place on the scope of the plan and the Council went on to publish the plan's draft vision and objectives in February 2014. This was followed by the preparation of an Issues and Options document which was subject to public consultation in June 2015.</p> <p>The Issues and Options identified what the Council considered to be the main planning issues and policy options available to deliver both the vision and objectives of the Cheltenham Plan itself and the Council's own corporate vision. Comments received as part of that consultation influenced the contents of the Preferred Options which were made available for public consultation in January 2017. This stage of consultation gained a good deal of response and was very useful in gathering the views of the public and stakeholders in relation to key subject areas.</p> <p>At this time, it was envisaged that the Cheltenham Plan would comprise two parts – Part One (which was subject to the January 2017 consultation exercise) covered some of the most significant topics, namely, Employment; Local Green Space; and development allocations for residential and mixed-use sites. Part Two, which would cover all remaining topics, was intended to follow later in 2017.</p> <p>However, following discussions with the all-party Planning Liaison Member Working Group and the Planning Inspectorate in August 2017, the plan preparation process was refined to be more streamlined and resource efficient. The result is the document being placed for approval by Council today i.e. the pre-submission draft of the Cheltenham Plan. This is the version of the Plan that, subject to Council's approval, will be issued for formal publication prior to submission for examination by the Secretary of State in 2018.</p>

Councillors will note that the Cheltenham Plan now comprises a single document that embodies all relevant topic areas including those consulted upon as part of consultation at Preferred Options stage. The document draws heavily on the policy context provided by the JCS and relies upon the JCS having reached adoption before publication of the Pre-Submission Cheltenham Plan can take place.

The publication of the Pre-Submission Cheltenham Plan includes a representations procedure whereby representations may be made by any person about the plan such as whether they support the policy approach in each topic / geographical area based on the evidence provided and the requirements of national planning policy and guidance. This will not provide an opportunity for JCS issues to be revisited and any objections received on the basis of JCS policy or its supporting evidence will therefore be discounted.

The Cheltenham Plan Project Initiation Document (PID) was agreed by Planning and Liaison Member Working Group in October 2014 and has been updated with due reference to the Group as necessary and appropriate throughout the plan preparation process. The PID sets out the direction and timetable for the Cheltenham Plan's preparation and advancement and reflects the timetable included in the Local Development Scheme which was last updated in October 2017.

**Recommendations**

- 1. That the Cheltenham Plan 2011-2031 (pre-submission version) set out in Appendix 2, be approved for publication under regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012**
- 2. That Council delegates authority to the Director of Planning, in consultation with the Cabinet Member Development and Safety to make any minor amendments to the document prior to publication of the Pre-Submission Cheltenham Plan;**
- 3. That, following publication, the Pre-Submission Cheltenham Plan be formally submitted to the Secretary of State (as the submission plan) along with all representations received as a result of the pre-submission publication exercise.**

**Financial implications**

There is a one-off budget of £107,230 held in a council reserve, earmarked to support the costs of implementing the Cheltenham Plan. The development of this plan, public consultation and publication costs can be met from this reserve.

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<p><b>Legal implications</b></p>	<p>The Council is required to have an up to date development plan for its area and must prepare it in accordance with legislative requirements, including ensuring the compliance with the Statement of Community Involvement.</p> <p>The development plan for Cheltenham Borough being the development plan documents (taken as a whole) which have been adopted or approved in relation to the area and the neighbourhood development plans which have been made in relation to that area.</p> <p>Under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 before submitting a local plan to the Secretary of State for independent examination the Council must make a copy of all the proposed submission documents and a statement of representations procedure available via: their website; their principal office and such other places within their area as they consider appropriate; for a period of at least 6 weeks.</p> <p>The proposed submission documents are to be the local plan which the Council proposes to submit to the Secretary of State; a submission polices map where the local plan if adopted would result in changes to the adopted polices map; a sustainability appraisal report of the local plan; a statement setting out the consultations already undertaken prior to the regulation 19 publication stage; a summary of the main issues raised by those representations and how those main issues have been addressed in the Pre-Submission local plan; and such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan.</p> <p>The statement of representations procedure must include the date by which representations about the local plan must be received and the address to which representations about the local plan must be made (representations may be made in writing or by way of electronic communications).</p> <p>In addition to the proposed submission documents, on submission for independent examination the Council must also send a statement setting out as regards the regulation 19 Pre-Submission publication, the number of representations received in accordance with the representations procedure, copies of those representations and a summary of the main issues raised in those representations.</p> <p>If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).</p> <p>Legislation requires that where a development plan document contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy.</p> <p><b>Contact officer: Cheryl Lester</b>  <a href="mailto:cheryl.lester@tewkesbury.gov.uk">cheryl.lester@tewkesbury.gov.uk</a> 01684 272013</p>
<p><b>Corporate and community plan Implications</b></p>	<p>The Cheltenham Plan supports and is referenced by the Corporate Strategy and wider community planning.</p>

<b>Property/Asset Implications</b>	<p>The removal of the Green Belt between the West Cheltenham and North West Cheltenham Strategic Allocations in the JCS has implications for land which is owned by the Borough Council including the site known as 'Arle Nurseries' (which straddles the administrative boundaries of Cheltenham Borough and Tewkesbury Borough). This area is being put forward as a housing allocation in the Cheltenham Plan. The Borough Council also owns land at Priors Farm and Royal Well, amongst others. These sites are being allocated for mixed use development in the Cheltenham Plan. Any proposals for these sites would need to be sustainable and in accordance with the development plan as a whole.</p> <p><b>Contact: Head of Property David Roberts,</b>  <a href="mailto:david.roberts@cheltenham.gov.uk">david.roberts@cheltenham.gov.uk</a> 01242 264151</p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no direct staffing or Trade Union implications.</p> <p><b>Contact officer: Julie McCarthy 01242 264 355</b>  <a href="mailto:julie.mccarthy@cheltenham.gcsx.gov.uk">julie.mccarthy@cheltenham.gcsx.gov.uk</a></p>
<b>Key risks</b>	<p>Corporate risk CR81: If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, the Borough will be exposed to the risk of inappropriate development.</p>
<b>Environmental/Social/Equality Implications</b>	<p>Corporate Action ENV 6: We will commence preparation of a Cheltenham Plan.</p> <p>Progressing with this stage of the Cheltenham Plan will allow the Cheltenham Plan to progress in accordance with the timescales set out in the project initiation document.</p> <p>The Cheltenham Plan is subject to Sustainability Appraisal which alongside responses received as a result of public consultation thus far, has informed the selection of options and sites as part of the plan-making process.</p>

## 1. Background

- 1.1 All local authorities are under a statutory obligation to prepare a development plan. Cheltenham Borough Council has chosen to do this through the preparation of two development plan documents; the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the Cheltenham Plan. Together the two plans will provide the planning framework for the Borough until 2031 along with Gloucestershire minerals and waste plans and any neighbourhood plans made.
- 1.2 Since the adoption of the Cheltenham Borough Local Plan (2006), national planning policy and guidance have been updated and condensed into a more readable form. Alongside these changes the Government has abolished regional and county strategic level planning and the Council has entered collaborative working on the JCS (which is being presented for adoption at today's Council meeting).
- 1.3 Many of the requirements set out in regulations concerning the contents of a local plan have already been met by the progression of the JCS. For example, the JCS identifies objectively assessed development need for the area and sets out requirements for strategic sites. The JCS

also contains a suite of strategic policies on issues as design, heritage and the provision of infrastructure. The National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) provide detailed planning policy direction and the government is clear that this guidance should not be duplicated at a local level.

## **2. The new Cheltenham Plan**

- 2.1** Work on developing the Cheltenham Plan has been taking place since 2012. At times this has slowed due to the need to focus resources on JCS preparation but since 2016, greater momentum has been achieved and this has culminated in the pre-submission draft document being placed before councillors today. Throughout all stages in the preparation of the Cheltenham Plan, the community and stakeholders have been engaged so that the plan which has emerged reflects their aspirations wherever possible whilst also having regard to the parameters and requirements set by national legislation and guidance as well as the context set by the JCS.
- 2.2** The development of the Cheltenham Plan is guided by a project initiation document (PID) agreed by Planning and Liaison Member Working Group (PLMWG) on the 15th of October 2014 and updated with reference to the Group at key stages as necessary and appropriate. The PID was last updated in August 2017. Drafting of the Plan's contents has been undertaken in collaboration with councillors through PLMWG which has convened approximately every 4-6 weeks and has been an effective way to ensure that the document is democratically steered, remains on schedule and will be relevant and effective once adopted.
- 2.3** The Cheltenham Plan was originally intended to comprise two parts. Part One covered some of the most significant topics, namely, Employment; Local Green Space; and development allocations for residential and mixed-use sites, and was subject to a non-statutory period of public consultation in January 2017. Part Two, which would cover all remaining topics, was intended to follow later in 2017. Each part would have been subject to regulation 19 publication separately and then brought together after the respective publication exercises and examined as a whole.
- 2.4** However, following discussions with the Planning Inspectorate in August 2017 and subsequent agreement by PLMWG, the plan preparation process was refined to provide a more streamlined and resource efficient approach. This is also in line with the view of how the plan would be carried forward in the scoping consultation. The amended process entails producing a single document that embodies all relevant topic areas including those already consulted upon as part of the Preferred Options stage.
- 2.5** In accordance with Government guidance, the Plan is more concise than historically produced local plans and draws heavily on the policy context provided by the JCS. It is therefore important that both the JCS and Cheltenham Plan are read together in order to ascertain the complete policy response to a particular matter. The JCS provides the higher-order strategic context whilst the Cheltenham Plan provides the second tier response, addressing any policy gaps, and providing a more local level of detail as necessary and appropriate. The Planning Inspectorate has confirmed that under the above approach, the legislative requirements pertaining to local plan preparation will continue to be met.
- 2.6** The guiding principles for Cheltenham Plan production have taken account of the need for clarity and brevity. In this respect, the Plan avoids duplication with the JCS as much as possible, especially in terms of background information and scene setting. Whilst an amount of background information remains necessary to help justify the policy response, much of this will be advanced through background papers and topic papers.
- 2.7** After adoption, the Planning Team will embark on a programme of Supplementary Planning Document (SPD) preparation. These documents will expand upon Cheltenham Plan policy and provide more detailed advice and guidance on how certain policies will be implemented. This is particularly the case in regard to the work on conservation area management plans which will be published as SPD soon after the adoption of the Cheltenham Plan. Whilst SPDs are not part of the development plan and are not subject to examination, they are an important consideration in

determining planning applications. A number of SPDs already exist and are published on the Council's website; these will be retained / updated as part of this process.

### **3. Reasons for recommendations**

- 3.1 The document being presented for approval by Council today is the pre-submission draft of the Cheltenham Plan 2011-2031. This is the version of the Plan that, subject to Council's approval, will be issued for publication prior to formal submission for examination by the Secretary of State in 2018. It is also known as the Regulation 19 version of the Plan reflecting the relevant stage as defined by the Town & Country Planning (Local Planning) (England) Regulations 2012.
- 3.2 It is a requirement to have an up to date development plan in place for the Borough. The Cheltenham Plan, in conjunction with the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, will enable the Council to fulfil this requirement. Approving the pre-submission document for publication will allow further progression of the Cheltenham Plan along a clearly defined process and will mark a significant milestone in the Plan's progression which will afford it increasing weight as a material consideration in the determination of planning proposals.
- 3.3 The document identifies a variety of social, environmental and economic issues being faced by the Borough at the present time and puts forward an appropriate policy response to help address those issues over the plan period. The document identifies land for development which through technical studies has been found to be able to accommodate different uses. The suitability of those uses has been confirmed as part of the iterative process of Integrated / Sustainability Appraisal subject to certain safeguards and development being undertaken in a particular manner. The document also identifies areas to be designated and protected as 'Local Green Space'.
- 3.4 The Plan is underpinned by an extensive body of evidence. There are areas where additional work is being carried out, which includes landscape, transport, flood risk and ecology. Key findings of this work are available now, but the full reports will accompany publication of the Pre-Submission Cheltenham Plan.
- 3.5 The publication of the Pre-Submission Cheltenham Plan includes a representations procedure whereby representations may be made by any person about the plan, such as whether they agree with the policy stance of the Plan and whether identified sites are appropriate for the allocations proposed. Any objections will need to take account of the supporting evidence for the plan and the reasoned justification for each policy or proposal.
- 3.6 It will not provide an opportunity for JCS issues to be revisited and any objections received on the basis of JCS policy or its supporting evidence will be discounted.

### **4. Interim arrangements**

- 4.1 The indicative timetable for the remainder of the plan preparation process is set out at Para 6.1 below. It will be noted that whilst the plan is expected to gain weight as a material consideration in decision making over the coming months, adoption is not anticipated until the end of 2018. This being the case, all saved policies from the 2006 adopted Borough Local Plan (save to the extent superseded by the JCS) will remain part of the development plan until that time.
- 4.2 The weight of any particular 2006 policy which has not been superseded by the JCS, will depend on whether it still accords with the policy stance of the JCS (conflicts in development plan policies are to be resolved in favour of the most recently adopted policy) and its degree of consistency with the NPPF.
- 4.3 In terms of retail, the 2006 policies will continue to be used beyond adoption of the new Cheltenham Plan (subject to relevance and due weight) because a comprehensive retail review needs to be undertaken for the JCS area. No new retail policy is therefore being proposed through the Cheltenham Plan at this time. This follows with the direction given to the JCS

authorities by the inspector in the JCS examination as to how retail should be dealt with.

## **5. Consultation and Feedback**

**5.1** Consultation (including internal consultation within the Authority) has been undertaken on the Cheltenham Plan at each of the various stages of preparation and, where appropriate, the comments received have helped shape the plan and its contents. The following illustrates the primary mechanisms and events that have contributed:

- Planning and Liaison Member Working Group (PLMWG) – a cross party group with a remit to consider and advise on the emerging Cheltenham Plan and provide guidance and feedback to Planning Committee, Cabinet and Council as appropriate. Through regular meetings, the Working Group has had a number of opportunities to comment and shape working drafts of the document. Meetings have also been held with other elected members (not part of PLMWG) and each of the political groups that requested an individual update.
- Internal officer working group - comprising officers from across the Council with a remit to consider, advise and inform the emerging Cheltenham Plan, requesting information from and providing feedback to individual teams as appropriate. This group has had the opportunity to feed into the draft scope, visioning and objectives consultation and has been kept informed on subsequent progress with the plan.
- Liaison with the Strategy and Engagement team to ensure that the Cheltenham Plan aligns with the Corporate Strategy and that consultation responses are elicited as widely as possible across the Borough.
- The Cheltenham Taskforce – regular updates and discussions have taken place between the Taskforce and officers leading the preparation of the Cheltenham Plan. This has also allowed detailed feedback and inclusion of policies and wording from the economic development and place strategy groups within the Council .
- Cheltenham's parishes and communities have been kept up to date on latest developments with the Plan through updates to the regular 'C5' and meetings of the Neighbourhood and Community Group Chairs.
- Feedback from the Cheltenham Plan Scoping consultation (July –September 2013).
- Feedback from the Issues and Options Consultation (June – August 2016).
- Feedback from the Preferred Options Consultation (January - February 2017). Approximately 600 comments have been uploaded to the Council website and are summarised by way of a Consultation Report which is also available to view on the website.

**5.2** Publication of the pre-submission Cheltenham Plan is scheduled to take place in early 2018 with members of the public and stakeholders being given a period of 8 weeks to make representations. Representations will be invited from all contacts on the Planning Policy Local Plan database and copies of the Plan will be made available electronically via the Council's website and in paper format at the Council's deposit locations. Efforts will be made to ensure the public, local businesses, statutory consultees and other stakeholders are aware of the publication and representation procedure through media releases, engagement with parish and neighbourhood groups, and via Council networks to alert groups to help cascade information. A number of public consultation events will occur, likely to centre on busy times, which could include displays at the Regent Arcade and Municipal Offices and other locations.

## **6. Performance management – monitoring and review**

- 6.1** The indicative timetable for the remainder of the Cheltenham Plan process is set out below:
- Early 2018: 8 week consultation on the pre-submission Cheltenham Plan
  - Spring 2018: Submission to the Secretary of State
  - Autumn 2018: Examination in Public
  - Winter 2018: Adoption
- 6.2** Responses received pursuant to the regulation 19 publication representations procedure will be forwarded to the Secretary of State on submission for independent examination (together with a statement of the number of representations received and a summary of the main issues raised in those representations). .
- 6.3** After adoption, the Council will regularly monitor the effectiveness of the Plan as part of the planning and development process and will use the results to review policies and practices if necessary. Any revisions to the Plan thereafter would need to be reflected by an amendment to the Local Development Scheme (LDS).
- 6.4** Performance against LDS milestones is monitored through the Authority's Monitoring Report (AMR) which is prepared annually.
- 6.5** The LDS was last updated and approved by Cabinet in October 2017.

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<p><b>Appendices</b></p>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. The pre-submission Cheltenham Plan 2011-2031</li> <li>3. Integrated Appraisal</li> <li>4. Consultation Report</li> <li>5. Cheltenham Plan maps not included in the main document: <ul style="list-style-type: none"> <li><u>Local green space:</u></li> <li><a href="https://www.cheltenham.gov.uk/downloads/download/1527/cheltenham_plan_-_local_green_space">https://www.cheltenham.gov.uk/downloads/download/1527/cheltenham_plan_-_local_green_space</a></li> <li><u>Key employment land (not otherwise included in the main body of the plan) :</u></li> <li><a href="https://www.cheltenham.gov.uk/downloads/download/1529/cheltenham_plan_-_key_existing_employment_land">https://www.cheltenham.gov.uk/downloads/download/1529/cheltenham_plan_-_key_existing_employment_land</a></li> <li><u>Small Changes to the Principal Urban Area (PUA) Boundary:</u></li> <li><a href="https://www.cheltenham.gov.uk/downloads/download/1530/cheltenham_plan_-_principal_urban_area_pua_edits">https://www.cheltenham.gov.uk/downloads/download/1530/cheltenham_plan_-_principal_urban_area_pua_edits</a></li> <li><u>Conservation areas and amendments:</u></li> <li><a href="https://www.cheltenham.gov.uk/downloads/download/1533/cheltenham_plan_-_conservation_areas">https://www.cheltenham.gov.uk/downloads/download/1533/cheltenham_plan_-_conservation_areas</a></li> </ul> </li> </ol> <p>Other Cheltenham Plan downloads and relevant evidence – later documents at the bottom of page  <a href="https://www.cheltenham.gov.uk/downloads/46/planning_policy">https://www.cheltenham.gov.uk/downloads/46/planning_policy</a></p>
<p><b>Background information</b></p>	<p>Background information and updates on previous consultation can be found at <a href="https://www.cheltenham.gov.uk/info/1004/planning_policy">https://www.cheltenham.gov.uk/info/1004/planning_policy</a></p>

## Risk Assessment

## Appendix 1

Corporate Risk	Corporate Risk Owner	Proposed Action	Original Impact	Original Likelihood	Original Score	Current Impact	Current Likelihood	Current Score	Control	Risk Control Process	Corporate Risk Manager	Corporate Risk Last Updated	Target Impact	Target Likelihood	Target Score	Target Date
CR81 – If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, the Borough will be exposed to the risk of inappropriate development.	Tracey Crews	Scrutiny Task Group set up to advise and challenge on the development of the Cheltenham Plan.	3 - Marginal	4 - Moderate	12	3 - Marginal	4 - Moderate	12	Reduce	The Pre-submission Plan slipped from being presented to Council in September 2017 as JCS matters have needed to take precedence. However, with a streamlining of the plan preparation process being agreed with PINS in August 2017 and with revisions to the Local Development Scheme being approved in October 2017, the Plan is now on target to be released for Pre-Submission publication in early 2018.	Philip Stephenson	01/09/16	3 - Marginal	4 - Moderate	12	30/01/18