

Cheltenham Borough Council

Council – 14th October 2019

Cheltenham Plan Main Modifications Report

Accountable member	Councillor McKinlay – Lead Member for Local Development Plan
Accountable officer	Tracey Crews – Director of Planning John Rowley – Planning Policy Team Leader
Ward(s) affected	All
Executive summary	<p>This report seeks authority to consult on Main Modifications to the Cheltenham Plan, following an examination into the Pre- Submission Cheltenham Plan by the Planning Inspectorate in February 2019.</p> <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 and has been subject to several rounds of public consultation. Following Pre-Submission publication in early 2018 the Cheltenham Plan was submitted to the Planning Inspectorate for independent examination.</p> <p>As a result of the public hearings carried out as part of the examination in February 2019, a number of amendments to the Plan are required to make it sound and compliant with national policy. These amendments are called Main Modifications and require public consultation.</p> <p>Following consultation, the Cheltenham Plan (with main modifications) together with consultation responses will be sent to the Planning Inspectorate. It will then be for the Inspector to set out in her Final Report whether she is satisfied that the plan can be made sound with main modifications. Assuming the Inspector is satisfied with the Cheltenham Plan (with main modifications) the final plan will be presented to Council in Spring 2020 for adoption.</p>
Recommendations	<p>The Council is asked to:</p> <ol style="list-style-type: none">1. approve for public consultation the proposed Main Modifications to the February 2018 Pre-Submission Cheltenham Plan as set out in Appendix 2 to this report (including proposed modifications to the Proposals Map and site maps/plans) as

those it endorses and considers necessary to make the Cheltenham Plan sound;

2. **delegate authority to the Director of Planning to make minor changes to the proposed Main Modifications and proposed modifications to the Proposals Map and site maps/plans in terms of formatting, presentation and accuracy prior to publication for consultation purposes.**

<p>Financial implications</p>	<p>There is a one-off budget of £69,133 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.</p> <p>Contact officer: Andrew Knott</p> <p>Andrew.knott@publicagroup.uk, Tel: 01242 264121</p>
<p>Legal implications</p>	<p>The purpose of the examination of the Cheltenham Plan is to assess whether it has been prepared in accordance with legal and procedural requirements and whether it is sound; and a local planning authority should only submit a plan which it considers sound. The Cheltenham Plan was submitted for examination in October 2018.</p> <p>The Inspector examining the plan has indicated that she is minded to find a number of the policies in the plan unsound and would not be able to recommend it is adopted without modifications and has invited the Council to draft a set of main modifications including those discussed during hearings.</p> <p>If the proposed main modifications as detailed in Appendix 2 are approved for consultation, though still not representing policies of an adopted plan, these will then form part of the emerging plan policies as the Council is seeking to be found sound and capable of adoption. It will be for the Inspector to set out in her final report, whether she is satisfied that the plan can be made sound with main modifications and if so, the exact wording for the main modifications to be made.</p> <p>Under section 23 of the Planning and Compulsory Purchase Act 2004, it is not possible to adopt a development plan document that an Inspector has only found to be sound with main modifications without all the main modifications as recommended in an Inspector's final report. Save for any minor amendments, which (taken together) do not materially affect the policies set out in the development plan document, the wording must be as the main modifications set out within the Inspector's final report.</p> <p>cheryl.lester@tewkesbury.gov.uk, Tel: 01684 272691</p>
<p>Corporate and community plan Implications</p>	<p>The Cheltenham Plan supports and is referenced by the Corporate Strategy and wider community planning. It supports the delivery of the Cheltenham Place Vision.</p>

Property/Asset Implications	<p>The removal of the Green Belt between the West and North West Cheltenham Strategic Allocations in JCS comprises land which is owned by the Borough, including the site known as 'Arle Nurseries' (which straddles the administrative boundaries of Cheltenham Borough and Tewkesbury Borough). This area is allocated as a housing allocation in the Cheltenham Plan. The Borough also own land at Priors Farm and Royal Well. These sites are being allocated for mixed use in the Cheltenham Plan. Any proposals would need to be sustainable and in accordance with the development plan as a whole.</p> <p>Contact: Head of Property Dominic Stead, dominic.stead@cheltenham.gov.uk 01242 264151</p>
HR implications (including learning and organisational development)	<p>There are no direct HR implications arising from the content of this report.</p> <p>Contact: HR Manager Julie McCarthy, julie.mccarthy@publicagroup.uk 01242 264355</p>
Key risks	<p>Corporate risk CR81: If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.</p>
Environmental/Social/Equality Implications	<p>Progressing with this stage of consultation will allow the Cheltenham Plan to progress in accordance with its timescales as set out in the project initiation document. The Cheltenham Plan is subject to a Sustainability Appraisal.</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 has been updated and condensed. Alongside these changes the Government has abolished regional and county strategic level planning and the Council has entered collaborative working on the JCS.
- 1.3 These changes have meant that many of the requirements set out in national policy and legislation concerning the contents of a local plan have already been met. 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 development management policies on issues such as design, heritage and the provision of infrastructure. The National Planning Policy Framework (NPPF) and national Planning Practice Guidance (nPPG) provide detailed planning policy direction and the government is clear that this guidance should not be duplicated at a local level.

2. The Cheltenham Plan

2.1 The Cheltenham Plan has been under development since 2012. 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. The Planning and Liaison Member Working Group (PLMWG) have played a critical and active role in the preparation of the Plan, convening approximately every 4-6 weeks..

2.2 Following the Pre-Submission publication of the Plan in 2018 (Pre-Submission consultation), the Plan and evidence base were submitted to the Planning Inspectorate for independent examination in October 2018. Public hearing sessions were held for six days during February 2019. Following the close of the hearing sessions the Inspector provided the Council with a Post Hearing Advice Note (appendix 3). The note outlined some concerns and recommendations on potential Main Modifications to the plan in order for it to be found sound. The main issues in the Advice Note can be summarised as follows:

- Leckhampton School Site – A modification is required to ensure that the new secondary school can come forward in a way where it is capable of being delivered. The solution to this issue is that Policy MD5 now allocates the school site south of Kidnappers Lane. This increases the potential number of dwellings which are possible on the remaining site.
- Lansdown Industrial Estate – The owners of the site do not object to its redevelopment for a mixed use scheme but cannot commit to a date for delivery of dwellings on the site. The site remains an allocation but it has been removed from the housing trajectory.
- Oakhurst Rise – The Inspector advised that the Council look again at the capacity of this site and include specific wording for landscape buffers. The Policy has been revised to require a Masterplan that respects the constraints of the site. A minimum requirement of 25 dwellings is specified in policy.
- Local Green Space (LGS) – The Inspector asked the Council to look again at the proposed LGS sites. This has been done through a reassessment exercise which has removed a number of LGS sites which do not have enough evidence to support them. The majority of these sites will be retained under the strong Public Green Space policy (GE 1) now to be saved from the 2006 Local Plan (as option 2 of paragraph 38 of the Inspector's Post Hearing Advice Note).

Officers have responded to the Inspector's advice note and outlined proposed actions in consultation with PLMWG. No objection to those actions has been raised by the Planning Inspector. The work proposed in the Inspector's Advice Note has therefore been undertaken and is reflected in Appendix 2.

2.3 The Main Modifications require a minimum six-week period of public consultation. Subject to Council's approval this will commence in November 2019. Following the close of the consultation all of the responses will be collated and sent to the Inspector. It will then be for the Inspector to prepare her final report on the Cheltenham Plan and determine whether the Plan with the Modifications is legally sound. She may find that it is unsound but recommend further modifications to make it so. Any further modifications and the formal adoption of the final version of the Plan will be a decision for Council.

2.4 After adoption, the Planning Team will embark on a programme of Supplementary Planning Document (SPD) preparation. These documents will expand upon Cheltenham Plan policy providing more detailed advice and guidance on policies in the development plan. Where new

SPD's are required to support delivery of the development plan, for example West Cheltenham Masterplan, project plans will be drafted and preparation overseen by PLMWG.

3. Reasons for recommendations

- 3.1 It is a requirement to have an up to date development plan in place for the Borough. Approving the Main Modifications for consultation 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.

4. Alternative options considered

- 4.1 Before reaching the submission stage of the Cheltenham Plan a range of alternative options were considered and tested through consultation. The Plan that was submitted to the Planning Inspectorate was agreed by Council on 11 December 2017.
- 4.2 The examination hearings on the Cheltenham Plan provided the Inspector the opportunity to hear evidence on any issues where she required further clarification. The resulting Main Modifications are necessary to make the Plan sound. As such there are no other reasonable options at this time.

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 received 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).
- Feedback from the Pre-Submission Publication (February – April 2018).

6. Performance management – monitoring and review

- 6.1** 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).
- 6.2** Performance against LDS milestones is monitored through the Authority's Monitoring Report (AMR) which is prepared annually.
- 6.3** The LDS was last updated and approved by Cabinet in October 2017.

Report author	Contact: Planning Policy Team Leader John Rowley, john.rowley@cheltenham.gov.uk 01242 264180
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Proposed Schedule of Main Modifications 3. Inspector's Post Hearing Advice Note 4. Cheltenham Plan with Track Changes 5. Amended Proposals Map 6. Amended Site Maps/Plans 7. Main Modifications Sustainability Appraisal Addendum Report
Background information	Background information (including the Sustainability Appraisal Addendum) and updates on consultation can be found at https://www.cheltenham.gov.uk/info/1004/planning_policy

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
CR81	If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.	David Oakhill	09/09/2019	4	2	8	Accept	Commence consultation in Nov 2019. Seek adoption of Local Plan in first ¼ of 2020. Continue to work closely with PLMWG and other stakeholders to ensure the Plan is progressed in a timely manner		John Rowley	
<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>											