



CHELTENHAM
BOROUGH COUNCIL

The Cheltenham Plan Main Modifications

INTEGRATED SUSTAINABILITY APPRAISAL

**Addendum Report
July 2019**

enfusion



Cheltenham Borough Council The Cheltenham Plan (2011-2031): Main Modifications

**INTEGRATED APPRAISAL (IA)
Sustainability Appraisal (SA); Strategic
Environmental Assessment (SEA); Health
Impact Assessment (HIA); Equality Impact
Assessment (EqIA); Habitats Regulations
Assessment (HRA)**

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2.1 Screening the MMs for SA & HRA Significance

1.0 INTRODUCTION

The Cheltenham Plan (2011-2031): Submission & Examination

- 1.1 Cheltenham Borough Council is preparing a new Local Plan in consideration of the National Planning Policy Framework (NPPF)¹, changed local circumstances, and the progress of the Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (GCT JCS, adopted December 2017)². The GCT JCS (2011-2031) provides the housing and employment needs for the Cheltenham Borough area including the strategic direction for development growth with Policies (Strategic, Core, Allocation, and Delivery). The Cheltenham Plan (CP), covering the administrative area of Cheltenham Borough, will guide development in the local area and will be used in combination with the JCS.
- 1.2 The Local Plan has been developed iteratively since early proposals in 2015, through continuing technical studies, and with wide consultation to consider comments made. The proposed draft Cheltenham Plan was submitted to the Secretary of State for independent examination by a planning inspector on 3 October 2018. Hearing sessions were held at the Borough Council offices 13-15 and 26-28 February 2019). The Inspector advised in her Post Hearing Note [ED030] (April 2019)³ that she considered the Cheltenham Plan to be a Plan that could be found sound subject to Main Modifications (MMs). The MMs will be subject to consultation and her final conclusions will be reached taking any representations into account.
- 1.3 The Council considered its options with regard to the suggested MMs for the Plan and advised the Inspector of intentions with a proposed programme [ED031]⁴; the programme was then updated in June 2019 [ED033]. Draft MMs have been prepared and submitted to the Inspector for comment during August 2019. The proposed MMs will be considered by the full Council in September, followed by public consultation during October – December 2019. The final report from the Inspector is anticipated during February 2020.

Integrated (Sustainability) Appraisal (IA)

- 1.4 The emerging elements of the draft CP have been tested through Integrated Appraisal (IA), incorporating requirements for Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), Health & Equality Impact Assessment (EqIA), and Habitats Regulations Assessment (HRA). Each draft of the CP has been accompanied by IA and HRA Reports through consultation

¹ NPPF 2012, revised 2018 & updated February 2019 <https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

² <https://www.jointcorestrategy.org/adopted-joint-core-strategy>

³

https://www.cheltenham.gov.uk/downloads/file/7295/ed030_amended_inspectors_post_hearing_advice_note_9412

⁴

https://www.cheltenham.gov.uk/downloads/file/7316/ed032_email_to_council_from_inspector_re_response_to_advice_note_300419

stages of plan-making; representations to the IA and HRA reports have been taken into consideration in the following iteration of assessments.

- 1.5 The IA and HRA studies have been undertaken by independent specialists, Enfusion Ltd, building upon the previous work carried out for the GCT JCS and using the same methods – thus demonstrating compatibility and continuity of assessments. The IA [SD017 & 014] and HRA [SD012, revised SD013] reports⁵ were submitted as evidence supporting the CP. The representations received to the Regulation 19 consultation on the IA and HRA were also published, together with draft responses [SD015].
- 1.6 The SA, SEA and HRA reports were discussed during the hearing session on 13 February 2019. The Inspector has not raised any concerns regarding the IA (SA, SEA) and HRA. She has advised [ED030] that the requirements for SA should be met by producing an addendum to the SA of the submitted CP in relation to the potential MMs.

Purpose & Methods for the IA Addendum Report

- 1.7 This IA Addendum constitutes part of the SA/SEA Report submitted [SD017 & SD014-15] for the purposes of demonstrating compliance with SA and SEA requirements. It also addresses updating of the HRA [SD012-13] Report. This Addendum Report only addresses the implications for the assessments with regard to the potential MMs; it does not reconsider any other aspects of the Plan. Thus, the purpose of the IA Addendum is to assess the proposed MMs and to demonstrate that the requirements for SA, SEA and HRA have been met.
- 1.8 A pragmatic and proportionate approach has been taken to the assessments. The MMs have been screened using professional judgment to assess their likely significance with regard to SA/SEA and HRA. Those MMs that were considered to be significant have been further assessed using the SA Framework of Objectives (Table 2.1 ED030) and the implications for the previous findings considered. Any MMs that are relevant to the previous HRA findings have also been considered and the HRA updated within this IA Addendum Report.

⁵ https://www.cheltenham.gov.uk/info/46/planning_policy/1034/the_cheltenham_plan/3

2.0 SCREENING THE MMs FOR SA & HRA SIGNIFICANCE

2.1 The draft MMs were screened for their significance with regard to SA, SEA and HRA, as set out in the following Table 2.1. It may be noted that some proposed modifications are to provide greater clarity, correct errors, avoid repetition, and for updating and as such may not be significant for the findings of the assessment processes.

Table 2.1: Screening the MMs for SA & HRA Significance

CP Policy/ Paragraph	Summary of Changes	Significant for SA/SEA or HRA?
2.9 b	Additional text to explain the natural environment and emphasise the importance of the AONB.	No
EM1	Merging of policies EM1 & EM3 into EM1 Employment Land and Buildings to provide greater clarity & avoid repetition.	No
3.23 E4	Policy EM1 E4 Chelt Walk employment site now includes detailed mitigation measures against flood risk as advised by the Environment Agency.	Yes
EM6 3.25-29	Policy & supporting text deleted to avoid replicating the JCS.	No
GB1	Residential infilling in the Green Belt – removal of specific locations so that all relevant locations will be considered when applying this policy.	Yes?
GB2	Amendments to criterion (d) to be consistent with the NPPF regarding openness and visual amenity.	No
8.4-8.5	Amendments to ensure that the most up to date version of the Cotswold AONB Management Plan is taken into account in decision-making; removal of text to avoid replication of JCS text.	Yes?
HE1	Amendments to policy wording ensure consistency with the NPPF – “ <i>required to have regard to the scale of any harm or loss to the significance of the heritage asset</i> ”.	No
9.21-30	Clarification regarding undertaking reviews of designated Conservation Areas.	No
BG1	New Policy. Development affecting Cotswold Beechwoods SAC – recreational pressure - substantial new detailed policy and supporting text to reflect ongoing discussions with Natural England & their advice regarding the HRA; ongoing discussions between the JCS authorities and other neighbouring LPAs.	Yes
BG2	New Policy. As above – for air quality	Yes
Table 2	Housing numbers to be delivered as of June 2019 – updated	No
H1 & Table 3	Policy H1 Land Allocated for Housing Development – Additional policy text clarifying the relevance of JCS transport policy and evidence to all allocated sites; clarification of what flood risk measures may be required for these sites; necessary infrastructure should	Yes

	be provided to avoid local exceedance of sewer networks. Updating of dwelling capacities.	
HD3	Bouncer's Lane – additional site-specific requirements for flood risk management	Yes
HD4	Land off Oakhurst Rise - additional site-specific requirements in respect of the setting of heritage assets adjacent to the site.	Yes
HD5	Land at Stone Crescent – reduction from 20 to 13 dwellings	Yes?
HD6	Brockhampton Lane – reduction from 20 to 17 dwellings	Yes?
HD7	Priors Farm Fields - additional site-specific requirements for flood risk management	Yes
HD8	Old Gloucester Road - additional site-specific requirements for flood risk management	Yes
H2 & Table 4	Policy H2 Land Allocated for Mixed Use Development – Additional policy text clarifying the relevance of JCS transport policy and evidence to all allocated sites; clarification of what flood risk measures may be required for these sites. Updated dwellings numbers for MD1 & MD5.	Yes
MD1	Lansdown Industrial Estate – removal of approximately 100 dwellings as no longer able to evidence delivery.	Yes
MD4	Royal Well and Municipal Offices - additional site-specific requirements for flood risk management.	Yes
MD5	Leckhampton – amendments to reflect the change of location for the school and the updated residential capacity figures.	Yes
GT1 13.5-13.8	Gypsy, Traveller & Travelling Showpeople Sites – removal of allocation to accord with national policy for traveller sites.	Yes?
GI1	Local Green Space – removal of Public Green Space sites from Local Green Space policy to ensure compliance with the NPPF.	No
Table 9	Updated housing figures to take account of more recent monitoring data being available and changes to site allocation capacity figures; total supply increased from 11,030 to 11,632 dwellings.	Yes?
Table 14	Theme C Objectives (a) – revision of monitoring indicator with regard to Cheltenham's architectural, townscape & landscape heritage.	Yes?

3.0 SA OF MAIN MODIFICATIONS (MMs)

- 3.1 **Policy EM1 Employment Land and Buildings E4 Land at Chelt Walk Town Centre:** Amendments to this employment land allocation detail mitigation measures for flood risk with requirements for an 8m buffer to the River Chelt, river corridor biodiversity enhancements, no net loss in flood plain storage of flows and exploration for provision of flood risk betterment, provision of financial contributions to the adjacent R Chelt Flood Alleviation Scheme, and all finished flow levels to be set 600m above the 1 in 100 year level including an appropriate allowance for climate change.
- 3.2 The previous SA identified the potential negative effects for this site (currently used as a pay and display car park) as the site and surrounding land is located in Flood Risk Zones 2-3. The SA had considered that national requirements and the GCT JCS Policy INF3 should provide sufficient mitigation to approach residual effects. However, these additional site-specific requirements will ensure that appropriate mitigation measures are implemented, removing any uncertainty of significance for the SA with regard to effects on SA Objective No 3 Flooding. The requirement to explore opportunities to provide flood risk betterment indicates possibilities for minor positive effects as this could resolve an existing sustainability problem.
- 3.3 The requirement for finished floor levels including allowance for climate change will contribute towards positive effects for SA Objective No 3 Healthy Communities and SA Objective Nos 7, 8 & 9 relating to sustainable water management. The requirement to provide river corridor enhancements to protect and enhance the biodiversity and river setting at this location will contribute towards positive effects for SA Objective No 3 Healthy Communities and No 10 Biodiversity – these could be synergistic and cumulative for wildlife and people the longer term.
- 3.4 **Policy GB1 Residential Infilling in the Green Belt:** Removal of specific locations so that all relevant locations will be considered when applying this policy ensures that all new development in the Green Belt will have to comply with the policy requirements. This strengthens the mitigation provided by the policy and confirms the previous findings of the SA that suitable mitigation measures are embedded in policy with regard to SA Objective No 11b for protection of the Green Belt.
- 3.5 **The Cotswolds AONB paragraphs 8.4-5:** This chapter of the CP must be read in conjunction with the JCS, specifically Policy SD7 the Cotswold AONB and the supporting text has been amended to make specific reference to the most up to date version of the AONB Management Plan. This will ensure that mitigation measures are kept up to date and will confirm the likely residual neutral effects identified through the previous SA.
- 3.6 **Policy BG1 Cotswold Beechwoods Special Area of Conservation Recreation Pressure:** This new policy has been prepared to address concerns raised by

Natural England (NE). The previous HRA and SA/SEA had considered that the JCS Policy SD9 Biodiversity and Policy INF3 Green Infrastructure would provide sufficient mitigation to protect the designated sites from recreational pressures, together with the commitment from the JCS authorities for ongoing studies, discussions, and development of the strategic mitigation plan. The HRA screening reported in July 2018 [ED013] had identified the possibilities for likely significant effects for changes to air quality and increased recreational disturbance on the Cotswold Beechwoods SAC – in-combination with other plans/projects, especially the new development proposed in the emerging Stroud Local Plan Review. In consideration of the location and relatively small local size of the proposed development in the CP, and the embedded policy mitigation through the JCS and CP, the Appropriate Assessment stage of the HRA concluded that significant effects were unlikely since mitigation measures were in place.

- 3.7 Whilst NE noted that the majority of the CP site allocations are over 10km from the Cotswold Beechwoods SAC, they suggested that there is no strategic understanding of where visitors come from and how they use the SAC, no established zone of influence for recreational pressure, and no mitigation plan. Without this information, NE considered that it is not possible to reach a conclusion of no likely significant effects from the Cheltenham Plan – alone or in-combination with other plans and projects. Accordingly, NE was unable to concur with the conclusions of the HRA [SD012-13] and the SA/SEA [SD017 & 14].
- 3.8 The situation was discussed at the examination hearing sessions. The Statement of Cooperation reached between the JCS authorities and Natural England outlined the approach to developing mitigation measures. Ongoing discussions and recent progress on updating the evidence base for the review of the JCS indicates that visitor survey data will be gathered during summer 2019 providing information to develop specific appropriate mitigation measures. There is ongoing collaborative work between the 3 JCS LPAs and Cotswold District Council to assist Stroud District Council in the delivery of the visitor survey for the Cotswold Beechwoods SAC. Until this evidence is completed and updates the evidence base for the review⁶ of the JCS, the Cheltenham Plan needs an interim policy to ensure that housing development coming forward as part of the CP meets the requirements of the HRA Regulations.
- 3.9 The new Policy BG1 provides strong guidance and makes it clear that new development will not be permitted where it would lead directly or indirectly to an adverse effect upon the integrity of the European Site network, alone or in-combination. All development within the borough that leads to a net increase in dwellings will required to mitigate any adverse effects; development must contribute to mitigation or provide information for a bespoke project level HRA. The policy then describes the kind of mitigation measures that new housing development could contribute, and clearly states the commitment to a review of the relevant parts of the CP if the strategic mitigation scheme has not progressed to implementation after five years. This

⁶ <https://www.jointcorestrategy.org/joint-core-strategy-review>

removes any uncertainty from the previous SA/SEA and HRA with regard to implementation of effective mitigation measures and demonstrates a strong commitment to both the short and the longer term.

- 3.10 This strengthening of embedded mitigation through new CP Policy BG1 confirms that there will be no significant adverse effects from recreational disturbance, alone or in-combination, from the CP on the Cotswold Beechwoods SAC for the HRA. This also then confirms the likely neutral residual effects for designated sites as reported in the SA/SEA.
- 3.11 **Policy BG2 Cotswold Beechwoods Special Area of Conservation Air Quality:** This new policy has been prepared to address concerns raised by Natural England (NE). Guidance NEA001 (NE, July 2018)⁷ on assessing impacts of transport emissions for HRA advises that there is the potential for increased levels of atmospheric pollution for roads within 200m of a designated site. The Cotswold Beechwoods SAC lies within 200m of the A46 that links Cheltenham with Stroud. The previous HRA and SA/SEA had investigated this possibility, including through the use of the updated guidance, and noted that the SAC currently exceeds its critical loads and levels for nitrogen⁸. It had been concluded the proposed development in the CP was unlikely to substantially increase traffic on the A46 due to its local size and location, mostly over 10km from the SAC. It was also considered that JCS Policy INF1 Transport Network and JCS Policy SD9 Biodiversity would provide sufficient mitigation.
- 3.12 As discussed above for CP Policy BG1, NE remained concerned about the lack of strategic understanding of where visitors come from and how they use the SAC, and consequently uncertainty about any increases in atmospheric pollution from vehicle emissions. Whilst the recreational studies as part of the JCS and Stroud LP Reviews are ongoing, the Council has prepared an interim safeguarding mechanism through this Policy BG1. Development proposals in the CP area that are likely to generate additional traffic emissions to air that are capable of affecting the Cotswold Beechwoods SAC must be investigated through the HRA process and in line with the NE guidance for assessing road traffic emissions.
- 3.13 This strengthening of embedded mitigation through new CP Policy BG2 confirms that there will be no significant adverse effects from changes to air quality, alone or in-combination, from the CP on the Cotswold Beechwoods SAC for the HRA. This also then confirms the likely neutral residual effects for designated sites as reported in the SA/SEA.
- 3.14 **Policy H1 Land Allocated for Housing Development:** Additional policy text clarifying the relevance of JCS transport policy and evidence to all allocated sites; specific clarification of what flood risk measures may be required for these sites. Table 3 has been updated with the changes to the housing deliveries to reflect completions and dwellings already with planning permission. The total supply has increased for the CP from 11,030 to 11,632, still

⁷ <http://publications.naturalengland.org.uk/publication/4720542048845824>

⁸ Air Pollution Information System (2012) Site Relevant Critical Loads. Online at <http://www.apis.ac.uk/>

- with excess of the objectively assessed need for housing 2011-2031 of 10,917 to allow flexibility and more certainty of delivery.
- 3.15 The additional policy text requires that all sites will require a robust transport assessment at the application stage – this should identify traffic impact and determine highway requirements in line with the JCS and its evidence base. This provides a strengthening of policy that further confirms implementation of mitigation measures and progression of SA Objective No 4 Access and No 6 Traffic with at least likely neutral residual effects overall.
- 3.16 The policy text now states that sites where specific flood risk concerns have been identified have site-specific requirements – HD3 Bouncer's Lane; HD7 Priors Farm Fields; and HD8 Old Gloucester Road. The previous SA had considered that JCS Policy INF2 Flood Risk Management, together with national requirements, would ensure that effects were likely to be at least neutral. The refinement of Policy H1 and site-specific requirements for Allocations HD3, HD7 & HD8 will ensure that mitigation measures are implemented confirming the previous SA findings. The site-specific requirement for development allocated through Policy HD7 to provide financial contributions to the adjacent Whaddon Flood alleviation Scheme indicate the contribution towards resolving an existing sustainability problem with local minor positive effects.
- 3.17 Policy H1 now clearly states that all sites have potential sewerage infrastructure constraints and that any necessary infrastructure should be provided prior to occupation to avoid local exceedance of the sewer networks. The previous SA had assumed that JCS Policy INF2 Flood Risk Management and INF6 Infrastructure Delivery would ensure sufficient mitigation measures with likely effects towards neutral. This strengthening of local policy will ensure that neutral effects are confirmed.
- 3.18 Additional site-specific requirements for allocations in Policy HD3 & HD7 for river corridor enhancements to protect and enhance biodiversity and river setting will contribute to local positive effects for SA Objective No 10 biodiversity and No 11 Landscape. The additional site-specific requirement for HD8 to reinstate the public footpath that runs along the river will contribute to positive effects for SA Objective No 3 Healthy Communities and No 5b sustainable transport.
- 3.19 The additional site-specific requirement for the western area of the site HD8 to provide a green buffer to the south of the River Chelt in order to provide a degree of separation from the scheduled moat to the north strengthens the mitigation measures and reduces uncertainty in the previous SA findings towards residual neutral effects for SA Objective No 13 Cultural Heritage.
- 3.20 Policy H1 Table 2 updates the capacities for new dwellings with changes for HD5 & HD6. Site Allocation HD5 Land at Stone Crescent has reduced capacity from about 20 to 15 dwellings to better reflect the recent planning history with constraints on highways access. This updated capacity is likely to reduce the positive effects for SA Objectives on housing but mitigate any uncertainty of the significance of any negative effects on access. Site Allocation HD6 Brockhampton Lane has reduced capacity from about 20

dwelling to 17 to reflect updated information. Overall, insignificant effects on the findings of the previous SA with positive effects for housing and site-specific requirements providing mitigation measures for potential negative effects landscape.

- 3.21 **Policy H2 Land Allocated for Mixed Use Development:** Additional policy text clarifying the relevance of JCS transport policy and evidence to all allocated sites; and clarification of what flood risk measures may be required for these sites. Table 3 has been updated with revised dwellings numbers for Site Allocations MD1 and MD5.
- 3.22 The additional Policy requirements for transport assessment, flood risk management and sewerage infrastructure will strengthen policy and confirm the SA findings as described previously for CP Policy H1.
- 3.23 Site Allocation MD1 Lansdown Industrial Estate has been revised to be an employment led regeneration which may include an element of residential development; the previous capacity of 100 dwellings has been removed as there is no longer evidence to support delivery. The previous SA had found positive effects for housing and these are now changed to neutral effects.
- 3.24 Site Allocation MD5 Leckhampton has been revised with an increased size from 15 to 21 hectares and an increased capacity from 250 to 350 dwellings to reflect that the changed location of the secondary school onto land to the south of Kidnappers Lane. The increase in housing will enhance the positive effects previously found in the SA; mitigation measures remain in the policy through site-specific requirements thus confirming the previous SA findings.
- 3.25 **Policy GT1** Gypsy, Traveller & Travelling Showpeople – CP Policy has been removed to align with national policy. The previous SA had found that this policy contributed to the overall positive effects arising from meeting identified housing need. New supporting text explains that the Castle Dream Stud with its current temporary planning permission meets the identified need for this group in the short term. Further work to identify and allocate a suitable and available site to meet the identified need in the longer term will be undertaken during the review of the CP. Therefore, no change to the previous SA findings.
- 3.26 **Table 9** Summary of Requirement & Supply for Cheltenham Borough updates the housing figures to take account of recent monitoring data being available and changes to site allocation capacity figures. The total supply is increased from 11,030 to 11,632 dwellings – in excess of the JCS agreed need of 10,917 dwellings to allow for flexibility and more certainty of delivery. This updating of housing numbers is not significant with regard to the previous SA findings that overall found major positive effects for SA Objectives on housing. Allowing for more certainty confirms the previous positive effects.
- 3.27 **Table 14** Theme C Monitoring - revision of the monitoring indicator with regard to Cheltenham's architectural, townscape and landscape heritage. The refinement to the indicator now includes a commitment to assess the impact of applications granted within a Conservation Area, rather than just noting

the number of applications. This will provide more useful information in the longer term to inform future plan-making and assessment – not significant for this SA.

4.0 SUMMARY & NEXT STEPS

- 4.1 The proposed draft Cheltenham Plan was submitted to the Secretary of State for independent examination on 3 October 2018. Hearing sessions were held at the Borough Council offices 13-15 and 26-28 February 2019). The Inspector advised in her Post Hearing Note [ED030] (April 2019) that she considered the Cheltenham Plan to be a Plan that could be found sound subject to Main Modifications (MMs).
- 4.2 The Council considered its options with regard to the suggested MMs for the Plan and advised the Inspector of intentions with a proposed programme. Draft MMs have been prepared and submitted to the Inspector for comment during August 2019.
- 4.3 The implications of the draft MMs on the findings of the previous SA/SEA and HRA have been investigated. The MMs were screened for their significance with regard to the assessment processes; it was noted that many amendments are for updating and to provide further clarity and as such are not significant for SA and HRA.
- 4.4 Those MMs identified as potentially significant for SA/SEA and HRA were then considered using the same methods and assessors as for the submitted SA and HRA Reports. Many of the MMs were refinements that strengthened policies, including site-specific requirements for flood risk management and sewerage infrastructure capacity, confirming certainty of implementation of such mitigation measures and confirming previous SA findings for neutral effects.
- 4.5 The key change has been the inclusion of two new policies CP Policy BG1 Cotswold Beechwoods SAC Recreation Pressure and BG2 Cotswold Beechwoods SAC Air Quality. These policies provide clear and comprehensive guidance and requirements as interim safeguarding mechanisms whilst the JCS authorities together with relevant adjacent authorities at Cotswold and Stroud District Councils continue recreational studies and progress mitigation measures.
- 4.6 These additional policies address the concerns raised by Natural England. Thus, the conclusions of the HRA that there are embedded policy mitigation measures to ensure that there will be no likely significant adverse effects on the integrity of the Cotswold Beechwoods SAC, alone or in-combination, is confirmed. This also further confirms the findings of the SA in respect of SA Objectives for designated sites – that there will be no significant negative effects.
- 4.7 The proposed MMs will be considered by the full Council in September, followed by public consultation during October – December 2019, including this SA Addendum Report. The final report from the Inspector is anticipated during February 2020.

The MMs will be subject to consultation and her final conclusions will be reached taking any representations into account.