

Cheltenham Borough Council

Council – 20 July 2020

Cheltenham Plan Adoption Report

Accountable member	Councillor Jordan – Leader
Accountable officer	Tracey Crews – Director of Planning John Rowley – Planning Policy Team Leader
Ward(s) affected	All
Executive summary	<p>This report seeks the resolution from Members to adopt the Cheltenham Plan, with the recommended main modifications, as part of the statutory Development Plan for Cheltenham Borough.</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. The Cheltenham Plan was submitted to the Planning Inspectorate for independent examination in October 2018, with examination hearings held February 2019 and a Main Modifications consultation undertaken between 4 November 2019 and 16 December 2019. The Inspector's Report on the local plan was received on 17 March 2020 and it says that the plan as submitted is unsound but that provided her recommended Main Modifications are included it will be sound and can be adopted by the Council.</p>
Recommendations	<p>The Council is asked to:</p> <ol style="list-style-type: none">1. ADOPT the adoption version of the Cheltenham Plan at Appendix 4 to this report, as part of the Council's statutory development plan2. ADOPT the amendments (maps and text) to the adopted Proposals Maps as set out within Appendix 5 and 6 to this report3. DELEGATE authority to the Director of Planning, in consultation with the Leader of the Council to make minor spelling, grammatical, cross-referencing or typographical errors and presentational changes (including the addition of a Foreword) to the Cheltenham Plan and accompanying policies maps prior to publication

<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>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 exact wording must be as the main modifications set out within the Inspector’s final report.</p> <p>Under regulation 26 of the Town and Country Planning (Local Planning)(England) Regulations 2012, where a local planning authority adopt a local plan they must prepare an adoption statement specifying the date on which the local plan was adopted, any modifications made pursuant to section 23 of the Planning and Compulsory Purchase Act 2004, that any person aggrieved by the local plan may make an application to the High Court under section 113 of that Act and the grounds on which and the period within which an application can be made.</p> <p>As soon as reasonably practicable after adoption the Council must send a copy of the adoption statement to any person who asks to be notified of the adoption of the local plan and to the Secretary of State. The Council must also, again as soon as reasonably practicable, make the following available by publishing them on its website and making them available for inspection at their principal office and at such other places within their area as it considers appropriate during normal office hours:</p> <ul style="list-style-type: none"> - The local plan - The adoption statement - The sustainability appraisal report; and - Details of where the local plan is available for inspection and the places and times at which the document can be inspected. <p>Under Section 113 of the Planning and Compulsory Purchase Act 2004 any application for leave to challenge an adopted plan (in whole or part) must be made before the end of the period of six weeks beginning with the day after adoption. The JCS will form and remain part of the Development Plan on adoption unless and to the extent any challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 has been successful.</p> <p>It is not clear in following COVID-19 guidance when other places will make themselves available for the deposit of documentation for physical inspection, but should the plan be adopted the Council will make the documents available at its offices via an appointment system and will otherwise make further deposits at other locations as soon as reasonably practicable.</p>

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Corporate and community plan Implications	The Cheltenham Plan supports and is referenced by the Corporate Strategy and wider community planning. It supports the delivery of the Cheltenham Place Vision.
Property/Asset Implications	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'. 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. The Council also has land interests in the Strategic Allocation at West Cheltenham – however this is a JCS Policy matter and not a Cheltenham Plan matter. Any proposals would need to be sustainable and in accordance with the development plan as a whole. Contact: Head of Property Dominic Stead, dominic.stead@cheltenham.gov.uk 01242 264151
HR implications (including learning and organisational development)	There are no direct HR implications arising from the content of this report. Contact: HR Manager Julie McCarthy, julie.mccarthy@publicagroup.uk 01242 264355
Key risks	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.
Environmental/Social/Equality Implications	The Cheltenham Plan is subject to a Sustainability Appraisal.

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.

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** The Plan and evidence base were submitted to the Planning Inspectorate for independent examination in October 2018. Public hearing sessions were held during February 2019. Following the close of the hearing sessions the Inspector provided the Council with a Post Hearing Advice Note (Appendix 3). The main issues in the Advice Note covered Leckhampton School Site, Lansdown Industrial Estate, Oakhurst Rise and Local Green Space (LGS).
- 2.3** Officers responded to these issues and others which were discussed at the examination hearings. The result of this was a series of Main Modifications to the submitted plan which are required to make it sound.
- 2.4** The Main Modifications were subject to public consultation for a six-week period in November and December 2019. Following the close of the consultation all of the responses were collated and sent to the Inspector, along with the Main Modifications documentation. The Inspector has taken the responses into account in writing her Final Report (Appendix 2) which she sent to the Council on 17 March 2020. The Final Report sets out her official recommendations for the Cheltenham Plan. It says that the plan as submitted is unsound but that provided her recommended Main Modifications are included it will be sound and can be adopted by the Council.
- 2.5** The Main Modifications which she recommends are mostly the same as those which were agreed by Council on 14 October 2019 and subject to public consultation. The changes can be summarised as follows:
- The Inspector has made a minor change to the wording of modified Policy HD4 (Oakhurst Rise) to require the protection of mature trees.
 - The Inspector has removed the reference to retail, healthcare and community facilities in Policy MD2 (North Place and Portland Street) and as a consequence has moved the site into the housing policy H1 and renumbered it HD9.
 - As a consequence Policies MD3-5 have been renumbered.

The Inspector was happy that none of these amendments significantly altered the content of the Main Modifications as published for consultation or undermined the participatory processes and sustainability appraisal that have been undertaken.

- 2.6** The Town and Country Planning (Local Planning) (England) Regulations 2012 require that newly adopted local plan documents must be made available to the public at the Council offices and other appropriate locations, as soon as reasonably practicable. The Council's Statement of Community Involvement (SCI) sets out these potential 'Deposit Locations'. With the current Covid 19 related lockdown it will not be immediately possible to make hard copy documents available at the all such locations.
- 2.7** As soon as reasonably practicable after adoption the Council will send a copy of the adoption statement to any person who asks to be notified of the adoption of the local plan and to the Secretary of State.
- 2.8** 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.

3. Reasons for recommendations

- 3.1** It is a requirement to have an up to date development plan in place for the Borough. Adopting the Cheltenham Plan with Main Modifications will provide the Borough with an up to date and appropriate basis for making planning decisions.
- 3.2** Despite the challenges which the Covid-19 lockdown has created having an up to date local plan remains vital. The Government has made it clear that planning functions should continue to operate as much as possible and that Councils should be as proactive as possible.

4. Alternative options considered

- 4.1** There is no reasonable alternative to deciding whether the adoption version of the Cheltenham Plan is acceptable to the Council at this stage of the plan making process.
- 4.2** As part of the Examination in Public, the Inspector has concluded, that subject to the main modifications recommended, the Cheltenham Plan as 'sound' in her Final Report.
- 4.3** The options open to the Council are limited by the legislation. The Council can either (i) adopt the Cheltenham Plan, with the main modifications recommended by the Inspector (together with any additional modification which taken together would not materially affect the policies contained in the Cheltenham Plan if it were adopted with just the recommended main modifications); or (ii) not adopt. In the case of (ii) the Council would need to begin the preparation of a new plan, leading to continued speculative rather than plan led development until a new plan had been prepared and adopted. The Inspector has found the Cheltenham Plan, with main modifications, sound and (ii) is not recommended.

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).
- The examination hearings were held between 13-15 and 26-28 February 2019.
- Main Modification Consultation (4 November – 16 December 2019).

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.

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<p>Appendices</p>	<ol style="list-style-type: none"> 1. Risk Assessment 2. Inspector's Final Report 3. Appendix to Final Report 4. Amended Cheltenham Plan 5. Amended Proposals Map 6. Amended Site Maps/Plans 7. Main Modifications Sustainability Appraisal Addendum Report 8. Inspector's Post Hearing Advice Note
<p>Background information</p>	<p>Background information (including the Sustainability Appraisal Addendum) and updates on consultation can be found at https://www.cheltenham.gov.uk/info/1004/planning_policy</p>

The risk				Original risk score (impact x likelihood)			Managing risk			
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likeli- hood 1-6	Score	Control	Action	Deadline	Responsible officer
147	If the Cheltenham Plan is not adopted or adoption is significantly delayed then inappropriate development applications will be harder to refuse.	John Rowley	01/02/2020	2	2	4	Reduce	Adopt Cheltenham Plan with Main Modifications at the next possible Council meeting.	N/A	John Rowley