

# Cheltenham Borough Council

## Cabinet – 25 July 2023

### Local Development Scheme 2023

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**Accountable member:**

Cllr Rowena Hay, Leader of the Council

**Accountable officer:**

Tracey Birkinshaw, Director of Community & Economic Development

**Ward(s) affected:**

All

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**Key Decision:**

Yes. Climate Change impact assessment not completed for this decision as relates wholly to the timetable of preparation of the council's statutory development plan. However, the outputs driven by the decision will be subject to assessment.

**Executive summary:**

The Cheltenham Borough Local Development Scheme (LDS) outlines the timetable for preparing statutory development plan documents in the Borough. It is a statutory requirement under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The published version of Cheltenham's LDS (2022) requires revision as the timetable has been refreshed and an updated approach to plan preparation set out, as such, an up to date LDS is required.

In preparing this LDS, the councils of Cheltenham, Gloucester and Tewkesbury have applied the requirements of the Regulations whilst presenting an approach to plan making that:

- builds in longer term efficiencies,
- builds on our mature collaborative cross boundary relationships
- recognises the importance each council has for sovereignty in plan making at the local plan policy making level and ensuring locally specific issues and detail are retained.

This will deliver the Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan. In simple terms this will draw together 4 core elements within a single examination; collectively this being the CGTSLP and made up of:

1. The **strategic plan** policies (incorporating any generic policies that are relevant across the Cheltenham, Gloucester and Tewkesbury administrative areas),
2. Cheltenham **local plan** policies
3. Gloucester **local plan** policies
4. Tewkesbury **local plan** policies

An updated Partnership Agreement will provide the safeguards that sets out the terms and conditions for the operation of the partnership. This would include a clear protocol that individual districts would not seek to fetter the discretion of the other district authorities in the drafting of the local plan policies.

## **Recommendations:**

### **Cabinet is asked to:**

1. **adopt the updated Local Development Scheme for Cheltenham Borough, attached to the report at Appendix 2 to take effect immediately. This is the programme for preparation of the Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan (CGTSLP) which includes;**
  - **strategic plan policies covering the entirety of the area of Cheltenham, Gloucester and Tewkesbury administrative areas (this will include any relevant generic policies that affect all individual areas equally), and**
  - **local plan policies addressing any locality specific issues of the individual administrative areas**
2. **delegate authority to the Director of Community & Economic Development, in consultation with the Leader, to prepare the Local Development Scheme for publication correcting any minor errors such as spelling, grammar, typographical and formatting changes that do not affect the substantive content of the Local Development Scheme.**

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## **1. Implications**

### **1.1. Financial, Property and Asset implications**

The Council's contribution to the Local Development Strategy will be funded in 2023/24 using the relevant earmarked reserve. At the time of the setting of the 2023/24 the costs and funding profile for future years had yet to be confirmed and subject to the approval of the recommendations in this report, will be reflected in the medium-term financial strategy for 2024/25 onwards.

There are no direct property or asset implications for the Council as a result of the recommendations in this report.

**Signed off by:** Director of Finance and Assets (Deputy Section 151 Officer)

[gemma.bell@cheltenham.gov.uk](mailto:gemma.bell@cheltenham.gov.uk)

### **1.2. Legal implications**

The preparation and maintaining of a Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area

(development plan documents), the subject matter and geographical area to which each document is to relate, which if any are to be prepared jointly with one or more other local planning authorities and the timetable for the preparation and revision of those documents. The Local Plan, together with Neighbourhood Plans as well as any Mineral and Waste Local Plans, make the Development Plan for the Borough.

Section 28 of the Planning and Compulsory Purchase Act 2004 provides that where a development plan document is prepared jointly by two or more local planning authorities any step which may be or is required to be taken in relation to the document (including adoption) must be done by each of the authorities.

**Signed off by:** One Legal, [legalservices@onelegal.org.uk](mailto:legalservices@onelegal.org.uk)

### **1.3. Environmental and climate change implications**

None arising directly from this report. However, any documents subject to the programme set by the Local Development Scheme are key in terms of the delivery of the sustainable growth of Cheltenham and will have social and environmental implications. The outcomes of the statutory development plan will be key tools in articulating part of the council's response to the Climate Emergency. The Council's Climate Change Impact Assessment tool will be used across the documents relevant to the LDS which consider both micro and macro impacts including;

- Creating strong communities and ensuring social welfare, reflecting healthy place shaping commitments
- Addressing the climate crisis and some of the main causes of climate change. Considering the impacts of the climate emergency and the council's commitment to being net zero by 2030 will help to ensure projects and policies are approved are in line with these climate commitments
- Addressing the ecological crisis, which has highlighted the negative impact our actions and behaviours have on plant and animal life. The UK has lost a lot of biodiversity (variety of plant and animal life) which is critical for our collective survival.

**Signed off by:** Climate Emergency Programme Officer, [laura.tapping@cheltenham.gov.uk](mailto:laura.tapping@cheltenham.gov.uk)

### **1.4. Corporate Plan Priorities**

This report, through the facilitation of the development plan, supports delivery across the five corporate plan priorities:

1. Enhancing Cheltenham's reputation as the cyber capital of the UK
2. Working with residents, communities and businesses to help make Cheltenham net zero by 2030
3. Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
4. Increasing the number of affordable homes through our £180m housing investment plan
5. Being a more modern, efficient and financially sustainable council

### **1.5. Equality, Diversity and Inclusion Implications**

There are no specific equality implications on the updated Local Development Scheme. Consideration will need to be given though to carrying out an equality impact assessment on the arrangements for the

three consultation phases as set out in the LDS in order that these are made as accessible as possible to all sections of the community

**Signed off by:** Head of communities, wellbeing & partnerships, [richard.gibson@cheltenham.gov.uk](mailto:richard.gibson@cheltenham.gov.uk)

## 1.6. Performance management – monitoring and review

Managing the programme and risks associated with development plan preparation is active and managed using the Clearview tool. Programme management is active and reported to the Senior Responsible Owner and managed through agreed programme arrangements.

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## 2. Background

- 2.1. Local Planning Authorities are required by law to prepare, publish, and maintain a Local Development Scheme (LDS) setting out the timetable for preparing statutory Development Plan Documents (DPD), which form the Local Plan.
- 2.2. The Council's current LDS was adopted in 2022 and is in need of updating. There are a number of reasons for this including;
  - Impact and challenge of resources (finance and people)
  - Recruitment and retention
  - Extensive evidence base development
  - Uncertainties arising from government changes
  - Need to make efficient use of resources and maximise public funding in plan preparation
  - Opportunity to lead on best practice and build resilience in plan making.
- 2.3. Part of Cheltenham's development plan, the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) is now beyond 5 years and in line with government guidance needs to be updated. The partner authorities have reaffirmed their commitment to the benefits of continued joint working and this LDS sets out the programme alongside a refreshed approach to delivering the plan making for our area.
- 2.4. Government guidance on plan making articulates the role of the development plan, which is to "set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places. It is essential that plans are in place and kept up to date."
- 2.5. Planning is at the heart of place making, strengthening the connection between people and the places they share, if we get this right, we will deliver connected and active communities. The

development plan is at the heart of the planning system and will be a fundamental tool in helping to support the council's five priorities as set out in the [corporate plan 2023 - 2027](#).

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### 3. Reasons for recommendations

3.1. The purpose of the LDS is to set out the Local Development Documents that are to be Development Plan Documents (DPDs) and which will be prepared by the Authority. The LDS also needs to give details as to what they will contain and timescales for their production. It is important that plans for the future of the Borough are produced in a timely and efficient manner. If they are not, development which is necessary for the Borough's continued growth and prosperity may be delayed or abandoned, the coordination of housing development and infrastructure provision may be difficult to achieve and there is the potential for development to be approved on appeal in locations that the Authority does not consider suitable.

3.2. Cheltenham planning service was subject to an independent peer review led by Planning Advisory Service/Local Government Association which concluded April 2023. A key overarching message and supporting recommendation arising from this review was:

*"The adoption of an up to date development plan (the JSP) is critical to success and needs to be given the highest priority".*

*"There is a critical need for the new JSP to be adopted as quickly as possible. This has to be a corporate priority as without it, the vision for the Borough will not be delivered"*

The updated LDS sets out the route to achieve the programme to deliver the council's statutory plan making and this is presented at Appendix 2.

3.3. Cheltenham, Tewkesbury and Gloucester councils alongside Gloucestershire County Council have been debating the most effective approach to deliver development planning in an ever-challenging environment. It is worth remembering that at the time at which the JCS was prepared, cross boundary plan making was new to all Councils. We have an embedded joint working relationship, there will undoubtedly be challenges along the way, but we have a mature partnership and mechanisms in place to reach agreement for effective cross boundary working and plan effectively for our area.

3.4. The councils agree that they remain committed to the partnership with the continued key benefits across our area particularly in respect of:

- The three authorities share functional economic and housing market areas;
- Administrative boundaries are tightly drawn around the large built-up areas, and therefore the duty to co-operate across boundaries remains key;
- Infrastructure demands go beyond administrative boundaries, and
- Strategic and local highway and public transport networks operate across the area, if we are going to drive modal shift, managing investment and interventions across boundaries will be key.

3.5. The LDS as presented offers a fresh approach to plan making for our area. In preparing this LDS, the councils of Cheltenham, Gloucester and Tewkesbury have applied the requirements of the Regulations whilst presenting an approach to plan making that takes account of:

- Efficiency and effectiveness in preparing the evidence base required for sound and robust plan making
- Efficiency in examination and consistency across plan making
- Financial cost of plan making in the context of local authority budgets and impact on wider financial demands – to support more predictable and consistent spend. The model proposed via this LDS would move Cheltenham, Gloucester and Tewkesbury councils to alignment of programming around a single examination, removing the need for four separate examinations, which is the current position, for context, the Cheltenham Plan examination cost c. £450,000. This would bring cost benefits longer term across the councils and potentially position the councils as leaders in plan making across boundaries. This potential is already being recognised by the Department for Levelling Up, Housing and Communities (DLUHC) identifying Planning Advisory Service resourcing to support the councils in project management capacity in the approach proposed. This resource has now been committed and officers will be activating an inception meeting shortly, this will provide programme management support and provide a direct link back to DLUHC.
- Staff recruitment and retention, developing specialisms across the team with less reliance on commissioning of consultants
- Responding to Government change/uncertainty
- Builds on our mature collaborative cross boundary relationships
- Recognises the importance each council has for sovereignty in plan making at the local plan policy making level and ensuring locally specific issues and detail are retained.

3.6. The LDS presents a combined DPD made up of:

1. Clear vision for growth agreed by Cheltenham Borough Council, Tewkesbury Borough Council and Gloucester City Council - The Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan (CGTSLP). Like the previous Joint Core Strategy, the CGTSLP will set out the strategic development strategy; development requirements (jobs, houses and retail); joint strategic and generic policies as well as locally specific policies. The CGTSLP will replace the JCS in its entirety. Taking climate change as the golden thread, this will be a key steer to establishing the spatial distribution of development.
2. Locality based policies that address any area/community specific issues agreed by individual councils supporting the joint general and strategic policies of the CGTSLP. This element will replace any saved policies and the Cheltenham Plan. This element of plan making is key to articulating and ensuring we have the correct processes in place to deliver positive change (for example around our climate change and growth ambitions) and help protect key features which make Cheltenham special (for example our local green spaces, heritage and landscape). Whilst there is much uncertainty triggered by proposed government changes around key documents such as supplementary planning documents and national development management policies, we continue to see this level of detailed guidance important as part of our approach to positive planning.

The CGTSLP will make up the development plan for Cheltenham<sup>1</sup> and will fulfil our statutory plan making functions.

### **So what does this mean for Cheltenham?**

3.7. The key difference in the model to development plan making as proposed, is that

- There is a single examination,
- Collective use of the core officer team to support plan preparation,
- Joint funding.

As noted above, this helps to address the identified challenges, particularly around efficiencies and resilience alongside further embedding our commitment to effective joint working. . In simple terms this will draw together 4 core elements within a single examination; collectively this being the CGTSLP and made up of:

1. The **strategic plan** policies (incorporating any generic policies that are relevant across the Cheltenham, Gloucester and Tewkesbury administrative areas,
2. Cheltenham **local plan** policies
3. Gloucester **local plan** policies
4. Tewkesbury **local plan** policies

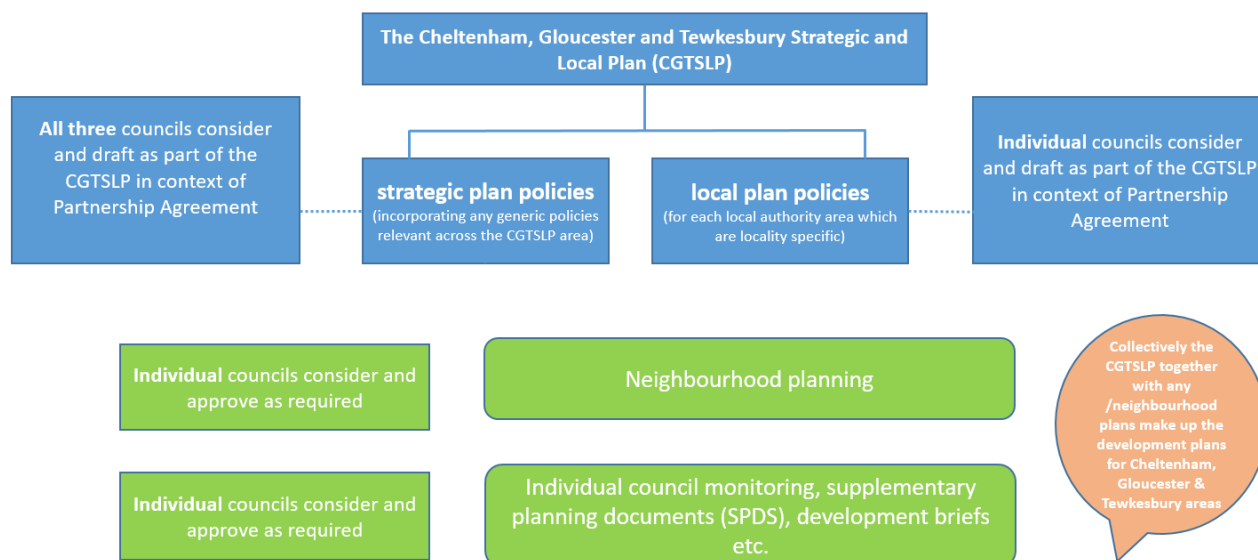
An updated Partnership Agreement will provide the safeguards that sets out the terms and conditions for the operation of the partnership. This would include a clear protocol that individual districts would not seek to fetter the discretion of the other district authorities in the drafting of the local plan policies.

Collectively these will form Cheltenham's development plan. The diagram below seeks to articulate this collective DPD approach.

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<sup>1</sup> Alongside those documents specified in [Gloucestershire County Council's Minerals and Waste Development Scheme](#), as well as any Neighbourhood Development Plans that are made within Cheltenham Borough

### The Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan (CGTSLP)



3.8. The priority for Cheltenham, in the context of current housing land supply issues, is that the Council progress an updated development plan for the Borough as quickly as possible whilst ensuring that it is robust. The CGTSLP with a **single** examination is the proposed way forward working in partnership with our partners Tewkesbury, Gloucester and Gloucestershire County Council. As noted above, the production of a collective DPD will help drive efficiencies and build longer term resilience across the three councils.

3.9. It is recognised that all the partner councils wish to retain sovereignty over the drafting of their locality based policies and as noted above Cheltenham values the ability to plan at this more localised and community based level alongside ensuring our leadership within the wider strategic plan making. There is a strong relationship between plan making at this level with stakeholders and communities and it is important that this commitment to local level policies is retained. As outlined in the diagram above, this refreshed approach to plan preparation seeks to embody the strengths of joint plan making, build upon the mature cross boundary collaboration whilst at the same time retaining the single council inputs at the local plan and neighbourhood level that recognises the importance of sovereignty at this level and the value and importance of building in community and local knowledge.

3.10. The key stages for the CGTSLP are set out in the updated LDS in Appendix 2 but are also shown in Figure 1 below. The intention is to seek the necessary approval in September 2023 for the next Regulation 18 stage. This is the next consultation stage as we prepare a new development plan, the consultation will seek feedback on what the plan needs to address and what the priorities should be. This means we can work to make the plan reflect local aspirations while meeting government expectations.

3.11. At Regulation 18 we will have reviewed a wide range of evidence, for example:

- Housing needs and markets
- The green belt
- Urban capacity
- Transport



- Economic development
- Flood risk
- Climate change
- Environmental
- Infrastructure

3.12. A key challenge to the LDS is the uncertainties now embedded within the National Planning Policy Framework (NPPF) consultation. The consultation on this has closed with no clear timetable provided on when Government will report back. Clarity on this will emerge in due course, but at the present time the Government has presented a trigger date of June 2025 for the kick in of changes. Pre June 2025, any development plans submitted for examination will be considered under existing policy and regulations, post June 2025, these would be examined under the proposed policy and regulations. Government are indicating that October 2026 is the earliest date that the first new style examinations would commence.

3.13. Our approach therefore, building on the recommendations of the peer review, is not to build in delay, but to maintain momentum in plan preparation. The LDS timetable will need to be kept under review, particularly in light of the forthcoming national policy changes.

Figure 1: Local Development Scheme

<b>The Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan (CGTSLP)</b> (produced by Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council)	
Role and subject / Geographical coverage	<p>This will set out the development strategy; development requirements; policies (strategic and non-strategic) and site allocations for Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council.</p> <p><b><i>strategic plan policies</i></b> – drafted jointly by Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council with the support of Gloucestershire County Council</p> <p>Cheltenham <b><i>local plan policies</i></b> – drafted by Cheltenham Borough Council.</p>
When adopted, will supersede	<ul style="list-style-type: none"> <li>i. Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted December 2017);</li> <li>ii. Cheltenham Plan (adopted July 2020); and</li> <li>iii. Remaining, yet to be replaced ‘saved’ retail policies of the Cheltenham Borough Local Plan Second Review (adopted June 2006).</li> </ul>

<b>Timetable – Key Stage<sup>2</sup></b>	
Consultation on Spatial Options and Key Policy Areas (Regulation 18)	Commencing October 2023
Consultation on Preferred Options (Regulation 18)	Commencing March 2025
Consultation of Pre-submission (Regulation 19)	Commencing January 2026
Submission to Secretary of State (Regulation 22)	April 2026
<b>Stages below subject to Planning Inspector Programme)</b>	
Hearings (sometimes referred to as Examination in Public <sup>3</sup> ) (Regulation 24) and Major Modifications Consultations (the latter if needed)	TBC
Inspector’s final report sent to LPA (Regulation 25)	TBC
Adoption (Regulation 26)	TBC

3.14. Whilst the Development Plan can also comprise Neighbourhood Development Plans (NDP) that are ‘made’, NDPs are developed by local communities rather than being directly progressed by the Authority. As such, the LDS does not contain detail on the timescales for any emerging NDPs.

3.15. Supplementary Planning Documents (SPDs) aren’t identified in the diagram. SPDS do not undergo the same process as development plan documents (Local Plans) and there is no regulatory requirement to refer to SPDs in the LDS.

#### **4. Alternative options considered**

4.1. Because the LDS is a statutory requirement, there is no suitable alternative to its production.

#### **5. Consultation and feedback**

5.1. The LDS Scheme functions as a maintained timetable of the Authority’s commitment to produce Development Plan Documents. Whilst there is no statutory requirement to consult on the LDS itself, any Development Plan Documents described within it are subject to various consultation requirements.

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<sup>2</sup> Regulation references taken from [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 as amended](#)

<sup>3</sup> The examination begins when the Plan is submitted to the Planning Inspectorate and is completed when the final report is sent to the Local Planning Authorities.

## 6. Key risks

- 6.1. As set out in Appendix 1, the risk set out can be avoided through having an up-to-date Local Development Scheme.
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### Appendices:

1. Risk Assessment
2. Local Development Scheme
3. Frequently Asked Questions (FAQs)

### Background information:

[Cheltenham Corporate Plan \(2023-2027\)](#)

[Planning and Compulsory Purchase Act \(as amended\)](#)

[Government Guidance on Plan Making](#)

## Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If the Council does not have an up to date Local Development Scheme then it will not be performing part of its statutory duty	Director of Communities & Economic Development	3	1	3	Avoid the risk	Close	This risk will be mitigated by the Cabinet decision.	25 July 2023

