

Cheltenham Borough Council

Cabinet – 18 February 2025

Local Development Scheme 2025

Accountable member:

Cllr Mike Collins, Cabinet Member for Planning and Building Control

Accountable officer:

Tracey Birkinshaw, Director of Community and Economic Development

Ward(s) affected:

All

Key Decision:

Yes. A Climate Change impact assessment has not been completed for this decision as it relates wholly to the timetable for the 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 by the Localism Act 2011). Due to Government announcements and requirements, the current LDS (2023) needs to be updated.

Recommendations: That Cabinet:

- 1. Adopts the updated Local Development Scheme for Cheltenham Borough, attached to the report at Appendix 3 to take effect immediately.**
- 2. Delegates authority to the Director of Community and Economic Development, in consultation with the Cabinet Member for Planning**

and Building Control, 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.

1. Implications

1.1. Financial, Property and Asset implications

There are currently no additional budget implications from expediting the timeline for the production of the SLP. The partner councils each make an annual contribution for the costs of the work on the SLP. The work concerned was included in the contributions for the term of the current SLP. Future contributions will be agreed as part of the review of the future of the SLP when the current agreement concludes. The preparation of the SLP within a limited timeframe will require significant resources. To provide for this, the partner councils each make an annual contribution to a joint funding pot to be used for shared officer resource and other costs such as external evidence studies, digital mapping software and the consultation portal. This agreement runs for three years and will need to be reviewed in due course. The authorities have appointed an SLP Manager to oversee the overall budget and programme and to work with senior leads from each partner council, should issues arise.

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

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.

Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires that in the preparation of a local plan the local planning

authority must notify certain bodies and persons of the subject of a local plan and invite them to make representations to the local planning authority about what a local plan with the subject ought to contain (and then must take any representations made to such invitations into account when preparing the plan). Persons at this stage include such residents or other persons carrying on business in the local planning authority's areas from which the local planning authority consider it appropriate to invite representations and it is for the local planning authority therefore to consider the appropriate persons and methods for consultation at this stage; and such consultation may take a more focused form.

Whereas under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 there are requirements for publication of proposed submission documents and a formal representations procedure (which must be for a period of not less than 6 weeks) to take place before the local plan is submitted to the Secretary of State for examination.

The local planning authority will still need to ensure that reasonable alternatives have been adequately considered through plan-making.

Signed off by: One Legal, 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: Maizy McCann, Climate Officer, Maizy.mccann@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

The Equality Impact Assessment (Screening) tool has been completed (See Appendix 2 of this report). There are no specific equality implications on the updated Local Development Scheme, as it only provides key milestones. Wider community and stakeholder engagement publicity will be worked up in more detail as the SLP progresses.

1.6. Performance management – monitoring and review

Managing the programme and risks associated with development plan preparation is active and managed by the SLP programme. Programme management is active and reported to the Senior Responsible Owner and managed through agreed programme arrangements. Strategic risks related to the programme are reported regularly via Leadership Team and quarterly to Cabinet and Audit Committee.

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 2023 and at this time a commitment was made to prepare a [Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan](#) (SLP). Since this time the SLP team has made significant progress, including:
 - i) A Regulation 18 'issues and options' consultation, held January - March 2024, which included significant engagement with communities and

stakeholders, including in person events in each of the main settlements, online events focussed on different topics, a strong online presence using bespoke engagement tools, a specific project to engage with young people and a Parish/Town Council event.

- ii) Targeted 'call for sites', inviting the submission of sites for the councils to assess as potential development opportunities.
- iii) Progression of in-house evidence relating to:
 - Housing monitoring and employment monitoring,
 - Assessment of site opportunities through the Housing and Economic Land Availability Assessment.
 - Preparation of 'urban capacity studies' to ensure all possible development opportunities are identified within the built-up areas of Cheltenham, Gloucester and Tewkesbury,
 - Analysis of density to ensure that the best use of potential sites, reflective of local character.
- iv) Officers are currently undertaking a review of the Infrastructure Delivery Plan, to provide a fresh understanding of infrastructure necessary to support future development.
- v) Commissioning of external studies necessary to support the plan is underway or within procurement preparation, including:
 - Sustainable Transport Strategy
 - Renewable Energy Study
 - Housing and Economic Needs Assessment
 - Green Belt Review
 - Strategic Flood Risk Assessment and Water Cycle Study
 - City/Town Centre Study.

Why do we need a new Local Development Scheme?

2.3. In December 2024, the Government made several announcements that have a direct impact in the preparation of development plans. The focus behind all these announcements is the Government's mission to deliver new homes and jobs under its '[Plan for Change](#)'. These include:

- i) A new [National Planning Policy Framework \(NPPF\) \(December 2024\)](#), where various key changes have been made, regarding matters such as the delivery of new homes and other development, the approach to be taken to Green Belt land, the introduction of the concept of 'Grey Belt', and cooperation with neighbouring councils and infrastructure bodies on cross-

boundary matters.

- ii) A new '[Standard Method](#)', which provides the mandatory starting point for determining housing requirements through a council's local plan. For each SLP partner, the [figure has increased](#), with the greatest increase for Cheltenham Borough. The Standard Method is implemented immediately, and therefore impacts a councils' 5-year housing land supply.
- iii) The publication of the [English Devolution White Paper](#), which sets out the Government's ambitions for local government reorganisation in two-tier areas, such as Gloucestershire, through the creation of new unitary authorities, and the devolution of certain functions to larger combined authorities. Whilst there is considerable uncertainty regarding what this means for Gloucestershire at present, it is clear there will be a limited timeframe within which the SLP can be prepared and submitted to the Secretary of State for public examination.
- iv) It is understood that Councils will have until December 2026 (see [Consultation Outcome – Proposed reforms to the National Planning Policy Framework and other changes to the planning system - Updated 12 December 2024](#)) to submit a Plan for examination under the current legislative framework. After this, a Plan will need to be made within the provisions of the [Levelling Up and Regeneration Act 2023](#), with relevant provisions due to be brought into force in 2025.

2.4. At the same time as these announcements, the [Government's Chief Planner wrote to all councils](#) (see page 5 of that letter) asking that all local planning authorities produce an updated Local Development Scheme within 12 weeks of the publication of the NPPF, **by 6 March 2025**.

3. Reasons for recommendations

3.1. Following on from this, the SLP councils via the SLP Joint Advisory Group have discussed and reiterated their commitment to the benefits of continued joint working, to progress the SLP as a priority and as quickly as possible. With this in mind, the councils have reviewed the current timetable and propose this is consolidated and streamlined, alongside a more iterative and flexible approach to community and stakeholder engagement.

What does this mean in practice?

3.2. The SLP councils will put in place an iterative engagement plan feeding into the next formal stage of the SLP. The next formal stage would be 'Publication'

under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This would be the Plan that the councils intend to submit for examination, and the examination would start once the SLP has been submitted.

- 3.3. The currently approved LDS (2023) included formal publication consultations under the Regulation 18 stage of plan preparation. However, there is no formal requirement within the regulations for multiple rounds of public consultation and because this is a joint plan requiring agreement from all three councils, it is no longer considered practicable to undertake a further Regulation 18 formal publication consultation within the expectations set by Government. As set out earlier in this report, an issues and options consultation took place from January until March 2024, which involved significant engagement with our communities, stakeholders and the development industry.
- 3.4. However, the critical importance of continued and ongoing engagement with communities and stakeholders is fully acknowledged and it is therefore proposed that this is undertaken in an iterative and informal manner, as opposed to a single ‘consultation event’. In practice this means providing the opportunity for engagement in key projects that support the plan, such as topic papers relating to specific issues and matters, such as urban capacity and options to support the role of our city and town centres.
- 3.5. This means that for the next statutory stage of the SLP, the SLP councils will be asked to approve the ‘Pre-Submission’ version of the plan, Regulation 19, before it is then published for consultation, and subsequently submitted to the Secretary of State for examination in public. Alongside the Plan, councils are required to submit a range of other documentation, including the Sustainability Appraisal, supporting evidence, a Consultation Statement and copies of any representations made to the Plan. In advance of this, there will be some community and stakeholder engagement around certain topics and Member engagement through the member working groups and Joint Advisory Group.
- 3.6. The proposed timetable is as follows:

Evidence gathering, plan-preparation and community and stakeholder engagement (Regulation 18)	February 2025 – April 2026
Council approvals for the Pre-Submission SLP (Regulation 19)	May – July 2026
Consultation on Pre-Submission Strategic and Local Plan (Regulation 19)	August - September 2026
Submission to the Secretary of State (Regulation 22)	October – November 2026

- 3.7. Following Submission, the Planning Inspector will take control of the examination process from start to finish, and importantly will determine the timetable for examination hearings and other matters.
- 3.8. 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 council. 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, and at significant cost.
- 3.9. 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.
- 3.10. Supplementary Planning Documents (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.
- 4.2. An alternative option would be to maintain the LDS as drafted with refreshed dates to reflect the latest position regarding further formal publication Regulation 18 stages. However, this would take considerable time to complete and not be achievable within the timeframe for the plan to be considered under the current local plans system as required by Government.

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.

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.
- 6.2. The preparation of the SLP within a limited timeframe will require significant resources. To provide for this, the partner councils each make an annual contribution to a joint funding pot to be used for shared officer resource and other costs such as external evidence studies, digital mapping software and the consultation portal. This agreement runs for three years and will need to be reviewed in due course. The authorities have appointed an SLP Manager to oversee the overall budget and programme and to work with senior leads from each partner council, should issues arise.
- 6.3. The SLP has a programme structure in place, and this includes the oversight of a Senior Responsible Owner (SRO) of the programme. This role is currently undertaken by the Chief Executive of Tewkesbury Borough Council. The SRO is supported by a Joint Advisory Group made up of the Chief Executives, Leaders and relevant portfolio leads for planning.

Report author:

Tracey Birkinshaw, Director of Communities and Economic Development,
tracey.birkinshaw@cheltenham.gov.uk

John Spurling, Planning Policy Manager (Interim), john.spurling@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment (Screening)
- iii. Local Development Scheme

Background information:

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

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

[Government Guidance on Plan Making](#)

[National Planning Policy Framework \(December 2024\)](#)

[Consultation Outcome – Proposed reforms to the National Planning Policy Framework and other changes to the planning system - Updated 12 December 2024](#)

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.	18 February 2025

Appendix 2: Equality Impact Assessment (Screening)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: John Spurling	Service Area: Planning
Title: Planning Policy Manager (Interim)	Date of assessment: 3 February 2025
Signature: John Spurling	

b. Is this a policy, function, strategy, service change or project?

Other

If other, please specify: Project timetable

c. Name of the policy, function, strategy, service change or project

Local Development Scheme 2025

Is this new or existing?

Already exists and is being reviewed

Please specify reason for change or development of policy, function, strategy, service change or project

To ensure that the LDS reflects various changes as set out by the Government. All local planning authorities have been asked to produce an updated LDS within 12 weeks of the publication of the NPPF, by 6 March 2025.

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims: To provide a revised approach to the timetable and engagement in relation to the production of the Strategic and Local Plan.

Objectives: As above

Outcomes:	Transparency in terms of the process, including meeting key milestones set out in the LDS.
Benefits:	As above

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

No

Do you expect the impacts to be positive or negative?

No impact expected

Please provide an explanation for your answer:

The LDS only provides key milestones. Wider community and stakeholder engagement publicity will be worked up in more detail as the SLP progresses.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required

No