

# Cheltenham Borough Council

Council – 5 September, 2013

## Gloucester, Cheltenham and Tewkesbury Joint Core Strategy - draft for public consultation

### REPORT OF THE LEADER

<b>Accountable member</b>	<b>Councillor Jordan – Leader</b>
<b>Accountable officer</b>	<b>Tracey Crews – Head of Planning</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Executive summary</b>	<p>The Joint Core Strategy (JCS) is the strategic plan being prepared to provide a framework for development in Gloucester, Cheltenham and Tewkesbury to 2031. This report summarises the draft JCS and seeks Council approval to publish the document for public consultation.</p> <p>Subject to the approval of the JCS for public consultation, the outcome will be reported back to Council together with the draft Pre-Submission version of the plan for further consultation and prior to formal submission to the Secretary of State and an examination in public. Examination of the plan will be independently overseen by the planning inspectorate (PINS).</p> <p><i>Note to members: A hard copy of the draft JCS was provided to all members via pigeon holes Friday 23 August <u>PLEASE BRING THIS COPY TO THE COUNCIL MEETING</u></i></p>
<b>Recommendations</b>	<ol style="list-style-type: none"><li><b>1. Approves for public consultation the draft Joint Core Strategy, set out in Appendix 1;</b></li><li><b>2. Delegates authority to Chief Executives in consultation with the Lead Member and the JCS Member Steering Group, to make any necessary minor amendments as considered appropriate by the three JCS Councils prior to publication.</b></li></ol>

**Financial implications**

Gloucester, Cheltenham and Tewkesbury councils contribute approximately £60,000 annually to support delivery of the JCS. The JCS reserve had a balance of £195,500 carried over from 2012/13 to support the current and future funding of the joint working arrangements, including completion of the evidence base and future contribution to meeting costs of an independent examination. This will continue to be reviewed and monitored to ensure sufficient resources are available to complete key pieces of work, carry out the necessary consultation and adequately resource examination procedures.

Additional costs will arise from the testing of the JCS via an examination in public. Indicative costs are being assessed, but as the three JCS councils will share the costs of a single examination, substantial cost savings will be achieved compared to the option of individual local plans.

The draft JCS is being considered by all 3 authorities. Should the recommendations be accepted, there will be no financial implications associated with this report, given that the JCS is being prepared from within existing budgets. Each Council has contributed an equal amount annually towards its production and the council has a reserve available totalling £195,500 as of 1/4/2013 which is available to support the JCS. This reserve amount will increase by £180,000 for 2013/14 less expenditure/commitments.

Should the recommendations of this report not be accepted by the Council, there is likely to be a considerable delay in the production of the draft JCS. This could also result in work on the JCS being suspended and there will be an increased risk of speculative planning applications for all three JCS authorities in advance of the development plan process.

It is also important that the JCS progresses quickly in order to progress the associated Infrastructure Delivery Plan and any Community Infrastructure Levy preparatory work. A delay in agreeing the JCS may result in difficulties in defending inappropriate development, which may lead to the need to incur significant expenditure on defending refusal decisions at appeal and potentially, to judicially challenge decisions made by the PINS.

The JCS budget is monitored by Cross Boundary Programme Board.

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<p><b>Legal implications</b></p>	<p>The draft JCS is produced for consultation as the key document in the Council’s development plan. Local authorities are required by law to prepare a development plan for their administrative area and the process for doing that is governed by statute. The regulations require local authorities to notify and invite comments from a range of specified persons and organisations.</p> <p>The JCS forms part of the Council’s statutory emerging development plan and it is essential to have a “plan led” system if the planning process is to deliver sustainable growth. In the absence of an up to date JCS and supporting Local Plan, local authorities are vulnerable to challenge when they are unable to produce a robust 5 year housing land supply (HLS).</p> <p>In the absence of a 5 year HLS, local authorities are having imposed upon them by decision of the Secretary of State, planning permissions which need not necessarily comply with the current or emerging Local Plan or any of the emerging strategic policies within the JCS. It is therefore essential that Local Plans and the JCS are progressed expeditiously if the threat of adverse planning decisions being forced upon JCS partners is to be avoided.</p> <p>Section 33A of the Planning and Compulsory Purchase Act 2004 (as inserted by the s110 of the Localism Act 2011) (“s33A”) provides that local planning authorities must co-operate with other local planning authorities in maximising the effectiveness with which activities such as the preparation of local plan/development plan documents are undertaken so far as they relate to strategic matters. This ‘duty to cooperate’ requires the local authority to engage constructively, actively and on an ongoing basis in any process by means of which activities such as the preparation of local plan/development plan documents are undertaken.</p> <p>If the person appointed to carry out the independent examination considers that the local planning authority has not complied with its duty under s33A in relation to the preparation of a local plan/development plan document the person can neither recommend adoption nor modifications and in such cases, the local planning authority cannot then adopt the local plan/ development plan document.</p> <p><b>Contact officer: Cheryl Lester, Cheryl.lester@tewkesbury.gov.uk, 01684 27 2693</b></p>
<p><b>HR implications (including learning and organisational development)</b></p>	<p>There are no staffing or Trade Union implications.</p> <p><b>Contact officer: Sarah Flury, sarah.flury@cheltenham.gov.uk, 01242 777249</b></p>

<p><b>Key risks</b></p>	<p>Failure to progress a Core Strategy that identifies future strategic development requirements for the area and strategic locations where these requirements can be accommodated will result in a policy vacuum, increasing the risk of ad hoc development proposals being submitted and potentially, to decisions being secured by appeal.</p> <p>The absence of a JCS could result in an uncoordinated approach to development, leading to inappropriate and incremental development being allowed on appeal that does not take account of cross boundary implications and requirements for supporting infrastructure, with the potential for adverse environmental impacts. There are applications already submitted relating to strategic sites identified by the draft JCS and other major applications pending. It is therefore critical that progress is made on agreeing the draft strategy. Any delay in progressing the JCS to submission and examination increases the risk of inappropriate development. It is equally critical that the each Council can demonstrate a five year supply of deliverable land for housing development, without which the JCS policies for the supply of housing will not be considered to be up to date.</p>
<p><b>Environmental/Social/Equality Implications</b></p>	<p>The JCS must go through a sustainability appraisal process and Habitats Regulation Assessment (HRA) which considers the environmental, social and economic outputs of the Plan and ensures that development meets the needs of both present and future generations. The Sustainability Appraisal supporting the draft JCS (available to view on the JCS website at <a href="http://www.gct-jcs.org">www.gct-jcs.org</a> ) encompasses Strategic Environmental Assessment as required by EU Directive (2001/42/EC). In addition HRA has been undertaken as required under the European Directive 92/43/EEC on the "conservation of natural habitats and wild fauna and flora for plans" that may have an impact on European (Natura 2000) Sites.</p> <p>The submission version of the Plan will be accompanied by a full range of assessments which will address equalities and other issues.</p>

## **1. INTRODUCTION**

- 1.1** All local authorities are under a statutory obligation to prepare a development plan. Gloucester, Cheltenham and Tewkesbury Councils agreed in 2008 to prepare a JCS covering the entirety of the administrative areas of each of the districts, which would consider and plan for future strategic development needs up until 2031.
- 1.2** Many of the characteristics and the issues which the area faces, such as flooding, outstanding landscape and the need to plan for sufficient development to provide jobs and housing for future residents are common across the JCS area. There are strong functional, economic, infrastructure, policy and cross boundary relationships which mean that working together on a JCS makes good planning sense. The JCS is based on collaborative research into the three authority areas' characteristics, relationships (with each other and adjoining areas), past trends and future predictions. This information forms part of the evidence base for the plan which can be viewed on the JCS website ([www.gct-jcs.org](http://www.gct-jcs.org)).
- 1.3** The JCS is just one part of the development plan for the three local planning authorities; it identifies the strategic development requirements, as well as providing a framework for the preparation of district local plans for the three Councils and for local communities preparing neighbourhood plans.
- 1.4** Following the formal removal of both the South West Regional Spatial Strategy and the Structure Plan earlier in 2013, the JCS will provide the strategic development framework for the area to 2031. The Government objective of the removal of this strategic layer of plan making was to decentralise as much power as possible to local level decision making. These major changes to the planning system have been supplemented by the removal of the suite of National Planning Policy Statements and Guidance and through the adoption of the National Planning Policy Framework (NPPF).
- 1.5** Decision making on how we meet our long term strategic needs for housing, employment, retail, community facilities, open spaces etc. now rests with district planning authorities. This is a major step change together with a more proactive and enabling stance adopted by the NPPF, which requires local authorities to take ownership of strategic planning decision making, shaping the lives of existing and future communities. The significance of the decision of identifying long-term development needs cannot be underestimated. Across the JCS area, a balance needs to be struck between meeting long-term development needs, enabling economic growth and managing the impacts of incursion into the green belt and wider countryside.
- 1.6** We have now reached an important stage in the preparation of the Gloucester, Cheltenham and Tewkesbury JCS. We have for consideration a draft strategy which the three JCS authorities are each required to consider and approve for public consultation. A wide ranging evidence base has been developed which supports the draft JCS and this, together with public consultation, work with stakeholders and the programme framework of the JCS, has enabled the three authorities to present a detailed plan which sets out a clear spatial strategy together with a suite of associated strategic development management policies.
- 1.7** Earlier consultation stages were held in November 2009/February 2010 on 'Key Issues and Questions', and December 2011/February 2012 on 'Developing the Preferred Option'. This stage is a non-regulatory stage in advance of the pre-submission version. This provides the opportunity for the JCS councils to set out a draft plan and test this through public consultation in advance of the next statutory stage scheduled for Spring 2014. It should therefore be regarded as the Councils' current strategy to accommodate the strategic development needs of the area.

## Previous consultations

- 1.8** The Draft JCS builds on previous consultations and sets out the joint proposals of the 3 Councils for strategic development for delivering housing and employment and other strategic requirements. Comments received to date have been informative and wide ranging. A report on the previous consultation will be published alongside the consultation document and this, together with all response reports can be viewed via the JCS website ([www.gct-jcs.org](http://www.gct-jcs.org)).
- 1.9** Key issues arising to date include:-
- the uncertainty inherent in projecting forward future demographic trends, household formation rates and housing requirements, especially given the 20 year timescale involved
  - significant opposition to development within the green belt
  - the need for more affordable housing, including provision within rural areas
  - concerns about the loss of agricultural land and food production
  - concerns about the potential impact on wildlife and the effect development would have on flora and fauna
  - the importance of the historic environment
  - the need to avoid 'off the peg' housing developments which do not relate well to the character of communities
  - the need to give sufficient weight to climate change and sustainable development
  - concerns that the strategy is too housing led, with not enough focus on providing for the employment needs of the area.
  - concerns about a potential mismatch between the number of new dwellings proposed and new jobs proposed
  - the need to prioritise and protect the environment
  - a wish to see land of least environmental impact developed first, in line with the NPPF. Land designated as Area of Outstanding Natural Beauty (AONB) or a Special Landscape Area (SLA) should be protected and preserved for future generations
  - concerns about the potential for an increase in flood risk
  - the need to limit development because of its perceived negative impact on the capacity and/or quality of existing infrastructure
  - the inadequacy of parts of the highway network, both currently and to deal with the scale of proposed development
  - that villages would welcome some development so that their services can continue to function and flourish.
- 1.10** On 5<sup>th</sup> August 2013, Leckhampton with Warden Hill Parish Council submitted a concept plan for the area of Leckhampton. This has been circulated to councillors for information, with a printed copy made available in the Members' Room. The concept plan includes detailed information and as such will be treated as an early representation to the consultation on the draft JCS and considered alongside other representations received.
- 1.11** Comments received throughout the JCS process to date have proved valuable in developing the draft JCS, assisting in understanding the issues relating to topics such as flooding and climate change and specific issues, some of which are unique to individual communities and localities.
- 1.12** The draft JCS now being considered will not fully meet the aspirations of many individuals and groups who have commented on the strategy as it has emerged, particularly those who want development to be limited to primarily brownfield sites and within existing urban areas. The three Councils in both preparing the draft JCS and in considering the strategy for the purposes of consultation have had to consider difficult issues which need to be balanced. These include delivering a step change in market and affordable housing; creating the right environment for a prosperous economy and creating places and spaces which have a positive impact on the quality of the environment and the quality of life and well being of residents, workers and visitors to the Borough.

- 1.13** It is clear from the previous consultation to date, that many people have concerns about proposed housing growth and the potential implications for the development of greenfield sites, both within the existing urban areas and outside urban boundaries, together with the effect upon existing communities. These are all important considerations and concerns; therefore, in developing the JCS, consideration has first been given to meeting housing need within and adjoining existing urban areas and through existing planning permissions and only then through the provision of housing in the more rural parts of Tewkesbury Borough. However, the identified level of need for new development outstrips the capacity of the existing development sites which are available, so urban extensions are being proposed to form a key part of the spatial strategy of the JCS; this will necessitate a number of changes to the green belt.

### **What is the Draft Joint Core Strategy?**

- 1.14** Once approved by each of the three Councils, the draft JCS will be published for public consultation (from 15 October 2013 until 26 November 2013). Responses will then be used to inform the Pre-Submission version of the plan to be considered by the three Councils in March/April 2014 and then published again for consultation before the final version of the JCS is submitted to the Secretary of State for independent examination in autumn 2014.
- 1.15** The publication of the draft JCS for public consultation is a key step in the JCS programme. This version of the document, whilst still a draft version of the plan, sets out a clear direction of travel for meeting the long-term development needs of the JCS area. Officers are of the view that the JCS as drafted responds positively to the growth agenda of the NPPF, whilst recognising the physical and environmental limitations of the JCS area. Careful consideration has been given to the soundness of the plan, informed through the JCS Programme Board and Member Steering Group and informal discussions with the Planning Advisory Service and PINS. Once published, the draft JCS will have a degree of weight as part of the development plan; whilst limited at this time in recognition of the stage of plan preparation, this weight will increase after public consultation and as the JCS moves through the next stages.

## **2. SUMMARY: DRAFT JOINT CORE STRATEGY**

- 2.1** The draft JCS has been subdivided into 6 main sections:-

1. Vision and Objectives.
2. Strategic Policies
3. Core Policies
4. Strategic Allocation Policies
5. Delivery Policies
6. Monitoring & Review

- 2.2** Much work has been done to establish the vision and objectives of the draft JCS, tested against comments received from stakeholders and wider public consultation and informed by the JCS Cross Boundary Programme Board and Member Steering Group together with Cheltenham's Planning and Liaison Scrutiny Task Group. The vision and objectives together with the evidence base helped to establish the spatial strategy, which developed the principle of accommodating need close to where it arises, focussing upon the urban areas of Gloucester and Cheltenham, being respectful of environmental limits and creating a balance between housing and employment.
- 2.3** The biggest challenge for the JCS has been establishing the Objectively Assessed Need (OAN) for housing as required by the NPPF. The OAN for the JCS has been independently considered by consultants Nathaniel Lichfield and Partners and Cambridge Centre for Housing and Planning Research. The evidence concludes that the OAN up until 2031 for the JCS area is in the range of 33,200 – 37,400 dwellings. It was important in establishing the OAN that sight was not lost of the need to bring forward sustainable economic growth. The draft JCS aligns with the employment needs arising in the economy and the emerging strategy of the Gloucestershire Local Enterprise Partnership and anticipates a future economic upturn, recognising the cyclical nature of growth

and recession, together with a response to changing rates of household formation.

- 2.4** There are inevitably significant uncertainties when planning for a 20 year period. It is therefore important that the JCS has flexibility to respond to change and that the strategy is reviewed periodically. The higher end of the OAN is 37,400 new homes. This would assume a full economic recovery and return to past trends of household formation during the plan period, whereas the lower end of the OAN is 33,200 new homes and assumes a partial return to trend. The lower end of the OAN has been selected as an appropriate policy response, with a commitment to monitoring and early review. This reflects the uncertainties of economic forecasting and the future. The OAN and the evidence which has helped the three councils establish the JCS housing requirement is subject to consultation.
- 2.5** Taking account of the evidence base, capacity of the JCS area to accommodate growth and the need to implement the requirements of the NPPF, the draft JCS proposes 33,200 new homes across the JCS area together with land to support at least 21,800 new jobs. This level of development will be delivered primarily through maximising the capacity of the urban areas, the development of a number of strategic urban extensions on the edges of Cheltenham and Gloucester together with strategic allocations at Ashchurch and development within the rural area of Tewkesbury.
- 2.6** Whilst the JCS will only allocate sites for strategic development, it will also establish a framework for the district and neighbourhood plans, to allow them to identify local requirements and potential sites for development.

### **An evidence-based plan**

- 2.7** To help understand the issues facing the JCS area, the councils have gathered a range of background information and technical evidence, both to support the development strategy and to ensure that it is deliverable. The JCS evidence base is available via the JCS website ([www.gct-jcs.org](http://www.gct-jcs.org)). A list of the evidence is provided below.

### **Housing**

- [Housing Evidence Review](#)
- [Gloucestershire Affordability Model - Outputs of Initial Testing of JCS Scenarios](#)
- [Strategic Housing Market Assessment \(SHMA\)](#)
- [Housing Background Paper](#)
- [Housing Needs Assessment](#)
- [Strategic Housing Land Availability Assessments \(SHLAA\)](#)
- [Settlement Audit](#)
- [Assessment of Housing Requirements](#)

### **Employment**

- [Employment Land Review](#)
- [Comparative Site Assessment \(CSA\) 2010](#)
- [Hotel Capacity Study](#)
- [Retail Study](#)

### **Infrastructure**

- [Central Severn Vale Transport Strategy \(CSVTS\)](#)
- [Strategic Infrastructure Delivery Plan \(SIDP\)](#)
- [Green Infrastructure Study](#)



- [Renewable Energy Study](#)

### **Natural Environment**

- [Green Belt Assessment](#)
- [Habitats Regulations Assessment - Screening Report](#)
- [Landscape Assessment](#)
- [Strategic Flood Risk Assessment \(SFRA\) Level 1 & Level 2](#)

### **Broad locations**

- [Broad Locations Report - Oct 2011](#)
- [Urban Extension Definition Study](#)

### **Minerals and Waste**

- [Gloucestershire Waste Core Strategy](#)

**2.8** Further work is underway or is being commissioned and includes:

- Infrastructure Delivery Plan
- Strategic Housing Market Assessment
- Transport Modeling
- Viability Assessment
- Historic Assessment

**2.9** Some of this work is still in preparation and as it is completed, will be used to inform the next stage of the plan. It should be noted that depending on the outcomes of the evidence studies, together with analysis of representations received through public consultation further refinements to the JCS strategy and its policies may be required.

### **Member/officer engagement**

**2.10** When the three Councils formed the JCS partnership in 2008 a programme structure was agreed. Two elements of the programme structure have been fundamental in driving the programme forward:-

**2.11** ***Cross Boundary Programme Board (CBPB)*** – CBPB is the key officer group which has provided strategic input to the JCS process, monitoring the programme to ensure delivery of JCS objectives and where required escalating issues to Members and local authorities.

**2.12** ***Member Steering Group (MSG)*** – MSG is made up of Leaders (or their nominated representative) together with Leaders of the remaining political groups within each authority. MSG has guided the JCS and provided a key point of contact within each political group to enable dissemination of information across all parties and to all members. MSG is not a decision-making body, but the political lead for the whole cross boundary joint working process. The activities of MSG do not replace decision-making that takes place within each of the individual local authorities, but does inform the decision making processes at Council level. MSG has been chaired independently by Mr Jim Claydon, former President of the Royal Town Planning Institute (RTPI), member of the RTPI's General Assembly and Visiting Professor of Spatial Planning at the University of the West of England.

**2.13** In addition to the above, engagement has been ongoing across wider officer/member groups within each authority. For Cheltenham this has included:-

- Planning and Liaison Scrutiny Task Group – Regular meetings to help steer the JCS, provide scrutiny to the process and in respect of specific strands of work (e.g. consideration of household formation) provide detailed scrutiny and assessment; and support to the plan preparation process.

- Member seminars – To inform members on details and progress of the JCS and gain feedback to help inform input to the drafting process.
- 1-2-1 with members – Regular meetings with the Leader of the Council and with individual councillors upon request.
- Engagement with relevant officers/teams on the drafting of policies.

### **3. DUTY TO CO-OPERATE**

- 3.1** Local planning authorities now have a statutory duty to cooperate on plan-making and in addressing development requirements. The preparation of a joint plan recognises that those needs are not confined to administrative areas and presents an effective way of planning across boundaries. This duty also applies to other neighbouring authorities and authorities within the Housing Market Area. Whilst the draft JCS seeks to meet the needs of the JCS area, the extent of those needs and the constraints in meeting them pose difficult challenges for the longer term and discussions with neighbouring authorities about the best way to help meet those needs are now under way.
- 3.2** The Department for Communities and Local Government is publishing guidance on the Duty to Co-operate, along with other guidance on the plan preparation process. When available this will be reviewed and any implications for the pre-submission stage of the JCS will be assessed.

### **4. OTHER OPTIONS CONSIDERED**

- 4.1** Before reaching the current stage of the draft JCS, a range of alternative options have been considered and tested in terms of the overall strategy, strategic policies and strategic site allocations. The draft JCS has also been tested through the Sustainability Appraisal and through the Habitats Regulations Assessment process. These are outlined in the document.

### **5. CONSULTATION**

- 5.1** If approved by all three Councils for public consultation, the consultation document will be published on Tuesday 15 October for a period of 6 weeks consultation. A summary leaflet is also being prepared for wide distribution, supported by a media and publicity campaign and programme of consultation events across the plan area, with a particular focus on those areas adjoining proposed strategic allocations.
- 5.2** Whilst the JCS needs to be a document that will stand up to the scrutiny of a public independent examination and must be prepared in line with statutory regulations, it is equally important that it can be understood by the local community, so consultation and publicity material will be prepared in Plain English to avoid the use of planning jargon as far as reasonably possible.

### **6. NEXT STEPS**

#### **What happens next?**

- 6.1** Following consultation the three Councils will carefully consider all representations received and where appropriate, seek to resolve any objections. This will then be used to inform the Pre-Submission Plan before the final JCS is submitted to the Secretary of State for independent examination.
- 6.2** The timetable for the production of the plan can be viewed on the dedicated JCS website at [www.gct-jcs.org](http://www.gct-jcs.org). The timetable from this point onwards is as follows:

Draft Joint Core Strategy Consultation	Oct/Nov 2013
Pre-Submission	March 2014

Submission of the Joint Core Strategy	August 2014
Examination	October 2014
Adoption	December 2014

## 7. RELEVANT COUNCIL POLICIES/STRATEGIES

- 7.1 The JCS provides a comprehensive basis for reviewing existing land use, transportation, social, economic and environmental policy covering the Borough. It will address all of the Council's outward facing priorities and objectives.

## 8. RELEVANT GOVERNMENT POLICIES

- 8.1 The National Planning Policy Framework.

## 9. RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 9.1 The three Councils agreed to prepare a Joint Core Strategy in July 2008, approved the 'Issues and Key Questions' document for public consultation in September 2009 and approved the 'Developing the Preferred Option' document for public consultation on October/November 2011. The three Councils also agreed to continue with the preparation of the JCS in December 2012.

## 10. REASONS FOR RECOMMENDATIONS

- 10.1 To agree the draft JCS for public consultation and to enable the Council and its partner authorities, to meet the timetable for preparation of the JCS.

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<b>Appendices</b>	1. Draft Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (Circulated to all members 23/08/2013 in hard copy)
<b>Background information</b>	All background information can be viewed via the JCS website at <a href="http://www.gct-jcs.org">www.gct-jcs.org</a>