

Cheltenham Borough Council

Local Plan 2011-2031

EXAMINATION

www.cheltenham.gov.uk/LPexamination

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To Cheltenham Borough Council
and all Reg 19 Consultation respondents

Our Ref: LDF001900

31 October 2018

Dear Sirs

Examination into the soundness of the Cheltenham Plan 2011 -2031

My name is Mrs Wendy Burden and I have been appointed by the Secretary of State to hold the examination into the Cheltenham Plan (CP).

The Council consulted on the pre Submission Draft of the Plan between 12 February and 9 April 2018 and that draft of the Plan has now been submitted for examination. I am writing to the Council and to you because either you and/or your organisation made representations during that consultation stage.

Tracey Smith has been appointed as the Programme Officer to assist me with all aspects of the examination. Although she has been appointed by the Council, she will work for me in the administration of the examination and hearings and will be independent of the Council. All correspondence and submissions relating to the examination should be sent to Tracey.

The Programme Officer may be contacted using the details shown in the header of this letter.

Participation in Hearings and deadline for requesting to participate

I expect to begin to hold hearings in February/March 2019. The hearings will continue for two to three weeks as necessary. I aim to publish the timetable for the hearings, with a list of participants for each session together with matters, issues and questions for discussion by the 20 December 2018.

The hearings will be open to the public to observe, but only those who made relevant representations during the Regulation 19 consultation period (12 February and 9 April 2018) and who requested for their views to be heard at a hearing have a right to participate in the discussion at the hearings. I may also invite additional participants who have evidence which would be of assistance to me on a particular matter. **If you made representations to the Regulation 19 consultation in which you requested to be heard, and you still wish to participate at the hearings, please contact the Programme Officer on or before midday on the 29 November 2018 to confirm that you wish to appear and provide the comment ID number of the relevant representation which you made. Any party who fails to register or confirm their wish to appear on or before that date will not be included in the programme for the hearings.**

It would be of assistance to the Programme Officer if you could also confirm your up to date contact details and email address (if you have one) as future communication will

be conducted electronically as far as possible. Please quote your Representor ID shown at the top of this letter in all correspondence.

Examination Website & Library

The Examination website www.cheltenham.gov.uk/LPexamination will be updated regularly and provide a useful source of information about the examination process and hearings. Relevant documents submitted by the Inspector, Programme Officer, Council and other parties will be published on the Examination Library section of the website under 'Examination Documents'. Please regularly check the Examination website for up to date information and/or changes to the timetable/programme.

Anyone wishing to view documents in the Examination Library should contact the Programme Officer who will be happy to assist.

The Council provides free internet access to its website at Municipal Offices, Promenade, Cheltenham GL50 9SA and libraries in Gloucestershire.

Preliminary matters

The Cheltenham Plan (CP) has been submitted to the Secretary of State before the 24 January 2019. In accordance with Annex 1 paragraph 214 of the revised National Planning Policy Framework (NPPF) which was published in July 2018, the policies in the previous NPPF (March 2012) will continue to apply for the purpose of this examination. All references to the NPPF therefore apply to the March 2012 version unless stated otherwise.

From my initial review of the documents which have been submitted and published in the examination library, I wish to raise the following matters. These matters are raised without prejudice to any further matters or issues which I may identify in the course of the examination.

Scope and purpose of the Cheltenham Plan

The CP is intended to form a part of the statutory development plan together with the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), the Gloucestershire Minerals and Waste Local Plans and any neighbourhood plans which are adopted up to 2031.

The JCS was adopted in December 2017. It identifies the objectively assessed housing need (OAHN) for the three local authorities and sets out the distribution and the provision to be made for housing and employment land throughout the JCS area in Policy SP2. It identifies the strategic sites for development and also contains a suite of strategic development management policies on issues which include design, heritage and the provision of infrastructure.

Table SP2a identifies the sources of housing supply within each local authority area. This includes the two urban extensions to Cheltenham which are allocated within the JCS, and requires the Cheltenham Borough Plan to allocate land to provide for some 1,011 new dwellings.

As the "second tier" plan the CP must comply with and seek to deliver the policies and proposals of the JCS. As stated within the JCS, including at paragraphs 1.5, 3.1.17 and 3.1.18, the purpose of the CP is to provide more detailed and locally specific planning policies to guide decisions on planning applications and to identify local site allocations. Furthermore, the CP is to deliver "the individual district capacities identified through the JCS in accordance with the spatial strategy."

A number of the policies of the current Cheltenham Borough Plan Second Review (2006) have been replaced by policies within the JCS. The remaining saved policies will be replaced by the policies of the CP when adopted, apart from policies which deal with retail development. The retail policies are subject to review by the JCS authorities rather than by the individual councils.

I set out my understanding of the role and purpose of the Cheltenham Plan to ensure that the scope of my examination is clear. In relation to housing, I will not be considering the OAHN or the delivery of a five year housing land supply for the Borough. Any shortfall in housing land supply is to be dealt with through the JCS, and a mechanism for review is identified in paragraph 7.1.11. In relation to the provision of housing, the examination will be confined to the issue of whether the CP meets the requirement in the JCS to allocate sites to meet the requirement for 1,011 new dwellings.

Allocations and omission sites

In relation to the allocations which are proposed in the CP, including those for housing, employment and local green space, I will consider the individual allocations against the tests of soundness listed in para 182 of the NPPF. In relation to any alternative allocations or sites which consultees consider to have been omitted, my duty is to examine the soundness of the Plan and of the proposals for development which make up the Plan as it has been submitted. I will not therefore consider the merits of any proposals for alternative or additional allocations which are not put forward in the Plan as it has been submitted.

In the event that in the course of the examination there appears to be a need for additional allocations for housing or any other designation in order to deliver the vision and objectives of the Plan and for it to be sound, it will be a matter for me to raise with the Council to ascertain from the Council what it would propose in order to meet such a need.

Flood Risk Assessment

I note that studies have been carried out in relation to flood risk within the CP area. Can the Council confirm that the Environment Agency (EA) has been consulted at each stage of flood risk assessment; that issues relating to climate change are taken into account in the assessments; and that the EA is satisfied that the proposals in the CP when considered together with the strategic proposals in the JCS would not contribute to any unacceptable increase in flood risk.

In order to respond to these questions I would ask the Council to prepare a Statement of Common Ground (SoCG) with the EA to address the issue of flood risk and climate change and to identify any issues which remain unresolved, or changes to the CP which may be required to meet concerns raised by the EA.

Air quality

JCS Policy SD14(ii) and iii) relate to air quality. Paragraph 4.14.7 states that "district plans will provide detailed policies, as required for the protection of human and environmental health, for example specific standards or criteria relating to noise pollution and air quality management". The Health and Environmental Quality chapter of the CP provides no further detail to carry forward Policy SD14 and provide specific standards or criteria with regard to air quality. Has any assessment been made by the Council of the effects on air quality arising from the allocations for development within the CP when added to the likely impacts from the strategic development allocations within the JCS?

In this regard, can the Council please provide a map which shows the location of any Air Quality Management Areas within or on the boundaries of Cheltenham Borough, and also show the locations of development allocations proposed in both the JCS and the CP.

Sustainability Appraisal/SEA

Can the Councils please confirm that Natural England (NE) has been consulted at each stage of the SA/SEA process, including the revised HRA Screening Report and Appropriate Assessment July 2018 (SD013)? Please provide copies of any responses from NE which are not listed in the consultation representations in SD006.

I note that NE has raised concerns regarding the effect of emissions from traffic on the A46 on the Cotswolds Beechwoods SAC, in addition to concern at the potential impacts of increased recreational use of the SAC.

Can the Council please liaise with NE to prepare a SoCG which deals with the issues raised by NE and any actions or changes to the CP which are required in order to resolve those issues.

Transport Infrastructure

Representations have been made by Highways England (HE) relating to the transport assessments for the CP and the relationship between assumptions made for the development of the non-strategic allocations and the integrated package of transport measures identified through work undertaken for the JCS.

Has the Council held discussions with HE and the highways authority of Gloucestershire County Council (GCC) to ensure that the CP includes policies which adequately manage the delivery of development in accordance with the transport strategy of the JCS? Is there likely to be any conflict in highway terms between the implementation of the development proposed in the CP with the implementation of strategic development in the JCS?

Can the Council please liaise with HE and GCC where appropriate to prepare a SoCG which addresses these questions and any other highways issues raised by HE and GCC, identifying any actions or changes to the CP which may be required in order to resolve outstanding issues.

Local Green Space (LGS) allocations

I note that the CP in Table 8 proposes the allocation of some 86 parcels of land as OGS. These include sites previously allocated as Public Green Spaces (PGS).

Paragraph 77 of the NPPF states that the LGS designation will not be appropriate for most green areas or open space and sets out a list of criteria to be applied when considering the designation of LGS. I will be considering in detail the Council's Local Green Spaces Study Report parts 1 and 2, but would be grateful if the Council could indicate whether the former PGS have been explicitly and individually assessed against the criteria set out in the NPPF (and enlarged upon in Planning Practice Guidance).

Other Statements of Common Ground

In addition to the SoCG identified above, I would request that the Council liaise with Historic England (HistE) in relation to the issues raised in their representations on the policies and proposals of the CP.

It is of course open to the Council to prepare a SoCG with any other party where that may be of assistance in clarifying or resolving any differences which remain outstanding, and I may request further SoCG at a later stage of the examination.

All SoCG should identify areas of both agreement and disagreement together with any changes to the Plan which might satisfy the concerns raised.

Target for response

In order to progress the examination in a timely fashion, the Council's and any other responses should be forwarded to me via the Programme Officer by **midday of the 29 November 2018** for publication in the examination library. Please let me know, through the Programme Officer, if you have any questions on the content of this letter.

Yours faithfully

Wendy Burden

Wendy J Burden BA(Hons) DipTP MRTPI