

Cheltenham Borough Council Local Plan 2011-2031 Examination

Cheltenham Borough Council's response to initial matters raised by the Inspector

29 November 2018

In her letter dated 31 October 2018 the Cheltenham Plan Inspector raised a number of preliminary matters (in italics below). Cheltenham Borough Council's (the Council) responses to these issues are set out below.

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.

Please see separate SoCG between the Council and the Environment Agency.

Air quality

JCS Policy SD14ii) 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?

The evidence base for the Cheltenham Plan does not specifically consider air quality impacts of the development proposed within the Cheltenham alongside that of the development proposed in the Joint Core Strategy. In 2014 the Joint Core Strategy assessed air quality impacts in document ENAT109 [https://drive.google.com/file/d/0BwVPoSbUL_uXU0pIQi1ZQmpBUzQ/view] as part of this study potential sites that were proposed for allocation through the Cheltenham Plan were taken into account, along with background unplanned development expected to take place (windfall sites).

It is therefore, the view of the Council that further work regarding assessing the impact of developments proposed in the Cheltenham Plan on air quality is not required, and has therefore not

been undertaken. The Joint Core Strategy Inspector accepted the air quality assessment work which was submitted as part of the Evidence Base to support the examination of the Joint Core Strategy.

It was not felt on the basis of the work undertaken for the Joint Core Strategy that further detailed policies were required within the Cheltenham Plan at this time, it was the intention that each of the Joint Core Strategy authorities would make an informed decision about which policies should be included in their individual authority local plans as they felt were appropriate. It is the Council's intention that the exclusion of specific policies about air quality management would be kept under review should changes or further evidence suggest that this is needed.

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.

A map is included in Appendix A.

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.

A Statement of Common Ground between the Council and NE has not yet been finalised. Dialogue between the parties is ongoing and a statement is expected to be finalised shortly. The following table highlights the Council's response to issues raised by NE and highlights recent cooperation.

HRA of the Plan to date

The Plan has been developed since early proposals in 2015, through continuing technical studies, and with wide consultation to consider comments made. The preparation of the Plan has been informed by Sustainability Appraisal (SA) and HRA. Cheltenham Borough Council commissioned independent specialist consultants Enfusion Ltd to undertake the statutory SA process and the HRA process for the Cheltenham Local Plan.

The early Issues & Options stage of plan preparation was subject to initial HRA Screening (October 2016). The HRA process with detailed methods and findings was reported within the HRA Report (December 2017) that accompanied the Pre-Submission Local Plan on Regulation 19 consultation.

At the same time, Enfusion has been undertaking the Integrated (Sustainability) Appraisal (incorporating Strategic Environmental Assessment, Equalities Impact Assessment and Health Impact

Assessment) of the Plan; this work has been undertaken concurrently, with the findings from the two processes informing each other as appropriate.

The HRA had been prepared in accordance with extant guidance and practice documents at the time. It concluded that the Plan will not have adverse effects, alone or in-combination, on the integrity of the identified European sites, hence further Appropriate Assessment is not required.

NE submitted representations to the Regulation 19 consultation saying that they do not agree with the conclusion of no likely significant effects with regard to the Cotswold Beechwoods Special Area of Conservation (SAC). The Plan area is approximately 5km from the Cotswold Beechwoods SAC. Whilst NE noted that the majority of the site allocations are over 10km from the Cotswold Beechwoods SAC, as yet they suggest that there is no strategic understanding of where visitors come from and how they use the SAC, no established zone of influence for recreational pressure and no mitigation plan. In combination impacts must also be considered. Without this information, NE considers it is not possible to reach a conclusion of no likely significant effects from the Cheltenham Plan based on distance alone.

NE welcomed the draft plan's Local Green Space policy, particularly the identification of sites for Local Green Space Designation. However, NE considered that these local green spaces cannot be assumed to provide mitigation for recreational pressure on the SAC; the sites are local rather than strategic and have not been assessed or selected with this purpose in mind. In addition, there is an emphasis on the protection of existing sites rather than their improvement or the creation of new sites to absorb the additional need generated through growth. NE therefore, did not agree with the HRA's conclusion that the green space policies mitigate against additional recreational pressure on the Cotswold Beechwoods SAC to allow a conclusion of no likely significant effects.

CJEU Judgment on HRA Screening

On 12 April 2018, the Court of Justice of the European Union (CJEU) issued a judgment⁵, which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.

The implication of this judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering at the Habitats Regulations Assessment (HRA) screening stage whether a plan is likely to have an adverse effect on a European Site.

The HRA Report (November 2017) had been prepared before this CJEU was issued in April 2018. It had concluded through the screening process that some European sites were at risk from increased air pollution and disturbance as a result of policies and allocations in the Local Plan, but that the Plan's policies provide sufficient mitigation such that no significant effects are likely to occur, with alone or in-combination.

Since it is now not possible to take account of any integrated avoidance or other mitigation measures provided through plan policies at the HRA screening stage, it is necessary to revise the HRA process in order to be able to demonstrate procedural compliance.

Appropriate Assessment (AA) – July 2018

The AA concluded that “given the proximity of the SAC to Gloucester City and the Stroud area, development at the Leckhampton site is unlikely to significantly increase the levels of recreational access and at the SAC alone.” It goes on to recommend that

Therefore, it is considered through this AA that the likely significant effects must be investigated strategically in order to address in combination effects and that this should be done through the JCS, in discussions with the JCS authorities, Stroud District Council, and Natural England. This is beyond the sphere of influence of the Cheltenham Borough Council alone.

Ongoing cooperation

Natural England met with planning policy colleagues from the three JCS authorities in early August. A further policy officer meeting took place in September at the County Planning Officer’s Group (CPOG) at which agreement was reached over a collaborative approach to data gathering for the Cotswold Beechwoods Special Area of Conservation (SAC). A visitor survey of the SAC has been commissioned and details are being refined at the time of writing. In recognition of the need for suitable Habitats Regulations Assessment (HRA) of planning applications between now and visitor survey data for this SAC becoming available the CPOG representatives agreed that development management input is needed to progress the LPAs’ collective approach to this ‘Duty to co-operate’ and ‘Habitats Regulations 2017’ related issue

Date	Attendees	Subject
08/08/2018	Gloucester, Tewkesbury & Cheltenham LPA planners and Natural England	European Sites and related Habitats Regulations Assessment; Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (JCS) and local plan progress check and brief discussion of other ecological themes i.e. Gt crested newt district level licensing and protected species/ecological impact assessment training needs within the LPA DM teams.
10/09/2018	County Planning Officers Group and Natural England	<ul style="list-style-type: none"> Stroud DC has commissioned a visitor survey of the Cotswold Beechwoods SAC and invites fellow LPA reps to collaborate through funding and membership of a working group. CPOG reps agreed to share cost of survey and work together. NE to act as advisory body.
04/12/2018	Cheltenham Borough Council Development Management Officers and Natural England (Antony Muller)	Habitats Regulations Assessments for planning applications

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.

The Council consider that the main concern being raised by HE is that “It is clear from this and from the assessment presented that the schemes included within DS7 have not been included in Phase 2 assessment.” The DS7 schemes were not included in the Phase 2 assessment for several reasons. Firstly, the DS7 schemes were agreed to be a collection of measures which could mitigate the highways impacts of development growth of the JCS. This was not a final and definitive list of infrastructure. Secondly, the impacts of DS7 have been examined and found sound within the JCS. The JCS growth figures include the growth from the Cheltenham Plan. Thirdly, the DS7 schemes are designed to mitigate the development growth outlined in the JCS. By including the JCS growth but not including the mitigation measures Cheltenham Plan Phase 2 assessment actually provides a more robust investigation of future highway scenarios. This is because the assessment looked at increased highways movement caused by background growth and new development but did not include the likely mitigation measure which will be in place. Fourthly, running models including all of the measures in DS7 would have been an exceptionally onerous with very little practical benefit.

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?

The JCS and Cheltenham Plan will function as the development plan for the borough. They have both been carefully thought out to ensure that there will be no conflict in implementation. The transport policies in the JCS are comprehensive and cover areas which a second tier plan would have traditionally included. As has been mentioned above, the highways modelling carried out as part of the JCS included Cheltenham Plan development growth. The largest of the Cheltenham Plan allocations (Old Gloucester Road and Leckhampton) were included in the JCS transport models specifically. Whilst the Cheltenham Plan provides more detail on where exactly the rest of the growth will be, the scale of these sites is not considered to be significant in the context of the Strategic Allocations.

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.

A Statement of Common Ground between the Council, HE and CBC has not yet been finalised. Dialogue between the parties is ongoing and a statement is expected to be prepared before the

hearing sessions. The following table highlights the Council's response to the additional issues raised by HE and GCC.

Additional Highways England issues	Cheltenham Borough Council response
<p>Policy INF1 of the JCS states in relation to the Transport Network "Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be mitigated to the satisfaction of the Local Planning Authority in consultation with the Highway Authorities and in line with the Local Transport Plan".</p> <p>It is noted that the pre-submission version of the Local Plan includes no such policy and it is recommended that consideration is given to whether the JCS policies (specifically INF1) apply to all development in the JCS plan area, or if the same policy should also be included in the Local Plan. A response to this point would be welcomed.</p>	<p>Policy INF1 of the JCS does already apply to all development in the JCS plan area. It is not clear what benefit there would be restating this policy in the Cheltenham Plan.</p>
<p>As mitigation measures are already set out in the JCS, Transport Assessments will be required to determine how much development can proceed in advance of the JCS Highway interventions being in place, as assessed at the time of submission of the relevant planning applications. It is recommended that this is made clear in the Plan Policies.</p>	<p>Paragraph 111 of the new NPPF sets out a requirement for transport assessments. JCS Policy INF1 also sets out the requirement for transport assessments. It is not clear what benefit there would be by restating this in the Cheltenham Plan.</p>
Additional Gloucestershire County Council Highways issues	
<p>POLICY EM1: SAFEGUARDING KEY EXISTING EMPLOYMENT LAND AND BUILDINGS states that A site's designation as a key site is based on one or more of a variety of factors:</p> <p>The location of the site in terms of its strategic and local accessibility;</p> <p>Access to the site by public transport, walking and cycling and the site's ability to improve local transport / connectivity.</p> <p>Some of the sites listed under this policy exhibit challenging factors in terms of ease of access currently. This will be exacerbated as the JCS is delivered. In particular, sites such as Runnings Road, Kingsditch Trading Estate, Block 1 and Blocks 5-7), Gloucester Road, Benhall (GCHQ) and Tewkesbury Road (Block 1) act as barriers to movement both to and through them. These effects may be significantly compounded</p>	<p>Policy EM1 is designed to protect sites which already exist. The Plan does not have the power to force reorganisation of the sites to allow for better accessibility. The improvement of accessibility on these sites through a planning application will be given due weight.</p>

without very close understanding of how proposed development is to be accommodated at North West Cheltenham and West Cheltenham.	
<p>POLICY EM3: NEW EMPLOYMENT ALLOCATIONS</p> <p>The County Council would recommend that the form and layout of these proposed sites does not preclude walk and cycle movement through and to them in the way that old employment allocations have done, for example at the Kingsditch Trading Estate. As with housing development, the need for quiet and traffic-free ways through is vital to the long terms sustainability and attractiveness of Cheltenham as a town to live and work in.</p>	JCS Policy INF1 requires developers to “provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.” Policy SD4 also requires a high standard of design, including movement and connectivity.
<p>POLICY TN1: PROTECTING THE ROUTE OF THE FORMER HONEYBOURNE RAIL LINE</p> <p>This is a vital corridor which currently provides a spinal traffic-free section of the National Cycle Network and the County Strategic Cycleway. Whilst the policy advocates its protection as a corridor, the qualities of this route can be eroded through poor development delivery onto its alignment, insufficient attention to issues of natural surveillance through development on its peripheries, and the quality and availability of lateral connections and routes. The role of former Honeybourne Line route will strengthen and change as more trips occur to and from the west of the town, due to proposed development outlined in the JCS.</p> <p>Recommend that this policy recognises the importance of ensuring that new development strengthens the route’s qualities, and; that opportunities to extend the route north eastwards to Bishop’s Cleeve continue to be investigated.</p>	The Council concur that Policy TN1 would benefit from wording which recognises the importance of ensuring that new development strengthens the route’s qualities, and; that opportunities to extend the route north eastwards to Bishop’s Cleeve continue to be investigated.
A policy should be included encouraging and supporting improvements to the station and surrounding area reflecting the key role it plays in the life of the town.	The benefits of any planning application to the train station will be taken into account through existing JCS policies. The Council don’t agree that a specific policy relating to the railway station would be beneficial.

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).

The question raised regarding the relationship between the existing Public Green Space (PGS) sites, as designated through the adopted 2006 Local Plan and the newer designation of Local Green Space (LGS) has been considered throughout the preparation of the Cheltenham Plan. The PGS sites were not individually assessed against the criteria set out in the NPPF. The following paragraphs explain why this is the case and why the Council believe it to be sound.

The National Planning Policy Framework (NPPF) 2012 states that in order for land to be designated LGS it should be of particular importance to the local community. Many of Cheltenham's residents, workers and visitors enjoy Cheltenham due to the town being 'a town within a park'. The Joint Core Strategy (JCS) takes this further through the Vision which aims to have the town retain "its Regency character, tree-lined promenades and streets, and attractive green spaces and squares" (paragraph 2.13). PGS was originally designated with the aim of protecting green land in public ownership from development, which helps to achieve the Vision of the JCS. The land designated as PGS was felt to hold visual, environmental and recreational value, as well as being accessible, similar to the criteria for LGS designation.

Paragraph 77 of the NPPF, 2012 gives three overarching criteria which land proposed for LGS should meet, the first being the land should be in close proximity to the community it serves. The borough of Cheltenham is compact in its built form; many of the remaining open spaces only remain due to previous protective policies. All of the PGS sites were designated within the Principal Urban Area with the aim of serving the surrounding community both those living in the immediate proximity to the PGS site and the wider community by adding to the setting of Cheltenham town as a whole.

Many of the PGS sites have a recreational value and are maintained by the Council and its partners so that the sites may continue to be used for recreational purposes. The 2006 Local Plan states that "much public green space is provided primarily for public recreation use" (paragraph 6.17).

It is felt that the PGS policy included in the Cheltenham Borough Local Plan, 2006, was a forerunner of the LGS policy of the NPPF, 2012, as explained in the Local Green Space Topic Paper (document NS007), having given strong protection against development over the life of the Local Plan, 2006. This protection should be maintained.

Finally the NPPF, 2012 requires LGS to be considered "demonstrably special to a local community" (paragraph 77). During the Issues and Options consultation which took place in 2015 a specific question about PGS was posed which received an overwhelming response, demonstrating the level of public support for the continued protection of PGS sites. In total this question alone received 322 responses, further details of which can be found in the Statement of Consultation (document SD005).

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.

Please see separate response by the Council to Historic England's representations.

Plan ref and relevant extract	Historic England comment	Cheltenham Borough Council response
<p>Vision theme C and Objective (a)</p> <p><i>Cheltenham is a place where the quality and sustainability of our cultural assets and natural and built environment are valued and recognised locally, nationally and internationally and where tourists choose to visit and return.</i></p> <p><i>a) Conserve and enhance Cheltenham's architectural, townscape and landscape heritage, particularly within the town's conservation areas;</i></p>	<p>Historic England welcomes the Plan's recognition of the importance of Cheltenham's historic environment in shaping the town's future planning and supporting its economic well-being.</p>	<p>N/A</p>
<p>Chapter 9 Historic Environment</p>	<p>Historic England welcomes the Plan's positive strategy for the conservation of the historic environment expressed within this chapter and, in particular, the twelve commitments at paragraph 9.8 and the Conservation Area reviews, all underpinned and explained by the robust and helpful Historic Environment Background Paper, January 2018.</p> <p>We note the intention to rely on the strategic heritage policy in the Joint Core Strategy (relating to designated heritage assets), supplementing it in</p>	<p>The heritage policies, the conservation area reviews, the outlined approach to development management in the historic environment and the 'positive strategy' in protecting the wider historic environment, as per the submitted plan, do provide a suitable replacement for the numerous policies of the existing plan by providing a focussed approach underpinned by the National Planning Policy Framework and relevant legislation.</p>

	<p>this Local Plan with archaeological, non-designated heritage asset, and advertisements policy.</p> <p>We also note the intention to cancel 20 heritage related policies currently Saved from the 2006 Plan. Is CBC confident that this Local Plan and its heritage policies provide an adequate replacement?</p>	
<p>Chapter 11 Residential Development</p> <p>Reference to the term “constraint”.</p>	<p>The Plan identifies 8 strategic housing sites. Each site is described and “constraints” are identified. Heritage assets are included as a constraint. Historic England object to the outdated notion that heritage assets are a constraint. The context within which a site is located may include a number of significant contextual considerations. These are not constraints but the factors in which future development needs to be considered and they made indeed be positive rather than negative as currently implied.</p>	<p>The Local Authority absolutely recognises that heritage assets do provide opportunities and positives, and should not be considered as a negative aspect in development.</p>
<p>POLICY HD2: FORMER MONKSCROFT PRIMARY SCHOOL</p>	<p>The Plan proposes a large housing development next to St Mark’s Conservation Area. The Council’s evidence base (LP Housing Site Allocations Historic Environment Appraisal, ECUS December 2017) fails to indicate the likely impact on the significance of the architectural and historic interest of the Conservation Area. There appears to be some doubt as the ECUS report refers to the need for a further setting appraisal “to consider the impact”.</p>	<p>The Local Authority acknowledges that the LP Housing Site Allocation Historic Environment Appraisal (ECUS: December 2017) does not provide a conclusion on the likely impact of development on the St. Mark’s Conservation Area; however it is contended that the appraisal does sufficiently engage with the conservation area by recognising the heritage asset and proposing appropriate measures to aid the consideration of any impact on the asset by development in its setting. The policy (HD2) does recognise the value of the conservation area by providing site specific requirements which include “A layout and form of development that respects the character and significance of the St. Mark’s Conservation Area.”</p>
<p>POLICY HD3: BOUNCER’S LANE</p>	<p>Historic England suggest that the Plan include an additional ‘site specific requirement’ to make sure future development safeguards the significance of the adjacent heritage</p>	<p>Whilst the policy does not provide a site specific requirement relating to the significance of heritage assets, Cheltenham Borough Council as the Local Planning Authority would be</p>

	assets, respecting the setting of the Grade II Listed Cemetery and Lodge.	obliged to consider the impact of proposed development on those assets in line with the provisions of the relevant legislation and national, and local policy.
POLICY HD4: LAND OFF OAKHURST RISE	<p>CDC will be aware that Historic England has formally objected to a planning application for development of this site as we consider the open space makes a significant positive contribution to the setting of the Grade II* Ashley Manor (Letters dated 30 October 2017 and 7 March 2018).</p> <p>We would emphasise the following:</p> <ul style="list-style-type: none"> -Local Plans need to demonstrate a positive approach, and great weight, to the conservation of heritage assets in the delivery of sustainable development, one of the core dimensions being the protection and enhancement of the historic environment (NPPF Para 132). -Special regard must be given to desirability of preserving the setting of a listed building; and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise S66 and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). -Development will be expected to avoid or minimise conflict between any heritage asset's conservation and any aspect of the proposal (NPPF Para 129). -Harm should always be avoided in the first instance. Only where this is not possible should mitigation be considered (NPPF Para 152). Any harm and mitigation proposals need to be fully justified and evidenced to ensure they will be successful in reducing harm. 	<p>The ECUS report contends that "A residential scheme here [the western area of the site] should not harm the settings of adjacent heritage assets".</p> <p>The site is only allocated for approximately 25 dwellings within a well screened part of the site. It is recognised that a larger development may be possible on the rest of the site provided that heritage and other issues are adequately dealt with.</p>

	Can CDC demonstrate that there are no other potential alternative sites?	
POLICY HD7: PRIORS FARM FIELDS	The Council's LP Housing Site Allocations Historic Environment Appraisal, ECUS December 2017 highlights the likely evidence of past Iron Age or Romano British occupation in the southern part of the site. Might the Plan include an additional 'site specific requirement' to address this matter, and also the need for a setting assessment to inform the future development's relationship to the adjacent Grade II Listed cemetery.	Though the policy does not provide site specific requirements relating to potential archaeology or a setting assessment, Cheltenham Borough Council as the Local Planning Authority would be obliged to consider the impact of proposed development on those assets in line with the provisions of the relevant legislation and national and local policy.
POLICY HD8: OLD GLOUCESTER ROAD	<p>CDC will be aware of Historic England's previous comments in relation to this proposed allocation.</p> <p>The Local Plan proposes a sizeable development site within proximity (approx. 80 metres) to an important historic complex of heritage assets. In accordance with NPPF paragraph 129, 158 and 169 we would expect a Historic Environment and Setting Assessment to be undertaken to demonstrate how an understanding of the significance of these assets and their setting have informed the principle, and without prejudice, the design response.</p> <p>The Council's LP Housing Site Allocations Historic Environment Appraisal, ECUS December 2017 includes 2 bullet points of brief comment and although it cross references to a desk based assessment, survey and evaluation this is not made available. Historic England would welcome sight of these.</p> <p>Before the principal, future form and capacity can be established, great weight must be applied to the conservation of the affected heritage assets in accordance with NPPF paragraph 132. The lack of evidence</p>	<p>The site allocation is 'sizeable' in area but a relatively low density assumption has been applied to allow for flexibility in layout. The Housing Site Allocations Historic Environment Appraisal, ECUS December 2017 found that:</p> <ul style="list-style-type: none"> • The western area of the site has been the subject of a desk-based assessment, a geophysical survey and an archaeological evaluation. The evaluation revealed that the site had very little archaeological potential; • The desk-based assessment considered that the development proposals would not harm the setting of the Moat House Scheduled Monument and Listed Building within the monument. <p>The Council remain confident that an acceptable scheme can be accommodated on the site which would not cause unacceptable harm to the setting of the nearby heritage assets.</p> <p>A scheme for 90 units in the south west of the site was granted outline</p>

	<p>suggests that great weight has not been applied and therefore the Plan has not been justified (based on proportionate evidence) or accords with national policy.</p> <p>National policy seeks to protect and or enhance the significance of heritage assets. Only where harm is unavoidable should mitigation be considered (NPPF Para 152). Any harm and mitigation proposals need to be fully justified and evidenced to ensure they will be successful in reducing harm. The local authority has failed to provide sufficient evidence to establish the level of impact / harm, and if harm were unavoidable, the justification.</p> <p>The advice in Historic Environment Good Practice in Planning 3: The Setting of Heritage Assets (Historic England March 2015) GPA3 (Setting advice) emphasises that the information required in support of proposals should be no more than is necessary to reach an informed decision. At the same time those taking decisions need enough information to understand the issues. Historic England considers that as the affected heritage assets are a Scheduled Monument and several listed structures, it is reasonable to expect a specific and moderately detailed heritage report that assesses whether, how and to what degree the setting of these assets make a contribution to their significance; and demonstrates the assessment of the effects of the proposed allocation on that significance to determine whether measures to maximise enhancement and avoid or minimise harm might be effective.</p> <p>Deferring an impact assessment to a future planning application stage is not considered appropriate as</p>	<p>planning permission in December 2017 (17/01411/OUT). This demonstrates that the approximately 200 dwellings allocated on this site in the Plan could be accommodated whilst leaving a substantial buffer area.</p>
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	<p>fundamental heritage considerations may affect the principle of development, its form and quantum, and as a consequence, its deliverability i.e. informing whether the allocation is justified. As such, allocating such a strategic site needs to set out clearly the type and amount of development that would be acceptable and provide details on how any affects to heritage assets can be addressed. The commentary provided by the local authority so far in respect of the impact of this allocation lacks detail or demonstrable rigour.</p> <p>The NPPF requires Local Plans to set out a positive strategy for the conservation and enjoyment of the historic environment and conserve heritage assets in a manner appropriate to their significance (NPPF paragraph 126). In terms of potential site allocations, we would suggest this means identifying sites for development which are compatible with the requirements of national policy for the delivery of sustainable development. At present the local authority has not demonstrated this would/could be the case in a substantive way.</p>	
<p>Chapter 19 Delivery, Monitoring and Review. Monitoring indicators. Table 14: Theme C objective a) <i>Conserve and enhance Cheltenham's architectural, townscape and landscape heritage, particularly within the town's CAs.</i></p>	<p>CDC may wish to reconsider the proposed indicator - "<i>Number of planning applications that are within a conservation area</i>" - as we are unclear how this will indicate how the objective has been met. There appears to no correlation.</p>	<p>The Council concede that this indicator does not clearly relate to the plan objective. It may be necessary to revise this.</p>