

## **Handling Arrangements in relation to Golden Valley Development**

### **Regulation 64 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

This document sets out the administrative arrangements (Handling Arrangements) made by Cheltenham Borough Council (CBC) under Regulations 64 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“EIA Regulations”) for the separation of functions between persons acting for or assisting the Council in its capacity as Local Planning Authority (LPA) and persons acting for or assisting the Council in its capacity as planning applicant (Applicant) in connection with plans or proposals in respect of or any part of the land edged red on the attached plan (appendix 1) for Golden Valley Development (GVD)

#### **EIA Regulations**

Regulation 64(2) provides that where an authority is bringing forward a proposal for development and that authority will also be responsible for determining its own proposal, the authority must make appropriate administrative arrangements to ensure there is a functional separation, where performing any duty under the EIA Regulations, between the persons bringing forward a proposal for development and the persons responsible for determining that proposal.

#### **Statement of Intent**

CBC is both the Applicant and the LPA in connection with proposed and/or submitted (as appropriate) planning application(s) for GVD. This will relate to:

- Outline application(s)
- Reserved matters application(s)
- The discharge of conditions, and
- potentially variations to the scheme, including any knock-on implications to S106(s).

In accordance with Regulation 64(2), CBC has put in place these Handling Arrangements to ensure the separation of functions between the Applicant and the LPA and to thereby safeguard the independence and objectivity of decisions made by the LPA in connection with the above.

Independence and objectivity in this context do not require separate legal personality, full self-administration or a ring-fenced budget. It requires that appropriate administrative arrangements are in place to ensure that:

- 1) The functions of the LPA are undertaken by identified persons with the necessary resources and acting impartially and objectively;
- 2) Any person acting or assisting in the handling of the outline planning application(s) or subsequent related applications for GVD for CBC as the LPA is not involved in promoting or assisting in the promotion of such application for CBC as the Applicant;
- 3) Any person involved in promoting or assisting in the promotion of the planning application(s) for CBC as the Applicant does not give any instructions to, or put any pressure upon, any person acting or assisting in the handling of the planning application(s) for GVD for CBC as the LPA, or attempt to do so;
- 4) Discussion or communication about the planning application(s) for GVD between persons acting for or assisting (a) the LPA, in its handling of the application, and (b) the Applicant, in its promotion of the application and (c) between persons acting for or assisting the LPA and the Applicant in their respective functions do not take place, otherwise than in accordance with these Handling Arrangements.

## **Permissible Practical Arrangements**

These Handling Arrangements do not prevent discussion or communication about the planning application(s) for GVD, between the LPA and the Applicant, through the formal channels appropriate to the relevant application process. These include, but are not limited to, the terms of the Planning Performance Agreement in place; pre-application meetings or correspondence; screening and scoping for the purpose of the EIA Regulations; post-application submission meetings or correspondence to discuss and agree actions in respect of responses received through publicity and consultation; and post-submission meetings or correspondence to progress planning conditions or s106 obligations, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and other relevant legislation. These Handling Arrangements are in place to help ensure that all discussion or communication between the LPA and the Applicant take place in a way which respects the functional separation between the Applicant and the LPA and safeguards the independence and objectivity of the LPA's decision making.

They also do not prevent discussion or communication between the LPA and / or the Applicant and other members of CBC for factual reporting or programming purposes, for example, to report on the timings for and progress of the relevant application(s) for GVD. They also do not prevent such discussion or communication as is necessary to inform any executive or non-executive decisions by CBC directly or indirectly in connection with the plans or proposals for GVD, which decisions are separate and distinct from the LPA's determination of the planning application(s). However, should a CBC Programme Board Member become closely involved in the preparation of any such GVD application(s), they will not sit as members on the Planning Committee that determines the relevant application.

In addition, these arrangements do not prevent the performance of ordinary staff management functions at CBC, subject to the safeguards set out in these Handling Arrangements.

Planning Committee members shall be mindful of the guidance set out in the Planning Advisory Service publication "Probity in Planning – Advice for councillors and officers making planning decisions" and "Openness and transparency on personal interests" published by the Ministry for Housing, Communities and Local Government.

Nothing in these Handling Arrangements shall fetter the performance of the LPA's statutory functions or the public's access to information on the plans or proposals for GDV, in accordance with the Freedom of Information Act 2000 or Environmental Information Regulations 2004 or other relevant legislation.

## **Golden Valley Development Handling Arrangements**

This note sets out the practical arrangements that CBC has put in place to ensure a functional separation between the Applicant and the LPA, in connection with the planning application(s) for GVD. Amongst other things, this helps ensure that there is a clear process for handling the relevant application(s) for GVD, which helps prevent potential conflicts of interest or undue influence, or any perception of such, and thereby safeguards the independence and objectivity of the LPA's decision-making.

## **PART 1**

### **Resourcing and allocation of roles and responsibilities\***

#### **A. Officers acting for or assisting the LPA**

<b>Name</b>	<b>Role</b>	<b>Function</b>
Tracey Birkinshaw	Director Communities & Economic Development	Portfolio service lead for planning, providing strategic oversight over sub delegations as provided to the Head of Planning in line with 3D.3 of the <a href="#">Councils Constitution</a>  Portfolio service lead for economic development and inward investment
Chris Gomm	Head of Planning	Holds sub delegations' decision making in line with the council's constitution
Nicole Golland	Development Management - Manager	Case officer and primary point of contact to the applicant. Negotiating lead on S106
Ewan Wright	Senior Housing Strategy & Enabling Officer	Technical specialist
Chris Chavasse	Senior Tree Officer	Technical specialist
James Mogridge	Drainage & Flood Risk engineer	Technical specialist
Peter Ashby	Senior Conservation Officer	Technical specialist
Adam Reynolds	Green Spaces Manager	Technical specialist
Gareth Jones	Senior Environmental Health Officer	Technical specialist
Richard Gibson	Communities Manager	Technical specialist
Fern Kenyon-Hamp	Ecologist	Technical Specialist
Gemma Bell	Head of Finance (Deputy S151)	Finance lead

#### **B. External organisations appointed to act for or assist the LPA**

<b>Organisation</b>	<b>Role</b>	<b>Function</b>
Gloucestershire County Council	<ul style="list-style-type: none"><li>• Highways</li><li>• Education</li><li>• Libraries</li><li>• Economic Development</li><li>• Minerals and Waste</li></ul>	Statutory responsibility
Nash partnerships	Urban design	Technical specialist
Planning4Ecology	Ecology	Technical specialist
Stuart Ryder	Landscape	Technical specialist
Chris White	Viability	Technical specialist
Rider Levett Bucknall	QS	Technical specialist
National Highways	Strategic road network	Statutory responsibility

English heritage	Conservation and listed buildings	Statutory responsibility
Environment Agency	Watercourses, flood risk management and mitigation	Statutory responsibility

### C. Officers acting for or assisting the Applicant

Name	Role	Function
Gareth Edmundson	Chief Executive	Programme Board member Senior Responsible owner of GVD projects, Programme Board and Project Board Member
Paul Jones	Deputy Chief Executive and Chief Finance Officer (Section 151 Officer)	Strategic Finance Lead and Project Board Member
Paul Minnis	Director – Major Development & Regeneration	Project Lead
Martin Chastney	Head of Development	Project support
Lui Pollastrone	Development Manager	Project support
Richard King	Head of Construction	Project support
Sandra West	Programme Officer	Project support
Andy Taylor	Principal Commercial Accountant	Finance support

### D. External organisations appointed to act for or assist the Applicant

Organisation	Role	Function
HBD	Development Partner	Planning lead
Arcadis	Project Management	Project Managers
Hgh Consulting	Planning	Planning advisors
Grimshaw	Masterplanning	Southern Parcel masterplanners
Urban Design Box	Masterplanning	Northern Parcel masterplanners
BDP	Architecture	Architects
Grant Associates	Landscape Architect	Support
Tree Frontiers	Arboriculture	Support
Vectos	Transport/Highways	Support
edp	Heritage, Landscape, Ecology	Support
Buro Happold	Geotechnical, Climate Change, Noise, Socio-economic, Hydrology	Support
Sustainability Labs	Construction Management	Support
Place Group	Education	Support
Cundall	Air Quality	Support
Avison Young	Viability	Support

Richard Boothroyd & Associates	QS	Support
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#### E. Cabinet Member responsibilities

Name	Role	Function
Cllr Peter Jeffries	Deputy Leader of the Council and Cabinet Member for Major Developments and Housing Delivery	Cabinet lead for Golden Valley Development
Cllr Mike Collins	Cabinet Member Planning & Building Control	Cabinet lead for planning

#### **\*To be kept under regular review and added / amended as necessary**

For the purposes of this note, the persons identified in groups A and B are "**the LPA team**". The persons identified in groups C and D are "**the Applicant team**". Persons in the LPA team and in the Applicant team are entitled to receive information on the planning application(s) and subsequent related applications for GVD in order to perform their respective roles and responsibilities.

No person on the Applicant team shall be involved in the LPA case-work or LPA decision-making in connection with the planning application(s) for GVD. No person on the LPA team shall be involved in promoting the planning application(s) nor subsequent related applications for GVD. Any discussion or communication between the LPA team and the Applicant team shall be carried out in accordance with these Handling Arrangements.

Non-public information of the Applicant's on the planning application(s) for GVD may not, except with express authority of Paul Jones (as Senior Responsible Officer) be disclosed to or discussed with any person on the LPA team. Any authorisation must comply with Regulation 64(1) and (2) and must not put any member of the LPA team in a situation giving rise to a conflict of interest and shall require any authorised person discussing or receiving such information to comply with that Regulation and these Handling Arrangements.

Project and Programme Board Members for any GVD application will not sit as members on the Planning Committee that determines that application.

Planning Committee members shall not partake in decision-making in connection with the planning application(s) for GVD if they have previously been involved in promoting any application for GVD.

## **PART 2**

### **Detailed Handling Arrangements**

- Publication.** These Handling Arrangements shall be publicly available, subject to any personal details redacted as appropriate for data protection reasons.
- Education.** Each person on the Applicant team and on the LPA team shall be provided with a copy of these Handling Arrangements.
- Updates.** These Handling Arrangements shall be recirculated to the Applicant team and the LPA team on a bi-annual basis, or earlier where there is a material amendment. The publicly available version will be kept under review on the same basis.

d. **Information sharing.**

- Information can be shared orally or in writing
- Written information can take the form of words or images (maps, plans, drawings, photos etc.).
- Written information includes information shared electronically (by e-mail, data sharing or information exchange platforms, social media etc.)
- All information on the planning application for GVD shall be shared between the Applicant team and the LPA team through the formal channels appropriate to the relevant planning application process. Discussion or other communication about the merits of the outline planning application and subsequent related applications for GVD shall not take place between the Applicant team and the LPA team (or with other members of GVD project board) outside of the parameters set out in these Handling Arrangements.
- In respect of written information, persons on the Applicant team and the LPA team shall clearly identify the intended recipient of the information. This can be done, for example, by marking the information for the attention of the Applicant team / LPA team, as applicable.

e. **Document storage by the Applicant.** Measures have been put in place to ensure that the material related to the Applicant's application for GVD is not stored on shared file spaces (physical or electronic) accessible by those outside of the Applicant's team. Where it is not physically or technically possible to fully restrict access, all reasonable steps shall be taken to ensure that the material is stored in a way which deters access by persons outside of the Applicant's team.

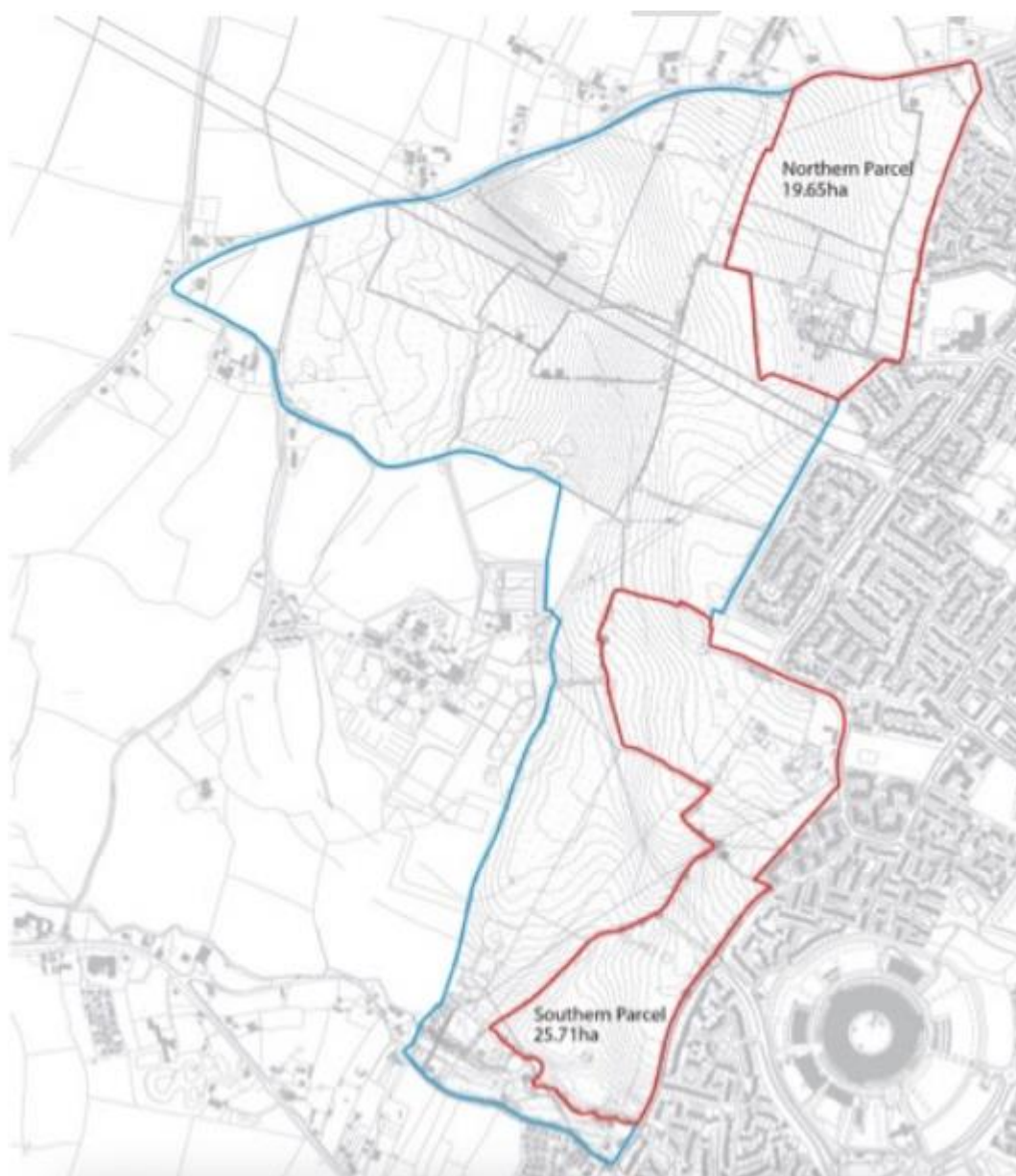
f. **Document storage by the LPA.** Measures have been put in place to ensure that material related to the LPA's determination of relevant application(s) in connection with GVD is not stored on shared file spaces (physical or electronic) accessible by those outside of the LPA's team. Where it is not physically or technically possible to fully restrict access, all reasonable steps shall be taken to ensure that the material is stored in a way which deters access by persons outside of the LPA's team.

g. **Authorised persons.** CBC maintains a list of every person working on the relevant application for GVD on the Applicant's team and on the LPA's team, respectively, including date of assignment to the task and, where appropriate, date of leaving the task.

h. **Reporting.** Members of the Applicant team and the LPA team shall report to Council's Monitoring Officer on the performance of the practical arrangements set out in this note. Where improvements are identified as reasonably necessary to secure the outcomes identified in the Statement of Intent, CBC shall take all reasonable steps to implement these amended or additional measures as soon as reasonably practicable.

i. **Management and Governance.** CBC has put in place appropriate governance and line management structures to safeguard the independence and objectivity of the LPA's decision-making. These include but are not limited to separate lines of team management, team filing systems and reporting processes.

## Appendix 1 – Golden Valley Development: Cheltenham Borough Council Land Ownership



Area edged in blue	<a href="#">Gloucester, Cheltenham and Tewkesbury Joint Core Strategy</a> strategic allocation, Policy A7 – West Cheltenham
Area edged in red	Cheltenham Borough Council land ownership