



Gloucester City Council

Planning Policy Sub Committee

**Meeting: Thursday, 26th March 2015 at 6.00 pm
in Committee Room 1, North Warehouse, The Docks, Gloucester, GL1
2EP**

Membership:	Cllrs. Taylor (Chair), Lewis (Vice-Chair), McLellan, Smith and Dee
Contact:	Anthony Wisdom Democratic Services Officer 01452 396158 anthony.wisdom@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	MINUTES (Pages 5 - 30) To approve as a correct record the minutes from the meetings held on:- <ul style="list-style-type: none">• 11 December 2014• 12 February 2015• 4 March 2015
3.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
4.	PUBLIC QUESTION TIME (15 MINUTES) To receive any questions from members of the public provided that a question does not relate to: <ul style="list-style-type: none">• Matters which are the subject of current or pending legal proceedings, or• Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers
5.	PETITIONS AND DEPUTATIONS (15 MINUTES) To receive any petitions and deputations provided that no petition or deputation is in relation to: <ul style="list-style-type: none">• Matters relating to individual Council Officers, or• Matters relating to current or pending legal proceedings

6.	<p>TEWKESBURY BOROUGH PLAN 2011 - 2031 DRAFT POLICIES AND SITE OPTIONS - PUBLIC CONSULTATION (Pages 31 - 38)</p> <p>To receive the report of the Cabinet Member for Regeneration and Culture which seeks endorsement for the Council's response to the Draft Tewkesbury Borough Plan Draft policies and site options public consultation (February 2015).</p>
7.	<p>GLOUCESTERSHIRE LOCAL TRANSPORT PLAN 2015-31 CONSULTATION AND PROTOCOL FOR HIGHWAYS MODELLING SUITE CONSULTATION (Pages 39 - 48)</p> <p>To receive the report of the Cabinet Member for Regeneration and Culture which seeks endorsement for the Council's response to the Gloucestershire Local Transport Plan 2015-31 Public Consultation and the third party access protocol for using the highways modelling suite consultation.</p>
8.	<p>RESPONSE TO CLG CONSULTATION - SECTION 106 PLANNING OBLIGATIONS, SPEEDING UP NEGOTIATIONS CONSULTATION (Pages 49 - 56)</p> <p>To receive the report of the Cabinet Member for Regeneration and Culture which seeks endorsement of the Council's response to the DCLG consultation.</p>
9.	<p>SCI UPDATE</p> <p>To receive a verbal update.</p>
10.	<p>DATE OF NEXT MEETING</p> <p>Thursday 18 June 2015 at 18.00 hours.</p>

M. Shields

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Martin Shields
Corporate Director of Services and Neighbourhoods

Date of Publication: Wednesday, 18 March 2015

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Anthony Wisdom, 01452 396158, anthony.wisdom@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

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Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

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If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.



PLANNING POLICY SUB COMMITTEE

MEETING : Thursday, 11th December 2014

PRESENT : Cllrs. Taylor (Chair), McLellan, Smith and Dee

Officers

Anthony Wilson, Head of Planning

Louise Follett, Senior Planning Policy Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllrs. Lewis

1. APPOINTMENTS MADE AT ANNUAL COUNCIL

The following appointments made at Annual Council were noted:-

Chair: Councillor Taylor

Vice-Chair: Councillor Lewis

Members; Councillors Dee, McLellan and Smith

2. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

3. PUBLIC QUESTION TIME

There were no questions from members of the public.

4. PETITIONS AND DEPUTATIONS

There were no petitions or deputations.

5. COMMUNITY INFRASTRUCTURE LEVY

Julie King, on behalf of the Joint Core Strategy Authorities gave a presentation on the work undertaken on the Community Infrastructure Levy (CIL) by Peter Brett Associates LLP including:-

- The Consultants' work
- Context - what is CIL?

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11.12.14

- How is CIL set?
- CIL and viability rules
- How we test CIL
- What is CIL 'liable' ?
- Spending your CIL

6. CITY PLAN - PROGRAMME AND BUDGET

The Head of Planning presented the report which presented and sought endorsement of the progress of the City Plan programme and associated budget requirements for the planning policy Team of £229,000 over the next three years.

He explained that the City Plan needs to go through the following stages before it can be adopted:-

- Prepare supporting evidence required to inform preparation of a sound plan;
- Review and publish comments and responses arising from the 2013 consultation;
- Prepare Part 2 (development management policies) and Part 4 (delivery and infrastructure) of the Plan;
- Prepare and consult on a Draft City Plan (that is, Parts 1-4), and prepare reports addressing representations on previous consultations and how the Council has responded to them;
- Refresh Part 1 to reflect new development opportunities in the City, including the release of the former HMP Gloucester;
- Publish Pre Submission version of the Plan for final comment;
- Submit the City Plan to the Secretary of State;
- Public examination; and
- Adopt the City Plan.

He advised Members that the present officer resource was not sufficient to make timely progress on the next stages of the City Plan especially as there would be a significant officer commitment to the JCS Examination which was expected to take place in April 2015.

He advised that Council staff would be used where they had the necessary skills and could provide better value for money than consultants.

Councillor Smith suggested that a bid be prepared to fund staff to undertake the work rather than use consultants.

The Chair believed that costs for consultants should be included but that it be pointed out that 'in house' staff would be used where feasible.

The Senior Planning Policy Officer advised that consultants could act as 'critical friends' and some areas of work would need to be work undertaken concurrently which would be difficult to achieve with one or two additional posts.

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11.12.14**

Councillor Dee believed that some areas of work could be undertaken in conjunction with other authorities under the JCS banner.

Referring to Table 1, the Chair suggested that the available £106,000 be deducted from 2015/16.

Councillor McLellan noted that the Open Space Strategy had covered playing pitches although it could require updating.

RESOLVED TO RECOMMEND to the Cabinet:-

- (i) That the next stages of the City Plan work programme as set out in this report be endorsed; and**
- (ii) That a further report be prepared on the City Plan work programme once the Joint Core Strategy (JCS) has been adopted; and**
- (iii) That the City Plan future budget requests set out at paragraph 8.2 of the report be approved.**

7. EVIDENCE BASE UPDATE - SUMMARY REPORT

The Head of Planning presented the report which summarised the Evidence Base Update.

The Chair was advised that American Football would be included in the Playing Pitch Strategy.

Members noted that the District and Local Centre Survey would include potential new local centres at Mead Road, London Road and Bristol Road.

The Senior Planning Policy Officer advised that the Strategic Assessment of Land Availability, formerly the Strategic Housing Availability of Land Assessment, was undertaken annually and would receive close scrutiny in the JCS Examination in Public. It would demonstrate that the Council was continuing to maintain a five year housing supply and delivering the JCS requirement of 565 dwellings per year.

RESOLVED that the report be noted.

8. DATE OF NEXT MEETING

Thursday, 12 February 2015 at 6.00pm.

Please note start time.

The Chair wished all present a Merry Christmas.

Time of commencement: 18:00 hours

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11.12.14**

Time of conclusion: 19:02 hours

Chair



PLANNING POLICY SUB COMMITTEE

MEETING : Thursday, 12th February 2015

PRESENT : Cllrs. Taylor (Chair), Smith and Dee

Officers

Anthony Wilson, Head of Planning

Louise Follett, Senior Planning Policy Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllrs. Lewis and McLellan

9. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

10. PUBLIC QUESTION TIME

Patricia Hurley, licensee of 'One Eyed Jack's' expressed concerns at the proposed policy regarding public houses which she believed should apply only to premises owned by large companies and not premises owned by individuals or small companies.

She asked if consideration had been given to the licensee who wished to retire and would expect the proceeds from the sale of their property to fund their retirement. She believed that restrictions on the disposal of public houses could have unintended consequences in the circumstances she described.

Anthony Wilson, Head of Planning, noted that similar comments had been received during consultation and clarified that the policy would apply to non-viable businesses that would be disposed of for redevelopment if the proposal met the requirements of the suggested criteria within the policy. It would not affect viable businesses that could be sold as going concerns.

He noted that the Localism Act 2011 provided for a scheme for Assets of Community Value (ACV). Local groups could request that a building such as a public house be identified as an ACV. Once made, the owner had a right of appeal to the Local Planning Authority (LPA). Should the owner wish to dispose of the premises for redevelopment, notice must be given to the LPA and a six month period is allowed for local groups to bid for the premises on the open market.

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He reiterated that the proposed interim policy statement was intended to prevent the loss of public houses for redevelopment but a viable business would find a buyer. He noted that the Council would require evidence of non-viability and/or a comprehensive sustained marketing campaign (agreed in advance by the Council) offering the public house for sale as a going concern and using an agreed realistic valuation of the premises.

He noted that further work would be undertaken as part of the development of the City Plan including a list of public houses in the City and those that had been lost. He confirmed that the Gloucester Licensed Victuallers Association would be included in the consultation.

11. PETITIONS AND DEPUTATIONS

There were no petitions or depositions.

12. INTERIM POLICY STATEMENT - PUBLIC HOUSES

The Head of Planning introduced his report which proposed an interim policy for the protection of public houses and the findings of a recent public consultation on the matter.

He advised the Sub-Committee that the statement had been formulated at the request of Councillors concerned at the loss of these facilities. The National Planning Policy Framework and the Submission Version of the Joint Core Strategy considered public houses to be community facilities and protection against their unnecessary loss was considered to be of importance in the creation of sustainable communities.

He outlined the outcome of the four week public consultation period and the responses attached as Appendix 1 to the report.

The Chair referred to paragraph iv of the Draft Interim Policy Statement and requested that the word 'reasonable' be inserted to clarify walking distance. Members agreed to this amendment.

Councillor Dee noted that there were circumstances where a public house made an important contribution to a locality by virtue of the space surrounding such as a car park. He noted the redevelopment of such a space at the Fox and Elm on Stroud Road where new businesses would generate increased traffic. He was advised that such circumstances were covered by paragraph iii of the interim Policy Statement.

RESOLVED to endorse:-

- (i) The Interim Policy Statement for the protection of public houses (outlined in section 5 of this report with the addition of the word 'reasonable' to paragraph iv); and
- (ii) To endorse the consultation response report; and

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12.02.15

- (iii) The future work required to evidence a draft policy for the City Plan (outlined in section 6 of this report).

13. EVIDENCE BASE UPDATE - SUMMARY REPORT

The Head of Planning introduced his report and he advised Members that the likely date for Stage 1 of the Examination in Public of the Joint Core Strategy (Compliance with the duty to co-operate and housing need) had been discussed with the JCS authorities and would be announced shortly. The dates for Stage 2 of the Examination had yet to be confirmed.

The Chair requested that Members be notified of the dates when the formal announcement had been made.

Members noted the following:-

Gloucester Playing Pitch Strategy 2014/15

Final strategy due for submission to Council – July/August 2015

Strategic Assessment of Land Availability (SALA) 2014

Undertaken in-house by Officers to provide an annual update of potential development sites. The study was now in the process of being written up and would shortly be available on the City Council website and it would help provide evidence on land supply in the City to inform site selection for the City Plan

Potential 'Out-of-Centre' Retail Sites – Sequential Testing 2015

It was anticipated this would be published summer / autumn 2015.

Input into Major Planning Applications

Officers have been working with Development Control colleagues on the two planning applications submitted for Winneycroft Farm. (420 and 250 units) It has been necessary to bring both parties together to ensure good planning outcomes for the area – this has been a resource intensive task.

Officers continue to provide policy input on all major planning applications seeking to ensure that the City has a 5 years plus 5% housing land supply in accordance with paragraph 47 of the NPPF as well as ensuring that retail applications were subject to relevant sequential tests.

Housing Zone

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12.02.15

A submission for Housing Zone status had been made to the Housing and Communities Agency for Blackfriars. The Bid was one of 29 nationally that had reached the competitive clarification stage.

RESOLVED that the report be noted.

14. STATEMENT OF COMMUNITY INVOLVEMENT

The Head of Planning advised that the document had been downloaded from the Council website 140 times. Eight representations had been received and more were anticipated.

15. DATE OF NEXT MEETING

It was agreed to defer the meeting scheduled for 12 March until 26 March when the Sub-Committee would consider a report on the update of the Statement of Community Involvement.

Members were reminded of the JCS Community Infrastructure Levy Briefing to be held on 19 February 2015.

It was agreed that the JCS Transport Modelling Briefing would be held on 4 March at 6.00pm

Time of commencement: 18:00 hours

Time of conclusion: 18:35 hours

Chair



PLANNING POLICY SUB COMMITTEE

MEETING : Wednesday, 4th March 2015

PRESENT : Cllrs. Taylor (Chair), Lewis (Vice-Chair), Smith and Dee

Officers

Anthony Wilson, Head of Planning

Louise Follett, Senior Planning Policy Officer

APOLOGIES : Cllr. McLellan

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. PUBLIC QUESTION TIME

There were no questions from members of the public.

18. PETITIONS AND DEPUTATIONS

There were no petitions or deputations.

19. LOCAL TRANSPORT PLAN 3

The Chair welcomed Mr Ben Watts, Transport Planning Officer, Gloucestershire County Council, to the meeting.

Members received a presentation on Gloucestershire's Local Transport Plan 2015-31 which outlined the Local Transport Plan Review Process and the Local Transport Plan Consultation – Proposed Initiatives.

Members discussed the following matters:-

1. Congestion problems at St Barnabas Roundabout.
2. Difficulties for pedestrians trying to cross traffic islands close to St Barnabas Roundabout.
3. Hazards for pedestrians on the corner of Cole Avenue/Stroud Road when pedestrians were crossing from the Church to the Church Hall.
4. 'Queue jumping' in Finlay Road with motorists failing to recognise that the road was a single carriageway.

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5. The possibility of a railway station at Hunts Grove.
6. Traffic implications caused by new developments such as that planned for Winnycroft Lane, Matson.
7. Problems with 'lorry layovers' on the Northern Bypass and parking on roads leading in to the City.

Mr Watts advised Members to contact him if they had any further comments or queries on the Transport Plan.

RESOLVED – That the presentation be noted.

20. DATE OF NEXT MEETING

Thursday 26 March 2015 at 18.00 hours.

Time of commencement: 18:00 hours

Time of conclusion: 18:40 hours

Chair

Gloucestershire's Local Transport Plan 2015-31

**A reliable transport network providing
door to door travel choices**

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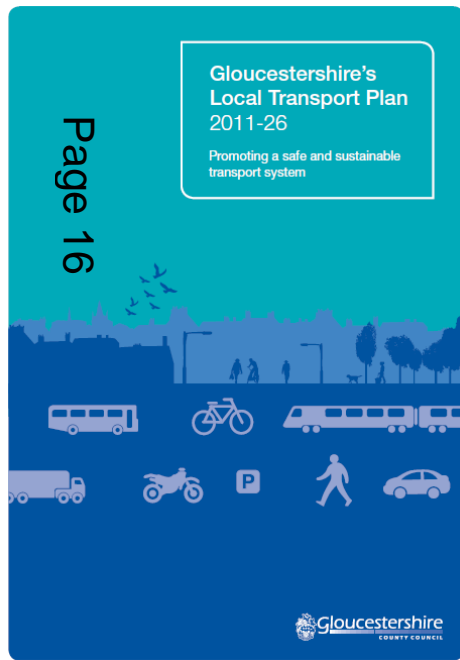
Planning Policy Sub Committee

Gloucester City Council

Wednesday 4th March 2015, Gloucester

Agenda

- 1) Local Transport Plan Review Process
- 2) Local Transport Plan Consultation – proposed initiatives



2011



2015

What has changed since the LTP3's adoption?

- The Localism Agenda has reduced role of GCC in allocating funding
- The Local Enterprise Partnership negotiated with Government and a 'deal' was struck over delivery of the Strategic Economic Plan (SEP)

For Transport

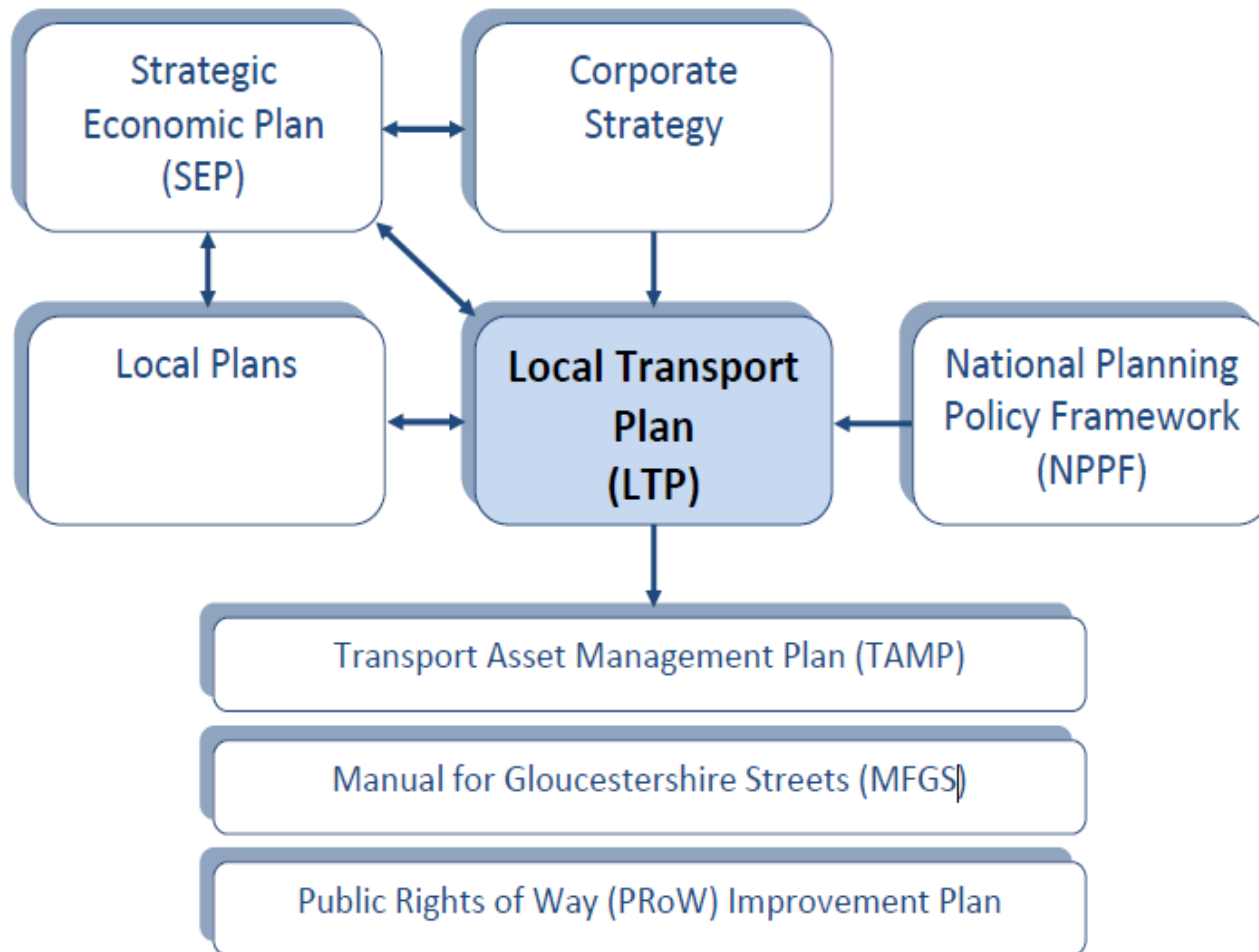
- **£9.8m** allocation determined by the Gloucestershire Local Transport Board
- **£21.6m** award for transport infrastructure schemes identified in SEP
- **£14.1m** commitment for the Elmbridge Transport Scheme



The LTP review aims to provide:

- A strong evidence led document that focuses on improving Gloucestershire as a place to live, work and invest
- With a clear logic linking Vision – Objectives – Policies – Strategies
- ^{Page} document that will help inform –
 - Future Strategic Economic Plans
 - Local / City / Neighbourhood Plans
 - Developer negotiations – CIL / S.106
 - Future challenge style funding bids
 - Access additional funding from non-traditional forms of finance – Health, Technology etc

LTP Strategic Context



Consultation Process

Phase 1 - Stakeholder Information Sharing Event – July 2014

Outputs provided a clear indication of the perceived purpose of the LTP:

'To tackle traffic congestion in Gloucestershire's city, towns and villages'

- The LTP should also provide clearer guidance on how it will support local communities

Phase 2 - Stakeholder Workshops – October 2014

- 8 workshops – 160 stakeholders - 105 different organisations
- Each session was highly interactive with stakeholders discussing their transport 'issues' before being invited to share their 'ideas'
- 803 issues were raised and 712 ideas were generated
- Feedback from the workshops has been very positive.

Key stages of the Review Process

Stage	Task	Status of task
1	Evidence Base review	Completed
2	Issues consultation	Completed
3	Strategy / Policy Development	Completed
4	Public Consultation	Ongoing – Feb – March 2015
5	Finalisation of Plan	June 2015
6	Formal adoption	Sept 2015

LTP Review Consultation Process

- The public consultation is open up until the 27th March
- Electronic based consultation, but paper copies of the survey and a free-post envelope can be requested
- Views are requested on:
 - Link and Place Highway Hierarchy
 - Advisory Freight Map
 - LTP Policies
 - Proposed initiatives
 - Removal of historic schemes
 - Transport Asset Management Plan



Central Severn Vale CPS - Initiatives

- Gloucestershire has been split into separate travel corridors replacing administrative based strategies
- Gloucester sits in the Central Severn Vale Connecting Place Strategy
- We have Split this CPS area into 11 different Areas of Interest –
- 5 areas relate specifically to Gloucester
- Many of the initiatives stem from the emerging JCS Transport strategy – which is subject to ongoing assessment
- Much work is outstanding and this needs to be completed and agreed by stakeholders before being finalised (JCS + Highways Agency and GCC as Highway Authorities)

Area Wide - Initiatives

Mode	Proposal
Active Travel	<ul style="list-style-type: none">• Schemes to complete the gaps in existing cycle network (JCS)• Improved cycle information / route finding cycle parking and storage (JCS)
Bus	<ul style="list-style-type: none">• Upgrade of facilities (RTPI, shelters, Flags and information)• Introduction of Multi-operator SMART bus ticket• Development of Multimodal Interchanges
Freight	<ul style="list-style-type: none">• Sign up to Freight Gateway platform
Highway	<ul style="list-style-type: none">• Ongoing delivery of prioritised road safety improvements• Installation of Electric cars and bikes charging points
Thinktravel	<ul style="list-style-type: none">• Thinktravel marketing – promoting travel choice awareness• Travel Planning (work place, personalised, school (JCS))

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Gloucester - City Centre initiatives

Mode	Proposal
Bus	<ul style="list-style-type: none">• Bus priority on Bruton Way Gloucester (SEP)• Gloucester Bus Station rebuild (SEP)
Highways	<ul style="list-style-type: none">• Southgate Street to St Ann's Way Installation of MOVA signals with bus priority (JCS)
Rail	<ul style="list-style-type: none">• Gloucester Railway Station enhancement
Thinktravel	<ul style="list-style-type: none">• Gloucester Railway Station Travel Plan

Gloucester - Inner Ring Road (A38 / A430 / M5 Junction 12) initiatives

Mode	Proposal
Active Travel	<ul style="list-style-type: none"> • St Barnabas Roundabout - access improvements (SEP) • A417 - Westgate Gyratory – access improvements
Buses Page 26	<ul style="list-style-type: none"> • Abbeymead and Metz Way Corridor improvements (SEP) • Innsworth Lane and Oxstalls Lane – bus priority (signals)
Highways	<ul style="list-style-type: none"> • A430 dualling between St. Ann Way and Llanthony Road (SEP) • Junction capacity improvements (JCS) <ul style="list-style-type: none"> ○ A38 Estcourt Road / Barnwood Road roundabout ○ A38 Kingsholm roundabout ○ A38 Tewkesbury Road / Longford roundabout ○ M5 Junction 12 phase 2 – junction capacity improvement
Rail	<ul style="list-style-type: none"> • New Railway station at Hunts Grove (subject to feasibility)

Gloucester - Northern Bypass (A40) initiatives

Mode	Proposal
Highways	<ul style="list-style-type: none">• Elmbridge Transport Scheme Phase 1 – Highway improvements (SEP)• Elmbridge Transport Scheme Phase 2 - Park & Ride scheme with associated bus priority measures (SEP)• A40 new junction between Elmbridge Roundabout and Longford Roundabout to serve as the primary access to new development (JCS)• A40 Longford Roundabout – signalise part / all junction on part time basis (JCS)

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Gloucester - Brockworth Bypass (A417) initiatives

Mode	Proposal
Highways	<ul style="list-style-type: none">• A417 - Brockworth Bypass / A46 Shurdington Road junction signalising for off-slips (JCS)• A417 Zoons Court Roundabout junction improvement
Bus	<ul style="list-style-type: none">• Hammond Way Bus Link - accessing Barnwood Business Park

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Does anyone have any Questions?

Who to speak to after today - Feedback to go to:

Ben Watts

Strategic Planning

Gloucestershire County Council

Shire Hall, Westgate Street, Gloucester

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Email: ben.watts@gloucestershire.gov.uk

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Gloucester City Council

Meeting:	Planning Policy Sub-Committee	Date:	26 March 2015
Subject:	Tewkesbury Borough Plan 2011 – 2031 Draft Policies and Site Options - Public Consultation		
Report Of:	Cabinet Member for Regeneration and Culture		
Wards Affected:	No		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Anthony Wilson, Head of Planning Louise Follett, Senior Planning Officer Adam Gooch, Senior Planning Officer		
Appendices:	1 – Letter of Representation to Tewkesbury B. C.		

1.0 Purpose of Report

- 1.1 To provide an overview of the key issues officers have identified in relation to the Tewkesbury Borough Plan 2011 – 2031 Draft policies and site options public consultation (Feb 2015) and endorsement of Appendix 1 as the Council's formal response to this consultation.

2.0 Recommendations

- 2.1 Planning Policy Sub-Committee is asked to **RECOMMEND** that it endorses Appendix 1 as the Council's response to the Draft Tewkesbury Borough Plan Draft policies and site options public consultation (Feb 2015).

3.0 Background and Key Issues

- 3.1 In October and November 2013, Tewkesbury Borough undertook a scoping consultation on their Local Plan to ascertain and identify key issues for residents and business in the Borough. Following on from this, and the submission of the Joint Core Strategy (JCS) to the Planning Inspectorate in November 2014, the council have published a draft policies and site options document (February 2015) for a six week period of public consultation.
- 3.2 Once adopted the Tewkesbury Borough Plan and JCS, taken together, will comprise the statutory development plan for Tewkesbury Borough. Over the next 16 years Tewkesbury borough will experience significant growth; it will accommodate large strategic allocations identified through the JCS, as well as smaller scale growth to be identified in the rural areas through the Tewkesbury Borough Plan.

- 3.3 It is the role of the Tewkesbury Borough Plan to identify sites for development in the rural areas as well as provide non strategic planning policy for the delivery of all development in the borough.
- 3.4 The JCS identifies the quantum of development to be delivered across the rural areas in Rural Service Centres (Bishops Cleeve and Winchcombe) and Service Villages. The JCS lists those settlements identified as Service Villages.
- 3.5 The response to Tewkesbury Borough, attached at Appendix 1, has been prepared in the spirit of co-operation with comments offered in order to help Tewkesbury achieve a 'sound' plan that meets legal compliance regulations.

4.0 Draft Response

- 4.1 Officers have reviewed the content of the Draft policies and site options public consultation and are broadly content that it offers a good starting point for plan preparation for the period 2015 – 2031.
- 4.2 However, there are a range of concerns and comments to be made on its contents and these are briefly summarised below;
- While Tewkesbury Borough have relied on evidence prepared for the JCS they have not undertaken any additional evidence base work to support the draft policies and site options document other than Strategic Environmental Assessment and Habitats Regulation Assessment. Further work will be required on evidence base relating to Transport; Heritage; Townscape; Biodiversity & Infrastructure and Viability for the plan to be found sound in accordance with current guidance contained in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
 - The timetable for plan preparation on page 7 of the document is very ambitious and will not allow for the highway implications of the rural sites to be tested on the updated 2013 Saturn model before preparation of the pre-submission version of the plan.
 - The timetable of plan preparation also allows little time for consideration of any implications of a JCS Inspector's report and the impact that may have for the spatial strategy for the JCS and therefore on the Draft Tewkesbury Borough Plan.
 - Concern is expressed over the very prescriptive quantum for development identified in the rural areas when these have not yet been set by an adopted JCS, especially as the NPPF requires planning authorities to plan for 'significant growth'.
 - Concern is expressed over consulting on potential site allocations that do not have express developer interest through the SALA as these may not be deliverable.
 - It is recommended that all rural settlement boundaries, where they exist, be extended to include recent appeal decisions, as these areas have been found suitable for development by a Planning Inspector.
 - Clarification is sought and recommendations made with regard to matters relating to provision for Gypsies, Travellers and Travelling Showpeople.
 - Attention is drawn to the need to raise the profile of the public health benefits of active travel and the need to promote sustainable transport interchanges through policy throughout the Borough.

- Air quality is highlighted as a key sustainability issue in Tewkesbury town in the Sustainability Appraisal and yet there seems to be no specific local planning policy to address this matter. It is suggested that this matter be addressed.
- There seems to be little evidence base to support the economy section of the plan, the quantum of development proposed or the proposed allocations, clarification is also suggested with regard to issues relating to the policy for new retail uses.
- With regard to the flooding policy it is suggested that the term, 'cumulative impact' should be replaced with a policy commitment to ensure betterment downstream for all sites, especially those that impact on the City and the run off rates of the Wotton and Horsbere Brooks. It is suggested that a 30% reduction over green field run off rates is supported as an alternative – this is the policy supported within the City.
- Concern is expressed over the fact that the more detailed work undertaken for the JCS on Green Infrastructure (GI) has not been incorporated into a policy stance in the draft plan. The possibility of further GI connections to the River Severn and its wash lands and the Cotswold's AONB should also be made clear.

5.0 Reasons for Recommendations

- 5.1 Officers have undertaken a review of the Draft Policies and site options consultation for the Tewkesbury Borough Local Plan and consider that Appendix 1 represents the most appropriate constructive consultation response offered in order that the iterative Tewkesbury borough development plan process might be found sound on examination.

6.0 Future Work and Conclusions

- 6.1 After consideration of consultation comments Tewkesbury Borough will proceed to the preparation of and consultation on a Pre-Submission plan in Winter 2015 with submission to Secretary of State in Spring 2016, examination in Spring/Summer 2016 and adoption late 2016.
- 6.2 There will be opportunity for members to make further comments on soundness and legal compliance the Tewkesbury Borough Local Plan (TBLP) at the pre-submission stage should they choose to do so.

7.0 Financial Implications

- 7.1 None

8.0 Legal Implications

- 8.1 The development quantum contained within the TBLP need to comply with the requirements of the JCS, this strategic plan has yet to be adopted, the preparation of the TBLP should not precede the adoption of the JCS.

9.0 Risk & Opportunity Management Implications

9.1 No negative impacts identified.

10.0 People Impact Assessment (PIA):

10.1 No negative impacted identified.

11.0 Other Corporate Implications

Community Safety

11.1 N/A

Sustainability

11.2 As a development plan the TBLP has a legal responsibility to promote and allocate sites in order to deliver sustainable development in Tewkesbury Borough for the period up to 2031.

Staffing & Trade Union

11.3 .N/A

Background Documents:

Tewkesbury Borough Plan 2011-2031 - Draft policies and site options public consultation (Feb 2015)

<http://tewkesbury.gov.uk/index.aspx?articleid=2321>

Submission Gloucester Cheltenham and Tewkesbury Joint Core Strategy (Nov 2014)

<http://www.gct-jcs.org/Documents/Publications/Submission/JCS-Submission-Version-November-2014a-corrected.pdf>

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Holly Jones
Planning Policy
Tewkesbury Borough Council
Gloucester Road
Tewkesbury
GL20 5TT

01452 396396
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www.gloucester.gov.uk

27 March 2015

Dear Holly,

DRAFT POLICIES AND SITE OPTIONS: PUBLIC CONSULTATION

Thank you for consulting Gloucester City Council on the above public consultation. The response below was agreed by Planning Policy Sub-Committee on 27th March 2015.

These comments are offered in the spirit of strategic partner joint working in order to ensure that Tewkesbury Borough progress towards the preparation of a sound local development plan document.

General comments

- While it is understood that the Draft Tewkesbury Borough Local Plan (TBLP) has utilised the evidence prepared for the Submission Joint Core Strategy (JCS) (Nov 2014) there seems to be little new evidence base (other than the Integrated Sustainability Appraisal and Habitat Regulations Assessment) made available for public consultation accompanying the draft plan consultation. The NPPF requires a Local Plan to be based on evidence based assessment including heritage and townscape character analysis; transport – including traffic impact; strategic flood risk; biodiversity; infrastructure and viability. None of this work has been published for consultation alongside the draft plan to allow reasonable consideration of the rural site allocations proposed, neither is the evidence available to allow other possible brown field sites at Tewkesbury Town to be taken into consideration for redevelopment purposes. The soundness of a draft plan without this evidence has to be questioned.
- Timetable – the timetable for plan preparation at page 7 allows little time for the Transport Modelling of preferred rural sites using the updated 2013 Gloucestershire Highways Saturn Model which should be available to JCS districts for local plan modelling purposes in the autumn of 2015. This evidence is crucial in order to be able to test the local highway and strategic road network mitigation required from proposed site allocations and therefore the viability of the proposed TBLP.
- The timetable also offers little time for consideration of alternative spatial strategies should this be required as an outcome of the JCS EiP. Moreover it would be wise for Tewkesbury Borough to take it's local plan to enquiry only when the quantum of development for the Borough proposed by the JCS has been formally agreed by an Inspector and the JCS formally plan adopted.

...continued

Comments on Draft Policies

Policy HOU1 – Housing Site Allocations

- This policy is currently very prescriptive with regard to precise numbers to be delivered at the Rural Service Centres and Service Villages – a more loosely worded policy is suggested to allow for flexibility should housing numbers be amended through consideration of the JCS – or should existing extant consents expire before implementation.
- Moreover – NPPF compliance would require the plan to ‘significantly boost’ housing supply rather than constrain it – so a suggestion may be to allude to minimum quantum’s of development not maximum’s.
- It is noted that housing allocations from the TBLP 2011 have been carried forward - is their evidence to demonstrate that these sites are currently being actively pursued through the planning process? If they are not it may be prudent to consider alternative allocations to be able to adequately demonstrate a 5 yr supply of deliverable sites in accordance with para 47 of NPPF.
- With regard to the rural sites identified caution is expressed in the consideration of those sites not being actively pursued through the SALA process by a developer for the reason described above. In order to be able to demonstrate deliverability there should be evidence of landowner, developer or house builder engagement with the LPA with clear intent to bring the site forward within five years. It is noted that many of the sites do not have developer proposals therefore concern is raised over the deliverability these sites.

Policy HOU2 – Settlement Boundaries

- It would seem reasonable for all the proposed service villages to have a settlement boundary in order to provide certainty for the bringing forward of development at this size of settlement?
- Bishops Cleeve settlement boundary should be extended to include the boundary of the Homelands/Cleveland’s development to the north of the village.
- Alderton settlement boundary should be extended to include any new appeal decisions
- Highnam – proposed sites should make use of existing distributor road around the village rather than locate development away from existing centre. A focus on the existing estate would allow occupiers to use sustainable modes of transport for local journeys such as the school run and trips to the local shop and doctors surgery.

Policy GTTS1 – Gypsy, Traveller and Travelling Showpeople sites

Policy GTTS2 – Provision for Gypsies, Travellers and Travelling Showpeople

- Policy SD14 of the JCS sets out a criteria based policy for the assessment of planning applications relating to gypsies, travellers and travelling showpeople.
- With regard to the final point of Policy GTTS1, it is assumed that commercial uses will not be permitted on gypsy and traveller sites but will be permitted on travelling showpeople sites? It is expected this would be the case given the general characteristics of a travelling showpeople site, which incorporate residential, storage and workshop uses. The policy / supporting text would benefit from clarification around this point.
- Through the policies there is varying use of ‘gypsies and travellers’ and ‘gypsies, travellers and travelling showpeople’ (for example in the reasoned justification). It is assumed that all elements of the policy relate to all of these communities. It is therefore suggested this be reviewed and amended accordingly.
- As has been the case for other quantum-based policies, suggest the gypsy, traveller and travelling showpeople requirement from the GTTSAA is included in this policy to provide clarity on the level of need.

...continued

Section E – Transport and Accessibility

- There needs to be mention of the public health benefits of walking and cycling in reasoned justifications to policies relating to these matters. The use of public transport also has public health benefits in that it encourages en route active travel, normally walking, to and from bus stops or train stations.
- There is also no mention in this section of integrated transport stations with facilities for changing modes of sustainable transport eg: enhanced cycle storage facilities at key public transport nodes to encourage increased patronage of bus and rail services to the main employment centres of Gloucester, Cheltenham and Tewkesbury.
- Also no mention of policy to help improve air quality in and around Tewkesbury Town Centre – this matter is highlighted as a key sustainability issue by the SA.

Section G – Economy and Tourism

- Where is the evidence base to demonstrate the amount of employment land required by Tewkesbury Borough going forward?
- The JCS employment allocations take account of the amount of employment land required across the whole JCS area, however there seems to be no evidence published for consideration alongside the draft TBLP to support the amount of employment land being carried forward in the TBLP from the 2011 TBLP. Where is the evidence base for this matter?
- There seems to be no policy seeking to ensure implementation of high speed broad band networks throughout within the Borough or any other policy supporting telecommunication development in the Borough.. While there is no need to repeat national planning policy guidance given the rural nature of the Borough and the desire to improve home working and reduce travel this would seem to be a locally specific matter to address through the local plan.

Policy RET1 – Protecting existing retail uses

- Typo – ‘Joint Core Strategies retail hierarchy’ should be ‘Joint Core Strategy’s’.
- Policy needs to define the local hierarchy of centres to sit under those identified in the JCS.

Policy RET2 – New retail uses

- The policy does not set out sites or options for how the retail need of Tewkesbury and other centres as identified in the JCS Retail Study (Phase 1 Update, 2014). It is important that specific site allocations are made for main town centre uses, including retail, to provide for the full assessed need.
- Criterion 1 – This should be expanded to ensure that applications for retail development in designated retail areas will be considered favourably where the proposal is commensurate with the identified role and function of that retail area in the defined hierarchy of centres.
- Criterion 4 – the impact assessment for main town centre uses is required by the NPPF which is policy, not guidance.
- It is not clear whether or not consideration has been given to the setting of a local threshold for applicants to undertake an impact assessment for edge/out-of-centre proposals for main town centre uses including retail, or whether the authority is content with the default threshold of 2,500 sq m in accordance with the NPPF. Given the scale and characteristics of some of the smaller centres in Tewkesbury Borough and the potential impact competitor proposals could have, it is suggested that a lower impact threshold is considered.

...continued

Section J – Flooding and Drainage

- Some brooks such as Horsebere and Wotton rise in Tewkesbury Borough and then flow through Gloucester. Development upstream can therefore have an impact on flood risk in Gloucester. While welcoming the section on Flooding we would suggest that the cumulative impact is replaced with a commitment to betterment on certain reaches that are at or over capacity further downstream.
- All development should deal with its own water so cumulative impact should not be the issue. However, the development process provides one of the few opportunities reduce flood risk in these small catchments as such a 30% reduction over Greenfield run off rates is supported as an alternative.

Section D – Infrastructure Requirements and Community Facilities

- Support reference to Green Infrastructure and the Joint Core strategy in section D and K. However disappointed that the more detailed work done as part of JCS has not made it into a detailed policy stance. GI strategy for JCS and Gloucester builds on the rivers and brooks that flow through the settlements connecting urban areas with the more rural hinterland. If this is to work, large scale developments on the fringes of Gloucester (and indeed Cheltenham) need to be permeable to people and wildlife and connect to GI within the urban areas. The notion of further connections to the strategic green infrastructure of the River Severn and its wash lands and the Cotswold's AONB should also be made clear.

A dedicated policy stance in Section D or K would therefore be supported.

Chapter 4 – Monitoring and Review

- As far as is possible TBLP monitoring indicators should be harmonised with JCS indicators and/or data sets already collected annually by other departments within the Council or by other stakeholders in order to make best use of resources and ensure that monitoring tasks are not duplicated.

I trust these comments are useful and will be taken into account in preparing the next stage of the plan.

Yours sincerely,

Anthony Wilson
Head of Planning



Meeting:	Planning Policy Sub-Committee	Date:	26 March 2015
Subject:	Gloucestershire Local Transport Plan 2015-31 Consultation and Protocol for Highways Modelling Suite Consultation		
Report Of:	Cabinet Member for Regeneration and Culture		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officers:	Anthony Wilson, Head of Planning		
	Louise Follett, Senior Planning Officer		
	Adam Gooch, Senior Planning Officer		
Appendices:	1 – LTP – Letter of Representation		
	2 – Highways Modelling – Letter of Representation		

1.0 Purpose of Report

- 1.1 To provide an overview of the key issues officers have identified in relation to the Gloucestershire Local Transport Plan 2015-31 public consultation and endorsement of Appendix 1 as the Council's formal response to this consultation.
- 1.2 To provide an overview of the Gloucestershire protocol for third party access to the highways modelling suite consultation and endorsement of Appendix 2 as the Council's formal response to this consultation.

2.0 Recommendations

- 2.1 Planning Policy Sub-Committee is asked to **RECOMMEND** that:
 - (1) the proposed response to the Gloucestershire Local Transport Plan 2015-31 public consultation at Appendix 1 be endorsed; and
 - (2) the proposed response to the Gloucestershire third party access protocol for using the highways modelling suite consultation at Appendix 2 be endorsed.

3.0 Background and Key Issues

- 3.1 Gloucestershire County Council has recently prepared and published for consultation 'Gloucestershire's Local Transport Plan 2015 – 31' (GLTP). This represents the first formal review of the Local Transport Plan (LTP) since it was adopted in 2011 and sets out a long term strategy for transport delivery within Gloucestershire up to 2031.

- 3.2 The GLTP has big implications for transport delivery in the City and officers have therefore reviewed its content. Appendix 1 sets out the draft response and a summary of the key issues is provided below.
- 3.3 The review of the GLTP is taking a different perspective in that it is no longer focused around the consideration of districts, but advocates a 'link and place' approach, based on the nature of travel and connections. To this end the GLTP includes seven 'Connecting Places Strategies' (CPS), which cover the whole of the County and, where appropriate, areas outside of the County. Gloucester City is included within the 'Central Severn Vale' (CSV) CPS, which effectively includes Gloucester, Cheltenham and the immediately surrounding areas in Tewkesbury Borough and Stroud District.
- 3.4 In addition to this, the GLTP includes four 'objectives'; Sustainable Economic Growth; Connectivity; Environment; and Community. For each of these a range of challenges and intended future outcomes is provided. These are linked to eight overarching LTP policy areas relating to matters such as the operation of highways, investment and enabling new development, accompanied with a number of related delivery policies underneath.
- 3.5 The County are also consulting on a revised charging schedule protocol for third parties using the County Council's updated highways modelling suites. Of particular relevance to the City are the revised charging schedules relating to the strategic 2013 Central Severn Vale SATURN model and Gloucester Paramics micro-simulation model as these will be required to be used by consultants providing evidence on the impact and mitigation required for site allocations in the City Plan.
- 3.6 The County is proposing to introduce charges to use the models, together with an administrative charge and a software maintenance charge.

4.0 Draft City Council Response

- 4.1 Officers have reviewed the content of the GLTP and are broadly content that it provides a good starting point for considering and managing a long term strategy for transport within Gloucester and the wider area up to 2031.
- 4.2 However, there are a range of concerns and comments and these are summarised briefly below.
- As a general comment, the plan is considered to be a little vague in places, lacking the 'teeth' required to ensure effective delivery and, equally it is unclear how certain elements of the plan will be delivered. It is recommended that both of these issues are addressed.
 - The plan includes an 'Advisory Freight Route Map', which indicates the main highway routes through which freight transport will be directed. It is noted that one of the routes through Gloucester is the A38 Cole Avenue / Eastern Avenue, utilising St. Barnabas roundabout. Members will be aware that this roundabout is already operating beyond capacity and is a concern for the City Council. The response therefore recommends that, if this map is to be adopted, the St. Barnabas

roundabout would require significant improvements in order to facilitate the additional freight traffic.

- Generally it is considered that the plan is too focused on provision for private cars, with not enough consideration being given to sustainable modes such as public transport, walking and cycling and, in particular, aspirations to drive a modal shift from cars to other modes and the positive impacts of sustainable travel on health. The response recommends this should be addressed.

4.3 With regard to the consultation on the use of the highways modelling tools, Members' attention is drawn to the fact that increased charges will impact on the cost of evidence preparation for both the Joint Core Strategy and City Plan as the County Council is suggesting blanket charges for all users, with no differentiation between developers or local authority partners.

4.4 It is suggested that, as a requirement of the 'Duty to Co-operate' with regard to development plan preparation contained in Section 33A of the Planning and Compulsory Purchase Act 2004, the County Council considers either abolishing the proposed charges or introducing a substantially reduced rate for access to the highway models for local authority partners and their consultants for the purposes of development plan preparation. A response to the County Council to that effect is attached at Appendix 2.

4.5 While it is appreciated that there are costs related to owning, running and updating such models, it is the officers' view that the County Council should not be charging local authority partners and their consultants the same commercial rate as developers to access the models. Development Plan preparation is a statutory requirement that has to be funded by district councils with input from other statutory partners and stakeholders and the County Council is bound to co-operate in this process as stated above.

5.0 Reasons for Recommendations

5.1 Officers have undertaken a review of the GLTP consultation and the third party access protocol for using the County Council's highways modelling suite consultation and consider Appendices 1 and 2 represent the most appropriate responses to Gloucestershire County Council to these consultations.

6.0 Future Work and Conclusions

6.1 After the end of the consultation period, (27th March 2015), the County Council is intending to review the responses and finalise the GLTP by June 2015, with a view to it being adopted in September 2015. It is proposed that the third party access protocol would be adopted earlier, in July 2015.

7.0 Financial Implications

7.1 There are potential financial implications for the recently approved City Plan budget if highways modelling costs substantially increase as part of the Transport Assessment evidence base quote.

8.0 Legal Implications

8.1 The Council's response to the LTP is provided as part of a statutory consultation process. The Council's access to transport modelling services and the associated costs would be secured by an appropriate agreement.

9.0 Risk & Opportunity Management Implications

9.1 Risks to the recently approved City Plan budget of increased highways modelling costs.

10.0 People Impact Assessment (PIA):

10.1 N/A

11.0 Other Corporate Implications

Community Safety

11.1 N/A

Sustainability

11.2 The GLTP has a responsibility to plan for all forms of transport within Gloucestershire and, working with neighbouring authorities (where appropriate), issues of a cross-boundary nature through the Duty to Cooperate. To this end the Council's draft response makes comments regarding the proposed policy direction for journeys made by both the private car and sustainable modes such as public transport, walking and cycling.

Staffing & Trade Union

11.3 N/A

Background Documents:

Gloucestershire Local Transport Plan Consultation (2015 – 2031)
<http://www.gloucestershire.gov.uk/ltp3>

Third party access protocol for using Gloucestershire's highway modelling suite

www.gloucestershire.gov.uk/modelaccessprotocol

Strategic Planning
Shire Hall
Westgate Street
Gloucester
GL1 2TH

Date

Dear Sir / Madam,

GLOUCESTERSHIRE LOCAL TRANSPORT PLAN 2015/31 – PUBLIC CONSULTATION

Thank you for consulting Gloucester City Council on the above draft plan. The response below is provided by Planning Services and is structured in accordance with the consultation questionnaire.

Question 1: Do you agree with the proposed Link and Place Hierarchy for 2031?

The Council broadly agrees with the hierarchy but would like to express the following concerns:

- Some of the language used is vague and there is a concern that this will not have the 'teeth' to ensure the strategy is effectively delivered.
- It is unclear how the strategy is going to be enforced? Will there be traffic orders, speed restrictions, or would they just be voluntary?
- There is a concern that the areas identified in red will become 'no go areas' for vulnerable road users. It is important to ensure that provision is made to protect cyclists in these areas.
- There needs to be more in the Active Travel section (2.4.1) on the benefits to health of these modes of transport and the role that active travel can play in helping to reduce obesity especially in the urban areas where these travel choices are more easily accessible and affordable. More needs to be made of the public health benefits of active travel (suggest regard should be had to work undertaken by Dr Adrian Davis on behalf of Bristol City Council – evidence base can be found at www.travelwest.info/evidence).

Question 2a: Do you agree with the proposed Advisory Freight Route Map?

Question 2b: Should any changes be made to the Advisory Freight Route Map?

The Council broadly supports this concept, however would like to make the following comments:

- The plan needs to make provision for lorry layover at Barnwood. Large CATONE lorries regularly park adjacent to the road at Barnwood on the County owned A40 & on the 'C&G' roundabout – any delivery of Elmbridge park and ride scheme could

potentially also include lorry lay over facilities that could be used in the evening when the park and ride is not in use. This must be a point when drivers need to stop for tachometer reasons – better to plan for it than to have the enforcement issues that currently arise at this location.

- Figure 5 ‘LTP Advisory Freight Route Map’ appears to suggest the route will run along the A38 (Cole Avenue), over St Barnabus Roundabout and onto the A38 Eastern Avenue. As the County Council will be aware, this road is already operating beyond capacity and at times at a dangerous level. Significant improvements will be required to this roundabout if designated a key route for freight in order that it can accommodate the additional number of large vehicles.

Question 3a: Do you support the proposed LTP Policies?

The City Council broadly supports the proposed LTP policies. However, the following additional comments are made:

- Policy 1 - ‘Network management – Operation’: This policy needs to address the use of materials in creating road surfaces that do not disintegrate quickly, creating potholes. This is a common issue at present.
- Policy 1.4 – ‘Network resilience’: It is suggested this policy should include a commitment to working with specialist bodies such as the Environment Agency and Highways Agency in planning / providing for a resilient transport network.
- Policy 2 – ‘Network management – Investment’: This policy should commit to investment in strategic sustainable links to drive a modal shift in urban and inter-urban areas. The policy is heavily focussed on vehicular transport and provision should also be made for more sustainable modes such as walking and cycling.
- Policy 3.1 – ‘Development’: The wording of this policy is weak – developers should be required to do more than ‘consider’ the impact of the development on the Highway Network. JCS Submission Policy INF2 requires developers to ‘assess the impact’. It is suggested LTP Policy 3.1 be amended to reflect this.
- Policy 3.3 - ‘Promotion of Travel Choice in New Development’: This paragraph should require engagement between Local Planning Authorities, developers and local public transport operators, to ensure that all new development is integrated into the existing public transport network and provision is made in strategic developments for the provision of useable bus routes from the outline planning stage.
- Policy 5.3 – Increasing Levels of Physical Activity: This should read ‘GCC will actively work...’ It should also cross reference to the Public Health benefits of Active Travel. The policy could also be expanded to encourage people to walk / cycle longer than ‘short distance trips’.
- Policy 6.1 – Air Quality and Noise Pollution: This policy is a little weak and should include reference to the need to reduce particulate emissions as a priority in urban areas. Furthermore, there is a link here to the positive environmental impacts of people choosing sustainable modes of transport rather than the private car – suggest reference is included.
- Policy 7.5 – School Transport: This policy should include a commitment to creating safer routes to schools.

Question 3b: Do you think there are any policy areas missing?

The City Council suggests the following policy commitments should be made:

- Introduce 20mph limits in all residential areas.
- Develop a comprehensive network of cycle routes.
- Create pedestrian friendly environments and routes in all urban areas.

- Reduce accidents on non-urban routes.

As a general comment it is noted that the need to manage highways responsibly and safely does not feature prominently in the document.

Question 4a: Do you agree that the Central Severn Vale CPS identified meets the proposed LTP objectives?

This section of the document does not make a link between the need to drive modal shift and the objectives of reducing congestion. If conditions are created whereby people are attracted out of their cars and into more sustainable modes of transport, this will in turn reduce overcapacity on the highway network. This is something that has been achieved in other areas.

At present the document does not include any proposals to enhance the experience for cyclists or pedestrians in Gloucester by creating safer links or improving existing routes into and out of the urban core. There is also a concern that identified highways capacity improvements and junction improvements could lead to higher speed and more hostile road environments if their safety and needs are not considered carefully.

Improvements to cycle infrastructure along major routes such as the inter-urban commuter routes between Cheltenham and Gloucester hold the greatest potential for modal shift. Enhancements to the existing cycle routes and creation of improved cycle routes out along the Sharpness canal and to Stroud from Gloucester and also across the Severn to the Forest should also be included along with a Gloucester Tewksbury cycle route.

More specifically, the City Council has the following comments:

- Types of issues to be considered: This should include 'Campaigns to promote Active Travel as a public health benefit' (refer to question 1, bullet 4 response above).
- Churchdown and North of Churchdown Initiatives: This should consider the possibility of re-opening Churchdown railway station/rail halt. This would encourage walking to the rail station and use of train to either Gloucester/Cheltenham or Bristol/Birmingham than the car.
- Gloucester Initiatives: Needs more references to improving cycling within the City, for example the introduction of '20's Plenty' Campaign in residential areas.

Question 7: Do you agree with the proposed Levels of Service for Highways Maintenance as set out in the Asset Management Strategy?

It is suggested that all Sustrans routes could be adopted as part of the highway network. Also that there should be better maintenance and repairs of pedestrian and cycle routes which will help drive modal shift onto more sustainable routes.

I trust the above comments are useful and will be given due consideration in the preparation of the revised Local Transport Plan.

If you have any questions or would like to discuss anything further please do not hesitate to contact me.

Yours sincerely.

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Strategic Planning
Shire Hall
Westgate Street
Gloucester
GL1 2TH

Date

Dear Sir/Madam

**GLOUCESTERSHIRE HIGHWAY MODEL THIRD PARTY ACCESS PROTOCOL –
PUBLIC CONSULTATION**

Thank you for consulting Gloucester City Council on the above draft protocol. The response below is provided by Planning Services and is structured in accordance with the consultation questionnaire.

- 1. Do you agree that the proposed change to the access protocol provides improved transparency and is fair and equitable for third party use? (Please indicate your level of support and add comments to explain you level of support)**

Strongly disagree – While the proposed changes to the access protocol may improve transparency with regard to charging to use the model it is neither fair or equitable under the 2011 Localism Act that local planning authorities should pay a commercial rate for access to the model in association with development plan preparation when the County Council have a Duty to Co-operate in the preparation of statutory development plans.

Gloucester City Council contend that a much reduced bespoke charge be introduced for use of the model for development plan preparation.

Gloucester City Council appreciate that while the multiplier used in the proposed new protocol will reduce charges overall it is maintained that local planning authorities, who are increasingly facing public sector financial challenges, should not pay the equivalent rate of the private development sector in order to use the model, especially given the provisions of the Localism Act.

- 2. Do you agree the proposed ‘Standard Model Access’ charge outlined in section 3.1 is appropriate? (Please indicate your level of support and add comments to explain you level of support.)**

Strongly disagree – for the reasons described above.

- 3. Do you agree the proposed ‘Fixed Item’ charges outlined in section 3.2 are appropriate? (Please indicate your level of support and add comments to explain you level of support.)**

Strongly disagree – for the reasons described above.

- 4. Do you agree the proposed charges for ‘Specific Model Testing’ outlined in section 3.3 are appropriate? (Please indicate your level of support and add comments to explain you level of support.)**

Strongly disagree – for the reasons described above.

5. Are there any further comments you wish to make regarding the proposed third party charging protocol?

Nothing to add to the point raised above.

I trust the above comments are useful and will be given due consideration in the preparation and adoption of the revised charging schedule protocol.

If you have any questions or concerns or would like to discuss anything further please do not hesitate to contact me.

Yours sincerely,

Anthony Wilson
Head of Planning

Gloucester City Council

Meeting:	Planning Policy Sub Committee	Date:	26 March 2015
Subject:	Response to CLG Consultation: Section 106 Planning Obligations: Speeding Up Negotiations - Consultation		
Report Of:	Cabinet Member for Regeneration and Culture		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Anthony Wilson, Head of Planning David Durden, Senior Enabling Officer		
	Email: Anthony.wilson@gloucester.gov.uk	Tel: 396830	
	David.durden@gloucester.gov.uk	396558	
Appendices:	1. Response to CLG Consultation Questions		

1.0 Purpose of Report

- 1.1 To seek Planning Policy Sub-Committee's approval of the proposed response to the Department of Communities and Local Governments Consultation (DCLG) on speeding up Section 106 Negotiations.

2.0 Recommendations

- 2.1 Planning Policy Sub-Committee is asked to **RECOMMEND** that it endorses Appendix 1 as the Council's response to the DCLG consultation.

3.0 Background and Key Issues

- 3.1 The Government has set out a number of proposals to improve what it sees as unnecessary delays in the finalisation of S106 Agreements.
- 3.2 The key issue is how speedier negotiations may impact upon the Council achieving planning gains from development and/or contributions that mitigate the impact of the development.
- 3.3 Currently developers can renegotiate affordable housing contributions on S106 agreements on the basis of viability and are therefore already in a strong negotiating position with regard to contributions. Officers take the view that anything that weakens the Council's negotiating position (which is exercised in a

reasonable manner) is likely to be detrimental to the contributions the Council receives and as a result lead to a risk of reductions in affordable housing provision.

4.0 Reasons for Recommendations

- 4.1 The response is framed to consider what action might be taken to improve performance in the speed of S106 negotiations, as all parties wish to see sustainable and appropriate development approved as quickly as possible, whilst seeking to protect the interests of the Local Planning Authority and secure the wider objectives of the Council.
- 4.2 It is the officer's view that local decision making would be undermined by the imposition of a statutory timescale and other proposals set out within the consultation document.

5.0 Future Work and Conclusions

- 5.1 DCLG has been provided with a copy of the consultation response and have been advised that approval is still to be given to it as a Council approved document. Should Committee decide to amend the response DCLG will be notified of the change within 7 days of the committee meeting.

6.0 Financial Implications

- 6.1 There are no financial implications arising from the consultation document itself, but if future revisions to the negotiation of S106 agreements resulted in reduced contributions, this would limit the level of the capital programme which the Council could support with S106 money.

7.0 Legal Implications

- 7.1 Legal Services have provided comments in relation to the officer's response, supporting their view, and recommending that it is best that the Planning Inspectorate is not involved in any arbitration. They advise that the dispute resolution process is a reasonable proposal.
- 7.2 They suggest that the independent arbitrator must comprise a panel of persons who together have the essential skills to understand the subject matter under dispute. Given that housing issues may have to be considered, one member of the panel must include a person with knowledge in this field.
- 7.3 Legal Services also identify that delays and disputes are generated by technical property problems. For example, developers may not hold a sound title or may be involved in a boundary dispute with an adjoining owner. It therefore follows that the panel should also include a property solicitor.

8.0 Risk & Opportunity Management Implications

9.1 The main risk is that should Committee not endorse a response that DCLG will not be able to consider that issue from a Local Planning Authorities perspective.

10.0 People Impact Assessment (PIA):

10.1 N/A

11.0 Other Corporate Implications

Community Safety

11.1 N/A

Sustainability

11.2 N/A

Staffing & Trade Union

11.3 N/A

Gloucester City Council

Response to Communities and Local Government Consultation: Section 106 Planning Obligations – Speeding up Negotiations Student Accommodation and Affordable Housing Contributions Consultation

This document reflects a draft response. Given the timescales of the consultation and the Council's Governance Structures it has not been possible to get the response to Planning Policy Sub-committee (PPSC) in advance of the DCLG deadline. It is anticipated the document will go before PPSC on 26 March and be approved. This Council's approved position will then be confirmed.

Overall, the consultation document makes some sensible comments regarding the need for use of standardised clauses and focusing on efficient processes. However, the tone of the document suggests that the Government may favour certain approaches; there is a lack of a sound evidence base upon which to base the consultation questions.

The Council's draft responses to the consultation questions are as follows:

Question 1: Do you agree that Section 106 negotiations represent a significant source of delay within the planning application process?

No.

The key word here is significant. The process of negotiation and completion of a legal agreement is a necessary and legitimate part of the planning process which ensures that:

- Both LPA and Developer are clear about the obligations required to be met
- The mechanisms are in place to meet them.

The process can become more protracted either because:

- The Affordable Housing has not met target and there is some time extension linked to the consent rather than refuse application, this approach may reflect a Council's policy position and/or developers are not happy with Local Planning Authority's (LPA) attempt to tie into key obligations and there is much too-ing and fro-ing.
- There are technical issue over land ownership to be resolved.

Delays are only significant in a minority of cases. Local authorities have finite resources which impact on speed of the process, this does not reflect on the nature of the work rather the resources that case be brought to bear in relation to it. It is questionable whether seeking to penalise LPAs because they do not have resources will lead to better planning outcomes.

There is no doubt that standardised clauses and definitions help speed up drafting but cannot remove the issue around disagreement over inclusion of clauses and this reflects the nature of the process. Assistance from national bodies over clauses and drafting would be of assistance for example, the Council for Mortgage Lenders worked with

Chartered Institute of Housing and National Housing Federation to provide guidance on Mortgage in Possession Clauses.

Developer's solicitors will routinely amend and change S106 through the negotiations and this causes delays, in particular when clauses are changed without prior notice, tracking changes becomes an issue. Again, this can be dealt with by improved processes within the Local Authority, e.g.; providing the agreement in a format that they cannot amend and that comments need to come back from developer for the LPA to agree and insert. The current consultation gives the impression that the delays are primarily caused by the LPA.

A key question is what does one think a reasonable time is to conclude a S106 agreement? This will very much premise on the stakeholders' perspective.

The current Government view as expressed in numerous consultation and amendments to the planning system is that it is best to remove as many barriers to development coming forward and that will no doubt think that negotiations should be concluded in rapidly with minimal constraints on the developer whereas from a Local Authority perspective an LPA would want to take more time to ensure their interests are protected.

The consultation calls for evidence and then seeks to consult on solutions without a clear understanding of the scale of the issue or the key drivers behind it.

Question 2: Do you agree that failure to agree or complete Section 106 agreements are common reasons for seeking extra time to determine a planning application?

No. The Council does not have experience of this occurrence.

Question 3: Do you agree that the current legal framework does not provide effective mechanisms for resolving Section 106 delays and disputes in a timely manner?

No.

Currently a developer can appeal on the basis of no determination if S106 negotiations are taking too long. On the basis that most S106 in Gloucester are negotiated with developers operating at a national level would indicate that such a remedy is adequate. Often redrafts will sit with developer's solicitors for long periods. The drive for developers on S106 links to the build programmes and or sale of land and is very market driven, if the developer thinks market is going up, it may well be happy to left negotiations drift on the basis that it will receive an uplift in site value.

Question 4: Do you agree that legislative change is required to bring about a significant reduction in the delays associated with negotiating Section 106 agreements?

No. Clear guidance, good practice examples and the provision of model agreements led by national bodies would provide a framework for improved performance and also a performance framework could be developed so that objective evidence base for performance. Resources at LPA level is a key factor in performance. Whilst the idea that

front loading negotiations is to be welcomed, the local experience is that many councils have limited resources to respond as quickly as they might to pre-application enquiries. Developers will operate to exacerbate this by agreeing a position at an early stage and then back tracking or putting a different position closer to planning committee on the basis that this gives officers less time to respond with obvious pressure on officers to ensure a consent is approved. The use of national bodies such as the Planning Advisory Service to identify best practice and provide model processes would help address performance issues without undermining the LPAs negotiating position. The provision on model S106 agreements with reasonable clauses would mean that developers would make applications in the knowledge of the fundamental elements of the legal agreement. Any delays would then be down to:

1. The model agreement being unrealistic – again this could be dealt with through good practice guidance.
2. The developer seeking to change the model.

Question 5: Do you agree that any future dispute resolution mechanism should be available where Section 106 negotiations breach statutory or agreed timescales?

Arbitration clauses in existing legal agreements allow for such a mechanism and so it is not unreasonable to consider its use in terms of the initial drafting of the agreement. The key issues are

1. What are reasonable timescales for drafting a s106, should they be statutory or should they be agreed?
2. How arbitration is paid for.

It is unfortunate that the consultation does not ask a question regarding the preference for industry standards with flexibility built in at a local level as opposed to a statutory standard.

Question 6: Do you agree that a solution involving an automatic or deemed agreement after set timescales would be unworkable in practice?

Yes. The idea of an agreement akin to a unilateral being submitted and approved once time limits are assessed is unworkable, the reason set out in the consultation document all being valid. Unilateral Undertakings submitted on appeals often cause many problems because they are drafted without considering all the relevant factors.

Question 7: Could submission of a draft Section 106 agreement or unilateral agreement during the negotiation process be a requirement of being able to seek dispute resolution where statutory or agreed timescales are breached?

No. It is suggested that the developer would need to put forward an argument as to why the S106 in its current draft form is not adequate and make recommendations as to how it should be completed. The suggested approach is a carte blanche for a complete rewriting that could undermine the LPA position and makes both parties' previous work and negotiations redundant, which seems unhelpful.

Question 8: Do you agree any dispute resolution mechanism would need to be binding on the parties involved?

This would appear to be standard operating practice, there could be risks involved if such a process was not binding. There could perhaps be a caveat to this, i.e., in the unlikely but possible eventuality that a decision is deemed unlawful or obviously at odds with National Planning Policy Framework or Guidance.

Question 9: Which bodies or appointed persons would be suitable to provide the dispute resolution service?

As section 106 agreements may still deal with a range of issues it is important that the body or individual needs to have an awareness and competency to deal with these issues and not just the planning element. It is felt that on this basis the Planning Inspectorate would not be a suitable body to arbitrate on such issues.

It is the Council's view that an Arbitration Panel would be the best approach, the panel possibly including a planner, District Valuer Office, National Housing Federation and Developer representatives. This may work and would give greater confidence that all aspects have been considered.

Question 10: How long should the process take?

This is very much dependent on the process, what would it entail, submission of draft agreement and both sides arguments, time for consideration, time for decision?

Question 11: Do you agree that the body offering Section 106 dispute resolution should be able to charge a fee to cover the cost of providing the service?

Yes. The consultation states:

“A further consideration is what types of application should have access to a Section 106 dispute resolution mechanism. Restricting it to certain types of application, such as those for major development, may reduce the overall burden on the body appointed to provide the service. We are interested in the views of respondents on this point, including whether Section 106 delays are an issue for small-scale as well as major developments”.

Question 12: Should all types of planning application have recourse to Section 106 dispute resolution?

It would seem sensible to take a holistic approach, although difficulty with smaller developers is their understanding of issue and process and may lead to arbitration where it is not really needed. A definition of 'smaller' developments is key, with smaller developments unlikely to require Affordable Housing Contribution unless they are in rural locations

Question 13: Do you consider that any dispute mechanism would need to also involve the determination of the related planning application?

No. Such a proposal is not in the spirit of localism and subsidiarity, for the reason that it takes away the decision on whether the application is in principle sound away from the LPA, the dispute mechanism should focus on S106. The issue is what areas are in dispute or is it just a question of delay?

Question 14: Are there any ways in which this could be done where only the Section 106 agreement is the subject of the resolution mechanism?

No comment.

Question 15: To what extent do you consider that the requirement to provide affordable housing contributions acts as a barrier to development providing dedicated student accommodation?

The Council does not seek S106 contributions to student accommodation. The question perhaps is, how student accommodation affects the overall viability of a site and then the ability to provide affordable housing. If the LPA requires both student and AH contribution this might affect developers appetite to bring forward developments. The key question here is where is the evidence around this? Another question that is equally valid is how much does the land value reflect the expected impact of contributions.