

# Gloucester City Council

<b>Meeting:</b>	<b>Planning Policy Sub-committee</b>	<b>Date:</b>	<b>11 December 2014</b>
	<b>Cabinet</b>		<b>28 January 2015</b>
	<b>Council</b>		<b>18 March 2015</b>
<b>Subject:</b>	<b>City Plan – Programme and Budget</b>		
<b>Report Of:</b>	<b>Cabinet Member for Regeneration and Culture</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Anthony Wilson, Head of Planning</b>		
	<b>Email: anthony.wilson@gloucester.gov.uk</b>	<b>Tel:</b>	<b>396830</b>
<b>Appendices:</b>	<b>None</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 To present and seek endorsement of the progress of the City Plan programme and associated additional budget requirements of £141,000 over the next three financial years.

### 2.0 Recommendations

- 2.1 Planning Policy Sub-Committee is asked to **RECOMMEND** that:

- (1) The next stages of the City Plan work programme as set out in this report be endorsed; and
- (2) A further report be prepared on the City Plan work programme once the Joint Core Strategy (JCS) has been adopted; and
- (3) The City Plan future budget requests set out at paragraph 8.2 of this report be approved.

- 2.2 Cabinet is asked to **RESOLVE** that:

- (1) The next stages of the City Plan work programme as set out in this report be endorsed;
- (2) A further report be prepared on the City Plan work programme once the Joint Core Strategy (JCS) has been adopted;

- (3) Subject to the approval of the budget proposals for 2015/16, the City Plan future budget requests in this report be approved.

2.4 Council is asked to **RESOLVE** that:

- (1) The contents of this report be noted; and
- (2) The City Plan future budget requests, included in the budget proposals for 2015/16, be noted.

### **3.0 Background**

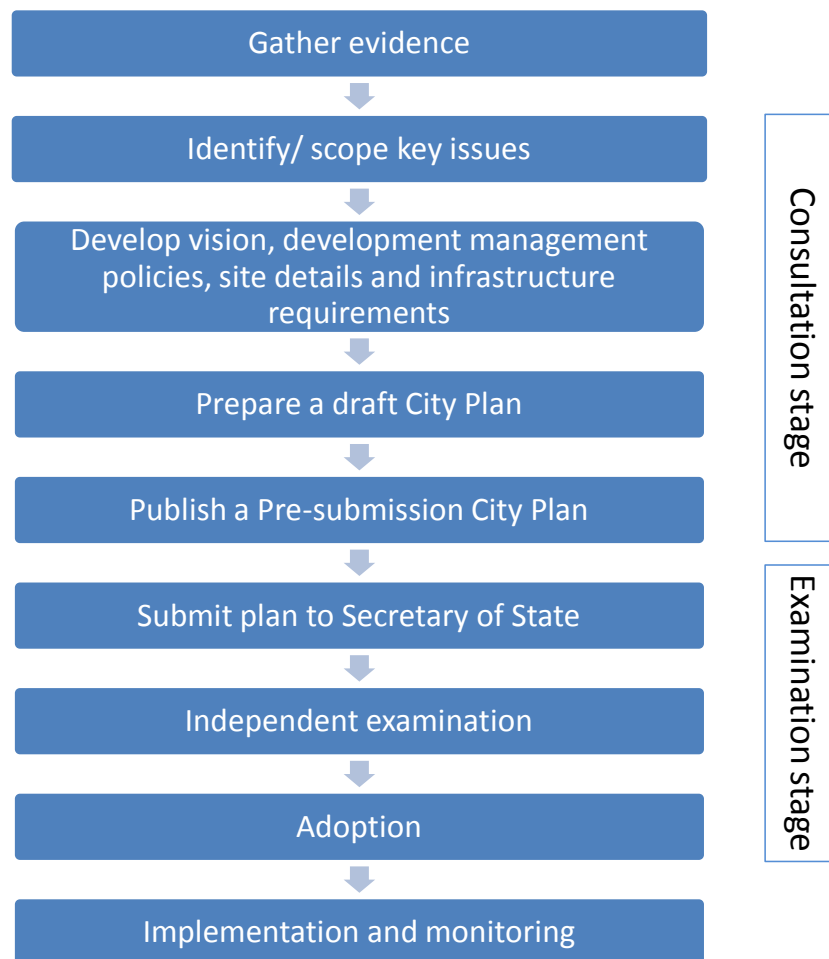
- 3.1 The Council has a statutory responsibility under Section 13 of the Planning and Compulsory Purchase Act 2004 to prepare and keep up to date a development plan for the City. In this respect, the Planning Policy Team is preparing two plans that will shape the future of planning in the City. These are the Joint Core Strategy (the JCS) and the City Plan. Together, these plans will provide the planning tools that the Council is legally obliged to prepare to support and guide land use change and development activity in the City until 2031.
- 3.2 The JCS will address strategic issues for Gloucester City, Cheltenham and Tewkesbury Boroughs and set housing, employment and other infrastructure requirements for the three local authorities. We are working with our neighbouring local authorities on this plan because a proportion of the future housing needs of the City will have to be met within Tewkesbury Borough. This plan will be the subject of a public examination likely to take place in the spring of 2015. It is hoped that the plan will be adopted towards the end of 2015.
- 3.3 Alongside the JCS, there is a need for a City Plan. This second development plan will clarify how the policies in the JCS will be applied in the City. It will set out the Council's priorities for the City Centre and other key sites that will deliver future housing and jobs. It will establish detailed policies against which planning applications will be determined and will demonstrate how new infrastructure to meet the City's needs will be funded. Finally, the City Plan will provide the basis for the preparation of any Neighbourhood Plans that may come forward. It will, in particular, be helpful to the Hempsted Community Forum which may prepare its own Neighbourhood Plan.
- 3.4 The Council is currently in a vulnerable position with respect to its statutory duty to prepare an adopted development plan. The now outdated adopted development plan dates back to 1983 and the Council has endorsed use of the second stage deposit plan 2002 for development management purposes in the absence of a more advanced plan. Without an up-to-date plan, the City runs the risk of uncoordinated development being approved as a result of planning permissions granted on appeal. This is not only costly, due to planning officer resource being diverted into managing and resourcing the appeal process, but is also not in the best interests of the environment or our communities. Properly planned development, delivered in the context of a robust planning strategy helps ensure high standards of design in all new development with supporting infrastructure in place. It is also worth noting that the planning policy and development management service brings in significant resource to the Council in terms of New Homes Bonus. House building in the City

resulted in an allocation of over £2m for 2013/14. Put simply, not having an up-to-date plan prevents the Council from shaping its own future environment.

#### 4.0 Work on the City Plan to date

4.1 The Planning Policy Sub Committee gave approval in March 2011 for work to start on the City Plan. In summary, the preparation of the City Plan has to go through a number of stages of evidence gathering and the preparation of policies before it can be submitted to public examination (as shown in Figure 1 below). At each stage of plan preparation, the Council is obliged to consult and take into account comments received. Work has started slowly on this project principally because of other pressures on staff to progress the joint work on the JCS at the same time.

**Figure 1 Stages in the preparation of the Gloucester City Plan**



4.2 The Council has resolved that the City Plan be prepared on the basis of four interlocking parts.

- (a) Part 1 will set out the overarching development challenges and development principles
- (b) Part 2 will set out development management policies
- (c) Part 3 will set out a locally based approach to places and site opportunities
- (d) Part 4 will deal with site delivery and infrastructure provision.

## **Review of progress to date on the City Plan**

### *City Plan Scoping Exercise*

- 4.3 The first action undertaken by officers was a City Plan Scoping document. This was the subject of public consultation between May and August 2011. The findings of this consultation exercise were reported back to the Planning Policy Sub-Committee in November 2011 and the key principles and work priorities were incorporated into future work on the emerging City Plan.

### *City Plan Part 1, Gloucester Now and in the Future*

- 4.4 Using responses from the City Plan Scoping consultation, Part 1 of the City Plan was drafted and was consulted upon in March and April 2012. This section describes Gloucester's development journey, that is, where it has come from, where it is now and where it strives to position itself in the future. It also recognises the City's transformation resulting from significant development investment and provides the framework to accommodate ongoing growth and regeneration.
- 4.5 Part 1 also identifies key challenges for the City relating to accommodating its growing population whilst providing the necessary supporting infrastructure, challenges around delivery of a good mix of housing, addressing the problems being experienced in the City's more deprived wards, the strengthening of the economy as well as improving its overall image and the perception of its centre and retail experience. Development pressure within the City also needs to be balanced with protection of Gloucester's valuable natural environment, open spaces and built heritage which should be preserved and, wherever possible, positively enhanced.
- 4.6 City Plan Part 1 also identifies key development principles which will provide the building blocks to guide growth going forward to 2031. This includes:
- (a) The incorporation of the development principles identified within the JCS;
  - (b) The need to deliver a transforming city which brings regeneration benefits;
  - (c) The primacy of Kings Quarter retail led regeneration of the City Centre and it acting as a catalyst for the wider regeneration of the City; and
  - (d) The need to deliver a city to live in, work in, enjoy and be proud of, that is safe, healthy and connected.

### *Part 3: Places and Sites, City Centre Strategy*

- 4.7 The Planning Policy Service undertook a further consultation from May to July 2013 on Part 3 of the Plan. This part of the Plan focuses on the individual Wards within the City. The consultation sought views on the available development sites in each area as well as feedback on Ward Profiles. Feedback was also sought on a draft City Centre strategy which seeks to manage the changes that the City Centre is expected to experience as our retail centres move forward and our shopping habits change.
- 4.8 No substantive further work has been undertaken on the City Plan due to pressures to progress the JCS and the need to allocate existing planning policy budgets to fund the evidence base to support the JCS. It is now proposed that work moves forward on the remaining elements of the City Plan, this would involve the

preparation of development management policies for inclusion within Part 2 of the Plan and the preparation of the Plan's implementation programme which would provide detail on site delivery and infrastructure provision. Additional resources are sought to progress the preparation of the City Plan in order to commission the additional evidence base required in order to progress a Plan that will be found 'sound' at Examination.

## **5.0 Next stages of the City Plan budget**

5.1 The City Plan needs to go through the following stages before it can be adopted:

- (a) Prepare supporting evidence required to inform preparation of a sound plan;
- (b) Review and publish comments and responses arising from the 2013 consultation;
- (c) Prepare Part 2 (development management policies) and Part 4 (delivery and infrastructure) of the Plan;
- (d) 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;
- (e) Refresh Part 1 to reflect new development opportunities in the City, including the release of the former HMP Gloucester;
- (f) Publish Pre Submission version of the Plan for final comment;
- (g) Submit the City Plan to the Secretary of State;
- (h) Public examination; and
- (i) Adopt the City Plan.

5.2 The allocated officer resource to manage and deliver the City Plan is one part time Principal Planning Officer (18.5 hours per week, also working on the JCS and other City projects which are seen as a priority) and a Neighbourhood Planning Officer (currently 10.5 hours per week and involved in supporting the Hempsted Neighbourhood Forum and assisting in some City Plan work). Other officers are also allocated work on the City Plan when not involved in JCS activity or other planning policy work. This combined resource is not sufficient to make timely progress on the next stages of the City Plan especially as there will be a significant officer commitment to the JCS Examination which is expected to take place in April 2015.

## **6.0 Additional evidence to support the City Plan**

6.1 Working with Cheltenham and Tewkesbury on the JCS has provided a significant element of the evidence base which can be used to support the preparation of the City Plan. In addition to this work, officers have also undertaken in-house research/evidence base preparation in relation to:

- (a) Housing and employment monitoring
- (b) Strategic Assessment of Land Availability (SALA)
- (c) Local District Centres health check
- (d) Green infrastructure plan for the City
- (e) GIS mapping work
- (f) Gypsy and Traveller site assessment
- (g) Assessment of employment sites

- (h) Open Space Strategy
- (i) Archaeology assessments

6.2 There are further areas of evidence base preparation which can be undertaken within the Council using existing staff resources. The detailed scope of this additional work will be determined as the preparation of the City Plan moves forward, but principal areas of work will include:

- (a) An examination of the operation of the City Centre and its existing uses/activities to provide a future strategy for its growth and continued health; and
- (b) An Economic Development/Regeneration Strategy to assess the current health of the City's economy and to develop a strategy for future growth.

6.3 However, in addition to the above areas of work, it will be necessary to commission additional research for which in house staff do not have expertise or where the use of a consultant would add to the robustness of the evidence base by providing an independent assessment or review. These are:

- (a) A Sustainability Appraisal and Habitats Regulations assessment (this is needed legally to show that the Council has appraised the economic, environmental and social effects of the City Plan and then to show that the proposals do not affect any sites of European wide ecological importance);
- (b) A Playing Pitch Strategy which will determine the level of playing fields needed to accommodate a growing local population and where these should go; and
- (c) A townscape assessment to inform our approach to promoting development in the City Centre.
- (d) Strategic Flood Risk Assessment (Level 2) work on sites plus sequential and exception test evaluation.
- (e) Heritage Impact Assessment.
- (f) Traffic modelling assessments of City sites;
- (g) Infrastructure provision to support City sites;
- (h) Viability assessment of City sites;
- (i) Retail assessment of trading position at Quedgley District Centre;
- (j) Site assessment/Duty to Co-operate; and
- (k) Biodiversity Assessment of City sites.

Costs associated with these pieces of work are set out in Table 1 below.

6.4 The Council is also required to record representations received throughout the plan making process and report them to an independent inspector appointed by the Secretary of State who will examine the representations made in relation to the City Plan and decide if the Council has met its responsibilities in connection with the statutory duty to co-operate. The Council has purchased a bespoke software package used for JCS preparation but will need to continue to pay an annual licence fee of £5,600 per annum to use the software. The Council will also need to renew its licences to continue to use GIS to do the mapping required for the City Plan at an annual cost of £3,000.

## **6.5 Costs associated with consulting on future stages of the City Plan**

6.6 The Council has legal requirements to notify the public about its Plan and is also legally obliged to consult the public in accordance with its Statement of Community Involvement. Three rounds of consultation are anticipated before the City Plan can be submitted to the Secretary of State for examination. Costs likely to be incurred include advertisements, document printing and running exhibitions.

## **6.7 Examination in Public and adoption of the City Plan**

6.8 The principal costs associated with this are:

- (a) Paying for an independent inspector and programme officer to run the examination;
- (b) Venue and other costs associated with hosting the examination; and
- (c) Preparing evidence, including the use of consultants to defend a technical matter (e.g., retail policy).

The Council is not in a position to give a firm estimate of the cost of this examination but has based its budget on other comparable plans. However, there may be a requirement to produce additional technical evidence (beyond that reasonably foreseen) in response to a request by an inspector. It should also be recognised within the wider plan preparation process that the potential for subsequent legal challenge does exist and that the Council may be required to defend its position in such a case.

## **6.9 Request for additional support**

6.10 Currently approved budgets for the preparation of the JCS and City Plan provide £123,000 for 2015/16 and £33,000 for 2016/17. Of the total of £156,000 available in these two financial years, £50,000 is reserved to meet costs associated with the Examination and Adoption of the JCS in 2015/16. Therefore, the remaining £106,000 of these approved budgets would be reserved for the costs associated with City Plan preparation.

6.11 This report makes a request for additional funds to be allocated to the Planning Policy Team in the financial years 2015/16 – 2017/18 to cover one off costs relating to the preparation of the City Plan for:

- (a) Additional evidence to support the preparation and adoption of the City Plan;
- (b) The costs of consulting on the Plan, document printing and publishing the next stages of the City Plan; and
- (c) An examination in public and adoption of the City Plan.

The indicative costs associated with each of these items are set out in Table 1 of this report below.

## **7.0 Total costs and timescale**

7.1 Table 1 below identifies a need for an additional budget of £141,000 to finalise the preparation of the City Plan. As is noted in paragraph 6.10 above, £106,000 has been allocated towards the costs of City Plan preparation within current budget approvals.

**Table 1 - City Plan Budget forecast 2015/16 to 2017/18**

<b>Workstream</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
Playing Pitch Strategy	£12,000		
Heritage Townscape Assessment /Townscape Character Analysis		£15,000	
Heritage Site Assessment		£15,000	
Sustainability Appraisal and Habitats Regulation Assessment	£10,000	£15,000	
Retail consultancy advice	£5,000		
Sequential Flood Risk Assessment/ Sequential Test	£30,000		
Traffic Modelling assessments of City Sites	£30,000		
Infrastructure Provision to support City Sites	£20,000		
Viability assessment of City Sites		£20,000	
Biodiversity Assessment of City Sites	£10,000		
Consultation (printing, publicity and newspaper advertisements)		£5,000	
Examination in Public (inspector time, programme officer and venue costs)		£50,000	£10,000
<b>Annual Totals</b>	<b>£117,000</b>	<b>£120,000</b>	<b>£10,000</b>
<b>Current Budget Allocations</b>	<b>(£73,000)</b>	<b>(£33,000)</b>	
<b>Additional Financial Requirement</b>	<b>£44,000</b>	<b>£87,000</b>	<b>£10,000</b>
<b><u>TOTAL ADDITIONAL FUNDING SOUGHT</u></b>			<b><u>£141,000</u></b>

- 7.2 It should be noted that a financial contingency may be required as there has been a significant increase in the number of Local Plans that have been delayed and challenged following the introduction of the National Planning Policy Framework. Under these circumstances, it would be prudent for the Council to be aware of the potential need for such a contingency due to any legal challenge or for the preparation of additional technical evidence in this context. However, it is hoped that such provision would not be required.
- 7.3 This bid for funds has been prepared on the understanding that the City Plan examination will be completed in the financial year 2017/18. Cabinet has recently considered the detailed timetable for this Plan and the JCS, contained within a revised Local Development Scheme (the LDS) and how the Council will consult local residents and businesses on the City Plan in what is called the Statement of Community Involvement (the SCI). The SCI has recently been updated and will undergo statutory public consultation in January/February 2015 as part of this process.



## **8.0 Conclusions**

- 8.1 This report has outlined progress to date with the City Plan as well as ongoing budgetary requirements to deliver a sound Plan.
- 8.2 An additional budget allocation of **£141,000** is required to progress the City Plan and take it through the Examination process. This budgetary requirement is likely to fall over the next three financial years.
- 8.3 It is recommended that resources are built into the forward plan as set out in Table 1 above for future years up to 2017/18.

## **9.0 Financial Implications**

- 9.1 The report has set out the budget requirements to deliver a City Plan and take it through the Examination process.
- 9.2 There is an existing budgetary commitment of £106,000 to the costs associated with the preparation of the City Plan in 2015/16 and 2016/17. In terms of the additional £141,000 now being sought, the additional budget requirement of £44,000 for 2015/16 can be accommodated within the Council's current Money Plan. The additional expenditure of £97,000 in 2016/17 and 2017/18 will be a budgetary pressure upon the Council's resources and will reduce funding available to other areas.

(Financial Services have been consulted in the preparation of this report).

## **10.0 Legal Implications**

- 10.1 The legal implications are as set out in this report. The Gloucester City Plan will ultimately form part of the statutory Local Plan.

(Legal Services have been consulted in the preparation of this report).

## **11.0 Risk Management Implications**

- 11.1 The Council has a statutory responsibility to have an adopted development plan. The Council's adopted development plan which dates from 1983 is out of date.
- 11.2 Councils which do not meet their legal obligations and underperform are at risk of direct Central Government intervention where planning decisions would be taken out of the hands of the local authority. In late 2013, the Government used these powers to place a Leicestershire authority in 'special measures', although it has since been released from this control. The current use of a number of statutory and non-statutory plans creates additional 'complications' for applicants and officers in determining planning applications. A single cohesive document will provide a more efficient framework for all parties.
- 11.3 A failure to progress the preparation of the City Plan within a reasonable timescale also places the Council at increased risk from potential future changes to the planning system and its accompanying legislation/regulation which could lead to abortive work being undertaken.

- 11.4 The JCS requires a development plan for the City to identify employment, housing and retail development sites within its administrative area to fulfil the development requirements of the JCS. The preparation of the City Plan will enable the Council to engage positively with our communities, promote development solutions that enable appropriate redevelopment of the City and provide suitable policies to help deliver our strategic aims.
- 11.5 Not pursuing the City Plan and therefore not identifying allocated sites for future housing, employment and retail development will make the City vulnerable to ad hoc development pressures on the fringes of the City with developers potentially challenging the City's five year housing land supply position.
- 11.6 The absence of a development plan will result in planning by appeal which will incur significant costs and result in ad hoc and inappropriate development across the City which has the potential to undermine the role of the City Centre. The Council may also risk substantial costs awards against it if ad hoc applications were refused and it was not possible to identify a five year land supply at appeal.

## **12.0 People Impact Assessment (PIA)**

- 12.1 The preparation of a new development plan such as the City Plan can have both positive and negative social impacts on local communities. PIA is therefore incorporated into the statutory Sustainability Appraisal and Habitats Regulation Process that the Council will have to complete in justifying the spatial strategy for the City and development management policies the Council will have to adopt. PIA will also be ongoing through the preparation of the City Plan

## **13.0 Other Corporate Implications**

### Community Safety

- 13.1 The City Plan will be developed to reflect the Council's community safety obligations.

### Sustainability

- 13.2 The City Plan will reflect the requirement that the planning system should deliver development that accords with the principles of sustainable development.

### Staffing & Trade Union

- 13.3 None.

**Background Papers** : Vision/City Plan Consultation Report 2011  
Part 1 Gloucester's City Plan 2031 Shaping Gloucester's  
Regeneration journey February 2012  
Part 3 Gloucester's City Plan Places and City Centre  
Strategy Consultation May 2013