

# Gloucester City Council

<b>Meeting:</b>	<b>Planning Policy Sub-Committee Council</b>	<b>Date:</b> 14 November 2017 23 November 2017
<b>Subject:</b>	<b>Gloucester, Cheltenham and Tewkesbury Joint Core Strategy – Adoption</b>	
<b>Report Of:</b>	<b>Cllr Colin Organ – Cabinet Member for Housing and Planning</b>	
<b>Wards Affected:</b>	<b>All</b>	
<b>Key Decision:</b>	<b>Yes</b>	<b>Budget/Policy Framework: Yes</b>
<b>Contact Officer:</b>	<b>Adam Gooch, Principal Planning Officer</b> <a href="mailto:Adam.Gooch@gloucester.gov.uk">Adam.Gooch@gloucester.gov.uk</a> / 01452 396836	
<b>Appendices:</b>	<b>1. Joint Core Strategy – Adoption version</b> <b>2. Joint Core Strategy policy maps – Modified and New Maps</b> <b>3. Inspector’s Final Report</b> <b>4. Sustainability Appraisal Adoption Statement</b>	

## 1.0 Purpose of Report

1.1 To seek resolution from Members to adopt the Joint Core Strategy, with the recommended main modifications, as part of the statutory Development Plan for Gloucester City.

## 2.0 Recommendations

2.1 Planning Policy Sub-Committee is asked to recommend to Council to:

- (1) **ADOPT** the adoption version of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy at Appendix 1 to this report as part of the City Council’s statutory development plan
- (2) **ADOPT** the amendments (maps and text) to the adopted policies map as set out in the modified and new maps within Appendix 2 to this report
- (3) **DELEGATE** authority to the Managing Director, in consultation with the Leader of the Council and Cabinet Member for Housing and Planning, in collaboration with Cheltenham Borough and Tewkesbury Borough Councils to make minor spelling, grammatical, cross-referencing or typographical errors and presentational changes (including the addition of a Foreword) to the Joint Core Strategy and accompanying policies maps prior to publication

2.2 Council is asked to:

- (1) **ADOPT** the adoption version of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy at Appendix 1 to this report as part of the City Council’s statutory development plan
- (2) **ADOPT** the amendments (maps and text) to the adopted policies map as set out in the modified and new maps within Appendix 2 to this report

- (3) **DELEGATE** authority to the Managing Director, in consultation with the Leader of the Council and Cabinet Member for Housing and Planning, in collaboration with Cheltenham Borough and Tewkesbury Borough Councils to make minor spelling, grammatical, cross-referencing or typographical errors and presentational changes (including the addition of a Foreword) to the Joint Core Strategy and accompanying policies maps prior to publication

### **3.0 Background and Key Issues**

- 3.1 The Joint Core Strategy (JCS) is a strategic planning document that has been prepared jointly between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council. It provides the vision and planning framework to meet the development needs of the area between 2011 and 2031.
- 3.2 The three Councils agreed to work in partnership to prepare the JCS in 2008. During this time, the authorities have prepared a significant amount of evidence to establish the amount of new development required in the area, as well as the best and most sustainable way that it could be delivered, whilst recognising the specific characteristics and constraints within the area. This has included various public consultations where initial issues and options were considered, through to more detailed strategies.
- 3.3 The JCS was submitted to the Planning Inspectorate for independent examination in November 2014, the purpose of which was to assess the plan to ensure that it met the 'test of soundness' and was legally compliant. Hearing sessions then commenced in May 2015 where many different matters were discussed and examined in detail, including the number of new homes and amount of employment land needed, the strategy for delivering development needs and the proposed strategic site allocations.
- 3.4 In May 2016 the authorities received the Inspector's Interim Report, which concluded that further 'Main Modifications' were necessary in order to make the Plan sound. Proposed Main Modifications were then prepared and agreed by the JCS authorities in January / February 2017 and published for consultation between February and April 2017, which was then followed by further hearing sessions in July 2017.
- 3.5 Following on from this, the JCS authorities have now received the Inspector's Final Report, a copy of which is provided at Appendix 3. The report concludes that the JCS as submitted has a number of deficiencies in relation to soundness and/or legal compliance which means the Inspector recommends non-adoption of it as submitted, but that with the recommended main modifications set out in the Appendix to the Final Report that the JCS can be made sound and/or legally compliant and capable of adoption. Further, that whilst there are issues with the JCS which cannot be immediately resolved, it is in the public interest to have an adopted plan in place as soon as possible to reduce continuing ad-hoc, unplanned development; and that rather than delaying matters further, the balance is in favour of finding the JCS sound now subject to an immediate partial review (in respect of housing for Gloucester City and Tewkesbury Borough in order to address a shortfall in supply during the plan period, and an immediate review of retail policy for all three authorities). Such commitments can be found within recommended main modifications MM38 and MM123c. A revised Local Development Scheme (LDS)

reflecting these commitments was adopted in October 2017 and a further revised LDS with detailed timetabling for the immediate reviews will be prepared for adoption in due course.

- 3.6 Given the conclusions and recommendations of the Inspector's Final Report, Council is now being asked to adopt the adoption version JCS at Appendix 1 of this report, which includes the recommended main modifications (and additional modifications which do not materially affect that policies of the JCS with the recommended main modifications) as part of the statutory Development Plan for Gloucester City. Also to adopt the modified and new maps at Appendix 2 as part of the adopted policies map.
- 3.7 Once adopted by all three JCS authorities, the JCS will replace a number of 'saved' policies from the Council's adopted Local Plan 1983 as set out at Appendix 1 of the adoption version of the JCS. However a number of the 'saved' polices with the Council's adopted Local Plan 1983 will still remain in place and will be reviewed and taken forward through the other planning document that will form part of the Development Plan for Gloucester, the Gloucester City Plan.

#### **4.0 Asset Based Community Development (ABCD) Considerations**

- 4.1 The JCS will form a part of the Development Plan that has been prepared in accordance with relevant legislation and regulations, including consultation with businesses and the community. Once adopted, as part of the Development Plan, it forms the basis upon which planning decisions will be made, as determinations must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.2 In containing strategic policies it will also provide part of the planning framework within which local communities are able to prepare Neighbourhood Plans as Neighbourhood Plans are to be in general conformity with the strategic policies contained in the development plan.

#### **5.0 Alternative Options Considered**

- 5.1 An agreement was reached between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council in 2008. Since then, the preparation of the JCS has been an iterative process, considering issues such as the amount of new development that is needed in the area and the most appropriate strategy for delivering it, responding to the specific characteristics of the JCS area. This process has been informed by a thorough and ongoing Sustainability Appraisal, a process which seeks to ensure the most sustainable outcomes when preparing Development Plans.
- 5.2 As part of the Examination in Public, the JCS Inspector has considered alternative options and has concluded, that subject to the main modifications recommended, the approach to be taken in the JCS as 'sound' in her Final Report.
- 5.3 The options open to the Council are limited by the legislation. The Council can either (i) adopt the JCS, with the main modifications recommended by the Inspector (together with any additional modification which taken together would not materially affect the policies contained in the JCS if it were adopted with just the

recommended main modifications); or (ii) not adopt. In the case of (ii) the Council would need to begin the preparation of a new plan (joint or otherwise), leading to continued speculative rather than plan led development until a new plan had been prepared and adopted. The Inspector has found the JCS, with main modifications, sound and (ii) is not recommended.

## **6.0 Reasons for Recommendations**

6.1 Following Examination in Public, the Inspector has now found the JCS, with the recommended main modifications to be 'sound' and legally compliant. The Councils are now in a position to adopt the JCS.

## **7.0 Future Work and Conclusions**

7.1 After consideration by Gloucester City Council at its meeting on 23 November 2017, the adoption version of JCS is also being considered for adoption by Tewkesbury Borough Council on 5 December 2017 and Cheltenham Borough Council on 11 December 2017. Once adopted by all three Councils, the JCS will form a part of the statutory Development Plan for each of the three local authorities.

7.2 The version of the JCS provided at Appendix 1 sets out the text of the plan and the policies and maps to which they relate. Following adoption by the three authorities, more publicly accessible printed and web versions of the JCS and Adopted Policies Map will be prepared, with may include minor presentational changes.

7.3 Whilst the JCS has been found 'sound' and legally compliant subject to the recommendation main modifications, this is on the basis that there will be an immediate review of housing supply for Gloucester City and Tewkesbury Borough, and an immediate review of retail is undertaken for all three JCS authorities. This will require continuing resources and funding to be allocated in respect of the JCS.

7.4 Alongside the JCS, the JCS authorities are each progressing Charging Schedules in respect of the Community Infrastructure Levy (CIL), a tariff style charge that may be charged on certain types of development to contribute to infrastructure to support growth in the area. The Draft Charging Schedules were submitted to the Planning Inspectorate for joint examination in November 2016. However it has been necessary to update the evidence and further consultation on changes to the Draft Charging Schedules made in response to changes relating to housing requirements and sites through the JCS has been undertaken. At the time of writing, it is understood that hearing sessions on the Draft Charging Schedules are likely to commence early in the New Year.

7.5 Members will be aware that in addition to the JCS, officers are also preparing the Gloucester City Plan (GCP). Once adopted, the JCS and GCP will together form the part of the Development Plan for Gloucester City. The most recently adopted Gloucester LDS shows a Pre-Submission consultation on the GCP taking place in autumn 2018.

## **8.0 Financial Implications**

8.1 As set out earlier in this report, the soundness of the JCS is predicated on the requirement for an immediate review of housing supply for Gloucester City and

Tewkesbury Borough, and an immediate review of retail policy for all three JCS authorities. There are clearly significant resource implications in undertaking these reviews. The current annual contribution of £60,000 will be reviewed to ensure sufficient resources are available to complete these pieces of work. Any additional funding requirement will be approved as part of the Council's budget setting process for 2018/19.

- 8.2 If the JCS is not adopted, the preparation, examination and adoption of a replacement document (joint or otherwise) will also incur significant resource and cost implications.

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

## **9.0 Legal Implications**

- 9.1 Under Section 23 of the Planning and Compulsory Purchase Act 2004, it is not possible to adopt a development plan document that an Inspector has only found to be sound with main modifications, without all the main modifications as recommended in the Inspector's Final Report. Save for any additional amendments, which (taken together) do not materially affect the policies set out in the development plan document with the main modifications, the wording must be as with the main modifications set out with the Final Report.
- 9.2 At any time before the JCS is adopted the Secretary of State may exercise powers under Section 21 of the Planning and Compulsory Purchase Act 2004 to direct that the plan is modified in accordance with the direction or that the plan is (in whole or part) submitted to him for his approval.
- 9.3 Under Section 113 of the Planning and Compulsory Purchase Act 2004 any application for leave to challenge an adopted plan (in whole or part) must be made before the end of the period of six weeks beginning with the day after adoption. The JCS will form and remain part of the Development Plan on adoption unless and to the extent any challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 has been successful.
- 9.4 As a joint plan the JCS will not be adopted until all three JCS authorities have resolved to adopt the JCS.

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

## **10.0 Risk & Opportunity Management Implications**

- 10.1 A risk register has been completed and identifies the following key potential risks:
1. Failure to adopt the JCS (all three JCS authorities need to resolve to adopt the JCS in order for its adoption to take effect).
  2. Legal challenge.
  3. Secretary of State call-in.
- 10.2 These risks will be closely monitored by the responsible officer during the relevant time periods.

## **11.0 People Impact Assessment (PIA):**

- 11.1 A PIA 'Screening' has been undertaken and shows that the JCS would not affect a particular group any differently to any other. A full PIA is not therefore required.
- 11.2 At each of the key milestones in the plan-making process, an Equalities Impact Assessment (EqIA) has been undertaken and also concludes that the JCS would not affect a particular group any differently to any other.

## **12.0 Other Corporate Implications**

### Community Safety

- 12.1 The JCS includes a range of development management policies that seek to ensure positive outcomes for community safety from new development.

### Sustainability

- 12.2 The preparation of the JCS has been informed by an ongoing, iterative, Sustainability Appraisal (SA) process. SA seeks to ensure the most sustainable outcome when preparing a plan or strategy. To accompany this report, an Adoption Sustainability Appraisal is provided at Appendix 4.

### Staffing & Trade Union

- 12.3 Not applicable

## **Background Documents:**