

Gloucester City Council

Meeting:	Cabinet Council	Date:	7 December 2022 26 January 2023
Subject:	Adoption of the Gloucester City Plan		
Report Of:	Cabinet Member for Planning and Housing Strategy		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	Yes
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Appendices:	1. Inspector’s Report on the Examination of the Gloucester City Plan 2011 – 2031		
	2. Gloucester City Plan Schedule of Main Modifications		
	3. Policies Map Addendums		
	4. Sustainability Appraisal Adoption Statement		
	5. Gloucester City Plan with Main Modifications and Additional Modifications (Tracked Changes)		
	6. Gloucester City Plan Schedule of Additional Modifications		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To recommend the adoption of the Gloucester City Plan as a part of Gloucester City Council’s statutory Development Plan.

2.0 Recommendations

- 2.1 Cabinet is asked to **RECOMMEND** to Council that:

- (1) the Gloucester City Plan 2011 – 2031 (Appendix 5) be adopted, incorporating all of the Main Modifications recommended by the Inspector (Appendix 2), together with the Additional Modifications (Appendix 6), as a part of Gloucester City Council’s statutory Development Plan
- (2) the correction of any minor errors such as spelling, grammar, cross-referencing, typographical and formatting changes (including the addition of a foreword), that do not affect the substantive content of the plan be delegated to the Head of Place, in consultation with the Cabinet Member for Housing and Planning; and to finalise and publish an updated and consolidated version of the Policies Map as it relates to the Gloucester City Plan.

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

- (1) the Gloucester City Plan 2011 – 2031 (Appendix 5) be adopted, incorporating all of the Main Modifications recommended by the Inspector (Appendix 2), together with the Additional Modifications (Appendix 6), as a part of Gloucester City Council's statutory Development Plan.
- (2) the correction of any minor errors such as spelling, grammar, cross-referencing, typographical and formatting changes (including the addition of a foreword), that do not affect the substantive content of the plan be delegated to the Head of Place, in consultation with the Cabinet Member for Housing and Planning; and to finalise and publish an updated and consolidated version of the Policies Map as it relates to the Gloucester City Plan.

3.0 Background and Key Issues

- 3.1 Local authorities have a statutory requirement to prepare a Development Plan. Gloucester City Council has chosen to do this through the preparation of two key documents: the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), and the Gloucester City Plan (GCP). Together, they will provide the planning framework for the city until 2031, along with any Neighbourhood Development Plans that are 'made' (currently none) and the waste and minerals plans (prepared by the County Council).
- 3.2 The JCS was adopted in December 2017 and sets out the vision and objectives for the area together with strategic policies for shaping new development up to 2031. The JCS sets out the overall need for housing and employment growth, the spatial strategy for meeting these needs, allocates a number of large strategic sites for development and provides a range of strategic planning policies.
- 3.3 Whilst the JCS provides the higher-level strategic part of the Development Plan, more detailed, locally specific planning policies and smaller-scale site allocations are provided through individual district-level (second tier) plans. For Gloucester this is the GCP. A key role for the GCP is to help deliver the development requirements and spatial strategy of the JCS and the GCP therefore needs to be consistent and in conformity with it. Once adopted, the GCP will supersede most of the remaining policies in the Gloucester Local Plan 1983, which is the last fully adopted local plan for the area.
- 3.4 Work to progress the GCP has been ongoing for several years, following behind the JCS, given the JCS sets the strategic planning framework. Altogether, five different consultations were held between 2010 and 2019, with Full Council approving the Pre-Submission of the plan in September 2019. This was followed by public consultation and submission to the Secretary of State for Housing, Communities and Local Government for examination in November 2020. The purpose of the examination was to consider whether the plan is legally compliant and meets the 'tests of soundness'. The tests of soundness, taken from the National Planning Policy Framework (2021), are:
 - a) **Positively prepared:** Providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated

where it is practical to do so and consistent with achieving sustainable development

- b) **Justified:** An appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence
- c) **Effective:** Deliverable over the plan-period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by a statement of common ground, and
- d) **Consistent with national policy:** Enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national policy, where relevant.

3.5 Hearing sessions were held virtually, because of the Covid-19 pandemic, during May and June 2021 and the Inspector's 'Post Hearing Letter' was received in August 2021, setting out preliminary conclusions. The letter confirmed the GCP is legally compliant, has met the Duty to Cooperate and can be found 'sound' with 'Main Modifications' (MMs). The required MMs were set out in their letter, along with headline reasons.

3.6 Subsequently, officers engaged with the Inspector to agree a schedule of MMs which address the issues identified. Consequential changes were also required to the draft Policies Map, though technically these do not form part of the MMs. An addendum to the Sustainability Appraisal and Habitats Regulations Assessment was undertaken in relation to the MMs. Other minor grammatical corrections and non-material changes, known as 'Additional Modifications' (AMs), were permissible without needing public comment or the Inspector's approval.

3.7 The MMs and other documents were approved for public consultation by Cabinet on 4 May 2022. Subsequently, public consultation was held for seven weeks between 16 May and 4 July 2022 and 30 responses were received. The consultation focussed on the proposed MMs; it was not the opportunity to raise matters that were, or could have been, part of earlier representations or hearings on the submitted Plan. These were then forwarded to the Inspector and considered in preparing their final report.

3.8 The final Inspector's report was received on 9 November 2022 and is provided at Appendix 1, with a summary of the key points provided at Section 4 below. The schedule of MMs that the Inspector considers necessary to make the plan sound, in order that it can be adopted by the City Council, is provided at Appendix 2. Some amendments to the content of the GCP require consequential amendments to the Policies Map, which are provided at Appendix 3. At the point of adoption, a Sustainability Appraisal Adoption Statement is required, which is provided at Appendix 4. A track change version of the GCP, showing the MMs in context is provided at Appendix 5. Finally, smaller, non-consequential amendments, known as Additional Modifications, are provided at Appendix 6.

4.0 Inspector's key findings

4.1 The Inspector's report is structured around the consideration of 10 key issues. In the interests of keeping this report concise, it does not set out the conclusions against each of the 10 key issues individually, instead summarising the key findings.

4.2 **Consistency with the adopted JCS, Waste Core Strategy, Minerals Local Plan, national planning policy, the Use Classes Order and Building Regulations:** The

Inspector concluded that the JCS provides strategic planning policies, and those in the GCP are non-strategic (being more locally specific). Furthermore, to be effective, that some policies and supporting text should reference policies in other elements of the Development Plan, and all policies should reference the 'parent policies' to which they relate. This requires various changes throughout the GCP.

- 4.3 Other changes are required to address factual matters, such as the introduction of an updated National Planning Policy Framework (July 2021), significant changes to the Use Classes Order through the introduction of new legislation (Town and County Planning (Use Classes) (Amendment) (England) Regulations 2020), changes to Part S of the Building Regulations, and the removal of reference to other plans and strategies from policy wording.
- 4.4 **Housing and employment provision:** The Inspector is satisfied that the GCP proposes to allocate sufficient deliverable housing and employment sites to meet the minimum capacity, as set out in the adopted JCS, and that it is not therefore necessary to consider further sites.
- 4.5 The Inspector is satisfied that the City Council has undertaken a comprehensive search for sites to provide for Gypsies, Travellers and Travelling Showpeople need, that no deliverable sites currently exist in Gloucester City, and that officers are continuing to search for sites to address this need.
- 4.6 However, in relation to general housing and accommodation for traveller communities, there is an acknowledged shortfall. On this basis, the Inspector requires additional wording to make clear that the City Council is supportive of windfall developments (those not allocated in the plan) where they are consistent with the policies of the Development Plan.
- 4.7 The protection of employment land policy requires an additional criterion, to allow developers to identify an alternative piece of land that could reasonably accommodate that which would be lost.
- 4.8 **Specialist housing:** Amendments are required to take a more positive approach to catering for specialist housing demands and to articulate how the impacts of development are to be considered, and the requirement for affordable housing contributions from this form of development. Amendments are required to the student accommodation policy, to include all categories of students and to consider accessibility to the educational establishment to which it relates. Furthermore, amendments are required to the self and custom build policy, to make clear the basis on which developers are required to make plots available to those on the Council's self and custom build register.
- 4.9 **Affordable housing:** The Inspector has concluded that affordable housing is a strategic matter that should be addressed through the JCS, and that the approach set out in the GCP was not consistent with it. This policy is therefore deleted and planning applications will be determined in accordance with Policy SD12 'Affordable Housing' of the JCS.
- 4.10 **Homes in Multiple Occupation:** Policy A1 'Effective and efficient use of land and buildings' included provisions relating to Houses in Multiple Occupation. The

Inspector concluded this issue requires a specific policy, which has now been created.

- 4.11 **Accessible and adaptable homes:** In considering the viability of development, the Inspector concluded that the requirement for 50% of new homes to meet the 'accessible and adaptable' homes standard should be reduced to 25%.
- 4.12 **Climate change and resource efficiency:** The Inspector concluded that elements of the plan should be strengthened with regard to climate change, waste reduction and underused buildings and space, requiring changes to the Vision and Key Principle 1.
- 4.13 **Vehicle charging points:** As mentioned earlier in this report, new building regulations have been introduced, including a requirement for vehicle charging points in new development. This renders the policy on this matter obsolete, and this is to be deleted.
- 4.14 **Flood risk and wider water management issues:** Policies are amended to take a more creative and holistic approach to flood management, using opportunities from existing and proposed green and blue infrastructure, and to make clear that developer contributions may be required to address flood risk elsewhere and flood warning systems.
- 4.15 **Cordon Sanitaire – Netheridge Sewage Treatment Works:** The Inspector concluded the policy should be amended to set out circumstances where planning permission would be granted for development. The changes clarify that the boundary is a trigger for odour testing, to ensure that any development which could be adversely affected by odour is able to take place, without impacting the operation of the sewage works, or without resulting in unacceptable living conditions.
- 4.16 **Sustainable transport and parking:** The Inspector concluded this policy should be rewritten to set out the sustainable transport criteria against which future development proposals will be determined, and to include parking requirements.
- 4.17 **Site allocations:** Several site allocations have been removed, either because they already have planning permission and development has started onsite (for example 'King's Quarter' and 'Land at Rea Lane'), or the Inspector felt they were undeliverable (for example 'Lynton Fields', where the landowner confirmed the site was no longer available for employment development).
- 4.18 The Inspector considered that the indicative capacity of three sites should be increased, namely 67 – 69 London Road (former Prospect House), Great Western Road Sidings and Wessex House. In contrast, the capacity at the Jordon's Brook House has been reduced to allow for a proposed health centre on part of the site.
- 4.19 There are further consequential amendments in terms of formatting and structure, arising from other modifications, such as policy numbering.

5.0 Additional modifications

- 5.1 As noted earlier, the Inspector's report focuses on the changes that are needed to make the GCP sound – referred to as Main Modifications (MMs). In addition to these,

in adopting the GCP the Council may also make additional modifications to the Local Plan provided they do not, alone or in combination, materially alter the policies of the plan, known as Additional Modifications (AMs). Such changes include alterations to the supporting text consequential to the MMs, and minor factual updating and the correction of typographical/spelling errors.

5.2 Appendix 6 set out the schedule of AMs, most of which were consulted alongside the MMs. There are several others that were identified in proof reading documents.

5.3 Resolution 2 of this report allows for circumstances where further AMs are identified after the GCP has been adopted. Members are recommended to resolve to delegate authority to the Head of Place, in consultation with Cabinet Member for Housing and Planning, to correct any further minor spelling, grammatical, cross-referencing or typographical errors and make presentational changes for publication of the Plan. This will include the addition of a 'Foreword'.

6.0 Policies Map

6.1 The purpose of the Policies Map is to illustrate geographically the application of the policies in the GCP. Appendix 3 is an addendum showing all mapping changes required. Resolution 2 provides delegated authority to the preparation of an updated and consolidated Policies Map following adoption of the GCP.

7.0 Social Value Considerations

7.1 The GCP includes Policy B1 'Employment and Skills Plans', which seeks to generate social value from new developments in Gloucester, through the identification of opportunities for employment and skills opportunities for local people.

8.0 Environmental Implications

8.1 The GCP (along with the adopted JCS) provides a key part of the Development Plan for Gloucester City, setting the sustainable planning framework to 2031. It balances economic, social and economic considerations to achieve the most sustainable outcome for the city. In this regard, the GCP has been subject to an ongoing and iterative Sustainability Appraisal and Habitats Regulations Assessment process by independent consultants.

8.2 Policies in the plan directly address environmental issues in the city, including for example biodiversity, habitats, flood risk and drainage.

9.0 Alternative Options Considered

9.1 At this stage in the process, changes to a Local Plan are Inspector-led, being amendments necessary to make the plan 'sound'.

10.0 Reasons for Recommendations

10.1 The Inspector's report sets out her findings and the MMs set out the changes that are considered necessary to make the GCP 'sound' and legally compliant, in order that it can be adopted by the City Council.

11.0 Future Work and Conclusions

- 11.1 Once the GCP has been adopted, there is a six-week legal challenge period (see Section 13).

12.0 Financial Implications

- 12.1 Once adopted, it will be necessary to undertake various regulatory requirements, for example printing and placement of the adopted plan and associated documentation in the council's main reception and other locations.
- 12.2 Following adoption, there is a six-week legal challenge period. If a challenge is submitted this will require officer and budget resources, which are identified within existing budgets.

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

13.0 Legal Implications

- 13.1 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 an Inspector's final report. Save for any minor amendments, which (taken together) do not materially affect the policies set out in the development plan document, the exact wording must be as the Main Modifications set out within the Inspector's final Report.
- 13.2 Under Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012, where a local planning authority adopt a local plan they must prepare an adoption statement specifying the date on which the local plan was adopted, any modifications made pursuant to section 23 of the Planning and Compulsory Purchase Act 2004, that any person aggrieved by the local plan may make an application to the High Court under section 113 of that Act and the grounds on which and the period within which an application can be made.
- 13.3 As soon as reasonably practicable after adoption the Council must send a copy of the adoption statement to any person who asks to be notified of the adoption of the local plan and to the Secretary of State. The Council must also, again as soon as reasonably practicable, make the following available by publishing them on its website and making them available for inspection at their principal office and at such other places within their area as it considers appropriate during normal office hours:
- The Local Plan.
 - The Adoption Statement.
 - The Sustainability Appraisal report.
 - Details of where the Local Plan is available for inspection and the places and times at which the document can be inspected.
- 13.4 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 Gloucester City Plan 2011 - 2031 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.

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

14.0 Risk & Opportunity Management Implications

- 14.1 Any decision not to adopt the new GCP at this stage of the process would create a policy vacuum leading to increased pressure from speculative development.
- 14.2 There is a risk of legal challenge upon adoption of the Plan under Section 113 of the Planning and Compulsory Purchase Act 2004 on the ground that the document is not within the appropriate power, or a procedural requirement has not been complied with. Any such legal challenge must be made within six weeks of the plan being formally adopted.

15.0 People Impact Assessment (PIA) and Safeguarding:

- 15.1 The GCP process included an Equalities Impact Assessment, which did not identify any potential or actual negative impact. Throughout the preparation of the GCP, an 'Integrated Assessment' has been undertaken, which includes Sustainability Appraisal, Equalities Impact Assessment and Health Impact Assessment.

16.0 Community Safety Implications

- 16.1 The GCP includes Policy F3 'Community Safety, which seeks to ensure that developments are designed so as to ensure community safety is a fundamental principle in the design and layout of development, for example through maximising natural surveillance and attractive and safe streets.

17.0 Staffing & Trade Union Implications

- 17.1 None

Background Documents:

Gloucester City Plan Pre-Submission (September 2019)
Gloucester City Plan Sustainability Appraisal and Habitats Regulations Assessment (September 2019)

Gloucester City Plan Main Modifications Report (May 2022)
Gloucester City Plan Main Modifications Sustainability Appraisal and Habitats Regulations Assessment (May 2022)