

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	25 November 2015
<b>Subject:</b>	Joint Core Strategy Update
<b>Report of:</b>	Julie Wood, Development Services Group Manager
<b>Corporate Lead:</b>	Mike Dawson, Chief Executive
<b>Lead Member:</b>	Councillor D M M Davies, Lead Member for Built Environment
<b>Number of Appendices:</b>	One

## **Executive Summary:**

This report presents an update on the progress of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (JCS) following its submission to the Secretary of State on 20 November 2014.

The examination hearing sessions commenced on 19 May 2015 and the initial timetable envisaged that these would have concluded by the end of July 2015. However, there has been significant delay to this timetable and the hearing sessions will now continue into 2016. An important factor in this delay has been the level of additional work requested by the Inspector; including further analysis on key issues such as housing and employment need to take into account the latest data and evidence.

This report sets out the key stages of the examination, the changes to the timetable that have occurred and the reasons for delay. Furthermore it provides a summary of the main areas of additional work that have been required and the implications of their findings. Finally, the report sets out future progress of the examination and the timetable for hearing sessions.

## **Recommendation:**

**That the Committee NOTES the report and APPROVES the proposed actions set out at Paragraph 7.1 of this report in order to advance the JCS examination.**

## **Reasons for Recommendation:**

The JCS will provide the strategic part of the development plan for the Tewkesbury, Cheltenham and Gloucester area. It is important that the plan progresses through examination in a timely manner to enable a sustainable plan-led approach to be taken to future growth in the area. The continued absence of the JCS presents the risk of an uncoordinated and piecemeal approach to development without the comprehensive planning of infrastructure and assessment of environmental impacts.

## **Resource Implications:**

The JCS examination has financial and human resource implications which are increasing as

the examination proceeds. In terms of staff resource, this involves developing the plan document, and its supporting evidence base, as well as attending the examination hearing sessions. There are also substantial financial costs involved in running the examination hearing sessions, including the cost of the Inspector. There is also the cost of consultancy and legal support during this process. It is anticipated that this will require additional funding provision to be made by the JCS Councils in the budget for 2016/17.

**Legal Implications:**

The JCS forms part of the Council's statutory emerging development plan and it is essential to have a "plan led" system if the planning process is to deliver sustainable growth. In the absence of an up to date JCS and supporting Local Plan, local authorities are vulnerable to challenge when they are unable to demonstrate a robust five year housing land supply (HLS).

In the absence of a five year HLS, local authorities are having imposed upon them by decision of the Secretary of State, planning permissions which need not necessarily comply with the current or emerging Local Plan or any of the emerging strategic policies within the JCS. It is therefore essential that Local Plans and the JCS are progressed expeditiously if the threat of adverse planning decisions being forced upon JCS partners is to be avoided.

**Risk Management Implications:**

Delay to the progress of the JCS examination, and therefore subsequent adoption of the plan, means that the Council will continue not to have an up to date local plan for the area. The absence of the JCS could further result in an uncoordinated approach to development, leading to inappropriate and incremental development being allowed on appeal that does not take account of cross boundary implications and requirements for supporting infrastructure, with the potential for adverse environmental impacts. There are applications already submitted relating to strategic sites identified through the JCS and other major applications pending that are being hindered by delays in progressing the plan. It is therefore critical that examination is advanced as quickly as possible.

**Performance Management Follow-up:**

Following the completion of the JCS examination, the Planning Inspector will present her findings on the plan. The Inspector's report will comment on the whether the plan is sound, positively prepared, justified, effective and consistent with national policy. The Inspector will also recommend any main modifications needed to rectify matters that make the plan unsound or not legally compliant.

The JCS authorities will consider these recommendations, and the outcome of the Inspector's findings, and any modifications made to the plan will be reported back to Council for approval before being subject to further public consultation.

## **Environmental Implications:**

Delay to the progress of the JCS could further result in an uncoordinated approach to development. It is important that future growth is plan-led to ensure that wider combined impacts on the environment are taken into account. The comprehensive approach to environmental impacts cannot be fully assessed through incremental and piecemeal growth.

The JCS must go through a sustainability appraisal process and Habitats Regulation Assessment (HRA) which consider the environmental, social and economic outputs of the Plan and ensures that development meets the needs of both present and future generations. The Sustainability Appraisal supporting the JCS encompasses Strategic Environmental Assessment as required by EU Directive (2001/42/EC). In addition HRA has been undertaken as required under the European Directive 92/43/EEC on the "conservation of natural habitats and wild fauna and flora for plans" that may have an impact on European (Natura 2000) Sites.

## **1.0 INTRODUCTION/BACKGROUND**

**1.1** Tewkesbury Borough Council, Cheltenham Borough Council and Gloucester City Council submitted the JCS to the Secretary of State on 20 November 2014. Subsequent to this, in January 2015, the Secretary of State appointed Elizabeth Ord to undertake the independent examination into the soundness and legal requirements of the plan. However, the examination hearing sessions to explore key aspects of the plan did not commence until 19 May 2015.

## **2.0 EXAMINATION PROGRESS AND TIMETABLE**

**2.1** The original examination programme split the hearing sessions into two stages. Stage 1, was due to run from 19 May to 10 June 2015 and was scheduled to discuss:

- Objectively assessed need (OAN) for housing.
- Employment land and job provision.
- Gypsy and Traveller provision.
- Duty to cooperate.
- Vision and objectives.
- Procedural and legal requirements.

**2.2** Stage 2 was then timetabled to run from 7 July to 24 July 2015 and was scheduled to discuss:

- Spatial Strategy.
- Green Belt.
- Strategic Allocations.
- Omission sites.
- Infrastructure.
- Other plan policies.

- 2.3** During the course of the Stage 1 sessions, however, the Inspector stated that she had some concerns over the evidence base and was keen to ensure that the JCS is underpinned by up-to-date and robust evidence. As such, the Inspector set out that she wanted the JCS authorities to undertake further work on the Objectively Assessed Need (OAN) for housing, the Strategic Housing Market Assessment (SHMA), Gypsy and Traveller accommodation needs and employment and retail requirements. The Inspector published a specific note detailing the additional evidence being requested which amounted to a significant amount of supplementary work to be completed. In addition these tasks required further engagement with JCS consultants, representatives to the plan, key stakeholders and neighbouring authorities. The major areas of work requested by the Inspector area are detailed at Appendix 1 of this report.
- 2.4** Due to the time it would take the JCS authorities to complete this work, and then allowing other interested parties to consider it, the Inspector recommended that this latest evidence be picked up at further hearing sessions to take place in Autumn 2015. Importantly, the Inspector did not suspend the examination, as has been experienced at plan examinations for other local authorities. Instead the Inspector was comfortable to proceed with the Stage 2 sessions in July while the work was undertaken.
- 2.5** The Stage 2 sessions commenced on 7 July, however, due to length of discussions taking place during the Stage 1 sessions, the Inspector recognised that the initial timetable would not be adequate. Therefore the decision was taken that Stage 2 would take place in July but it would only deal with issues of spatial strategy, green belt and the strategic allocations. The remaining issues, including omission sites, transport, infrastructure and other plan policies, were moved to a new Stage 3 to take place in Autumn 2015 with the revisited Stage 1 sessions. The Stage 2 (as regards those issues not moved to Stage 3) sessions were completed on 24 July and the examination paused awaiting further timetabling.
- 2.6** During this pause the Inspector conducted site visits for the strategic allocations and the omission sites between 8 and 18 September. Following this, the examination hearing sessions reconvened over 5 days between 6 and 15 October to discuss omission sites across the JCS area.
- 2.7** During this time discussions between the JCS authorities and the Inspector on the examination programme resulted in a timetable being set that would see the revisited Stage 1 sessions being discussed in December 2015 with Stage 3 taking place in February 2016. However, the Inspector's request for additional work from Stage 1 had a completion deadline of 7 September 2015. Unfortunately, due to the scale of work being undertaken, not all of this information was submitted for this deadline. In these circumstances the Inspector agreed to an extension of this deadline to end of October 2015.
- 2.8** The Inspector indicated for the need for a four week consultation period for relevant examination participants following the publishing of the new information before undertaking hearing sessions on those topics. Therefore the Inspector stated that the revisited Stage 1 sessions would now take place in January 2016. These sessions are set to begin from 12 January 2016 and will run over 3 weeks to 29 January.
- 2.9** This latest change to the timetable will also have an impact on the dates for the Stage 3 hearing sessions. There is no timetable yet set for these sessions. The JCS authorities will continue to work with the Inspector and the Planning Inspectorate on progressing the examination as quickly as possible. It is again important to remember that the examination has not been suspended by the Inspector. Although much slower than originally anticipated, the examination continues to move forward.

### **3.0 EXAMINATION AND IMPLICATIONS OF INSPECTOR'S REQUESTS TO DATE**

- 3.1** The requests made by the Inspector, including the key items set out above, are due to be examined at the revisited Stage 1 sessions in January 2016. In addition to these key evidence items, the JCS team has recorded close to 100 separate requests made by the Inspector on a variety of plan issues. Dealing with these requests has required a significant amount of time and resources to be dedicated to them and have been a significant reason for the delay in progressing the plan.
- 3.2** The Inspector has been very detailed and thorough in her examination of the JCS and has been keen to ensure that the plan takes into account the latest evidence produced. It is recognised that plans should be supported by the most up to date evidence. However, with the examination process covering a significant length of time, it is increasingly probable that new and updated evidence will become available following the submission of the plan. Requiring Councils to react to any new evidence during an examination inevitably leads to significant delays to proceedings. The lengthening of the examination process makes the plan vulnerable to yet further delays due to the release of more up to date evidence.
- 3.3** Officers from the JCS authorities have had concerns over this approach, particularly due to the uncertainties around new evidence based on estimates and projections and their impact locally. The JCS was submitted with the most up to date information at the time. During the examination process it is important to 'draw a line' at a point in time and the plan making process should not be overburdened by the release of updated information. The National Planning Practice Guidance states in Paragraph 16 (Ref ID: 2a-016), in regard to housing OAN, that assessments should be informed by the latest available information where possible but that this does not automatically mean that housing assessments are rendered outdated every time new projections are issued.
- 3.4** This highlights the important role of monitoring and plan review to enable local plans to be adopted without being delayed by the uncertainties of changing evidence and associated implications.

### **4.0 STAGE 3 – TRANSPORT AND INFRASTRUCTURE**

- 4.1** At this time the timetable for the Stage 3 hearing sessions has not been programmed although it is likely that these will take place in March 2016. However, key to the discussions for Stage 3 is the availability of the transport modelling evidence base.
- 4.2** The JCS authorities have been working closely with Gloucestershire County Council (GCC) and Highways England (HE) on developing the transport evidence and the mitigation package needed to deliver growth. Extensive modelling work has been undertaken to support the plan using the 2008-based Central Severn Vale (CSV) SATURN model. It was agreed by GCC, HE and the JCS Authorities that, until such time as an updated model is available, the 2008 based model remains the most appropriate tool available for assessing the highway impacts of the JCS. Therefore the work completed to date has utilised this version of the CSV model.
- 4.3** However, leading up to examination GCC and HE stated that any further testing should wait for the availability for the new updated 2013 based model. This was set out in the respective representations to the examination and the Inspector is aware of this issue.
- 4.4** The 2013-based model was expected to be available for use from August/September 2015. However, there have been issues with the production of the updated model and GCC has struggled to get it to a standard where HE can agree that it complies with national requirements. Therefore the JCS authorities have been informed that it will not now be available for use until Spring 2016 while these issues are rectified.

**4.5** This would cause significant delay to the JCS programme. Therefore, officers from the JCS authorities have been working with GCC and HE to find an alternative solution to developing this part of the evidence base. There are regular working group meetings taking place to look at the use of the 2008-based model, at least for those areas which are demonstrated to be less sensitive in terms of future congestion. It is anticipated that this could allow a number of the strategic allocations to be progressed at examination during the March sessions. However, other sites, particular those in Ashchurch, are reliant on using the 2013 based model due to the complexity and sensitivity of traffic in this area. Work on this approach is still being developed and the Inspector will be updated with the latest position on this matter at the January sessions.

## **5.0 EXAMINATION PROGRESS AND FUTURE TIMETABLE**

**5.1** Throughout the examination the JCS authorities have stressed the importance of expediting the process to get an adopted plan in place as quickly as possible. The Inspector has been made aware of the pressures particularly being felt by Tewkesbury Borough in terms of its lack of a five year housing land supply, the resulting developing pressure and appeal decisions.

**5.2** The Planning Inspectorate has provided assurances that they will do all they can in supporting the JCS through to the completion of its examination. However, they are also aware of the need for the JCS to be robust and compliant with the National Planning Policy Framework, and National Planning Policy Guidance, and to ensure that the examination process is conducted in the correct manner to avoid the risk of legal challenge.

**5.3** Following recent communications, the Planning Inspectorate has offered to work with the JCS authorities on the future timetabling of the plan and finding the promptest way to navigate through the examination. If the plan is to progress as quickly as possible through the examination it is important that the JCS authorities have an open dialogue with the Planning Inspectorate to develop the timetable and continue to express the need to expedite plan delivery.

## **6.0 GLOUCESTERSHIRE DEVOLUTION**

**6.1** In September 2015 the 'We are Gloucestershire' devolution bid was submitted to Government. The bid set out a range of devolution asks of Government and offers from Gloucestershire that centred around the aim of driving economic growth and public sector reform. Fundamental to the bid is accelerating economic growth and a key part of this is the role of strategic planning in delivering it. The bid document states that Gloucestershire wants to work with the Planning Inspectorate, and other government agencies, to expedite core strategy and local plan delivery. The bid targets the adoption of all core strategies and local plans by 2017 and the coordination of plan reviews by 2020. There is therefore a clear ask of Government through devolution to assist Gloucestershire in timely delivery of development plans to meet its growth potential.

## **7.0 PROPOSALS**

**7.1** This report has set out the progression of the JCS examination following its submission to the Secretary of State in November 2014. There have been significant delays to the timetable and the examination is set to continue into 2016. Therefore, to expedite this process, it is proposed that Tewkesbury Borough Council request support from Cheltenham Borough and Gloucester City Councils to take the following actions:

1. Continue to state the importance of the timely conclusion of the JCS examination and request support from the Planning Inspectorate to achieve this;
2. Write to the Planning Inspectorate requesting a meeting to determine the timetable for Stage 3 of the JCS examination and focus attention on the need to deliver plan adoption as soon as is possible;
3. Write to Gloucestershire County Council and Highways England to stress the importance of delivering transport modelling evidence to support the plan in a timely manner as to not cause further delay to the JCS examination; and
4. Continue to progress the 'We are Gloucestershire' devolution bid including the ask of Government that the Planning Inspectorate and government agencies work with Gloucestershire authorities to expedite core strategies and local plans delivery.

## **8.0 OTHER OPTIONS CONSIDERED**

**8.1** Not applicable.

## **9.0 CONSULTATION**

**9.1** Not applicable.

## **10.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**10.1** Tewkesbury Borough Council Plan 2012-2016.

## **11.0 RELEVANT GOVERNMENT POLICIES**

**11.1** Planning and Compulsory Purchase Act 2004.

Localism Act 2011.

Town and Country Planning (Local Planning) (England) Regulations 2012.

National Planning Policy Framework

National Planning Practice Guidance

## **12.0 RESOURCE IMPLICATIONS (Human/Property)**

**12.1** The examination process will involve a significant amount of Officer time and therefore has human resource implication for the Council. This includes attending and giving evidence at hearing sessions and additional work on the plan and its evidence base as the examination progresses.

**13.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

**13.1** The purpose of the planning system is to contribute to the achievement of sustainable development. Planning decisions are required to be made in accordance with an adopted Development Plan. The Plan-led approach to development will help ensure that new development is supported by the necessary facilities and infrastructure to make it sustainable in the long term.

**14.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

**14.1** None.

**15.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

**15.1** None.

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**Background Papers:** None.

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**Appendices:** 1 – JCS Examination Stage 1: Inspector’s Request for Additional Evidence.