

TEWKESBURY BOROUGH COUNCIL

Report to:	Council (Extraordinary)
Date of Meeting:	15 October 2018
Subject:	Joint Core Strategy: Issues and Options Consultation
Report of:	Head of Development Services
Corporate Lead:	Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	Two

Executive Summary:

The Joint Core Strategy (JCS) was adopted in December 2017 with a commitment to undertake an immediate review on the issues of housing supply for Gloucester and Tewkesbury and the retail policies for the whole area. This was recommended by the government appointed Inspector who examined the plan and concluded that this immediate review is necessary in order to find the plan to be 'sound'.

While the immediate review was to be focused on the particular issues, the new National Planning Policy Framework (NPPF) has subsequently been published which puts new requirements on local plans. This means that the scope of the review will need to be expanded to be in conformity with national policy.

Fundamentally the JCS review will again look at the growth needs over a 15 to 20 year timescale, what the best strategy is for delivering that growth, and the allocation of strategic sites to help meet these needs. However, it is also an opportunity to review all of the policies contained within the current adopted plan to see if they continue to be effective and consistent with the NPPF.

The Issues and Options stage of plan making seeks to review and generate feedback on the key issues that are affecting the area and set out some of the options that are available to address them.

It therefore does not propose a strategy, new sites or policies, this will be for the next stages of the plan.

In addition to this, work has been undertaken on an initial concept masterplan for Ashchurch which explores how development in this area could come forward to help meet the existing housing shortfall for Tewkesbury and future needs beyond the current plan period.

Recommendation:**The Council is asked:**

1. That the JCS Review Issues and Options consultation document, as set out in Appendix 2, be approved for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
2. That authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any minor amendments to the text of the document and make appropriate changes to the design prior to its publication for consultation.
3. That the broad vision for growth, as set out in the concept masterplan for Ashchurch, be endorsed for public consultation.

Reasons for Recommendation:

The adopted Joint Core Strategy commits to an immediate review of the plan. The Issues and Options consultation stage progresses this review. The concept masterplan for Ashchurch helps to inform the review and presents a significant option to help meet future growth requirements.

Resource Implications:

Undertaking the Issues and Options consultation will require Officer resource to set up the consultation, attend consultation events and process responses. A significant amount of Officer time will also be required to take this forward to the next draft stage of the plan in the next 12 months.

Legal Implications:

Regulation 10A, which was brought into force on 6 April 2018, of the Town and Country Planning (Local Planning) (England) Regulations 2012 provides that local planning authorities must complete a review of their local plan development plan documents within five years of the date of the document's adoption and therefore a full review of the JCS needs to be completed by December 2022.

Further, the 2018 NPPF issued on 24 July 2018, provides that plans may need to be revised to reflect policy changes which it has made and that this should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

In preparing a local plan (or its review), under Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012, a local planning authority must notify:

- specified consultation bodies that may have an interest in the subject of the proposed local plan; and
- such residents and other persons carrying on business in the local planning authority's area which it considers appropriate to invite representations on the subject matter of the local plan which it proposes to prepare and invite them to make representations about what a local plan with that subject ought to contain.

There is no minimum period for consultation at this stage of the plan making process, as opposed to the Pre-Submission stage which requires a minimum of 6 weeks.

Risk Management Implications:

Failure to progress the review of the Joint Core Strategy would have an adverse impact on the Borough's ability to identify sufficient sites for housing and employment growth to meet the current requirements of the adopted JCS and future growth needs. This would reduce the Council's ability to maintain a five-year supply of housing land and meet the Housing Delivery Test in the longer-term and could result in an uncoordinated approach to development.

Performance Management Follow-up:

Responses received from this consultation will help inform the development of the JCS Review. After adoption, the Council will regularly monitor the effectiveness of the Plan as part of the planning and development process and will use the results to review policies and practices if necessary. Any revisions to the Plan thereafter would need to be reflected by an amendment to the Local Development Scheme (LDS). Performance against LDS milestones is monitored through the Authorities' Monitoring Reports (AMR) which are prepared at least annually.

Environmental Implications:

The JCS review must go through a sustainability appraisal process and Habitats Regulation Assessment (HRA) which considers the environmental, social and economic outputs of the Plan and ensures that development meets the needs of both present and future generations. This will include the Sustainability Appraisal that encompasses a Strategic Environmental Assessment as required by EU Directive (2001/42/EC). In addition, the Habitats Regulations Assessment will be 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

- 1.1 The JCS was adopted in December 2017 with a commitment to undertake an immediate review on the issues of housing supply for Gloucester and Tewkesbury and the retail policies for the whole area. This was recommended by the government appointed Inspector who examined the plan and concluded that this immediate review is necessary in order to find the plan to be 'sound'.
- 1.2 While the immediate review was to be focused on the particular issues the new National Planning Policy Framework (NPPF, 2018) has subsequently been published which puts new requirements on local plans. This means that the scope of the review will need to be expanded to be in conformity with national policy.
- 1.3 Fundamentally the JCS review will again look at the growth needs over a 15 to 20 year timescale, what the best strategy is for delivering that growth, and the allocation of strategic sites to help meet these needs. However, it is also an opportunity to review all of the policies contained with the current adopted plan to see if they continue to be effective and consistent with the NPPF.
- 1.4 The Issues and Options stage of plan making seeks to review and generate feedback on the key issues that are affecting the area and set out some of the options that are available to address them.
- 1.5 It therefore does not propose a strategy, new sites or policies, this will be for the next stages of the plan.

2.0 BACKGROUND

- 2.1 The JCS was adopted in December 2017 with the requirement to conduct a focused review for the following issues:

Policy SD2 – Retail and City / Town Centres:

“Following adoption of the JCS, this policy will be subject to an immediate review. The single issue review will take approximately two years to complete. It will cover strategic planning matters relating to the three JCS authorities including issues such as a revised assessment of retail needs, market share between different designated centres, city / town centre boundaries, site allocations, primary and secondary shopping frontages and locally defined impact thresholds.”

Policy REV1: Gloucester and Tewkesbury Housing Supply Review:

“A partial review of the housing supply for Gloucester and Tewkesbury will commence immediately upon adoption of the JCS. On adoption, the authorities will publish a Local Development Scheme to set out the timescales for completion. The review will cover the allocation of sites to help meet any shortfall in housing supply against the JCS housing requirements for the respective authorities.”

- 2.2 It is clear that the JCS authorities are required to undertake a partial review. However, since the adoption of the JCS significant changes in circumstance have occurred.
- 2.3 Firstly, in July 2018 the revised National Planning Policy Framework (NPPF) was published. Paragraph 22 of the NPPF now requires strategic policies to look ahead over a minimum 15 year period from adoption. In addition, Paragraph 33 says:
- “Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy.”*
- 2.4 The current JCS plan period is 2011-2031 and the focused review would maintain this. Assuming this review was completed and adopted in 2020 it would only be planning for 11 years, rather than the 15 which is now in the NPPF. So the review would conflict with the NPPF as soon as it was adopted. The current JCS also now needs to be reviewed by 2022. It would be inefficient and confusing to have the focused review and a wider review running at the same time but as separate processes.
- 2.5 Secondly, delivery at some of the JCS strategic allocations is not happening as quickly as was anticipated when the JCS was adopted last year. The result is that Cheltenham can no longer demonstrate a five year land supply which has serious implications on determining planning applications. This shortfall in the number of dwellings is a strategic issue and can only be remedied at the JCS level. Therefore it is necessary to include Cheltenham in the housing supply review.
- 2.6 Thirdly, by planning for a longer period it will be possible to leverage more investment into vital infrastructure. Significant highways works are needed to support future growth and by planning for longer periods of housing demand more money will be able to be secured upfront. In addition, progressing the JCS review helps to support bids to the Government for external funding to support major infrastructure proposals.

- 2.7** Fourthly, delivering enough sustainable development to meet needs requires cross border working with authorities outside of the JCS. Stroud and Wychavon, in particular, will require close cooperation on strategic issues including large scale developments. These authorities are already in the process of reviewing their plans with periods up to 2036 and beyond. It would therefore be advantageous to align with these plans as closely as possible to ensure complimentary development.
- 2.8** Finally, the revised NPPF has also made changes to numerous sections outside of those mentioned above. Those changes became a material consideration in planning decisions with immediate effect. It is therefore necessary and useful use this review process to look again at all of the JCS policies to make sure they are fully consistent with the revised NPPF.
- 2.9** When all these factors are weighed together it is reasonable and necessary to undertake a full review of the existing JCS policies and not just the focused review required in the existing JCS.

3.0 ISSUES AND OPTIONS

- 3.1** The 'Issues and Options' stage of plan making seeks to review and generate feedback on the key issues that are affecting the area and consider some of the options that are available to address them.

The consultation document, provided at Appendix 2, is structured around key themes. It identifies and asks key questions including the following:

- **Scope:** Given the changes to the NPPF and local circumstances in the JCS area, what should the scope of the review be?
- **Timescale:** Over what timeframe should the review plan?
- **Policies:** What are the strategic policies the JCS review plan for?
- **Vision, aims, objectives and issues:** Using the adopted JCS as a starting point, are these still relevant? Are there any new issues the JCS review should consider?
- **Spatial strategy options:** On the basis of the different options presented, how can the JCS authorities' best deliver for our future development needs?
- **Homes:** There will be a need to plan for new homes and the starting point is the government's standard housing calculation methodology. Is there justification for moving away from these figures?
- **Economic development:** The JCS authorities are committed to economic growth. How can the JCS area best provide for the needs of different business sectors and a growing economy?
- **Retail and city / town centres:** Retail and city / town centres are going through a period of significant change – how can the JCS review best plan for its centres so that they remain vital and viable in the future?
- **Sites:** The consultation includes a 'call for sites' and developers, landowners and the community are invited to submit sites that they think could have potential for development. The document also discusses the possibility of known opportunities, for example Ashchurch and West / North West Cheltenham.
- **Infrastructure:** The provision of sufficient infrastructure is essential to support both existing and new communities and key to a successful local economy. What infrastructure needs does the JCS review need to consider?

4.0 ASHCHURCH CONCEPT MASTERPLAN

- 4.1** The adopted Joint Core Strategy commits to an immediate review of the plan with one of the issues being to address the housing supply shortfall for Tewkesbury Borough. The JCS, and the Inspector's Final Report, recognises that the shortfall was largely as a result of the removal of the MoD Ashchurch site as a strategic allocation very late in the examination process. However, the JCS sets out that there remains development potential in the wider Ashchurch area to help meet the housing requirements of the area and there is a commitment in the plan to continue to explore this.
- 4.2** The Council was successful in securing Homes and Communities Agency [now Homes England] Capacity Funding in order to support the delivery of growth in the area and unlock housing sites both within and beyond the current JCS plan period to 2031. This was to include exploration of the potential to bring forward Ministry of Defence land and other parts of the previously proposed allocation as well as looking beyond to sites in the wider Ashchurch area. To take this forward the Council commissioned strategic-scale masterplanning work for this area to provide a comprehensive assessment and approach of development potential which addresses key issues such as place making, transport infrastructure, community facilities, social infrastructure and green infrastructure.
- 4.3** The first stage of this work is a Concept Masterplan for the Ashchurch area. This masterplan is high level document that identifies the key issues and constraints in the area, sets out the fundamental development principles, and presents a concept plan for how the Ashchurch area could develop in future. This concept plan identifies potential locations for growth, the mix of uses that may be appropriate in different areas, phasing of when development areas could come forward and some of the key infrastructure improvements that would be needed. The masterplan identifies an initial Phase 1 of the development to 2031 that could meet the housing shortfall identified for Tewkesbury in the JCS as well opening up significant employment land. However, the masterplan also looks to the longer-term to understand how the area could be developed to help meet growth needs beyond the current plan period.
- 4.4** The Ashchurch area is included in the JCS Issues and Options as a development opportunity and the concept masterplan referenced as a background document. It therefore presents an opportune time to consult on the masterplan at the same time as the Issues and Options document so that the project can be progressed further with the benefit of feedback from the local community and other stakeholders that can feed into the next phase of the project.
- 4.5** To support the ongoing work on development options in the area, consideration is also being given to potential funding sources to aid delivery. This includes the recent Garden Communities fund announced by the Ministry of Housing, Communities and Local Government in August 2018. This fund provides an opportunity to access Government assistance to deliver garden communities of at least 1,500 homes.

5.0 CONSULTATION

5.1 The Issues and Options consultation (as will the consultation on the Concept Masterplan for the Ashchurch area) will take place in November and December 2018 for a period of at least six weeks. This will be undertaken in accordance with the Statements of Community Involvement of all three authorities and the relevant planning regulations. It is envisaged that consultation events will take place in each authority to help raise awareness of the consultation and to seek feedback. Press releases, social media channels and Council websites will also be used. All relevant consultation bodies will be notified.

Due to recent changes to data protection legislation we will not use any previous database of contacts. This does provide the opportunity to start afresh.

The JCS Review will be subject to future consultation events as the plan progresses, prior to submission to the Secretary of State.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 Tewkesbury Borough Council Plan (2016-2020).
Adopted Joint Core Strategy (2011-2031).

7.0 RELEVANT GOVERNMENT POLICIES

7.1 Planning and Compulsory Purchase Act 2004.
Localism Act 2011.

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

Housing and Planning Act 2016.

National Planning Policy Framework.

National Planning Practice Guidance.

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 Officer time will be required to progress the review of the JCS as part of its regular programme of work.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 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.

9.2 As the plan progresses and crystallises, prior to submission, the JCS review will be informed by an ongoing, iterative, Sustainability Appraisal (SA) process. SA seeks to ensure the most sustainable outcome when preparing a plan or strategy.

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

10.1 An Equalities Impact Assessment will be undertaken as part of the Sustainability Appraisal process through the preparation of the JCS Review.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 Council (5 December 2017): resolution to adopt the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy as part of the Borough Council's statutory development plan.

Background Papers: None.

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Appendices: 1: Joint Core Strategy: Issues and Options Document.
2: Ashchurch Concept Masterplan.