

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	12 July 2023
Subject:	Local Development Scheme
Report of:	Interim Planning Policy Manager
Head of Service/Director:	Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

Executive Summary:

The Tewkesbury Borough Local Development Scheme ('LDS') outlines the timetable for preparing statutory Development Plan Documents ('DPD') in the Borough. It is a statutory requirement to prepare and keep up to date the LDS under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The published version of Tewkesbury's LDS (2022) requires revision as the overall approach to plan-making needs to be refreshed. As such, an up to date LDS is required.

Recommendation:

To RECOMMEND TO COUNCIL that:

- i) the Local Development Scheme for Tewkesbury Borough (Appendix 1) be ADOPTED and takes immediate effect; and**
- ii) authority be delegated to the Associate Director for Planning, in consultation with the Lead Member for the Built Environment, to prepare the Local Development Scheme for publication correcting any minor errors such as spelling, grammar, typological and formatting changes that do not affect its substantive content**

Financial Implications:

Tewkesbury Borough Council manages the planning partnership budget on behalf of ourselves, Cheltenham Borough Council and Gloucester City Council. This budget funds the staffing and work needed to produce the documents within the Local Development Scheme.

Currently the annual contribution from each partner is £60k however there is a separate report being taken to this Committee asking for an increased annual amount from each partner.

Legal Implications:

The preparation and maintaining of a Local Development Scheme is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area (development plan documents), the subject matter and geographical area to which each document is to relate, which if any are to be prepared jointly with one or more other local planning authorities and the timetable for the preparation and revision of those documents. The Local Plan, together with Neighbourhood Plans as well as any Mineral and Waste Local Plans, make the Development Plan for the Borough.

Section 28 of the Planning and Compulsory Purchase Act 2004 provides that where a development plan document is prepared jointly by two or more local planning authorities any step which may be or is required to be taken in relation to the document (including adoption) must be done by each of the authorities.

Environmental and Sustainability Implications:

None directly arising from this report; however, the preparation and adoption of an up to date Development plan document is essential in guiding sustainable development and addressing climate change.

Resource Implications (including impact on equalities):

There is a separate report being taken to this Committee asking for an increased annual amount from each partner, the report also considered resources.

An Equality Impact Assessment is not required at this stage.

Safeguarding Implications:

None.

Impact on the Customer:

None.

1.0 INTRODUCTION

- 1.1 All local planning authorities have a duty to prepare and keep up to date a Local Development Scheme. The LDS is essentially a project plan specifying the Development Plan Documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area.
- 1.2 The LDS is important because Government places the planning system at the heart of place-making and operates a “plan-led” system. Development Plans have the role of providing a positive vision for each area, a framework for addressing housing needs and other economic, social and environmental priorities, and a platform for local people to shape their surroundings. The LDS is therefore an important means by which communities, investors and other parties can keep track of progress on plan-making.
- 1.3 The current LDS was published in April 2022. That LDS committed to preparing a “Joint Strategic Plan” with Cheltenham and Gloucester councils. Such a new Strategic Plan is needed as quickly as possible because the JCS is five years old and, in line with Government Guidance, needs to be updated.

1.4 It is now, however, necessary to review the LDS. There are a number of reasons including:

- Impact and challenge of resources (finance and people)
- Recruitment and retention
- Extensive evidence base development
- Uncertainties arising from government changes
- Need to make efficient use of resources and maximise public funding in plan preparation.

2.0 DRAFT LOCAL DEVELOPMENT SCHEME

2.1 Discussions have been ongoing between Tewkesbury, Gloucester and Cheltenham Councils, along with Gloucestershire County Council, on the best way forward for plan-making in this ever-changing and uncertain environment. These discussions reflect the mature partnership and mechanisms that are in place for reaching agreement on effective cross-boundary working in our area. Partnership working in our area is particularly important given our close functional inter-relationships. In particular:

- The three authorities share functional economic and housing market areas;
- Administrative boundaries are tightly drawn around the large built-up areas, and therefore the duty to co-operate across boundaries remains key;
- Infrastructure demands go beyond administrative boundaries, and
- Strategic and local highway and public transport networks operate across the area, if we are going to drive modal shift, managing investment and interventions across boundaries will be key.

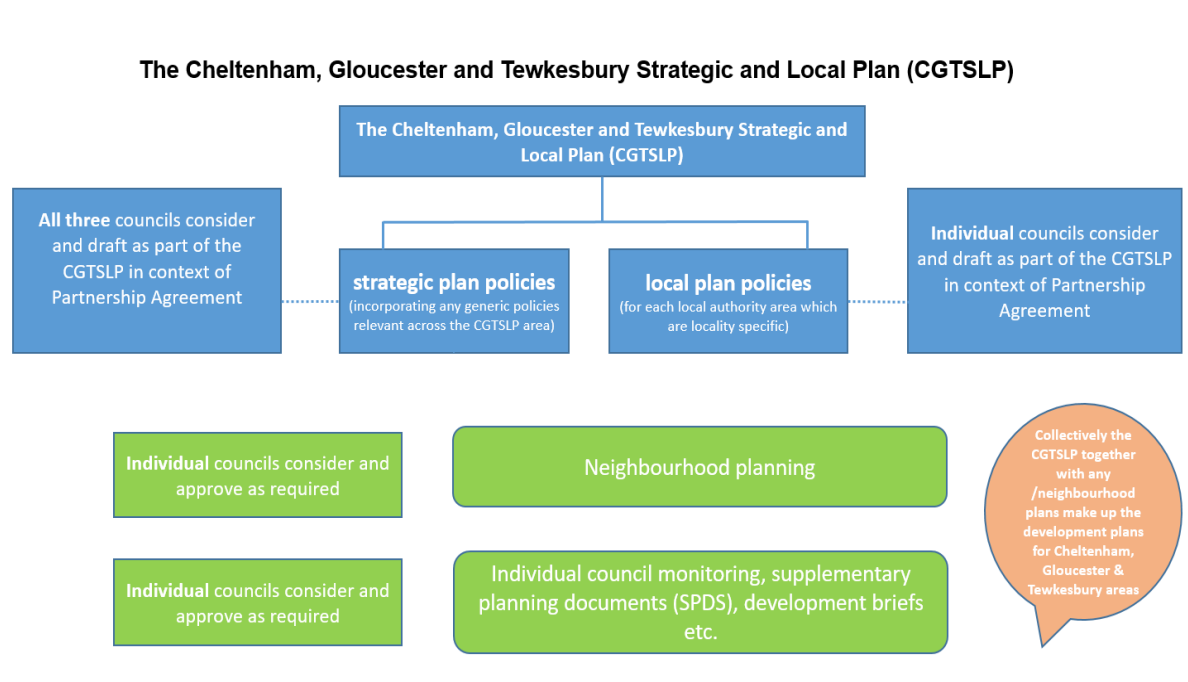
2.2 Having carefully reviewed the options, a fresh approach is being proposed and it is being recommended that a combined “Strategic and Local Plan” for Cheltenham, Gloucester and Tewkesbury (‘CGTSLP’ or ‘SLP’) be prepared.

2.3 Like the JCS, the SLP would set out a shared strategic development strategy through policies on matters such as housing, employment and retail. These would be aimed at addressing development needs and promoting a pattern of growth which achieves sustainable development, having particular regard to the need to address climate change. These could be supplemented by generic policies which could apply across the whole area. Together these policies would replace the JCS in entirety.

2.4 Additionally, it is proposed that the SLP should include locally specific policies. These would be locality-based policies intended to address important area/community specific issues of concern only to individual councils. These would be drafted solely by the relevant individual council and, for Tewkesbury Borough, could include matters such as our approach to local greenspaces, small scale site allocations and development in rural villages. These local policies would replace those currently set out in the Tewkesbury Borough Plan. They could be supplemented by Supplementary Planning Documents and other local guidance which would be prepared and adopted at the discretion of individual local planning authorities.

2.5 It is recognised that all the partner councils wish to retain “sovereignty” over the drafting of their locality-based policies and as noted above Tewkesbury Borough has its own distinctive and important community level issues to address alongside the wider strategic plan making. There is a strong relationship between plan making at this level with stakeholders and communities and it is important that this commitment to local level policies is retained.

2.6 As outlined in the diagram below, this refreshed approach to plan preparation seeks to embody the strengths of joint plan making and retaining the single council inputs at the locality and neighbourhood level. In simple terms though there will be one plan it will have 4 elements (strategic/generic supported by 3 locality elements) within a single examination; collectively this being the CGTSLP. The importance of individual councils retaining discretion over their own place-base policies is a matter which is proposed to be codified in a Partnership Agreement between the local planning authorities.



2.7 In summary therefore, the proposed approach to plan-making would involve:

- A single Public Examination (by the Planning Inspectorate)
- Collective use of the core officer team to support plan preparation
- Joint funding of dedicated staff resource, evidence base collection and other technical work. In this regard, discussion amongst the partners has acknowledged the need for additional budgetary provision (see separate agenda item). Such provision has already been agreed in Cheltenham and Gloucester Councils.

2.8 The key stages for the CGTSLP are set out in the updated LDS in Appendix 1. The intention is to seek the necessary approval in September 2023 for 'Regulation 18' public consultation in the autumn. This consultation stage would invite engagement on what issues the plan needs to address and what the priorities should be.

2.9 A key challenge to the LDS is the uncertainties now embedded within the recent National Planning Policy Framework (NPPF) consultation. There is currently no clear timetable on when Government will report back. Clarity on this will emerge in due course, but at the present time the Government has presented a trigger date of June 2025 for the kick in of changes. Pre June 2025, any development plans submitted for examination will be considered under existing policy and regulations, post June 2025, these would be examined under the proposed policy and regulations. Government are indicating that October 2026 is the earliest date that the first new style examinations would commence.

- 2.10** Our approach therefore, is not to build in delay, but to maintain momentum in plan preparation. The LDS timetable will need to be kept under review as necessary in response to any forthcoming national policy changes.
- 2.11** Whilst the Development Plan can also comprise Neighbourhood Development Plans (NDP) that are 'made', NDPs are developed by local communities rather than being directly progressed by the Authority. As such, the LDS does not contain detail on the timescales for any emerging NDPs.
- 2.12** Supplementary Planning Documents (SPDs) are not identified in the diagram. SPDs do not undergo the same process as development plan documents (Local Plans) and there is no regulatory requirement to refer to SPDs in the LDS.
- 2.13** There would be distinct technical and financial benefits in preparing a single shared plan in the manner proposed. In summary:
- The Duty to Co-operate would most effectively be discharged through working formally in partnership. The Duty is an onerous and significant statutory obligation on all local planning authorities and is a matter which is expressly required to be assessed by the Planning Inspectorate at Examination.
 - Better engagement with Gloucestershire County Council as strategic planning, highway and education etc, authority, as well as other neighbouring authorities, Environment Agency, Homes England, National Highways etc
 - Efficiency and effectiveness would be achieved in preparing the evidence base required for to demonstrate sound and robust plan making, recognising that in large part we will need to rely on a shared evidence and intelligence. This includes areas such as housing and employment needs, land availability, transport impacts, flood risk, Biodiversity Net Gain, Green Infrastructure, renewable energy, Green Belt.
 - Working together means that the financial costs of plan making are to a large degree shared with more predictable and consistent spend. The model proposed via this LDS would move Cheltenham, Gloucester and Tewkesbury councils to alignment of programming around a single examination, removing the need for four separate sets of Hearings, as is the current position. For context, a Plan examination typically costs in the region of £450,000. This would bring cost benefits longer term across the councils and potentially position the councils as leaders in plan making across boundaries. This potential is already being recognised by the Department for Levelling Up, Housing and Communities (DLUHC) identifying Planning Advisory Service resourcing to support the councils in project management capacity in the approach proposed.
 - Staff recruitment, retention and resilience, developing specialisms across the team with less reliance on commissioning of consultants
 - Responding to Government change/uncertainty
 - Working together would mean there would be greater certainty over programme management and the ability to meet milestones.
 - Having a clear and credible shared approach to plan-making would provide confidence to the development industry and potential public sector funders for strategic infrastructure and other projects.

3.0 CONSULTATION

- 3.1** Members were briefed on the background to Local Development Schemes on 22 June 2023.

4.0 ASSOCIATED RISKS

4.1 The Council is required to have an up to date Local development Scheme in order to discharge its statutory plan-making duties.

5.0 MONITORING

5.1 The LDS is required to be kept under review.

6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

6.1 Council Plan

Background Papers: None

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Appendices: Appendix 1 - Draft LDS