

Gloucester, Cheltenham and Tewkesbury adopted Joint Core Strategy Examination in Public correspondence from the Inspector

In response to the Inspector's (examining the Tewkesbury Borough Plan) request through the hearing sessions, the following note has been prepared and documents assembled to give the full picture of correspondence from the JCS Inspector during the examination in public into the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. The JCS Examination in Public began in 2015, and the JCS was adopted in December 2017, during the intervening time a number of hearing sessions took place to aid the Inspector in coming to her final findings.

The attached documents were issued by the JCS Inspector throughout the examination process and covered different subjects that were being considered at that time:

Date of publication	JCS Exam Document Title
19/05/2015	EXAM35- Inspector's preliminary note on gypsies and travellers
07/07/2015	EXAM78- Inspector's note regarding additional work required
18/12/2015	EXAM146- Inspector's preliminary findings on green belt release spatial strategy
31/05/2016	EXAM232- Inspector's interim report
21/07/2016	EXAM259- Inspector's note of recommendation
03/08/2016	EXAM260- Inspector's retail note
26/10/2017	MM41A- Inspector's final report

Only documents which contain insights into the Inspector's deliberations and any interim and final findings have been included, other documents were also issued by the Inspector, however these were requests for information or agendas for hearings.

Inspector's Preliminary Note on Gypsies and Travellers

1. A significant need for Gypsy and Traveller (G&T) pitches (151) and travelling show-people plots (36) has been identified in the *Gloucestershire County Gypsy, Traveller and Travelling Show-people Accommodation Assessment* of October 2013. However, whilst the Joint Core Strategy (JCS) acknowledges this need it does not allocate any G&T sites, apart from requiring developers of strategic housing sites to demonstrate how those sites might incorporate G&Ts.
2. In order to be compliant with national policy the JCS should demonstrate that adequate provision has been made for G&T objectively assessed accommodation needs. However, as accepted by the JCS authorities, the JCS does not provide for a five year supply of deliverable sites or for a supply of developable sites or broad locations for years 6-10 and if possible years 11-15, as required by the Planning Policy for Traveller Sites (PPTS)¹.
3. The PPTS should be read in conjunction with the National Planning Policy Framework (NPPF)² with the basic principle being that both documents should be read together. Consequently, many of the policies that relate to housing in the NPPF also relate to G&T accommodation, such as paragraphs 14 (meeting objectively assessed need), 17 (making every effort to meet housing needs) and 159 (addressing the needs of all types of housing, with footnote 34 referring specifically to travellers' accommodation needs). The JCS G&T policy SD14 should accord with these national policies. Just as the JCS makes provision to meet the five year land supply requirement for general housing, so should it similarly provide for G&T accommodation.
4. However, the JCS authorities appear to be proposing that the requirement for site allocations to meet travellers' immediate needs should be deferred to their individual local plans. I am not aware of the authorities' justification for this approach, having regard to national policy as set out in the NPPF and the PPTS which would expect that sufficient G&T sites were identified in the JCS to fill the gap between now and when the district plans come on stream with their own G&T allocations. I appreciate that the JCS is concerned with strategic allocations but the authorities have not explained why it would be justified not to allocate small, non-strategic sites in the JCS that would meet the identified needs of travellers in the early years of the plan period.

¹ PPTS paragraph 9

² PPTS paragraph 1

5. Moreover, I note that the JCS authorities acknowledge that consideration may have to be given to further amendments to the Green Belt through the Tewkesbury Borough Plan when allocating G&T sites. The NPPF makes clear that Green Belt boundaries should be altered only in exceptional circumstances and any new boundaries should be drawn up taking account of their intended permanence so that they are capable of enduring beyond the Plan period³. As the Green Belt boundaries are being reviewed through the JCS, the JCS authorities should aim for these boundaries to last beyond 2031. Consequently, a further review of the Green Belt boundary through the Tewkesbury Borough Plan would not appear to accord with the NPPF.

6. Therefore, in preparation for the G&T hearing session on 5 June 2015, it would be helpful if the JCS authorities would prepare a short topic paper explaining how they intend to deal with this issue. In this regard it would also be useful if the authorities set out how they have taken account of the Equality Act 2010, in particular section 149 on the Public Sector Equality Duty. I would be grateful if this could be provided at the earliest possible date in order to make best use of time at the hearing session.

Elizabeth C Ord

Inspector

13 May 2015

³ NPPF paragraph 83

Inspector's request for additional evidence arising from the Stage 1 hearings, focusing on Objectively Assessed Housing Need, the Strategic Housing Market Assessment, Employment Requirements and Retail Need.

Introduction

1. This note reflects concerns that I have over the adequacy of some of the JCS authorities' evidence. Whilst taking account of proportionality, I am of the view that to ensure the JCS is underpinned by a robust and up-to-date evidence base, the work set out in this note should be undertaken.
2. As indicated in the hearing sessions, further work is required on a number of matters, and this note focuses on the Objectively Assessed Housing Need (OAHN), the Strategic Housing Market Assessment (SHMA), employment requirements and retail so that the evidence underpinning the JCS is robust and up-to-date and in accordance with the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
3. Other outstanding evidence, which the JCS authorities have in hand relates to:
 - 1) Housing Supply, to include: a) updating the trajectories with commentaries on lapse rates, shortfalls, buffers and apportionment of delivery of strategic allocations specific to each area; b) evidence providing clarification on certainty of delivery of the 5 year housing land supply, particularly regarding delivery of district allocations with reference to pools of sites in the Strategic Assessments of Land Availability from which they are being tested; an implementation strategy.
 - 2) Gypsy and Traveller Accommodation Needs; most of this need arises in Tewkesbury and Tewkesbury Borough Council will shortly be submitting a "Gypsy and Traveller Site Search Assessment".
4. The JCS authorities may consider it appropriate to consult with neighbouring authorities on this work, reflecting the Duty to Co-operate. This will ensure that these other authorities are aware of the outcomes and will provide an opportunity for engagement.
5. The deadline for new OAHN, SHMA and retail evidence has already been agreed at the hearing sessions as being 7 September 2015, and I would ask that this evidence be sent to Ian Kemp so that he receives it by 17:00 on that day. Also, the deadline for responses has already been agreed as 28 September 2015 and, again, I would ask for responses to be sent to

arrive with Ian Kemp by 17:00 on that day. No deadline has yet been set for the employment work and I would ask the JCS authorities to consider whether they could submit this evidence by 7 September 2015, bearing in mind its partial overlap with the OAHN work.

6. Thereafter, focussed hearing sessions should be scheduled to discuss outstanding issues and main modifications arising from Stages 1 and 2. The JCS authorities have asked me to write an interim report on the matters covered by these stages, which I will do as soon as possible in the autumn. This will leave the Stage 3 (final stage) matters to be scheduled and I would ask the JCS authorities to give some thought as to whether they would like these hearing sessions to take place towards the back end of this calendar year.

OAHN and SHMA

7. The Gloucestershire SHMA updates of March 2014 and December 2014 cover the six authorities which are said to form the Gloucestershire Housing Market Area (GHMA) and draw upon externally commissioned evidence on OAHN from two reports published by Neil McDonald Strategic Solutions (NMSS), namely *The Objectively Assessed Housing Needs of Stroud, Forest of Dean and Cotswold*, October 2014 (EHOU120B) and *The Objectively Assessed Housing Needs of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy Area*, November 2014, (ETOP121). These reports attempt to provide a consistent approach to the OAHN throughout the GHMA.
8. Whilst ideally there should be a single assessment of the OAHN for the entire GHMA, the different timescales of the various emerging plans are bound to lead to some divergences, given that needs change over time. Furthermore, the assessment of OAHN is not an exact science and the production of evidence should be proportionate.
9. Also, as the starting point is for the JCS authorities and other authorities to meet their own needs within their respective areas, an assessment of their own OAHNs coupled with the Duty to Co-operate on unmet need, should hopefully provide a mechanism for an overall co-ordinated approach. Consequently, in these circumstances a general consistency of approach is probably the best that can be achieved.
10. Since the publication of these OAHN reports the Department of Communities and Local Government (DCLG) has published its 2012-based

household projections with updated household formation rates (HFRs). Therefore, as the PPG advises that the most recent projections should form the starting point for estimating OAHN, the OAHN for the JCS area should be recalculated based on the most recent 2012 Office of National Statistics (ONS) population projections and the DCLG's 2012-based household projections. When considering economic trends, an analysis of the most recent economic forecasts should be included.

11. As discussed in the hearing sessions, Stroud have updated their evidence on OAHN to take account of the 2012 population projections and the 2012-based household projections, as well as considering more recent economic projections. In this regard, an update to the JCS authorities' OAHN would demonstrate further consistency in approach between the respective authorities.
12. The OAHN contained within the November 2014 NMSS report was preceded by other reports relied upon by the JCS authorities to shape earlier iterations of the emerging JCS. These reports, prepared by the Cambridge Centre for Housing and Planning Research (CCHPR) and Nathaniel Lichfield and Partners (NLP), all seem to indicate higher levels of OAHN than that of the November 2014 NMSS report, which is at the bottom of the range. This reinforces my view that the NMSS report should be revisited.
13. Whilst the OAHN evidence contained in the NMSS report of November 2014 reflects much of what is required by the PPG, some matters require clarification and/or updating particularly in the light of the 2012 population and HFR projections. Given that housing need assessments are dependent on the assumptions used, sensitivity testing should be carried out in the updated report.
14. I am concerned that the JCS authorities are using different methodologies to assess economic growth, which is presented by different consultants, namely NMSS for housing and NLP for employment and that this has introduced an element of inconsistency. Consideration should be given to using the same methodology for both the economic aspects of the OAHN and for ascertaining the employment requirements. The economic elements of the employment evidence should tie in with the additional housing evidence on OAHN.
15. In order to plan positively for growth and to ensure flexibility, the JCS authorities might wish to consider whether the OAHN should be expressed as a minimum. This should not, however, be taken as encouragement to settle on bottom of the range figures.

16. For ease of reference it would be useful if the requested OAHN update drew together the new evidence and the existing evidence that the JCS authorities still wish to rely upon, and to present it in one stand-alone document, which included the various elements set out below.
17. Whilst I have been fairly specific in the details that I would find helpful and the approaches that might be taken, I do not want to be unduly prescriptive or to fetter the JCS authorities' flexibility in terms of output. Therefore, for the avoidance of doubt, I confirm that it is ultimately a matter for the JCS authorities how they deal with my requests.

OAHN – Evidence Required

18. Whilst the NMSS report of November 2014 generally follows the requirements of the NPPF and the PPG, it is difficult to understand what the underlying assumptions are and to follow where the assumptions have originated from. When presenting the updated OAHN evidence the JCS authorities should set out the underlying input assumptions and indicate the sources of the data used. Any adjustments made to forecasts should be clearly explained and reasoned. Sensitivity testing based on alternative assumptions, including those specific to local circumstances, should be carried out to provide a range of OAHNs.
19. Following the extensive discussions that took place at the hearing sessions, I should like the JCS authorities to address the main points of objection raised by Matter 3 participants and, specifically to address the main points raised in the Barton Wilmore responses (on behalf of Gladman Developments Ltd), taking account of their own calculation of the OAHN.
20. The new consolidated report should address the elements set out below.

Demographic led housing need

Population Projections

21. Starting with the ONS 2012 sub national population projections (SNPPs), consider the ONS mid-year review published on 25 June 2015.
22. In a similar manner to the November report, explain all adjustments considered appropriate to reflect local demography.
23. A discussion of the following should be included:
 - 1) the underpinning of the SNPPs by national projections, which potentially under-estimate the level of net international migration;

- 2) the SNPP's 5 year migration trend covering the recession and specifically the period (2007-2012) when migration flows from other parts of the UK may be considered to be low; alternative 10 year migration trend.
- 3) Unattributable Population Change

Household Projections

24. Start with DCLG's 2012 HFRs.
25. When assessing the adjustments for dwellings with no usual residents, the source(s) of the data relied upon should be clear and it should be reasoned why one source may be preferred over another (eg 2011 census v. council tax records).
26. There should be a consideration of any suppression in HFRs that may be inherent in the 2012 DCLG projections, which may warrant adjustments to the OAHN. In particular sensitivity testing the following scenarios would be useful (commenting on any perceived weaknesses in each approach):
 - 1) Partial and full returns to 2008-based trends for 25 to 34 year olds
 - 2) Partial and full returns to 2008-based trends for 25 to 44 year olds
 - 3) Partial and full returns to 2008-based trends for all age groups

Economic led housing need

Job numbers

27. This should tie in with the additional employment work requested below. Dealing first with the "policy off" position, the economic forecasts should be re-run, identifying and using the most up-to-date forecasts. Past trends should be considered. Matter 5 (employment) participants/industry should be consulted on whether adjustments are needed to the growth assumptions of any particular industrial sectors to take account of local knowledge.
28. Taking account of the Local Enterprise Partnership's (gfirst) Strategic Economic Plan (Exam37A&B), address any "policy on" uplift to the OAHN to accommodate planned increases in job numbers.
29. Care should be taken to ensure that there is no mismatch between the OAHN and the planned increase in jobs.

Market Signals

30. Assess market signals and consider whether any adverse signals merit an uplift to the OAHN and, if so, to what extent.

31. In accordance with the PPG the following should be discussed:

- 1) House prices: discuss the significant rise in house prices, particularly in the lower quartile, which in Cheltenham seem to have risen more than the England average.
- 2) Private rents: discuss what appear to be slighter higher rents in Cheltenham and Tewksbury compared with the England average.
- 3) Affordability: consideration should be given to the apparent demonstrable worsening of affordability in the JCS area.
- 4) Concealed families and overcrowded households: discuss the apparent overcrowding issue in Cheltenham and Gloucester. Reference to the Statutory Homelessness release to identify the number of households as homeless and in temporary accommodation would be useful.
- 5) Completion rates: in particular discuss the deficits in delivery performance experienced in Tewksbury.

32. Consider the extent to which demand has outstripped supply.

Affordable Housing

33. Consider whether any upward adjustment to the OAHN should be made to take account of the affordable housing need as assessed in the newly requested updated SHMA.

Conclusion

34. Please draw all elements together to produce a concluding summary and range of OAHNs.

SHMA Update Requirements

35. The JCS authorities rely on two recent SHMA updates, namely the March 2014 update (EHOU104) and the December 2014 update (EHOU104B). However, the headers on all pages of the March version say *SHMA Update 2013*, and this should be explained. These documents do not appear to be fully compliant with the NPPF and the PPG, as was discussed in the hearing sessions and, therefore, their shortcomings should be addressed.

36. Consequently, a further update should be prepared, which takes full account of the NPPF and the PPG both in terms of quantitative and qualitative requirements. It would be useful if this update brought together into one consolidated document any previous SHMA evidence, which the JCS authorities still wish to rely upon. The newly requested

evidence on OAHN (as set out above) could either be incorporated into the SHMA or simply be referenced as a stand-alone document.

37. The March 2014 and December 2014 SHMAs use two models, each with different objectives. The first is the "Need" model, which calculates affordable housing need in accordance with the now cancelled 2007 Strategic Housing Market Assessment Practice Guidance. The second model is the "Long Term Balancing Housing Markets" model, which seeks to balance the types of housing required within the full housing market.
38. The SHMAs' analysis of the local housing market relies on a household survey of the six Gloucestershire authorities in 2009. Since that time there have been structural changes in the market, such as mortgage availability and interest rates. Whilst acknowledging the need for proportionality and accepting that the primary data has been updated using a specific methodology, the JCS authorities should, nonetheless, justify their reliance on primary evidence of this age and explain whether it is considered to be sufficiently up to date.
39. Whilst the SHMA updates provide a breakdown of tenures, and household types and sizes, they do not adequately consider the specific housing needs of certain population groups such as the elderly, the disabled and those with special needs such as learning difficulties. Nor are the needs of people wishing to build their own homes considered.
40. The updated SHMA should also assess the need of institutional populations in communal establishments that are not included in the household projections. In this regard the needs of the elderly, students, disabled/those with special needs, and the armed forces should be considered.
41. The March 2014 SHMA states at paragraph 8.53 that there was no capacity within the project to collect primary data for service families and people wishing to build their own homes and, therefore, it recommended that the JCS authorities undertake further research. I am not aware that this research has been done.
42. Account should also be taken of the proposals for the new student campus for the University of Gloucestershire as set out in the notes from the JCS authorities and the University of Gloucester respectively (Exam53&53A). It would be useful if the SHMA would incorporate the relevant details.
43. Additionally, the need for Starter Homes should be considered. The PPG states that "*LPAs should work in a positive and proactive way with landowners and developers to secure a supply of land suitable for Starter*

Homes exception sites to deliver housing for young first time buyers in the area” (ID 55-001-20150318). It goes on to say that the Starter Homes Register, managed by the Home Builders Federation, can be used as evidence when developing Local Plans (ID 55-006-20150318).

Affordable Housing

44. The new update should set out the unconstrained affordable housing need of the JCS areas in a way that is fully compliant with the PPG.
45. The March 2014 SHMA considers that the most practical level to set affordable rent to meet need may be 65% or 70% of the median market rent. Further discussion on the impact of a range of affordable rent options would be helpful from say 80% to 65%.
46. Additional discussion of affordability/income thresholds would help to assess the most appropriate threshold that reflects local circumstances. Sensitivity testing between 25% and 35% of income spent on housing would provide a useful range.
47. It appears from the evidence that there has been significant growth in the private rented sector and the March 2014 SHMA has carried out sensitivity testing taking Local Housing Allowance supported tenancies in the private rented sector into account as a supply solution to affordable housing need. However, there is no justification within the NPPF or the PPG for including supply from the private rented sector.
48. The SHMA updates state that affordable rent levels are likely to be below the Local Housing Allowance rate so that it is possible that households unable to afford rent will be able to reside in affordable rented accommodation via the payment of Local Housing Allowance. If the JCS authorities are of the view that the private rented sector should be taken into consideration, they will need to fully justify this departure from national policy/guidance.
49. The SHMA updates indicate that there has been a substantial increase in the annual requirement for affordable units and that the annual affordable housing need is greater than the OAHN. It seems that the need for affordable units is far greater than that which could be expected to be met by developer contributions. Full details of the sources of affordable housing supply and any planned initiatives for improving the position should be set out. In this regard, details set out in the May 2015 note on Affordable Housing might be incorporated.

50. Consideration should be given as to whether the affordable housing need is so extreme as to merit some additional policy response within the JCS in an attempt to tackle the issue.
51. I note that the JCS authorities are reconsidering their position on the proportion of affordable housing that should be sought from market housing developments in light of the Written Ministerial Statement of November 2014 and the consequent PPG amendment (section 106 contributions from 11 units and above). To inform forthcoming proposals for a main modification/s, further viability evidence is being prepared, informed by a round table discussion (scheduled for 1 July 2015) with those Matter 3 (housing) respondents who wish to participate.
52. As agreed in the hearing sessions, another round table discussion is being organised to allow participants/respondents to the Matter 3 (housing) sessions to discuss with the JCS authorities the detail of what should be included in the requested SHMA update. From this discussion, a Statement of Common/Uncommon Ground should be drafted and signed by all participants in an attempt to narrow the outstanding issues.

Employment

53. A clear economic strategy should be set out in the JCS, taking account of gfirst's planned areas of growth. This should be underpinned by robust up-to-date evidence. In this regard, as discussed in the hearing sessions, the NLP report of April 2014 (EEMP106), which relies on older economic forecasts, should be up-dated in the light of the most up-to-date economic forecasts and to take account of comments from Matter 5 participants and industry. The JCS's current "policy off" position should be re-visited in discussion with gfirst, local businesses and developers, and I note the JCS authorities' willingness to engage in such discussions.
54. I am pleased to see from the JCS authorities' note of 26 June 2015 (Exam75) that economic data re-runs of forecasts from Cambridge Econometrics, Experian and Oxford Economics have already been requested and that the data is expected within the next three weeks. Local intelligence on the growth of specific industry sectors should be considered with respect to input assumptions. Past trends should also be analysed. Sensitivity testing should be carried out to provide a range of increases in job numbers.
55. With respect to employment land supply, insufficient evidence has been presented on the qualitative needs of specific sectors, and further details should be provided on supply and demand including loss of employment

land to other uses. The up-dated report should clearly set out how demand is proposed to be met both quantitatively and qualitatively.

56.I understand from the JCS authorities' note that discussions with other interested parties will take place with a view to achieving a sound and robust outcome and that the approach of organising a round table discussion with Statements of Common/Uncommon Ground is identified as a way forward. This seems to me to be the most practical way of progressing matters. As suggested by the JCS authorities, a topic paper would also be useful.

Retail

57.An up-date on the retail evidence is also required to make it PPG compliant. Subsequent to the retail hearing session and Paul Tucker QC's submissions on behalf of The Peel Group, The Peel Group via its agents, WYG, has submitted a note of the perceived shortcomings of the JCS authorities' retail evidence (Exam72). In response to an invitation to other participants to comment on this, Robert Hitchins Ltd via its agents, CgMs, has also submitted a note concurring with the Peel Group (Exam72A).

58.As I indicated in the hearing sessions, further retail evidence is required, and it seems to me that the two notes referred to above, provide a useful starting point from which to base this additional work. Again, as previously mooted, a round table discussion to attempt to agree the methodology and assumptions, should be organised.

Elizabeth C. Ord

1 July 2015

Inspector's Preliminary Findings on Green Belt Release, Spatial Strategy and Strategic Allocations

- 1. Following the receipt of the Joint Core Strategy (JCS) Councils' "homework" I am now in a position to make some preliminary findings, as set out below. These findings are subject to determination of the objectively assessed need (OAN) and any relevant evidence submitted for the Stage 3 hearings. The OAN will be discussed further at the forthcoming hearings in January 2016 and, if appropriate, I will produce preliminary written findings on this thereafter.**
- 2. I will hold a session on Green Belt (GB) Release, Spatial Strategy and Strategic Allocations at the forthcoming hearings and I will specifically cover safeguarded land. Initial written comments are invited ahead of the hearings from the JCS authorities only, on the matters emboldened in the text, and should be submitted to Ian Kemp before 17:00 on Thursday 21 January 2016. Others will have some opportunity to comment at the hearings, limited to those matters on which I have invited a wider response. Any Main Modifications arising out of this will be fully consulted upon in due course.**

Introduction and Summary of Findings

- 3. This paper sets out my preliminary findings on the proposed release of land from the Gloucester/Cheltenham GB and the soundness of the JCS Spatial Strategy and strategic allocations. It is intended to provide some certainty to the JCS Councils, developers and other participants going forward with future strategic development. It will also form the basis of further discussion at the forthcoming hearings.**
- 4. In summary, my findings are that the thrust of the Spatial Strategy is sound although, in order to reflect the JCS's aim of meeting need where it arises, consideration should be given to some rebalancing of development towards Gloucester and Tewkesbury. This is on the basis that a significant part of Gloucester's OAN is proposed to be met through urban extensions to Cheltenham and might more justifiably be located closer to Gloucester's urban edge. Furthermore, additional development around the wider Tewkesbury urban area might be considered appropriate, particularly once the policy-on position has been determined.**

5. With respect to the distribution of sites between the JCS and Stage 2 local plans, I have concerns about the high threshold of 500 dwellings that has been set for strategic allocations. This could impact on the five year supply and also undermine the demonstration of exceptional circumstances for the release of GB strategic sites.
6. Nonetheless, my preliminary findings are that in principle, exceptional circumstances have been demonstrated for some GB release. However, weighing the harms and benefits of the proposals, I have concerns about the North Churchdown allocation in its entirety, part of North West Cheltenham and parts of the proposed safeguarded land. All other GB sites I find to be sound.
7. Turning to none-GB allocations, I have reservations about parts of the Leckhampton site. The two allocations at Ashchurch, I find to be sound.
8. In terms of the designation of Local Green Space (LGS), I find that this is justified in principle at both the Leckhampton site and the North West Cheltenham site.

Green Belt

9. The Gloucester/Cheltenham GB is one of the smallest in England and, therefore, the large areas proposed to be removed represent a significant proportion of its entire area. In considering its review, particular consideration must be given to the purposes for which it was designated, in an attempt to minimise harm caused by its reduction.
10. The GB between Cheltenham and Gloucester was designated in 1968 by incorporation into the County of Gloucestershire Development Plan. Its purposes were to prevent urban sprawl, the merging of Gloucester and Cheltenham, and to preserve the open character of the adjacent land¹.
11. Later Structure Plans emphasised the purpose of designation as preventing the merging of the two towns². In 1981 the Gloucestershire Structure Plan extended the GB to the north of Cheltenham with the purpose of preventing the coalescence of Cheltenham with Bishop's Cleeve³. Together, these purposes provide the main reasoning for designating the Gloucester/Cheltenham GB, and should be upheld as far as possible when considering land for release from the GB.

Objectively Assessed Need and Supply

¹ As reflected in Exam 85 A, B, C, & D – Gloucestershire Structure Plan extracts 1979,

² Ibid

³ Ibid

12. Whilst the OAN for housing in the JCS area has not yet been finalized, the latest Update Report indicates that the policy off figure is about 31,830 dwellings⁴. This breaks down as 9,900 for Cheltenham, 13,290 for Gloucester and 8,640 for Tewkesbury. The policy on figure is likely to be higher, due mainly to a minimum of 39,500 (up from 28,000) new jobs being proposed in the JCS area over the plan period⁵. The JCS authorities, in accordance with National Planning Policy Framework (NPPF)⁶ seek to ensure that the JCS meets the full OAN for housing.
13. The land take for employment is assessed in the latest Update Report as a minimum of 192 hectares for Class B uses alone⁷. Other employment uses and retail requirements are to be added to this. In accordance with the NPPF⁸, the JCS authorities seek to meet these requirements in full.
14. The authorities have undertaken annual assessments in the form of Strategic Housing Land Availability Assessments (SHLAAs), Strategic Employment Land Availability Assessments (SELAAs) and Strategic Assessments of Land Availability (SALAs) to ascertain the extent of deliverable/developable greenfield and brownfield sites within the JCS area.
15. From these assessments the Councils have derived figures for the numbers of dwellings and the quantity of employment land they believe can be supplied over the plan period. For each JCS area, a district capacity figure for housing has been calculated for the plan period from sources of supply consisting of completions, commitments, existing allocations, windfalls and local plan potential. These workings are set out in the *Housing Background Paper*⁹ and the *Brownfield Paper*¹⁰.
16. For Gloucester, the City capacity is said to be in the order of 7,500 to 7,670. If the OAN were taken to be 13,290, this would produce an unmet need figure of around 5,620 to 5,790 dwellings.
17. For Cheltenham, the Borough capacity is said to be in the region of 4,750. If the OAN were taken to be 9,900, this would produce an unmet need figure of about 5,150.

⁴ Exam 119-OAN Update Report, Neil McDonald, September 2015 Table 9, page 36

⁵ Exam 138-NLP Employment Land Assessment Update, October 2015, paragraph 4.35

⁶ NPPF, paragraph 47

⁷ Exam 138-NLP Employment Land Assessment Update, October 2015, paragraphs 5.4 and 5.5

⁸ NPPF, paragraph 20

⁹ ETOP 101a6, November 2014, page 19

¹⁰ Exam 77, July 2015

18. For Tewksbury, I understand that the Borough is able to supply its own needs. If the OAN were taken to be 8,640 and the *Housing Background Paper* figure of about 6,340 were provided by Borough capacity, this would leave about 2,300 to find through strategic allocations within Tewkesbury.
19. With respect to employment, figures have been derived for each authority based on existing undeveloped capacity (existing allocations and extant planning permissions) and other available and suitable sites (other than JCS allocations)¹¹. For Gloucester, this amounts to 31 hectares, for Cheltenham, 15 hectares, and for Tewkesbury, 65 hectares. If the OAN is taken to be 192 hectares for Class B employment uses, and all of the calculated capacity were to be used for Class B employment purposes, then this would leave 81 hectares (192-111) of Class B land to be found through strategic allocations. Other employment uses and retail space would need to be found in addition.
20. The Council's *Brownfield Paper*¹² explains how the urban capacity of Cheltenham, Gloucester and Tewksbury is being used and is already maximised.
21. The NLP Update notes that the current lack of employment land within the JCS area threatens the economy by undermining the ability of existing companies to expand and new firms to invest in the area¹³.

Spatial Strategy

22. It is clear from the above that a substantial quantity of land is required to satisfy unmet need. The JCS authorities intend to follow a two tier approach with strategic allocations being made in the JCS and non-strategic allocations being left to forthcoming district plans.
23. A number of spatial options for allocating development land in the JCS were considered in the *Spatial Options Topic Paper*¹⁴ and were subjected to Sustainability Appraisal (SA)¹⁵. The most sustainable option was found to be the creation of urban extensions to Cheltenham and Gloucester.
24. Therefore, the Spatial Strategy focuses new growth mainly on Cheltenham and Gloucester with the aim of retaining their economic and social

¹¹ Exam 139, paragraph 2.6

¹² Exam 77

¹³ Exam 138-NLP Employment Land Assessment Update, October 2015, page 34, paragraph 5.3

¹⁴ ETOP 114-Spatial Options Topic Paper, October 2013

¹⁵ See for example SAPR 100, Chapter 6 and pages 66-68; SAPRE 106 Appendix vii; SASUB 100, Chapter 6 pages 45-46 & 66-68; Appendices to ETOP 114,

positions as strategically significant settlements in the sub-region and taking advantage of their existing infrastructure capacity¹⁶. Whilst this strategy is justified in principle on sustainability grounds, it seems to me that there may be some scope to broaden the role of Tewkesbury.

25. The Spatial Strategy focuses Tewkesbury's development on a hierarchy of rural service centres and service villages¹⁷, and two strategic allocations at Ashchurch on the eastern edge of Tewkesbury's wider urban boundary. Tewkesbury Town itself is constrained by the high risk of flooding¹⁸ from the rivers Severn and Avon, and urban extensions to the Town are not proposed.

26. Nonetheless, significant areas of employment land are proposed near Tewkesbury, with the Ashchurch allocations accounting for about 35 hectares alone. These employment areas are likely to generate a need for housing. Whilst housing is proposed at the MOD Ashchurch allocation (A8), the proposed increase in job creation in the JCS area from 28,000 to 39,500 is likely to result in an increase in the overall housing OAN, some of which might fall to Tewkesbury.

27. Additional employment land may also be needed¹⁹, and I note that the landowner of the smaller Ashchurch site (A9) is promoting it for retail rather than B class employment which, if found sound, could result in more employment land having to be allocated. Therefore, whilst Tewkesbury's demographic, policy off, housing needs may already be capable of being met, the implications of further economic development being required should be considered.

28. Whilst flooding is a consideration around Tewkesbury, the evidence suggests that there may be sustainable omission sites close to Tewkesbury's wider urban boundary, which are not at significant risk of flooding, are outside the GB, and are not within highly sensitive landscape areas. **I invite comment from the JCS authorities only on the potential for allocating omission sites/other alternatives close to the urban edge of the wider Tewkesbury area, whether within the JCS administrative area or not.**

29. Cheltenham and Gloucester are unable to meet their needs within their own administrative boundaries. Consequently, the JCS's Spatial Strategy

¹⁶ ETOP 114-Spatial Options Topic Paper, October 2013, page 57, paragraphs 21.3-21.5

¹⁷ See EHO109-Settlement Audit, September 2014 for evidence base; EXAM 80A&B 2015 Settlement audit refresh

¹⁸ EXAM 130 indicates that only 220 dwellings are to be accommodated in the town

¹⁹ See EXAM 138-Employment Land Assessment, October 2015 and EXAM 139-JCS Economic Update, November 2015

is generally to meet this need by way of urban extensions to Cheltenham and Gloucester mainly on land within the Tewkesbury GB provided under the duty to co-operate.

30. *The Broad Locations Report*²⁰ assessed at high level broad locations for development around the periphery of Cheltenham, Gloucester and Tewkesbury. This was followed by the *Strategic Allocations Report*²¹, which assessed site options within these locations, thereby informing proposals for strategic allocations. The various options were subjected to SA²².

31. From this evidence it is clear that development opportunities are constrained in large parts of the JCS area by significant flood risks and potential impacts on The Cotswolds Area of Outstanding Natural Beauty (AONB), amongst other things. However, the Housing Market Area is wider than the JCS and, when considering releases of GB, alternatives in this broader area should not be ruled out. Nonetheless, on the basis of the submitted evidence, if the OAN of the JCS area is to be met, some release of GB land is inevitable.

32. It is not just the GB land-take for the plan period that needs to be considered, but also whether additional GB land might be required in the future. The NPPF seeks the endurance of reviewed GB boundaries beyond the plan period²³ and, where necessary encourages local planning authorities to identify safeguarded land to meet future development needs²⁴. Accordingly, the JCS also proposes the designation of safeguarded land for future development, which is in the GB.

33. When examining the justification for potential GB releases, a sequential approach should be followed in considering sustainable sites in the right location that fit with the Spatial Strategy. Taking account of development constraints, consideration should first be given to deliverable/developable, non-GB land, followed by land that makes a lesser GB contribution, before considering land of greater GB contribution.

34. Need should, if possible, be met where it arises, as promoted by the JCS Spatial Strategy. Therefore, as far as is reasonably feasible sufficient land should be allocated as close as possible to each of Cheltenham's and

²⁰ EBLO 100, October 2011, and Appendices EBLO103-109

²¹ EBLO 102, October 2013

²² See SAPR100, pages 46-55, 68-85 & 100-101; SASUB100, pages 47-56, 68-85 & 100-101

²³ NPPF, paragraph 83

²⁴ NPPF, paragraph 85, 3rd bullet

Gloucester's respective urban boundaries to meet each of these authorities' separate needs.

35. I am told that the proposed urban extensions to Gloucester total 4,150 dwellings and those for Cheltenham total 2,585 dwellings²⁵. However, the numbers proposed for extensions located on the urban edge of Gloucester only seem to amount to 2,650, whilst those for Cheltenham amount to 5,910 dwellings. Furthermore, the totality of proposed safeguarded land lies adjacent to the Cheltenham urban boundary.

36. It seems to me that there is a need for further allocations around the urban edge of Gloucester. From the submitted evidence, there appears to be potential on Gloucester's urban edge for sustainable sites outside flood areas, outside highly sensitive landscape areas, and which either lie outside the GB or make a limited contribution to the GB. **Comment is invited from the JCS authorities only on the potential for allocating omission sites/other alternatives around the urban edge of Gloucester, whether within the JCS administrative area or not.**

37. Summing up, in principle, the urban extensions Spatial Strategy appears to me to be generally sound, although there may be a need for some amendment to the scale of development and its location in part.

Assignment of dwellings

38. As an aside, there is an issue over how development within these urban extensions is to be shared between the JCS authorities. The authorities propose to assess their rolling five year housing supply separately, and a proportion of housing completions within the Cheltenham and Gloucester urban extensions is intended to contribute to Cheltenham's and Gloucester's supply²⁶.

39. However, in order to retain flexibility, no specific sites or dwellings are being assigned to any particular authority. This begs the question as to how, at any point in time, the actual numbers of completed dwellings will in practice be apportioned between the authorities, and the impact this might have on their five year supply. **The JCS Councils are invited to provide details of the mechanisms they envisage putting in place to deal with apportionment and how this will provide certainty to applicants/decision makers/others needing to know the five year supply position going forward.**

Strategic Allocations

²⁵ Exam 109 JCS Note – Apportionment of Strategic Allocations

²⁶ Exam 109-JCS note on strategic allocation apportionment

40. The *Strategic Allocations Report*²⁷ assessed a range of matters, including infrastructure, landscape, flooding and GB²⁸, for those broad locations, which were considered to have potential for site allocation. I have considered this Report, amongst others²⁹, in seeking to ensure that the JCS plans for sustainable development³⁰.

41. Overall, whilst it is clear that some harm will be caused to landscape, visual amenity and GB, amongst other things, this must be balanced against the significant need for housing and employment development in the JCS area.

Non-GB Allocations

42. Three non-GB strategic allocations have been identified, two being in Tewkesbury and one being partly in Tewkesbury and partly in Cheltenham.

MOD Ashchurch (A8)

43. Tewkesbury's main brownfield site contributes to the strategic allocation at MOD Ashchurch, which also comprises a greenfield area. It is proposed to supply 2,225 dwellings³¹ and 20 hectares of employment land³². It is located in a sustainable location close to Tewkesbury Town, Ashchurch station and junction 9 of the M5 motorway, although the latter could encourage commuter-led housing development.

44. The Strategic Allocations Report³³ and Landscape Report³⁴ indicate that overall landscape sensitivity is low, and that the site lies entirely within flood-zone 1. Whilst there are land contamination constraints, I understand that they can be resolved. The site also has the potential to enhance the setting of heritage assets³⁵. In view of its substantial benefits³⁶, I am minded to find that its allocation is sound.

Ashchurch (A9)

²⁷ EBLO 102, October 2013

²⁸ See ENAT 100, AMEC GB Assessment, September 2011

²⁹ Including EBLO106-Landscape & Visual Sensitivity and Urban Design Report; and ENAT 107-Historic Environment Assessment

³⁰ Section 39 of the Planning and Compulsory Purchase Act 2004

³¹ 2,125 to be delivered during plan period

³² EXAM 130, page 45

³³ EBLO 102, October 2013, pages 86-89

³⁴ EBLO 106, October 2012, pages 30-31

³⁵ ENAT 107-Historic Environment Assessment, March 2014, page 89

³⁶ See EXAM 87 for summary

45. The other Tewkesbury allocation at Ashchurch is a greenfield site proposed for 14.3 hectares of economic development³⁷. The Strategic Allocations Report³⁸ and Landscape Report³⁹ indicate that its overall landscape sensitivity is low, and that the site lies generally within flood-zone 1. There is, however, a relatively small stretch of land around Tirlle Brook that lies within flood-zone 3, and development on this area should be avoided.

46. Nonetheless, this site is in a sustainable location close to Tewkesbury Town and Ashchurch station, and lies adjacent to the A46 and junction 9 of the M5 motorway. Consequently, bearing in mind its benefits⁴⁰, I am minded to find that its allocation is sound.

Leckhampton (A6)

47. The third non-GB allocation is at Leckhampton on the south western edge of Cheltenham, located partly in Cheltenham and partly in Tewksbury. It is proposed as an urban extension to Cheltenham, contributing 1,124 dwellings towards Cheltenham's housing supply⁴¹. The site lies reasonably close to Cheltenham town centre and is partly enclosed by existing development.

48. Although that part of the site which lies to the south-west of Farm Lane (within Tewkesbury Borough) was considered by the AMEC GB Assessment to have potential to be added to the GB⁴², the report stopped short of recommending its inclusion. The AERC GB Review of Cheltenham⁴³ found that the Cheltenham part of the site did not score highly against defined GB purposes.

49. The Strategic Allocations Report⁴⁴ and Landscape Report⁴⁵ indicate that its overall landscape sensitivity is high to medium, and that whilst the site lies generally within flood-zone 1, there are small areas which fall within flood-zone 2.

50. A section of the site's southern boundary lies adjacent to the AONB and some areas of the site are very sensitive to development. In the SA it

³⁷ EXAM130, page 45

³⁸ EBLO 102, October 2013, pages 91-94

³⁹ EBLO 106, October 2012, pages 58-59

⁴⁰ See Exam 87 for summary

⁴¹ EXAM 130, page 45

⁴² ENAT 100-AMEC Green Belt Assessment, September 2011, page 55, paragraph 7.3.8

⁴³ EXAM 81, see Fig C: Ranked Scoring of Areas Against Green Belt Purposes

⁴⁴ EBLO 102, October 2013, pages 72-74

⁴⁵ EBLO 106, October 2012, pages 14-15

scored major negative against the landscape sustainability objective, meaning that it is assessed as having a problematical sustainability effect, with mitigation likely to be difficult and/or expensive⁴⁶. It is the only strategic allocation to have scored a negative effect above minor against any objective.

51.The Landscape Report indicates that a large part of the allocation, (including land to the south west of Farm Lane) falls within the highest category of landscape and visual sensitivity. One of the key considerations in the Report is that the site has a *"very prominent landform and field pattern to the south adjacent to the AONB which is vulnerable to change and is considered a valuable landscape resource"*⁴⁷.

52.I have reservations about the soundness of developing that part of the proposed allocation which is highly sensitive and which, from my site visit, I noted to be in clear view from within the AONB and other public recreational areas.

53.A number of heritage assets also require careful consideration, including the moated site at Church Farm, the Rectory, Leckhampton Farmhouse and Barn, the Olde England Cottage, the Moat Cottage and Church Farm⁴⁸. The Historic Environment Assessment states that *"there are major heritage concerns to development"* due to the high contribution the area makes to the setting of designated buildings and the high potential for archaeological remains of medium regional significance⁴⁹. Development should be avoided that could have a significant impact on these assets unless appropriate mitigation were demonstrated.

54.The section south west of Farm Lane, within Tewkesbury's boundaries, is an existing allocation within the Tewkesbury Borough Plan. However, the Inspector examining the Tewkesbury Borough Plan had reservations about developing this area and recommended its deletion as an allocation⁵⁰. This recommendation was not taken forward by the Council.

55.Tewkesbury Borough Council has recently resolved to grant planning permission for 377 dwellings on the Farm Lane site⁵¹, despite objections from Cheltenham Borough Council⁵² and seemingly without integrated master-planning for the whole site.

⁴⁶ SAPR 100, page 100; SASUB 100, page 101

⁴⁷ EBLO 106, October 2012, page 15

⁴⁸ ENAT 107-Historic Environment Assessment, March 2014, page 75

⁴⁹ ENAT 107, page 76, paragraphs 10.4.2 and 10.4.3

⁵⁰ EXAM 144C, see particularly paragraphs 2.25.15 and 2.25.17

⁵¹ EXAM 127-Farm Lane Application; EXAM 144A Tewkesbury Borough Council planning committee minutes

⁵² EXAM 121A, Annex C

56. Whilst these dwellings are intended to contribute to Cheltenham's housing supply, it is unclear how this will work in practice, as there is no mechanism in place to achieve this at present and, as the main reason for the resolution seems to be Tewkesbury's lack of a five year housing supply. **The JCS authorities are invited to provide further explanation.**

57. I have reservations about developing this area of high landscape and visual sensitivity, adjacent to the AONB and GB. I understand that the application is now with the National Planning Unit following a request for a call in⁵³.

58. The Cheltenham part of the allocation is proposed for 764 dwellings with no employment land⁵⁴. An outline planning application for residential development of up to 650 dwellings and a mixed use local centre is currently the subject of an appeal and a decision from the Secretary of State is pending. However, it is not known how this will be decided and my preliminary findings have not been influenced by this appeal. I understand that another application for additional development is expected⁵⁵.

59. In summary, balancing the harms and benefits of this site⁵⁶, in my judgement some residential development is justified on the Cheltenham part of the site. Nonetheless, this should not be on those areas that have high landscape and visual sensitivity. With this proviso, I am minded to find that the Cheltenham part of the allocation is sound. **Submissions are invited from the JCS authorities only on what capacity is justified on this site in view of my comments.**

60. On the other hand, for reasons of landscape sensitivity, I am not minded to find the Tewkesbury part of the allocation sound. However, this finding may be overtaken by events, depending on the results of the call in request.

61. Leckhampton with Warden Hill Parish Council has proposed the designation of LGS within the strategic allocation. Both the Parish Council and the JCS authorities have requested that I make a finding on the soundness of such a designation.

⁵³ EXAM 144B

⁵⁴ Councils' Matter 8 written statement, answer to question 137

⁵⁵ JCS Statement Matter 8: Strategic Allocations, answer to question 148, page 30

⁵⁶ See summary of benefits in EXAM 87

62. The NPPF states that local communities should be able to identify green areas of particular importance to them for designation through local or neighbourhood plans, which is consistent with the planning of sustainable development⁵⁷. Therefore, LGS designation should only be made on areas of this site which are inappropriate for development.
63. The criteria for designation, as set out in the NPPF⁵⁸, are that the green space is in reasonably close proximity to the community it serves, it should be demonstrably special to the community and hold particular local significance, and it should be local in character and not be an extensive tract of land.
64. What is an extensive tract of land is largely a matter of judgement and will depend on the circumstances of each designation. However, I consider the original area put forward by the Parish Council, as referred to in the *Local Green Space Study Report*⁵⁹, to be too large (54 hectares) and to conflict in part with areas that are justified for development. Nonetheless, there is scope for designation within the allocation.
65. Turning to the merits of designation, the proposed LGS lies close to the local community, and is well supported by local people⁶⁰. Following public consultation, a range of reasons was submitted in support of the designation. Amongst other things, these relate to the beauty and interest of views, the importance of the network of footpaths for dog walkers and others, opportunities for all year round exercise such as jogging, enjoyment of the historic buildings, hedgerows and trees, and the area's overall tranquillity⁶¹.
66. In my judgement, the evidence suggests that the NPPF criteria are met and LGS designation is justified. **The JSC authorities are requested to consider indicative areas for LGS designation based on two scenarios: 1) development not proceeding on the Farm Lane site; 2) development proceeding on the Farm Lane site. Further input from relevant developers and Leckhampton with Warden Hill Parish Council, limited to indicative areas, is invited at the forthcoming hearings.** Detailed boundaries are best left for either the Cheltenham Borough Plan or the forthcoming Neighbourhood Plan.

GB Strategic Allocations

⁵⁷ NPPF, paragraph 76

⁵⁸ NPPF, paragraph 77

⁵⁹ EXAM 17

⁶⁰ See for example EXAM 121, 121A & 121B

⁶¹ Summarise at EXAM 121A, page 5 spread sheet

67. The NPPF states that, when reviewing GB boundaries, local planning authorities should take account of the need to promote sustainable patterns of development⁶² and ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development⁶³. Accordingly, the need for sustainable development is a consideration when assessing exceptional circumstances. There are five proposed strategic allocations which lie within the GB and would contribute to both housing and employment requirements⁶⁴.
68. Four of these proposed allocations are urban extensions close to Gloucester, namely, A1- Innsworth (1,250 dwellings; 9.1 hectares of employment), A2- North Churchdown (532 dwellings; no employment), A3 - South Churchdown (868 dwellings; no employment), and A4 - Brockworth (1,500 dwellings; no employment). The fifth is a proposed urban extension on the edge of Cheltenham, namely, A5 - North West Cheltenham (4,785 dwellings; 23.4 hectares of employment). There are also two proposed areas of safeguarded land in the GB, namely, West Cheltenham and North West Cheltenham.
69. The AMEC GB Assessment of September 2011⁶⁵ considers all the Cheltenham and Gloucester GB land at a high level against the five purposes of including land in the GB⁶⁶. It does not consider sustainability or landscape issues, but is purely an assessment against the purposes and function of GBs. I am satisfied that the methodology used is appropriate and that the report is robust. Another assessment, the AERC Report, considers smaller segments of GB within the Cheltenham administrative area⁶⁷.
70. The AMEC report ranks strategic segments according to a traffic light system of green (limited contribution), amber (a contribution) and red (significant contribution). Those segments scoring red against all five purposes⁶⁸ were not considered further. For the rest, segments were grouped into clusters and recommendations made for each cluster.

⁶² NPPF, paragraph 84

⁶³ NPPF, paragraph 85, first bullet

⁶⁴ Numbers taken from JCS authorities' Matter 8 statement, answer to question 137; also EXAM 130, page 45

⁶⁵ ENAT 100

⁶⁶ As then set out in Planning Policy Guidance 2: *Green Belts*; now found in the NPPF, paragraph 80

⁶⁷ EXAM 81-Applied Environmental Research Centre Ltd, March 2007

⁶⁸ Four purposes were actually assessed as the fifth purpose (assisting urban regeneration) was screened out as it applied to all sites

71. Three clusters were identified as green, making a limited contribution to GB purposes⁶⁹. The recommendation for these areas is that they may be considered further for release for development⁷⁰. These clusters are: land to the north, east and west of Brockworth (SE9, SE8, SE7, SE1); land to the west of Innsworth, north of Longford and around Twigworth (NW5, NW6, NW9); and land to the west of Kingsditch and Swindon (NE8, NE13).
72. One cluster, land north-west of Cheltenham (segments NE9, NE10, NE11, NE12), is identified as amber, making a contribution to the GB⁷¹. The indication set out at Table ES.2 for this land is that overall, whilst it provides the wider setting for Cheltenham and Bishop's Cleeve, it plays a more limited role in separating these settlements and is not critical to the GB.
73. Seven clusters were given red traffic lights and identified as making a significant contribution towards GB purposes⁷². The recommendation for these areas is that they should not be considered further for release from the GB unless there is a very strong case emerging from other evidence base studies⁷³.

Strategic Allocations for Gloucester

A1-Innsworth

74. Site A1-Innsworth equates broadly to green traffic light segments NW5 and NW6 and, therefore, accepting the findings of the AMEC report, may be considered for release from the GB. Specifically, the report refers to these segments⁷⁴ as not playing a role in preventing the merger of Gloucester and Cheltenham.
75. The Strategic Allocations Report⁷⁵ and Landscape Report⁷⁶ indicate that overall landscape sensitivity is low, but show that whilst part of the site is in flood zone 1, other parts lie within the functional flood plain (flood-zone 3). Development on this site will need to avoid high flood risk areas. Innsworth Meadows Site of Special Scientific Interest, designated for its lowland grassland, should also be protected. Nonetheless, the site is well

⁶⁹ ENAT 100, Fig 5.2 *Summary Results of Assessment Against Green Belt Purposes*

⁷⁰ See *Summary of Assessment Results* p.viii & section 5.6-*Summary*

⁷¹ ENAT 100, Fig 5.2 *Summary Results of Assessment Against Green Belt Purposes*

⁷² ENAT 100, Fig 5.2 *Summary Results of Assessment Against Green Belt Purposes*

⁷³ ENAT 100, *Summary of Assessment Results* page vi & section 5.6 - *Summary*

⁷⁴ ENAT 100, Appendix D-*Assessment of Segments against Five Purposes of Green Belts*, page D6

⁷⁵ EBLO 102, October 2013, pages 20-21

⁷⁶ EBLO 106, October 2012, pages 18-19

related to the built up area of Innsworth, reasonably close to Gloucester City Centre, and benefits from good transport routes.

76. Notwithstanding potential flooding issues on part of the site, as long as development avoids these areas, then in view of the site's benefits⁷⁷ I am minded to find that exceptional circumstances exist for its release from the GB, and that its allocation is sound.

77. There is a small difference between the boundaries of site A1 and the slightly larger area proposed to be removed from the GB at Longford. However, I am told that this small additional GB area consists of development land which already has planning permission⁷⁸. There would be no purpose in keeping this development land within the GB and, therefore, I am minded to find that the proposed larger area is the appropriate area to be removed.

A2-North Churchdown

78. North Churchdown corresponds roughly with red traffic light segment NW3⁷⁹, thereby making a significant contribution to the GB. The AMEC report states that this segment is critical to preventing the closing of the gap between Cheltenham and Churchdown, which is already heavily intruded towards its southern extent by the airport⁸⁰.

79. As Churchdown is a suburb of Gloucester, removing this segment from the GB would also significantly impact on the separation of Cheltenham and Gloucester, thereby impacting on the main purpose for which this GB was designated. Referring specifically to segment NW3, the report states that "*The contribution of this segment to maintaining the openness as a whole is critical at this narrow point.*"⁸¹ Consequently, the bar for demonstrating exceptional circumstances for the release of NW3 from GB should be set very high.

80. The Strategic Allocations Report⁸² and Landscape Report⁸³ indicate that overall landscape sensitivity is medium to low and the site is mainly in flood zone 1, although there is a stretch along Norman's Brook in flood-

⁷⁷ See summary in Exam 87 of exceptional circumstances and strategic allocation benefits

⁷⁸ See Exam 111-Longford Green Belt Boundary

⁷⁹ The allocation is slightly smaller than the segment and the area proposed for GB removal.

⁸⁰ ENAT 100, Table ES.1 *Recommendations for Clusters that make a Significant Contribution towards Green Belt Purposes*

⁸¹ ENAT 100, appendix D, page D5

⁸² EBLO 102, October 2013, pages 25-27

⁸³ EBLO 106, October 2012, pages 44-45

zone 3. It is located centrally between Gloucester and Cheltenham on the edge of Churchdown, has good transport links and is close to junction 11 of the M5 motorway. However, it lies adjacent to Gloucestershire Airport and I have reservations about the potential for noise sensitive development to impact on the operation of the airport.

81. I have considered the benefits of this site⁸⁴ and its reasonably sustainable location. I also note the Councils' submissions that the site has defensible boundaries that would reduce the likelihood of further encroachment into the GB⁸⁵. However, given that this site is critical to the openness of the Cheltenham and Gloucester gap, I am not persuaded that exceptional circumstances exist for its removal from the GB. Therefore, I am minded to find that its allocation is not sound.

A3-South Churchdown

82. South Churchdown consists of red traffic light segments NW4 & SW5 and makes a significant contribution to the GB. The AMEC report indicates that NW4 and SW5 make a significant contribution to the separation of Gloucester and Churchdown (and thus Cheltenham). Nonetheless, it goes on to indicate that the segments are enclosed by urban development, the substantial barrier of the A40, and the main line railway, thereby isolating them from the more substantial tract of GB to the South East⁸⁶.

83. The South Churchdown allocation is sandwiched between the eastern edge of Gloucester and the south-western edge of Churchdown, with Cheltenham lying beyond an open gap to the east. The eastern edge of Churchdown forms the nearest settlement boundary to Cheltenham and development of this site would not bring the urban settlement boundary any closer to Cheltenham. Whilst its allocation would cause the merging of Churchdown and Gloucester, the gap between Churchdown and Cheltenham would be preserved.

84. The Strategic Allocations Report⁸⁷ and Landscape Report⁸⁸ indicate that overall landscape sensitivity is medium and it is mainly in flood-zone 1. The site is in a sustainable location, reasonably close to Gloucester City Centre, junction 11 of the M5 motorway and the highway network. However, development must be designed to mitigate the impact on Churchdown Hill and Pirton Court, the latter of which is an important

⁸⁴ As summarised in EXAM 87

⁸⁵ Answers to Inspector's Matter 7:GB questions

⁸⁶ ENAT 100, Appendix D, pages D5 & D6

⁸⁷ EBLO 102, October 2013, pages 29-33

⁸⁸ EBLO 106, October 2012, pages 26-27 & 54-55

heritage asset⁸⁹. Noise impact from the A40 and main railway line would need to be carefully managed.

85. Nonetheless, whilst there would be some harmful impacts from development, on the evidence before me, and in view of the site's benefits⁹⁰, I am minded to find that exceptional circumstances exist for its release from the GB, and that its allocation is sound.

A4-Brockworth

86. The site at Brockworth corresponds with green traffic light segments SE7, SE8 and SE9 and similarly may be considered for release from the GB. The AMEC report⁹¹ indicates that the GB function of this land is compromised by the A417, which severs it from the more expansive GB area beyond.

87. The Strategic Allocations Report⁹² and Landscape Report⁹³ indicate that overall landscape sensitivity is medium and it is in flood zone 1, apart from a small area around Horsebere Brook. It is in a sustainable location, well related to the village of Brockworth, reasonably close to Gloucester City Centre, and benefits from good transport routes. However, development should be designed to mitigate the impact on the AONB, which lies close by beyond the A46, and careful management of the noise impact from the main traffic routes nearby will be required.

88. There are also significant heritage assets within the site, including St George's Church and a complex of listed buildings at Brockworth Court⁹⁴. The Historic Environment Assessment states that "*there are major heritage concerns to development*" due to the high contribution the area makes to the setting of designated buildings and the high potential for archaeological remains of medium regional significance⁹⁵. Development should be avoided that could have a significant impact on these assets unless appropriate mitigation could be demonstrated.

89. In terms of delivery, a planning appeal for a housing development is awaiting a decision from the Secretary of State and, if granted, development could commence within a relatively short time period.

⁸⁹ ENAT 107-Historic Environment Assessment, March 2014, page 47

⁹⁰ As summarised in EXAM 87

⁹¹ ENAT 100 Appendix D, page D4

⁹² EBLO 102, October 2013, pages 41-43

⁹³ EBLO 106, October 2012, pages 22-23

⁹⁴ ENAT 107, historic Environment Assessment, March 2014, page 55

⁹⁵ ENAT 107, page 56, paragraphs 8.4.2 and 8.4.3

90. Whilst there would inevitably be some damaging impacts from developing this site, on the evidence before me, and considering this site's benefits⁹⁶, I am minded to find that exceptional circumstances exist for its release from the GB, and that its allocation is sound.

*Strategic Allocation for Cheltenham
A5-North West Cheltenham*

91. Site A5-North West Cheltenham largely corresponds to green traffic light segments NE13 and NE8, amber traffic light segment NE12, red traffic light segment NE15 and part of NE14.

92. In accordance with the AMEC Report, green segments NE13 and NE8 may be considered for release from the GB. The report indicates that these segments do not perform a separation function between Cheltenham and Bishop's Cleeve or between Cheltenham and Gloucester⁹⁷. Whilst it should be born in mind that amber segment NE12 makes a contribution to GB purposes, it nonetheless does not play a role in the separation of the settlements⁹⁸.

93. According to the AMEC Report, red traffic light segments NE14 and NE15 make a significant contribution at a narrow point to separating Cheltenham and Bishop's Cleeve⁹⁹. However, within the AERC report the area falls largely into parcels G1 and G2 which are assessed as making an average contribution to the GB¹⁰⁰. On this evidence and considering its geographical location, I am of the view that this land could be released from the GB.

94. The Strategic Allocations Report¹⁰¹ and Landscape Report¹⁰² indicate that overall landscape sensitivity for this site is high to medium. A key visual receptor is Cleeve Common within the AONB. Development proposals should seek to avoid the areas of highest landscape and visual quality. Whilst it is mainly in flood-zone 1, the site contains two water courses and associated land within the functional floodplain, together with a small area in flood-zone 2, all of which will restrict development.

95. The impact on heritage assets including Uckington Farmhouse, Swindon village conservation area, and particularly the Church of St Mary

⁹⁶ Summarised in EXAM 87

⁹⁷ ENAT 100 Appendix D, page D8

⁹⁸ ENAT 100 Table ES.2 and Appendix D, page D8

⁹⁹ ENAT 100, Appendix D, page D9

¹⁰⁰ EXAM 81, Figure C

¹⁰¹ EBLO 102, October 2013, pages 61-65

¹⁰² EBLO 106, October 2012, pages 10-11

Magdelene¹⁰³, will require careful mitigation. There is also a residual waste facility at Wingmoor Farm to the north east of the allocation and its impact on development will need consideration.

96. Nonetheless, the site is in a generally sustainable location, well related to the urban edge of Cheltenham, close to junction 10 of the M5 motorway¹⁰⁴ and existing services and facilities. Although it is of a substantial scale, which will completely transform this large area of open countryside, it has the greatest potential to accommodate much of Cheltenham's remaining development needs¹⁰⁵.

97. The North West Cheltenham allocation provides the single largest employment allocation (23.4 hectares) within the JCS. Despite its generally sustainable location, there are accessibility issues for development on this scale, relating to junction 10 of the motorway which has restricted access at present. The Local Enterprise Partnership is of the view that the employment element of this allocation be removed from the urban extension and moved to the west into safeguarded land¹⁰⁶.

98. I have reservations about the quantum of development on this site, and its allocation for employment. Nonetheless, acknowledging that some harm is inevitable, and considering the site's benefits¹⁰⁷, I am minded to find that exceptional circumstances exist for the release of GB land in this area. **However, I invite comment from the JCS authorities on whether the site's boundaries are sound or whether they should be reconsidered to avoid the most sensitive landscape areas. Bearing in mind the landscape constraints, I also invite comment from the JCS authorities on whether the proposed capacity of the site (4,785 dwellings and 23.4 hectares of employment land) is justified. Alternatively, views are sought from the JCS authorities on whether the forthcoming site policy for A5 might satisfactorily address these issues without amending the site boundary.**

99. Swindon Parish Council has put forward a proposal for LGS to be designated on this site¹⁰⁸. Both the Parish Council and the JCS authorities have requested that I make a finding on the soundness of such a designation. As with the Leckhampton LGS considered above, I have assessed the merits of this proposal against the NPPF.

¹⁰³ ENAT 107, Historic Environment Assessment, March 2014, page 65

¹⁰⁴ Restricted access to junction 10 but upgrades expected in the future

¹⁰⁵ EBLO 102, page 62, paragraph 3.35

¹⁰⁶ EXAM 138–Employment Land Assessment Update, Appendix 5, page 10

¹⁰⁷ Summarised in EXAM 87

¹⁰⁸ EXAM 97

100.I consider the original area put forward by the Parish Council, as referred to in the *Local Green Space Study Report*¹⁰⁹, to be too large (about 47 hectares) and to conflict in part with areas that are justified for development. Nonetheless, it is close to the local community and its designation is well supported by local people. There is scope for some LGS within the allocation that would be consistent with sustainable development, including areas of high landscape sensitivity close to the village and areas that form the setting of the Swindon Village Conservation Area.

101.In terms of merit, there are important views, including those that are significant to the character of the Conservation Area, and I understand that the land is used for recreation such as dog walking, ball games, and biking, amongst other things. Well used public footpaths and bridleways cross the area and its wildlife and tranquillity is important to the community¹¹⁰.

102.Swindon sports ground and the allotments are included in the land proposed to be taken out of the GB. Whilst development is not intended on these areas at present, and the Parish Council has not put forward the allotments as LGS, to protect both these areas from any future development, they could justifiably be designated as LGS.

103.In my judgement, the evidence suggests that the NPPF criteria are met and some LGS designation is justified. **The JSC authorities are requested to consider indicative areas for LGS designation.** Detailed boundaries are best left for the Cheltenham Borough Plan or to any Neighbourhood Plan that might come forward. **This will be discussed further at the forthcoming hearings when I will invite input from relevant developers and Swindon Parish Council, limited to indicative areas for designation.**

Safeguarded Land

North-West Cheltenham

104.The proposed safeguarded land at North-West Cheltenham lies within the Tewkesbury GB and broadly corresponds to amber segment NE9 in the AMEC Report, and is thereby assessed as making a contribution to the GB¹¹¹. However, the Report indicates that it does not play a role in

¹⁰⁹ EXAM 17

¹¹⁰ For details of the merits see EXAM 17 and EXAM 97

¹¹¹ ENAT 100, Fig 5.2 *Summary Results of Assessment Against Green Belt Purposes*

separating Cheltenham and Bishop's Cleeve or Cheltenham and Gloucester¹¹².

105. The Strategic Allocations Report¹¹³ and Landscape Report¹¹⁴ indicate that overall landscape sensitivity is medium although the land lies adjacent to a highly sensitive area. The land is in flood-zone 1, close to junction 10 of the M5 motorway¹¹⁵ with its north-western boundary lying adjacent to the motorway. It is separated from the urban edge of Cheltenham by allocation A5 (North West Cheltenham).

106. This is another large area of land in the GB, lying immediately adjacent to the very large North West Cheltenham allocation. Together, these areas engulf the village of Elmstone Hardwicke and parts of Uckington, and remove huge swathes of open countryside. This begs the question as to whether so much development land is likely to be needed on the edge of Cheltenham.

107. However, the landscape sensitivity and flood risk in this safeguarded area are less than parts of the North West Cheltenham urban extension. **Comment is invited from the JCS authorities and other participants on whether the boundaries of the North West Cheltenham extension could be re-shaped and justifiably extended into this safeguarded area.**

108. **I also invite comment from the JCS authorities and other participants on whether the totality of land covered by the North West Cheltenham urban extension and this safeguarded land should be removed from the GB.** Currently, on the evidence before me I am not persuaded that exceptional circumstances exist for the release of such a huge area of open countryside from the GB in this location.

Safeguarded Land West of Cheltenham.

109. The proposed land lies adjacent to the western edge of Cheltenham partly within the administrative area of Cheltenham and partly within that of Tewkesbury, and is wholly within the GB. It corresponds to segment NE4 of the AMEC Report¹¹⁶, which forms part of a larger cluster that makes a significant contribution to the GB (NE1, NE2, NE3, NE4, NE5, NE6 and NE7).

¹¹² ENAT 100 appendix D, page D8

¹¹³ EBLO 102, October 2013, pages 61-65

¹¹⁴ EBLO 106, October 2012, pages 10-11

¹¹⁵ Restricted access to junction 10 but upgrades expected in the future

¹¹⁶ ENAT 100, Fig 5.2 *Summary Results of Assessment Against Green Belt Purposes*

110. According to the AMEC report, this cluster is critical to preventing the sprawl of Cheltenham and, towards the south, the merger of Cheltenham and Gloucester¹¹⁷. The segments to the south are NE1 and NE2. NE4 is further north. Nonetheless, the report specifically says that this segment makes a significant contribution to the land separating Cheltenham and Innsworth¹¹⁸, thereby playing an important role in the separation of Cheltenham and Gloucester. However, the AERC Report shows that the land within the Cheltenham administrative boundary mainly makes a low contribution to the GB¹¹⁹.

111. The Strategic Allocations Report¹²⁰ and Landscape Report¹²¹ indicate that overall landscape sensitivity is medium to low and the land is within flood-zone 1. It is in a sustainable location, well related to the urban edge of Cheltenham, and close to the highway network and junction 11 of the M5 motorway.

112. I understand that this area was not proposed as a Strategic Allocation due mainly to potential odour impacts from the Haydon sewage treatment works. However, Severn Trent Water's recent improvements to odour emissions from the works, and the potential reduction in the plant's cordon sanitaire¹²², suggest that odour may no longer be a development constraint at least for part of this land.

113. Taking account of housing and employment needs overall, including GCHQ's requirements¹²³, and my reservations on certain other potential strategic allocations, it seems to me that the Cheltenham part of this proposed safeguarded area might be suitable for allocation. **Views are sought from the JCS and other participants on the potential for allocating land in this area.**

114. Nonetheless, care must be taken not to develop too far to the west towards Gloucester, in order to retain the GB gap between Cheltenham and Gloucester. I am, therefore, not convinced that removal of land from the GB should extend much into the Tewkesbury part of this proposed safeguarded area. **I welcome views from the JCS authorities and other participants on where the GB boundary should be drawn.**

Other areas of land proposed for removal from the GB

¹¹⁷ ENAT 100, Table ES.1

¹¹⁸ ENAT 100, Appendix D, page D7

¹¹⁹ EXAM 81, Figure C

¹²⁰ EBLO 102, October 2013, pages 68-70

¹²¹ EBLO 106, October 2012, pages 37-38

¹²² EXAM 125A&B

¹²³ EXAM 100-GCHQ representations

115. The submission version of the JCS Policies Map¹²⁴ shows other areas of land proposed for removal from the GB.
116. Map 1 shows a sliver of land being removed from the GB between strategic allocations A1 and A3, wedged between the urban edge of Gloucester and the A40. If retained, this GB land would be isolated by development from other stretches of GB, and would serve no purpose. Consequently, its removal is justified.
117. Map 2 proposes an area south east of the Brockworth site, within the AONB. However, this area is not proposed for development, it continues to serve GB purposes, and there appears to be no justification for its removal. At the hearing sessions the Councils accepted that its removal was not justified and that it should be retained as GB. Whilst a proposed modification has been suggested to the Policies map¹²⁵, accompanying wording to the JSC will also be required, and I invite the JCS Councils to put forward their suggestions.
118. Map 3 shows two small areas proposed for removal on the edge of Shurdington village, one being a playing field and the other a site for potentially 50 dwellings. It is unclear as to why the playing field has been included, and the other site is not proposed as a strategic allocation for development. Therefore, the removal of these sites is not justified and, as agreed at the hearing sessions, there should be a main modification to retain these areas in the GB. Again, as above, whilst a modification has been proposed to the Policies map¹²⁶, accompanying wording to the JSC will also be required, and I invite the JCS Councils to put forward their suggestions.
119. Map 4 shows another area proposed to be removed from the GB, at the former M&G Sports Ground off Cold Pool Lane, Cheltenham, which was granted planning permission on appeal for residential development and has been built out. Under these circumstances there is no purpose in retaining this land within the GB and its removal is justified.
120. The Councils proposed that another area be removed, which is currently not shown on the Policies Map. This is the BMW showroom at Grovefield Way, off the A40, west of Cheltenham, which has planning permission and is currently being built out. There is no purpose in retaining this land in the GB and its removal is justified. An amendment to Map 4 has been

¹²⁴ SUB 103 b)

¹²⁵ Exam 114-Mapping Amendments

¹²⁶ Ibid

proposed to reflect this¹²⁷, although once again, accompanying wording is also required to the JCS.

Alternatives and Omission Sites

121. The extent to which omission sites may need to come forward will be influenced by any loss of development potential from allocations that are found to be unsound or where development potential is reduced, and what is finally found to be the OAN for the JCS area. A number of omission sites have been put forward for consideration both within the JCS administrative area and just beyond. From the submitted evidence, including the Broad Locations Report¹²⁸, it seems there may be potential for additional/alternative strategic development which follows the Spatial Strategy.

122. The JCS authorities intend to make non-strategic allocations for development in their forthcoming local plans and some of the candidate sites lie within the GB, potentially necessitating further GB reviews. The NPPF states that "*When defining boundaries, local planning authorities should satisfy themselves that GB boundaries will not need to be altered at the end of the development plan period.*"¹²⁹ Therefore, national policy does not support additional reviews within the timeframe of the JCS.

123. However, the issue of split GB reviews was considered by Mr Justice Jay in the High Court in *Calverton Parish Council v Nottingham City Council & Ors*¹³⁰. In that case the Aligned Core Strategies of Nottingham, Broxtowe and Gedling envisaged a two-staged approach to altering GB boundaries, with the precise boundaries for individual sites to be released from the GB being established in the Part 2 Local Plans¹³¹. Subject to a main modification ensuring a sequential approach with none-GB sites having first preference, the Inspector accepted this approach¹³².

124. The Judge accepted the Inspector's findings and noted that a two staged approach is not impermissible in principle, although it is not expressly authorised by the NPPF. He noted weaknesses in the approach but emphasised that the key point was that the Inspector was able to reach an evidence based conclusion as to the presence of exceptional

¹²⁷ Ibid

¹²⁸ EBLO 100

¹²⁹ NPPF, paragraph 85

¹³⁰ [2015] EWHC 1078 (Admin) (21 April 2015) – see EXAM 35D

¹³¹ EXAM 35D quote from Inspector's report, paragraph 114

¹³² EXAM 35D quote from Inspector's report, paragraph 118

circumstances at the first stage, and that she was not in some way adjourning the matter over for substantive consideration at Stage 2¹³³.

125. The JCS does not currently have a sound framework for directing Stage 2 allocations within the forthcoming local plans, although I accept that further direction could be added through main modifications. However, the *Calverton* case referred only to Stage 2 dealing with "*precise boundaries for individual sites*". In the case of the JCS and subsequent district local plans, there are completely new GB sites under consideration at Stage 2, some of which are proposed for hundreds of houses¹³⁴.

126. The evidence suggests that there might be a number of Cheltenham GB omission sites/officer found sites which, apart from size, appear to meet with the Spatial Strategy, are in sustainable locations, and make a low or average contribution to the GB¹³⁵. It is not clear whether any of these sites are intended to make a contribution to the five year housing supply. If they are, excluding them from the JCS is likely to prevent them coming forward for some time, as the Cheltenham Plan is yet to be examined and, in the meantime, the high bar of demonstrating very special circumstances on application will need to be overcome.

127. Allocating these sites now could potentially deliver a significant number of dwellings at a faster rate than larger strategic allocations, thereby contributing to the five year housing supply and beyond. This would not impact on the overall scale of Cheltenham's development, as it would simply involve the bringing forward of sites from the Stage 2 Plan to the JCS. Their allocation in the JCS would provide greater flexibility now by establishing a larger pool of sites from which development of homes and businesses could come forward.

128. The Cheltenham Plan has undergone consultation on its Issues and Options and the Pre-Submission Draft Plan is in preparation¹³⁶. Therefore, some assessment of sites should already have taken place. Consequently, it should be possible to consider potential larger GB allocations now for inclusion in the JCS.

129. I understand that one of the reasons given for not allocating these sites in the JCS is because they would produce an insufficient number of dwellings to be classed as strategic according to the Council's chosen minimum of around 500.

¹³³ EXAM 35D, paragraphs 58 and 59

¹³⁴ See for example EXAM 142-GB paper Appendix 4

¹³⁵ See for example EXAM 142, Appendices 4 and 6; EXAM 81, Fig G; EXAM 16

¹³⁶ EXAM 16

130. However, this minimum is based on the threshold above which The Advisory Team for Large Applications (ATLAS) generally becomes involved in planning applications, and to which quite different considerations apply¹³⁷. Consequently, I am not convinced that this is the most appropriate benchmark. **Comments are invited from the JCS authorities on what alternative minimum limits should be set for strategic allocations.**

131. Whilst taking account of the JCS authorities' position on GB¹³⁸, it seems to me that exceptional circumstances for GB release might more readily be demonstrated for some of the larger Stage 2 sites than for the North West Cheltenham strategic allocation (the only Cheltenham GB site in the JCS). In comparing and balancing the harms and benefits of the North West Cheltenham site with these other sites, and in seeking to avoid undermining the demonstration of exceptional circumstances for North West Cheltenham, further consideration should be given to the allocation of smaller sites.

132. I understand that Cheltenham would wish to keep these Stage 2 sites for its own supply rather than sharing them with the other JCS authorities, which is the intention for the strategic urban extensions. However, this could be resolved by allocating Cheltenham's extensions and allocations to Cheltenham, Gloucester's to Gloucester, and Tewkesbury's to Tewkesbury. This would satisfy the principle of meeting demand where it arises and would also resolve any confusion over how the five year supply is to be calculated.

133. I understand that Gloucester does not have any GB sites that are being considered for release in the Gloucester City Plan, although GB release is being contemplated for some settlements in the Tewkesbury Borough Plan. **The JCS authorities are asked to confirm the GB position for Gloucester and Tewkesbury, including the scale of any potential Stage 2 GB release and its location.**

134. **Overall, comment is invited from the JCS authorities on the scale of development and criteria for GB release that would be justified for the Stage 2 plans. Also proposals are invited from the JCS authorities for an appropriate JCS framework to guide GB reviews in the Stage 2 plans, (I understand the JCS authorities are working on this).**

135. **The JCS authorities are asked to confirm whether there are any Stage 2 GB sites in the JCS area that are likely to be relied on to**

¹³⁷ See EXAM 123 and 123A for further discussion

¹³⁸ EXAM 142-Green Belt Paper

contribute to the five year supply. If so, details are requested on what they are and the scale of development proposed for each of them.

136. Larger Stage 2, non-GB sites which, apart from size, meet with the JCS spatial strategy, may also merit consideration for inclusion in the JCS. Omitting them from the JCS could undermine the demonstration of exceptional circumstances for GB strategic allocations. **The JCS authorities are asked to confirm whether any such sites are likely to be relied upon to contribute to the five year housing supply. If so, details are requested on what they are and the scale of development proposed for each of them. Comment is also invited from the JCS authorities on what criteria could be justifiably set for inclusion of larger Stage 2 sites in the JCS.**

Elizabeth C Ord

Inspector

16 December 2015

Inspector's Interim Report on the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

1. The examination of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) has proved to be complex and controversial and has attracted considerable public participation and suggestions for amendments throughout. Since the Plan's submission to the Planning Inspectorate in November 2014 substantial additional evidence has been submitted and several round table discussions have taken place generating additional information. This has resulted in the need to reconsider a large number of matters and consequently to bring forward proposals for significant amendments to the Pre-Submission JCS¹.
2. Throughout the three stages of hearings between May 2015 and April 2016, the JCS team have agreed to many changes to the JCS, which they intend to put to Council Members in due course. Whilst the general thrust of many main modifications has been agreed in principle, for most of them the exact wording is yet to be put forward. Moreover, there are still a number of outstanding matters which require my further consideration and, where appropriate, recommendations for modifications.
3. This interim report (IR) deals with those outstanding matters and, at the request of the JCS team, recommends additional strategic allocations to meet the identified housing requirements of the JCS area. In general, I have not covered those proposed main modifications that have already been agreed during the hearing sessions, except to the extent that they usefully set the background to recommendations within this paper. All findings within this IR are preliminary and will be reviewed as necessary in the light of all information before me when completing my formal, final report to the JCS authorities.
4. Following receipt of this IR, the JCS team have agreed to complete the drafting of all main modifications, including those which have already been agreed and those which flow from this report. This wording will be discussed at the forthcoming main modifications hearings commencing on 21 July 2016. Main modifications should include updates on Strategic Allocations Policies², and updated evidence should be provided on infrastructure needs for the initial 5 years³ and on the Infrastructure Delivery Position Statements⁴ to cover my recommendations on strategic allocations.

¹ SUB 100

² Drafts set out in EXAM 167

³ EXAM 225

⁴ EXAM 168

5. Thereafter, I understand that the JCS team will seek member approval for the finalized list of main modifications, which will then go out to public consultation for a minimum six week period. The JCS team are now invited to provide a suggested programme with time scales going forward for the remainder of the examination.

Objectively Assessed Housing Need (OAHN)

6. The demographic OAHN for the Gloucestershire Housing Market Area has been assessed⁵ in accordance with the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). This assessment uses the 2012-based population and household projections as the starting point, making adjustments based on appropriate assumptions and judgements to come to the demographic figure of 31,830 dwellings. The overall figure is then broken down into figures for the three districts resulting in demographic needs of 13,290 dwellings for Gloucester, 9,900 dwellings for Cheltenham and 8,640 dwellings for Tewkesbury. I accept the workings of this assessment and the resultant figures.
7. Nonetheless, taking account of updated economic evidence and the Councils' revised economic strategy for the JCS area, in my judgement, the full OAHN should be economically led to accommodate the proposed 39,500 jobs target. Given the uncertainties of economic forecasts, a broad-brush approach to assessment is appropriate. Therefore, taking the average number of required dwellings in the adjusted employment OAHN note⁶, with a range between 31,200 and 36,600, seems a reasonable approach. This results in an OAHN of 33,500 dwellings for the JCS area for the Plan period (2011-2031). 33,500 is, therefore, the OAHN for the JCS area.

The Strategic Housing Market Assessment (SHMA)

8. The scale and mix of various tenures and types of housing has been re-assessed in the Strategic Housing Market Assessment (SHMA) Further Update⁷. I am minded to accept the workings of this update save for one aspect of affordable housing. However, before dealing with affordable housing, I would like to stress the need for clarity in the JCS over the way older people's and students' accommodation is dealt with.

Older Peoples' Housing

⁵ EXAM 119

⁶ EXAM 164

⁷ EXAM 118

9. Within the OAHN the SHMA identifies the need for 1,456 C3 use retirement/sheltered market housing units and 1,011 C2 use extra-care housing units over the plan period. There is also an identified need for 1,558 non-specified institutional class C2 bed spaces⁸, which are to be provided over and above the OAHN and would usually be in care homes or nursing homes. However, I understand from RPS's evidence⁹ and the JCS Older Peoples' Housing note¹⁰ that extra-care housing is sometimes used as an alternative to care homes/nursing homes and that the distinction between these housing types is blurred.
10. I am not aware of any guidance on whether extra-care housing units should be included or excluded in the OAHN. Therefore, it seems to me that, as long as there is clarity over how it is being dealt with, that is acceptable. As the supporting evidence includes 1,011 extra-care units within the OAHN, if any additional extra-care units are planned from the 1,558 bed spaces, they should be added to the OAHN for consistency and the OAHN be accordingly increased. This should be clearly reflected in the JCS and any split between districts shown. Only on this basis should new extra-care units be counted towards supply in meeting OAHN.
11. Overall, to provide clarity, the JCS should set out the scale and type of older people's housing that is counted within the OAHN and that which is not. Numbers should be set down so as to avoid potential confusion in the future when considering supply against housing requirements. The JCS should also set out how and where it is envisaged the institutional spaces over and above the OAHN will be delivered.

Student Accommodation

12. The SHMA indicates that additional growth in student numbers is estimated to result in about 450 new private dwellings in the private rented sector over the plan period, although this growth has largely been accounted for in the OAHN and, therefore, no additional provision is required. However, there is an additional need for campus accommodation over and above the OAHN¹¹. The JCS should reflect this by setting out clearly the potential additional units of accommodation required and how and where it is envisaged this accommodation will be provided.

Affordable Housing Need

⁸ Broken down as Cheltenham 126, Gloucester 425 and Tewkesbury 1,007 (EXAM 224)

⁹ Post Stage 3 hearing submission no16

¹⁰ EXAM 224

¹¹ EXAM 191

13. The aspect of the affordable housing need assessment, about which I have reservations, is the treatment of single person households under the age of 35 years who can afford a room within shared private rented accommodation but cannot afford a one bedroomed flat. The question in relation to these households is whether they are in need of affordable housing.
14. The JCS team's SHMA Note¹² states that the affordable housing need figure, calculated in line with the PPG, is 638 units per year. This is on the basis of single person households under 35 years being accommodated in one bedroomed self-contained housing. Nonetheless, because the benefits system only provides assistance for single person households under 35 years to be housed in shared accommodation, the SHMA calculation excludes them from affordable housing need. This reduces the annual figure by 218 to 420 units.
15. There is no basis in the NPPF or PPG for reducing affordable housing need on the basis of the workings of the benefits system. Consequently, in my judgement, the affordable housing need figure should stand at 638 units per annum.

Housing Requirement - Policy Uplift for Affordable Housing and to Boost 5 year Housing Land Supply

16. Based on the viability evidence¹³, the JCS team's Affordable Housing Delivery Note¹⁴ and its Policy Update¹⁵, the proportion of affordable housing that is deliverable through market housing schemes, will not meet the affordable housing need. This is the case, even taking account of the economic uplift to the democratic OAHN of 1,670 dwellings, and assuming that all strategic allocations and other housing development provide the suggested percentages of affordable housing¹⁶.
17. Furthermore, it is likely that some strategic allocations will not deliver the required percentages of affordable housing. For example, during the hearing sessions there was much debate over what level of affordable housing the brownfield MOD Ashchurch site would provide in reality, given

¹² EXAM 175

¹³ EXAM 176

¹⁴ EXAM 177

¹⁵ EXAM 178

¹⁶ 35% for strategic allocations; no contribution for sites of less than 10 dwellings; 20% for sites of 11 dwellings or more in Gloucester City and 40% in Cheltenham Borough and Tewkesbury Borough

the uncertainties over its potential contaminated land issues¹⁷.
Winneycroft was also said to be unable to deliver expected levels of affordable housing.

18. Although there are other possible sources of affordable housing, as set out in the Affordable Housing Note¹⁸, these numbers are comparatively small and there is no certainty over how much will come forward.

Consequently, in accordance with the PPG, consideration should be given to increasing the total housing figures in the JCS to help deliver the required number of affordable homes. Increasing the housing requirement by 5% would assist in delivering these much needed affordable homes.

19. I have considered the OAHN and the effect of a 5% uplift in the light of NPPF paragraph 14, and whether the adverse impacts of meeting either the OAHN or the uplift would significantly and demonstrably outweigh the benefits, or whether specific policies in the NPPF indicate that development should be restricted. In my judgement, whilst there will be adverse environmental impacts from development, and land will need to be removed from the Green Belt to provide supply, I have not found sufficient reason to lower the OAHN or to refrain from adding a 5% uplift.

20. Whilst this may still leave a shortfall in affordable housing, there is a balance to achieve, and in view of the constraints to development within the JCS area and the limited availability of suitable sites, a greater uplift would be inappropriate. Therefore, in my judgement, a 5% uplift should be made to the economic led OAHN.

21. There is another reason for considering an uplift and this is with respect to the deliverability of the five year housing land supply. As shown in the latest housing trajectories¹⁹ much of the five year housing land supply is expected to come forward from the strategic allocations. However, these allocations have long lead-in times and could be prone to slippages in the rates of delivery.

22. The trajectories may not be achievable if completions are delayed and, therefore, it would be advisable to provide for some additional housing, which could meet a possible shortfall. Uplifting the housing requirement and increasing supply would give more certainty of delivery and provide choice and flexibility to adapt to rapid change, thereby increasing the

¹⁷ The Viability Assessment (EXAM 176, p70) states that the MOD part of the Ashfield allocation (1,900 units) is at risk of not being viable if 35% affordable housing is required

¹⁸ EXAM 44A

¹⁹ EXAM 226

chances of maintaining a five year supply, and avoiding JCS housing policies becoming out of date.

23. For these reasons, there should be a policy uplift of 5% on 33,500 (1,675), making a total housing requirement of 35,175 dwellings. In order to boost significantly the supply of housing in accordance with national policy, this requirement should be expressed as a minimum figure. There is no justifiable reason to defer the provision of any of the housing requirement to the next Plan review and full provision should be made now within the JCS.

Supply

24. There is currently a shortfall in supply, which has accumulated since the start of the plan period. The question over whether this should be accounted for via the Sedgefield or Liverpool method was debated at the March hearings. Whilst the PPG generally prefers the Sedgefield method, there can be circumstances in which the Liverpool method is justified.

25. As indicated above, the 5 year housing land supply relies heavily on strategic allocations coming forward at pace, and consequently there is a risk that not all units will deliver on time. Moreover, the housing buffers add to the required supply. As agreed at the March hearing, a 20% buffer should be added to the 5 year housing land supply for both Tewkesbury and Cheltenham, and a 5% buffer for Gloucester. These buffers should be applied to the housing requirement plus the shortfall, not just the housing requirement.

26. On the figures presented in the most recent trajectories²⁰ only Tewkesbury could demonstrate a 5 year housing land supply using the Sedgefield method. Whilst the figures will change with the recommendations set out in this report, there is nonetheless a good argument for using the Liverpool method. In order to increase the chances of maintaining a 5 year housing land supply, particularly in the case of Cheltenham, I take the view that the Liverpool method is justified.

27. Turning to lapse rates, I note that they have only been applied to small sites of between 1 and 4 dwellings. Whilst it is appropriate to restrict lapse rates to small sites, I take the view that small sites should include those of up to 10 dwellings²¹.

²⁰ EXAM 226

²¹ This is in contrast to "Major Development" which is defined in the Town and Country Planning (Development Management Procedure)(England) Order 2015 as, amongst other things, the provision of 10 or more dwelling houses.

28. Updated trajectories should be prepared for inclusion in the JCS, taking account of the matters set out above and to accord with all other recommendations in this paper. Set out below is my recommendation to the JCS authorities to liaise with Stroud and Wychavon District Councils over the potential supply of land within these districts to meet the JCS area's housing requirement. Depending on how discussions proceed, there may be difficulties in saying with sufficient confidence if or when this potential might become available. Consequently, the trajectories may need to be caveated accordingly.

Employment

29. Employment issues have attracted extensive discussion at hearing sessions and round table events. Informed by updated employment evidence²², my current view is that these issues have been resolved by appropriate proposals for main modifications, as generally suggested in the JCS Economic Update Note of February 2016²³, and as supplemented by my recommendations expressed during hearing sessions.

30. These modifications include making an employment-led strategic allocation at West Cheltenham to ensure sufficient employment land is available within the JCS area. All that remains is for the JCS team to complete the wording of the proposed main modifications, including additions/amendments to the suggested text in the Update Note²⁴ as appropriate.

Retail

31. At the first retail hearing in June 2015 I expressed concern about a number of matters including the absence of up to date retail evidence on need and supply, the lack of town centre boundaries and primary shopping area frontages for the three main centres, and the failure to consider the need for strategic allocations. I also felt that insufficient opportunity had been provided to involve interested persons from the retail sector in the plan making process.

32. Accordingly, I suggested a round table discussion with relevant participants to feed into the additional retail evidence I required²⁵. The result was the production of a Retail Study Update and subsequent

²² Particularly EXAM 138 and EXAM 182; EXAM 180 contains a list of new employment evidence submitted during the examination

²³ EXAM 180

²⁴ EXAM 180 Appendix 3

²⁵ EXAM 78

amendments/additions²⁶ arising partly from issues discussed at the January 2016 hearing.

33. There is now substantial agreement on the methodology and assumptions that underpin the retail floorspace requirements, although issues remain over whether Gloucester's market share should be increased in order to reclaim trade lost to other destinations. However, I do not propose discussing market shares in this paper.
34. For the reasons discussed at the March hearing session, and as set out below, I am recommending an immediate review of JCS retail policy and the question of market shares would best be addressed along with other retail matters as part of that review. In the interim, a constant market share, as put forward in the updated evidence, will suffice.
35. With respect to other matters, as set out in my Retail Issues note²⁷, progress has been disappointing despite further round table discussions and three hearing sessions. These shortcomings relate mainly to supply and town centre boundaries.
36. The evidence suggests that, on a constant market share basis, a substantial unmet comparison goods need will arise within the plan period for Cheltenham and Gloucester²⁸. Whilst both centres are shown to have sufficient supply up to at least 2021, the shortage becomes apparent for the period up to 2026. Cheltenham's shortage up to 2026 is shown to be 18,039 sq m net, rising to 37,928 sq m net by 2031, and Gloucester's is shown as 11,125 sq m net, rising to 29,286 sq m net by 2031. I accept these figures which, as agreed in the developers' and JCS team's statement of common ground²⁹, could be expressed as minima within the JCS and not caps, in the interests of positive planning.
37. Whilst JCS Strategic Objective 2 (town centres) aims to ensure provision of sufficient retail uses within designated centres, it is unclear from the evidence how Cheltenham and Gloucester's needs are to be met. Although a few large potential schemes have been suggested for Gloucester³⁰, I understand that some of them are no longer to be retail led³¹, whilst at least one potentially suitable site, the Peel Centre, has been omitted.

²⁶ EXAM 136 & 136A; EXAM 194

²⁷ EXAM 169A

²⁸ EXAM 194 section 3 paragraph 1 Table 1, and EXAM 219

²⁹ EXAM 192

³⁰ EXAM 136B; EXAM 199

³¹ See for example WYG statements of 3 and 18 March, and RPS/CgMs statement of 7 March

38. The JCS indicates that supply will be dealt with in the forthcoming district plans. However, this takes no account of the strategic nature of the sites under consideration, which are for major development of more than local impact. The NPPF requires strategic priorities to be set out in the plan³², and the strategic part of the plan is the JCS. Therefore, strategic allocations should be considered through the JCS plan making process.
39. However, in view of the dearth of site evidence before me, the lack of sustainability appraisal, and the fact that no call for strategic retail sites has been made during the preparation of the JCS, I am not in a position to make strategic retail allocation recommendations. Waiting for this evidence would cause a significant delay to the JCS and would not be in the public interest.
40. Nonetheless, as there are sufficient retail commitments in place to provide the required floorspace to beyond 2021, there is no short term unmet need to satisfy. Therefore, in consideration of the Dacoram judgement³³ and Peel Land and Property's legal submissions³⁴, a policy commitment to undertake an immediate review of JCS retail policy would resolve this soundness issue. Accordingly, I recommend an immediate review.
41. Of further concern is the failure to include town centre boundaries in the JCS for Cheltenham, Gloucester and Tewkesbury, which are centres with more than a local impact. This is particularly so for Gloucester, which has no extant local plan and, therefore, no existing defined town centre boundary.
42. The JCS team have recently suggested including within the JCS³⁵ the City Centre boundary for Gloucester and the Primary and Secondary Shopping Frontages³⁶, as proposed for the emerging City Plan. However, the City Centre boundary does not include the Peel Centre, which lies adjacent to it. Whether the Peel Centre should be so included largely depends on the City Centre's retail capacity being able to meet Gloucester's unmet needs, and the suitability of the Peel Centre. It is not possible to adequately assess these matters on the information before me.
43. Nonetheless, as I am suggesting an immediate review of retail policy, boundary designations could readily be revisited as part of that review. This is my recommendation. In the interim, and on the basis of the

³² NPPF paragraph 156 second bullet point

³³ EXAM 35C

³⁴ EXAM 217

³⁵ EXAM 192

³⁶ EXAM 219 Appendix 2

evidence before me, the suggested emerging City Plan boundaries should be included in the JCS.

44. With respect to Cheltenham and Tewkesbury, insufficient work has been carried out to identify updated town centre and shopping frontages. Therefore, the statement of common ground between developers and the JCS team³⁷ suggests putting the boundaries that are within the existing local plans into the JCS with a suitable note indicating they will be subject to review. Given my recommendations on an immediate retail review, this approach is appropriate and I recommend it.

Gypsies and Travellers

45. The issues of quantum and location of sites has exercised participants considerably over the course of the examination, and there has been almost universal objection to pitches being sited at strategic allocations. However, following the publication of new Government policy in August 2015³⁸, a new assessment³⁹ has demonstrated a reduction in the need for gypsy and traveller pitches from 151 pitches⁴⁰ to 82 pitches⁴¹, apparently due to temporary planning consents being made permanent and the evidence based use of a lower household formation rate⁴².
46. Taking the re-definition for planning purposes of Gypsies, Travellers and Travelling Showpeople in the new Government policy, which excludes non-travelling households, the need for 82 pitches is shown to further reduce to 28 over the plan period⁴³. On the same basis, a slight increase in the need for Travelling Show-people plots has been identified from 36 to 38, mainly due to the large numbers of children on site who will form their own households⁴⁴.
47. The methodology behind this assessment included undertaking a full demographic study of all occupied pitches, interviewing Gypsy and Traveller households, including those living in bricks and mortar accommodation, and considering the implications of the new Government policy⁴⁵. On the evidence before me, I am satisfied that the assessment

³⁷ EXAM 192

³⁸ Planning policy for traveller sites, August 2015

³⁹ EXAM 223B - Gypsy and Traveller Accommodation Assessment Draft Update Summary of April 2016

⁴⁰ Set out in the previous 2013 GTAA - EHO 117

⁴¹ See also EXAM 223A Fig 1

⁴² EXAM 223A paragraph 1.3

⁴³ EXAM 223A Fig 3

⁴⁴ EXAM 223A Fig 2

⁴⁵ EXAM 223B p2 onwards and Appendix A

has been appropriately carried out, and there is no reason for me to dispute the figures.

48. The evidence demonstrates that there is a five year land supply for pitches and plots and, indeed, that Gypsy and Traveller needs can be met throughout the plan period without the use of Green Belt sites⁴⁶. There is no longer a strategic requirement for Gypsy and Traveller sites as needs can be met on smaller sites. A main modification to Policy SD14 (Gypsies, Travellers and Travelling Showpeople) should set out the identified needs and how they are proposed to be met. The accommodation needs of those people who are no longer classified as Gypsies, Travellers and Travelling Showpeople⁴⁷ should be considered as part of the overall housing requirements addressed within the SHMA.

49. At the March hearing session the JCS team confirmed that it no longer proposed siting pitches at strategic allocations, but instead required a financial contribution towards Gypsy and Traveller needs. I requested viability evidence in support of the proposal and this has now been provided in the form of a Viability and Impact of Gypsy and Traveller note⁴⁸. The note indicates sufficient headroom for all residential sites to contribute.

50. Whist, in principle, a contribution is appropriate, taking account of the West Berkshire District Council Court of Appeal judgement⁴⁹, which upheld the Secretary of State's Written Ministerial Statement of 28 November 2014, affordable housing and tariff style contributions should not be sought from sites of 10 units or less. Therefore, subject to the exclusion of these small sites, a main modification requiring financial contributions is justified.

Spatial Strategy

51. For the reasons set out in my Preliminary Findings⁵⁰, I take the view that the JCS spatial strategy, which focuses on urban extensions to Gloucester and Cheltenham, and strategic allocations at Tewkesbury, is generally sound. However, there should be greater emphasis on the development potential of the wider Tewkesbury Town urban area to reflect its sustainable location for housing and its planned employment growth.

⁴⁶ EXAM 223A Figs 5, 6, 7 & 8 and section 4

⁴⁷ EXAM 223A Fig 4

⁴⁸ EXAM 223

⁴⁹ EXAM 229 SoS for Communities and Local Government v West Berkshire District Council and Reading Borough Council, 11 May 2016, [2016] EWCA Civ 441

⁵⁰ EXAM 146, paragraphs 22 to 37

Apportionment

52. Gloucester is unable to make any land contribution towards the urban extensions and, therefore, the Gloucester urban extensions consist of land within Tewkesbury district, which lies on the urban edge of Gloucester. Cheltenham makes some contribution towards the urban extensions from land within Cheltenham district. The remainder of the urban extension land lies within Tewkesbury district on the urban edge of Cheltenham. Other strategic allocations lie within the wider Tewkesbury Town area, close to Ashchurch within Tewkesbury district.
53. The JCS was produced on the understanding that each authority would maintain its own 5 year supply. The JCS Councils proposed apportioning supply between the three authorities so that housing on the edge of Cheltenham contributed towards Gloucester's and Tewkesbury's needs, and housing on the edge of Gloucester contributed towards Tewkesbury's needs. However, the proposed methodologies⁵¹ for distributing supply from shared urban extensions as they were built out seemed over-complicated and uncertain, potentially leading to 5 year housing land supply issues between authorities. None of the methodologies presented were effective and were, therefore, unjustified.
54. The primary reason for allocating urban extensions around Gloucester and Cheltenham is to meet the unmet needs of Gloucester and Cheltenham where that need arises. The proposed apportionment would not have fulfilled this aim. Keeping matters simple and allocating Gloucester's strategic allocations to Gloucester, Cheltenham's to Cheltenham, and those in the wider Tewkesbury Town/Ashchurch area to Tewkesbury, is the most logical and effective way forward. This is my recommendation, which the JCS team accepted verbally during the March hearings and which is reflected in the most recent housing trajectory⁵².

Green Belt Release

55. As set out in my Preliminary Findings⁵³, due mainly to land constraints around Gloucester and Cheltenham and their inability to meet need outside the Green Belt, exceptional circumstances exist for the release of some Green Belt land for Gloucester's and Cheltenham's urban extensions. However, Tewkesbury does not have such land constraints and there are sustainable strategic sites available in the vicinity of the wider Tewkesbury Town area, which are outside the Green Belt and accord with the spatial strategy. These alternative sites could make a

⁵¹ See for example EXAM 184

⁵² EXAM 226

⁵³ EXAM 146 paragraph 9 onwards

significant contribution to Tewkesbury's requirements and, if brought forward, would enable the urban extensions around Gloucester and Cheltenham to serve primarily the needs of those areas.

56. Consequently, taking a sequential approach to Green Belt release, Tewkesbury's reasonable alternative sites should be properly considered ahead of Green Belt urban extensions that are further away from Tewkesbury Town on the edges of Gloucester and Cheltenham and which are required in full for Gloucester's and Cheltenham's needs. Therefore, on the evidence before me, I am not persuaded that exceptional circumstances exist for the release of strategic Green Belt land to meet Tewkesbury's needs.

Re-balancing

57. In order to meet the three authorities' housing requirements there needs to be a re-balancing of land supply towards Gloucester and Tewkesbury. Despite the land constraints around Gloucester, there are appropriate options available. I therefore recommend additional urban extensions around Gloucester to replace supply from Cheltenham's extensions and to meet Gloucester's housing requirements. I also recommend additional strategic allocations within the wider Tewkesbury Town area, outside the Green Belt, to meet Tewkesbury's requirements and to replace supply from Gloucester's and Cheltenham's extensions.

58. Subject to a small increase in District capacity, Cheltenham has sufficient supply within its urban extensions to meet its requirements in full. Therefore, no additional allocations are recommended. However, a small release of Green Belt land is recommended adjacent to the north Cheltenham urban boundary to free up smaller sites for potential allocation in the Cheltenham District Plan.

Spatial Distribution - District Requirements

59. As previously stated, the demographic OAHN figures for the districts are 13,290 for Gloucester, 9,900 for Cheltenham and 8,640 for Tewkesbury, totalling 31,830, to which the overall economic uplift of 1,670 units and the 5% policy uplift of 1,675 units must be added to obtain the housing requirements for the districts.

60. With respect to the economic uplift, I have considered all representations on the issues relating to alignment of homes and jobs and it is clear that there are several ways of dealing with this and none are an exact science. It seems to me that the best that can realistically be achieved is a broad

brush approach to spatially aligning economic growth and housing in an attempt to roughly provide housing where new jobs are to be created.

61. Whilst accepting that the level of jobs generated at new employment sites may be uncertain, the distribution of additional housing to reflect the extent of employment land attached to each district seems the most appropriate approach. Therefore, the additional 1,670 dwellings should be split according to the extent of employment land proposed for each authority⁵⁴.

62. There appears to be about 238 hectares of employment land available⁵⁵. Whilst I recognise that not all of this land may ultimately come forward as employment land, on the evidence before me, it seems a reasonable basis upon which to distribute the additional housing requirement between the districts. On the figures provided it seems that about 134 hectares would be in Tewkesbury⁵⁶, 67 hectares around Cheltenham⁵⁷ and 56 hectares around Gloucester⁵⁸, totalling 257 hectares.

63. In percentage terms 52% would be in Tewksbury, 26% would be around Cheltenham and 22% would be around Gloucester. If the additional 1,670 dwellings were to be allocated according to these percentages, Tewksbury would have an additional 868 dwellings⁵⁹ totalling 9,508, Cheltenham an additional 434⁶⁰ totalling 10,334, and Gloucester an additional 367⁶¹ totalling 13,657. Adding a further 5% would result in a requirement of 9,983 for Tewkesbury⁶², 10,851 for Cheltenham⁶³, and 14,340 for Gloucester⁶⁴.

Need for Additional Allocations

64. For the reasons set out in my Preliminary Findings⁶⁵ I am minded to find that, with the exception of North Churchdown, the proposed strategic allocations are sound, subject to reductions in the extent of development at North West Cheltenham and Leckhampton. In reaching these conclusions, I have considered all additional evidence submitted subsequent to my Preliminary Findings.

⁵⁴ Including West Cheltenham which is intended to be added as a main modification

⁵⁵ EXAM 184 paragraph 2.7

⁵⁶ A8 MOD Ashchurch (20); A9 (34); existing undeveloped capacity (40); other sites (40)

⁵⁷ A5 (23); West Cheltenham (40); existing undeveloped capacity (3); other sites (1)

⁵⁸ A1 (9); A3 (17); A4 (3) existing undeveloped capacity (20); other sites (7)

⁵⁹ $52\% \times 1,670 = 868$

⁶⁰ $26\% \times 1,670 = 434$

⁶¹ $22\% \times 1,670 = 367$

⁶² $9,508 + 475 = 9,983$

⁶³ $10,334 + 517 = 10,851$

⁶⁴ $13,657 + 683 = 14,340$

⁶⁵ EXAM 146 paragraph 40 onwards

65. The proposed housing supply will not meet the identified requirements and there is a need for additional allocations to be made. The JCS team have asked me to identify potential sites for allocation to meet these unmet requirements. Based on the evidence before me and subject to further sustainability appraisal I set out below my recommendations.
66. Some of these recommendations relate to sites outside the JCS boundary in Stroud and Wychavon and bring into play the duty to co-operate under the Planning and Compulsory Purchase Act 2004. Under the Act Stroud and Wychavon have a duty to co-operate in maximising the effectiveness with which the JCS is prepared, as regards strategic matters⁶⁶. Both Stroud and Wychavon have recognised this duty and have made provision in the Stroud Local Plan and South Worcestershire Local Plan respectively, enabling consideration to be given to requests for assistance in meeting the JCS authorities' needs.

Gloucester

67. The housing requirement for Gloucester is 14,340 dwellings and the district capacity⁶⁷ is 7,685, leaving a residual requirement of 6,655 (14,340 – 7,685) dwellings.
68. Excluding North Churchdown, Gloucester's urban extensions (all within Tewkesbury) are said to provide 3,618 dwellings⁶⁸, made up from Innsworth (1,250) South Churchdown (868) and North Brockworth (1,500). This leaves another 3,037 (6,655 – 3,618) dwellings to find.
69. The planning application for Innsworth is for an additional 50 dwellings (1,300 dwellings) and the numbers for South Churchdown have increased by an additional 232 (to 1,100)⁶⁹. These additional 282 dwellings are said to be deliverable within the Plan period and could potentially bring the supply to 3,900 (3,618 + 282), leaving another 2,755 (6,655 – 3,900) dwellings to find.
70. There are few strategic-scale alternative sites around Gloucester that appear to be appropriate for allocation, and in order to meet Gloucester's remaining requirement in full, the co-operation of Stroud District will be required. However, before considering Stroud, I set out below recommendations for the allocation of sites within the JCS area.

⁶⁶ PCPA 2004, paragraph 33A

⁶⁷ Taken from EXAM 184, Table 2 and including completed sites, commitments, existing allocations, district plan potential and a windfall allowance

⁶⁸ SUB 100 Pre-Submission JCS Table SP2b and EXAM 184

⁶⁹ EXAM 185

Twigworth

71. The Councils' preferred location for Gloucester strategic allocations is to the north and west of the City, apparently to re-balance growth which has already occurred to the south. In this regard Twigworth (OM1)⁷⁰, to the north of the City, is an obvious choice for an additional housing led allocation, as I indicated at the March hearings. It has been assessed as making a limited contribution to the Green Belt and the JCS team has already suggested⁷¹ that it could reasonably be allocated if necessary.
72. I note that the JCS team's latest housing supply estimates⁷² indicate that Twigworth has a potential for 2,318 dwellings with 1,600 being deliverable during the plan period. An outline planning application for 750 dwellings, amongst other development, has already been submitted⁷³. However, at the March hearings when Twigworth's capacity was discussed, there seemed to be uncertainty over the deliverability of housing over and above the 750 dwelling application. Therefore, whilst I am satisfied that Twigworth has the capacity for additional dwellings, I question whether there are issues over the timing of delivery.
73. Twigworth has undergone Sustainability Appraisal, showing no major negative impacts, and was incorporated into the October 2013 Draft version of the JCS. Stagecoach indicates that it is probably the only Gloucester omission site within Tewkesbury district that is well located to take advantage of public transport⁷⁴.
74. The main issue around Twigworth appears to be flood risk and its separation from Innsworth by the functional flood plain. However, large parts of the site are outside the flood hazard zones⁷⁵ and the flood risk appears to be no worse than for Innsworth. Furthermore, the promoters of the 750 dwelling site only intend to build housing in Flood Zone 1. With respect to integration, a master plan has been produced for the 750 dwelling development, which appears to satisfactorily integrate this Twigworth site with Innsworth via green infrastructure.
75. In these circumstances, it seems to me that the primary objections to allocating Twigworth, at least for the 750 dwellings, have been overcome. My recommendation is, therefore, to allocate Twigworth for housing-led

⁷⁰ See EXAM 95 - map of allocations and omission sites

⁷¹ In their Matter 9 Statement (response to Qu. 159)

⁷² EXAM 226

⁷³ EXAM 140

⁷⁴ Stagecoach Matter 11 Statement

⁷⁵ ENAT 104 - Halcrow's Stage 2 SFRA - Flood Hazard Map drwg no 004 sheet no. 6 of 7

development of at least 750 dwellings, thereby raising the supply to at least 4,650 (3,900 + 750), leaving at most 2,005 (6,655 – 4,650) dwellings to find. The allocation could be increased if the JCS team demonstrate that more housing in this location is appropriate and deliverability is addressed.

Winnycroft

76. The sites South of Winnycroft Lane/Corncroft Lane also appear appropriate for allocation in the JCS. Although these conjoined sites would not add to Gloucester's overall supply, having already been included in the district capacity as part of the emerging Gloucester City Plan⁷⁶, they can deliver over 600 dwellings on the built-up edge of Gloucester⁷⁷ and conform to the Spatial Strategy. A planning application has been made for up to 420 dwellings on one of the sites.
77. The sites are agricultural land, outside the Green Belt, and are of medium landscape sensitivity⁷⁸. They are in a sustainable location and Stagecoach supports them being brought forward into the JCS on public transport grounds. I understand that Gloucester City Council has already determined that the larger of the two sites is suitable for housing development but that a planning decision has stalled due to s106 issues. In my judgement, there do not appear to be any insurmountable planning constraints to allocating these two adjacent sites in their entirety.
78. Other strategic allocations composed of several adjacent sites have been included in the JCS and, as these two sites could together deliver above the JCS' minimum strategic site threshold, it seems anomalous to exclude them. The promoters of the sites have requested their inclusion in the JCS and allocating them now would give more choice, flexibility and certainty to the five year housing land supply. I therefore recommend that the sites at Winnycroft Lane/Corncroft Lane be allocated in the JCS as an urban extension and I note that the JCS indicated their agreement to this at the March hearing.

Sites outside the JCS area

79. On the evidence before me there appear to be no other appropriate sites to form additional, sustainable, urban extensions to Gloucester, which fall entirely within the JCS area and have not otherwise been counted within

⁷⁶ See Exam 188

⁷⁷ Matter 9 Statements – WYG on behalf of Barwood Development Securities Ltd; & JCS councils' response to Qu. 161

⁷⁸ Part of broad location G6 in EBLO 100; see also Matter 9 Statement of Barwood Development Securities Ltd.

Gloucester's district capacity. Nonetheless, there seem to be two reasonable omission sites on the southern edge of the Gloucester urban area in Brookthorpe/Whaddon (OM3)⁷⁹ and Hardwicke (OM4)⁸⁰, the former of which straddles the border with Stroud and the latter of which lies wholly within Stroud.

80. These sites are outside the Green Belt and, despite the City Council's desire to expand to the north, accord with the Spatial Strategy. I have driven and walked around these sites and the wider surrounding area. In my judgement they appear to be in sustainable locations, being close to local centres, employment opportunities and schools, and within reasonable distance of the City centre.

81. Whilst these sites have undergone initial sustainability appraisal showing no absolute constraints, they have been omitted from further assessment on the basis they are wholly or in part outside the JCS area in Stroud⁸¹. However, given the shortage of appropriate strategic housing sites around Gloucester, I am not convinced that this is a justified planning reason for rejecting these omission sites.

82. Under the duty to co-operate, Stroud District Council has signed a Statement of Cooperation with the JCS authorities to demonstrate its commitment to work with them to ensure OAHNs can be accommodated effectively⁸². Furthermore, its recently adopted Local Plan (November 2015) recognises the possibility of assisting the JCS authorities in meeting their housing needs⁸³.

83. The Stroud Local Plan has already started to be reviewed and the JCS authorities should engage with Stroud District Council with a view to discussing the potential for Stroud to contribute to Gloucester's requirements by allocating land at Brookthorpe/Whaddon and Hardwicke. Pending completion of this review, a specific Memorandum of Understanding could be entered into, setting out relevant details including scale, location and type of development. If Stroud agree to allocate part or all of these sites for Gloucester's needs in their Local Plan Review, their commitment to allocate and the type and scale of development should be set out in the JCS.

⁷⁹ See EXAM 95 for location

⁸⁰ See EXAM 95 for location

⁸¹ See for example SAPR100 pages 49 & 50

⁸² See appendices to SUB 108c

⁸³ EXAM 145 – Inspector's report on the examination of the Stroud District Local Plan, change number MM014

84. Part of the overall site, namely Land South of Grange Road, lies within the JCS area and is being considered for allocation in the Gloucester City Plan, having already been counted in the City's capacity figures. However, as part of the larger Brookthorpe/Whaddon site, it should be brought forward for allocation in the JCS, thereby providing more choice, flexibility and certainty in meeting the five year housing land supply.

85. I shall now set out specific reasoning in support of each site's allocation.

Brookthorpe/Whaddon

86. The site at Brookthorpe/Whaddon straddles the border with Stroud and consists of Land South of Grange Road within the Gloucester City area, together with a larger adjacent site within Stroud district. Whilst the Land South of Grange Road is being considered for inclusion in the Gloucester City Plan⁸⁴, I understand that the Stroud site, after being assessed as part of the Stroud Local Plan making process, was rejected as it was not needed to contribute to Stroud's OAHN.

87. I am told by the developers that the Grange Road Land has capacity for about 250 dwellings⁸⁵ and that the larger site overall could provide a housing led development in the region of 2,750 dwellings, together with a new primary school and local centre⁸⁶. Apparently the Regional Spatial Strategy Panel Report indicated that this area was suitable for about 1,500 dwellings, and this number is reflected in the Broad Locations Report for Broad Location G6, which covers the site⁸⁷. The developers have undertaken a suite of baseline studies to inform development design, and I understand that the site could move forward to planning application quickly.

88. The site is largely agricultural and is surrounded by built development to the north and west. It is bounded by the M5 Motorway to the south east and the railway line to the west. The Stroud Road (A4173) runs close to and partly adjacent to its eastern boundary. The Broad Locations Report⁸⁸ indicates that this area has varied landscape sensitivity although none of it seems to be highly sensitive. The report suggests that land to the north east closest to Robins Wood Hill and to the south west at Nass Farm is of medium sensitivity, with that to the far west being medium to low. In my judgement, landscape is not a bar to development.

⁸⁴ See EXAM 188

⁸⁵ Savills Matter 9 Statement

⁸⁶ Origin 3 Matter 9 Statement

⁸⁷ EBLO 100 p13

⁸⁸ EBLO 100, pp 12 & 13

89. Whereas the functional floodplain runs through the site along Daniels Brook, taking up about 7% of the site according to the developers, the masterplan shows it being used as well integrated green infrastructure. This, I am told, is integral to resolving flooding issues downstream in Gloucester and should be considered a benefit⁸⁹. The Broad Locations report also refers to the site's potential for flood betterment for downstream properties. On this basis, I accept this could be a benefit.
90. The Broad Locations Report suggests that there is poor transport connectivity to Gloucester City. Nonetheless, it points to Local Transport Plan proposals to expand the park and ride facility at nearby Waterwells, and the possibility of an additional rail station at nearby Huntsgrove. However, I understand that the Regional Spatial Strategy Panel did not find these facilities to be essential to allow development to proceed⁹⁰.
91. Stagecoach has indicated⁹¹ that a public transport service could be provided to the north of the site although large scale development to the south would put pressure on the existing local highway. Therefore, they say that some kind of north-south bus spine would be needed through the site, which should feed northwards into a bus advantage corridor to allow swift bus movements.
92. The developers suggest that such a major development would be more than capable of improving access to sustainable transport and also emphasise the potential for a new rail station on site, which is shown in their masterplan. Whilst I have not examined any viability evidence for this, it seems to me that, in principle, such a large scale development should be capable of resolving these transport issues.
93. Overall, in my judgement, there are no insurmountable constraints to developing the Brookthorpe/Waddon site and it would make an appropriate allocation to help meet the housing requirements of Gloucester and the JCS area.

Hardwicke

94. Land at Hardwicke lies entirely within Stroud District on the south western urban edge of Gloucester. The developers suggest that the site can provide between 1,200 and 1,500 dwellings⁹² as well as a primary school and local centre, and the Broad Locations Report⁹³ indicates that broad

⁸⁹ Origin 3 Matter 9 Statement

⁹⁰ See Savills' Matter 9 Statement

⁹¹ Stagecoach Matter 11 Statement

⁹² See RPS Matter 9 Statement

⁹³ EBLO 100 pp14 & 15

location GA7, in which the site lies, has capacity for about 1,000 dwellings. I understand that the developer is in a position to progress with a planning application immediately.

95. Whilst the Broad Locations Report suggests that the site is poorly connected to Gloucester City, both in terms of transport and integration, I am not persuaded that this is the case. The site lies in close proximity to the A38, which seems to me to provide good access to roads linking the City centre and Gloucester Quays within reasonable journey times.

96. Stagecoach⁹⁴ is very supportive of its development from a public transport perspective and indicates that it could be instrumental in providing the opportunity for enhanced bus services to the area in general. I also note that the potential expansion of the Waterwells park and ride and the possibility of a new rail station at Huntsgrove would improve access.

97. The site is largely agricultural land, bordered to the north west partly by the Gloucester and Sharpness Canal, to the south by the Quedgeley Trading Estate West, and generally around the rest of the site by minor roads. The A38 lies in close proximity to the south and east. Development at nearby Quedgeley lies to the north and Hunts Grove development lies close by to the south.

98. The Broad Locations Report identifies the land sensitivity as medium to low, indicating that views and tranquillity have been degraded owing to nearby industrial units, new housing developments and the busy A38. Whilst there is a small area of the site (about 12%) that falls within the functional floodplain, the majority of the land is within flood zone 1 to which built development could be readily restricted. The developers suggest that there is opportunity for flood betterment over the existing situation.

99. Overall, in my judgement, there are no insurmountable constraints to developing the Hardwicke site and it would make an appropriate allocation to help meet the housing requirements of Gloucester and the JCS area.

Overall conclusion

100. Twigworth and Winnycroft appear to be appropriate sites to allocate for urban extensions within the JCS to help meet Gloucester's housing requirement and to give choice, flexibility and certainty in meeting the five year housing land supply and beyond. Brookthorpe/Waddon and Hardwicke also appear to be suitable sites which, if they come forward for

⁹⁴ See their Matter 11 Statement

JCS needs, could make up the balance of Gloucester's remaining requirement.

Cheltenham

101. The housing requirement for Cheltenham is 10,851 dwellings, and the district capacity⁹⁵ (excluding strategic allocations) is 4,827, leaving a residual requirement of 6,024 (10,851 – 4,827) dwellings.
102. The Cheltenham side of the North West Cheltenham allocation is proposed for 2,225 dwellings and the Tewkesbury side for 2,560⁹⁶, totalling 4,785. The Leckhampton allocation is proposed for 1,124 dwellings in the JCS but has since increased to 1,141⁹⁷, consisting of 764 dwellings on the Cheltenham side and 377 on the Tewksbury side. Taking this higher Leckhampton figure of 1,141, the total number of proposed dwellings amounts to 5,926 which, if accepted, would leave another 98 (6,024 – 5,926) dwellings to find.
103. I indicated in my Preliminary Findings, that I was minded to find both of these allocations sound, at least in part. This remains my view for North West Cheltenham, albeit with some reduction in housing numbers. With respect to Leckhampton, I take the view that the housing numbers should be substantially reduced, bringing it below the JCS threshold for strategic allocation within the JCS. I am therefore recommending its removal from the JCS. I shall now consider each proposed allocation in turn.

North West Cheltenham

104. My Preliminary Findings indicated that I had reservations about the numbers of dwellings proposed for North West Cheltenham and that built development should seek to avoid areas of high landscape and visual sensitivity⁹⁸.
105. The Landscape and Visual Sensitivity and Urban Design Report shows areas of high landscape sensitivity generally to the north west⁹⁹, and on my site visit I observed this land as appearing particularly sensitive. This area also forms the setting for the Grade II* listed Church

⁹⁵ Taken from EXAM 184, Table 2 and including completed sites, commitments, existing allocations, district plan potential and a windfall allowance

⁹⁶ SUB 100 pre-Submission JCS June 2014, p35 Table SP2b; and EXAM 184

⁹⁷ See EXAM 184

⁹⁸ EXAM 146, paragraphs 91 to 98

⁹⁹ EBLO 106, Appendix 4, p11

of St Mary Magdalen¹⁰⁰. I note that Indicative Site Layout 5 of the JCS¹⁰¹ appropriately avoids built development in this area and shows it as green infrastructure.

106. Further areas of high sensitivity are shown in the Urban Extensions Boundary Definition Study Report¹⁰² around the north west, north and north east of Swindon Village. From my two site visits to the area, and noting in particular the attractive approach to the village from the north east and the pleasant views of the Cotswolds and Malvern Hills, I concur with this analysis.

107. Also, the Historic Environment Assessment records potential concerns about development, stating that the allocation area contains heritage assets of medium significance, and that it makes a medium contribution to the setting of designated buildings within its boundary. It goes on to say that Swindon Village is a Conservation Area, with key views overlooking the allocation area, and predicts good archaeological potential¹⁰³.

108. From my site visits I noted inter-visibility between the Conservation Area and the site from the south west of the village and clear views of the church tower of St Mary Magdalene from the nearby public rights of way on the site. I also noted the locally listed Home Farm on the northern edge of the village and its agricultural setting.

109. It is important that these assets and views are protected. The Historic Environment Assessment suggests that development should preserve and, where possible, enhance the character and setting of Swindon Conservation Area and the Church of St Mary Magdalene. It also states that development should be designed so as to preserve the separation and landscape character of Swindon village¹⁰⁴.

110. Accordingly, on landscape/visual amenity and heritage grounds, in my judgement a green buffer should remain around the village of Swindon, and this is my recommendation. Swindon Parish Council has indicated what they believe to be an appropriate green area around the village and this could be used as a starting point for the JCS team to amend Indicative Site Layout 5 in the JCS¹⁰⁵.

¹⁰⁰ See ENAT 107, section 9 from p58

¹⁰¹ SUB 100, p150

¹⁰² EBLO 101, maps after p142

¹⁰³ ENAT 107, p65

¹⁰⁴ ENAT 107, p66

¹⁰⁵ SUB 100, p150

111. This green buffer would displace housing, which I understand would be in the order of 500 dwellings. The allocation should, therefore, be reduced by 500 units. Reducing the allocation by 500 increases the number of remaining dwellings to find to 598 (98 + 500).

Leckhampton

112. In my Preliminary Findings¹⁰⁶ I indicated that I was not minded to find the Tewksbury side of the Leckhampton allocation, West of Farm Lane, sound and that overall, built development should avoid areas of high landscape and visual sensitivity. Having considered additional evidence submitted since then, including Redrow's planning application documents relating to Land West of Farm Lane¹⁰⁷, I remain of this view.

113. Whilst the Cotswolds Conservation Board did not object to the West of Farm Lane planning application, the Board commented that the most suitable option for the land's future management and retention of character would be to leave it undeveloped as agricultural land¹⁰⁸. Although Natural England in their letter of August 2015 stated they did not wish to comment, deferring to the Conservation Board's knowledge of the location, they did raise significant concerns over the impact on the AONB in their earlier letter of November 2014¹⁰⁹.

114. I also note that the Council's Landscape Officer referred to stunning views from Leckhampton Hill from the Devils Chimney and Cotswold Way, which would be negatively impacted, bringing the perception of the southern edge of Cheltenham closer to the viewer with a greater mass of conurbation in view¹¹⁰. In my judgement, development on the West of Farm Lane site is environmentally unsustainable mainly due to its impact on the setting of the Cotswold Hills AONB and the high landscape and visual sensitivity of the site.

115. Tewkesbury Borough Council has granted planning permission for the West of Farm Lane site¹¹¹ and the developers are ready to proceed. Whilst it was suggested at the March hearing that this part of the allocation could be retained for pragmatic integration reasons, in my judgement, this is inappropriate. The permission is now being challenged by residents and a letter before claim has been issued¹¹². Consequently, the permission could be overturned. Given my finding of unsoundness

¹⁰⁶ EXAM 146, paragraphs 54 to 60

¹⁰⁷ EXAM 150 to 150J

¹⁰⁸ EXAM 190A

¹⁰⁹ EXAM 190A

¹¹⁰ EXAM 190A

¹¹¹ EXAM 227

¹¹² EXAM 227A

and the uncertainty surrounding the site, I recommend that it be removed from the allocation and the urban extension boundaries be accordingly redrawn.

116. As the Tewkesbury side of the allocation was proposed for 377 dwellings, removing this site increases the number of remaining dwellings to find to 975 (598 + 377).

117. From my site visit observations, the adjacent land, East of Farm Lane, is also highly sensitive to development mainly due to its proximity to the AONB and stunning views into and out of the AONB. The various significant heritage assets in the south of the site add further interest and sensitivity, rendering this area unsuitable for built development on environmental sustainability grounds. Therefore, the area to the south of the allocation, coloured red for high landscape and visual sensitivity on the Landscape and Visual Sensitivity plan¹¹³, should remain as green infrastructure.

118. Furthermore, the Urban Extensions Definition Study shows other areas of high landscape sensitivity¹¹⁴ scattered throughout the site. Additionally, there are important views from the A46 Shurdington Road across the site onto the Cotswolds Hills, the most spectacular being from the junction with Kidnappers Lane¹¹⁵.

119. Moreover, the site is crossed by an intricate network of footpaths over the fields, providing impressive views of the Hills from the site's own pleasant, rural environment. On landscape and visual grounds Natural England and the Conservation Board objected to the recently dismissed Bovis/Miller planning appeal for development of up to 650 dwellings on the Cheltenham side of this allocation¹¹⁶.

120. I note that the Cheltenham *Assessment of land availability*¹¹⁷ states "In general, a site is considered unsuitable where it is assessed as being of 'high' landscape sensitivity." On this basis, a large part of the site would be unsuitable for built development and, in my judgement, the extent of the proposed development should be significantly reduced.

121. Of further concern is the impact of traffic generation from the proposed allocation. The limited highway capacity on the surrounding roads has been highlighted in the evidence before me, and the issue has

¹¹³ EBLO 106, Appendix 4, p15

¹¹⁴ EBLO 101, maps after p90

¹¹⁵ EXAM 121C

¹¹⁶ EXAM 228, Inspector's report paragraphs 86, 208 and 212

¹¹⁷ EXAM 195A p8

recently been examined in detail at the Bovis/Miller Homes inquiry. I have considered the Inspector's report on this appeal¹¹⁸ and particularly the sections on transport. Taking account of the Inspector's finding that the cumulative impact of the proposed development would be severe¹¹⁹, this strengthens my view that the extent of residential development at this location should be significantly reduced.

122. Whilst Stagecoach highlights issues with new bus services to the south of the site, it supports some development on the northern flank on public transport grounds. It indicates that an existing bus service could directly serve the northern part of the allocation and that a small diversion might be possible, bringing a larger proportion of the allocation within convenient reach of a bus stop.

123. Overall, in my judgement, a limited amount of development could be supported towards the north of the site where public transport is more accessible, subject to the avoidance of land of high landscape and visual sensitivity. Therefore, for reasons of landscape/visual amenity and highway impacts, I recommend that the Cheltenham part of the site be allocated for a modest level of built development in the order of 200 dwellings.

124. This remaining modest level of housing would not classify as an urban extension and, therefore, it would be more appropriate to allocate the site in the emerging Cheltenham Local Plan rather than in the JCS. It is, therefore, my recommendation that the Leckhampton urban extension be removed in its entirety from the JCS.

125. As the Cheltenham side of the allocation is proposed for 764 dwellings, lowering the capacity to 200 reduces the overall supply by 564, thereby increasing the number of remaining dwelling to find to 1,539 (975 + 564).

West Cheltenham

126. An additional employment led site at West Cheltenham has been agreed for allocation by the JCS team, who suggest it is also suitable for about 500 dwellings, albeit the developers have put forward a figure of 750. This is in a sustainable location on the edge of Cheltenham and, for the reasons given in my Preliminary Findings¹²⁰, I recommend this site for allocation in the JCS. Allocating this site for 500 dwellings would reduce the remaining unmet requirement to 1,039 (1,539 – 500).

¹¹⁸ EXAM 228

¹¹⁹ EXAM 228, paragraphs 221 to 238 for transport conclusions

¹²⁰ EXAM 146, paragraphs 109 to 114

Non-strategic Green Belt supply

127. There are no other appropriate omission sites around Cheltenham of sufficient scale to form an urban extension, according to the JCS's size criterion of accommodating at least 450/500 dwellings. However, there are other smaller sites, which may be suitable for allocation, and which appear not to have been included in Cheltenham's urban capacity figure.
128. The JCS authorities have been clear that they require the flexibility to remove smaller areas of land from the Green Belt where exceptional circumstances exist and where such areas are required for designation in the emerging Cheltenham and Tewkesbury local plans¹²¹. Whilst they envisaged this process occurring through the district plans, these plans are still some way from examination and the delay in site release could adversely impact on the five year housing land supply for Cheltenham. Release of appropriate non-strategic scale areas in the JCS would assist in meeting Cheltenham's five year housing land supply requirement, which otherwise may not be met.
129. Whilst the JCS team recently stated that Cheltenham no longer requires further small scale Green Belt releases to meet its OAHN¹²², this was on the basis that there were sufficient sites within the town to meet this need along with development at North West Cheltenham, Leckhampton and West Cheltenham. However, with the removal of Leckhampton as an urban extension and the reduction in housing numbers at North West Cheltenham, smaller Green Belt sites should be re-considered. On the evidence before me, it would seem that several of these sites are likely to be more appropriate for allocation than the sensitive areas of the proposed Cheltenham urban extensions identified above.
130. That having been said, the JCS team has been clear that it does not wish to allocate sites below its 450/500 strategic threshold in the JCS, due largely to issues over sustainability appraisal of reasonable alternatives and consequent delays to the JCS. Although I raised concerns about this threshold in my Preliminary Findings¹²³, mainly due to Green Belt and five year housing land supply issues, I do accept the JCS team's submission that attempting to allocate smaller sites at this stage in the JCS examination, is likely to cause further, unwanted delay.

¹²¹ EXAM 196, 7th and 8th pages in, and EXAM 196E legal advice

¹²² EXAM 196, 7th page in

¹²³ EXAM 146, paragraphs 129 and 130

131. Nonetheless, there are some sites that should be further considered to increase Cheltenham's housing capacity, and this could be done through the forthcoming Cheltenham Local Plan. In order to aid this process, I have examined the Green Belt locations of these sites and whether exceptional circumstances might be demonstrated for their release.

132. This exercise has led me to the conclusion that there are some small areas of land, which could appropriately be removed from the Green Belt. Releasing these sites now through the JCS will facilitate development, where appropriate, without having to overcome Green Belt restrictions. This should enable suitable sites to come forward more quickly, thereby increasing Cheltenham's chances of demonstrating a five year housing land supply. In fact, from developer evidence, I understand that some sites could be progressed immediately. Overall, these smaller Green Belt sites could have the potential to supply Cheltenham's remaining housing requirement.

North Cheltenham

133. Smaller Green Belt sites exist within Cheltenham district, adjacent to Cheltenham's northern urban edge and far enough away from Bishop's Cleeve to maintain sufficient separation and avoid merging. Although these sites lie within the larger red parcels NE18 and NE22 of the AMEC report¹²⁴, indicating a significant contribution to the Green Belt, some smaller parcels close to the urban boundary have been assessed as having a lesser impact by the AERC report¹²⁵.

134. There are several sites along Cheltenham's north eastern urban edge, close to the racecourse, which appear from observations on my site visit to have potential for allocation, having reasonable access to facilities and, from a public transport point of view, being generally supported by Stagecoach. These include Land at Shaw Green Lane, Prestbury (OM15/CP022), Land off Apple Tree Close (OM17/CP017) and Land off New Barn Lane (CP016), all of which are in sustainable locations. Another officer identified site lies close by (CP015)¹²⁶. The three developer promoted sites together have an indicative capacity of 265 dwellings¹²⁷ and the officer found site has 35¹²⁸.

¹²⁴ ENAT 100 Fig 5.2

¹²⁵ EXAM 81 Fig C

¹²⁶ For locations of all these sites see Cheltenham Plan sites within EXAM 142

¹²⁷ CP022 – 200; CP016 – 13; CP017 – 52

¹²⁸ CP015

135. These sites were assessed in the AMEC report¹²⁹ as part of the larger NE22 parcel, but in the AERC report¹³⁰ they have been assessed under smaller parcels A9 and A5¹³¹ which have the lowest scores against Green Belt Purposes. Indeed they are largely surrounded by built development and, in my judgement, no longer contribute to Green Belt purposes. For this reason, exceptional circumstances exist, and I recommend that parcels A9 and A5 be released from the Green Belt.
136. I note that parcel A5 was considered for release in the Draft JCS to assist with the drawing of a more consistent Green Belt boundary, but was not taken forward because the sites within it were too distant to help with the needs of Gloucester and Tewkesbury Town¹³². The sites within A9 and A5 should only contribute to the needs of Cheltenham and their distance from Gloucester and Tewkesbury Town is irrelevant.
137. There are two other sites that lie close by, adjacent to each other and to the south eastern boundary of the racecourse, again in a sustainable location. These are officer identified site CPO 18 and the developer promoted site CPO 19¹³³. These sites were also assessed in the AMEC report as part of parcel NE22. However, as part of smaller parcel A6 within the AERC report¹³⁴, they were found to make an average contribution to Green Belt purposes. Indeed, they are bounded on three sides by built development and by the racecourse on the fourth, thereby substantially limiting their contribution.
138. Although CPO 19 would only provide 15 dwellings, CPO 18 has potential for 136 dwellings and might come forward in the future. Their removal from the Green Belt, along with existing built development to the east, would provide a strong, more logical Green Belt boundary. Therefore, for the reasons given, I find that exceptional circumstances exist for the release of this land and I recommend accordingly.
139. Altogether, adding the 15 developer promoted dwellings to the previously identified 265, this overall strip of land to the south and south east of the racecourse currently has potential to provide 280 dwellings towards Cheltenham's supply, and possibly more in the future.
140. There is another small area with potential for development within the large Broad Location C2 (OM 11), described as land to the north of

¹²⁹ ENAT 100 Fig 5.2

¹³⁰ EXAM 81 Fig C

¹³¹ EXAM 142 shows that A9 is the Shaw Green Lane site, identified as CP022, and A5 consists of the three smaller sites CP015, CP016 & CP017

¹³² EXAM 142, p17

¹³³ Cheltenham Plan sites within EXAM 142

¹³⁴ EXAM 81 Fig C

Cheltenham in the Broad Locations Report¹³⁵. The sustainability appraisal, which assessed sub areas of C2¹³⁶, indicated that sub area C2c (land to the West of Cheltenham racecourse) performed reasonably well against most sustainability objectives. With generally low landscape value, a location peripheral to a range of services, and the potential to positively impact on the vitality of the town centre, it recommended that this sub-area be retained in the JCS broad location search¹³⁷. Similar comments were made about the most southern part of C2d. These areas have not, however, made it into the JCS.

141. CP004, Land at Hunting Butts (west)¹³⁸, lies within the most southern part of sub area C2d in the far south western corner of Broad Location C2, where the Broad Locations report identifies the landscape as being of low sensitivity¹³⁹. The site has been given an indicative capacity of 229 dwellings¹⁴⁰. Although in AMEC segment NE18, the AERC report puts about half of this site within parcel G17¹⁴¹, which has an average Green Belt score, and the other half within AERC parcel G16, which has the highest score.

142. Nonetheless, the site abuts built development to the south and north-west and the railway line runs to the west. Beyond this, in close proximity, lies Swindon village and the North West Cheltenham urban extension, the building out of which will impact on the contribution CP004 makes to the Green Belt.

143. Given the need for housing and the site's sustainable location, I take the view that exceptional circumstances exist for the release of at least the southern part of the site which lies within AERC parcel G17. However, this would leave a weak Green Belt boundary. A more permanent, physical boundary would be along the northern edge of the site bounded by Hyde Lane. Therefore, it is more appropriate for the boundary to be redrawn along Hyde Lane, thereby extending exceptional circumstances to the whole site. I, therefore, recommend that the whole of CP004 be removed from the Green Belt.

144. There are other non-strategic sites promoted through the Cheltenham Plan, which lie along the northern urban edge of Cheltenham¹⁴² that are within sub area C2c¹⁴³, west of the A435. Whilst I

¹³⁵ EBLO 100 pp 18-20

¹³⁶ SA 104 Fig 2: map showing the broad locations broken down by sub area

¹³⁷ SA 104 p21

¹³⁸ Cheltenham Plan sites within EXAM 142

¹³⁹ EBLO 100 p19

¹⁴⁰ EXAM 142 Appendix 4

¹⁴¹ EXAM 81 Fig C; identified as CP004 in EXAM 142

¹⁴² EXAM 142 map showing Cheltenham Plan Issues and Options sites (June 2015)

have little information on these sites, I note that the Broad Locations Report¹⁴⁴ states that there is some potential for developing land west of the A435, close to the urban edge of Cheltenham and below the sensitive ridgeline, although the topography would be challenging in terms of integrating development into the landscape. Nonetheless, it indicates that the area has potential for about 300 dwellings. It is possible that a case could be made out to demonstrate exceptional circumstances for removal of a strip of Green Belt land in this location. The JCS team might consider revisiting this area.

West/North West Cheltenham

145. Other sites with potential are CP034 and CP035¹⁴⁵, which are developer promoted sites with indicative capacities of 207 and 59 dwellings respectively¹⁴⁶, totalling 266. They adjoin the northern boundary of the proposed West Cheltenham strategic allocation and, as with the West Cheltenham allocation, they lie in a sustainable location on the urban edge of Cheltenham. Whilst they form part of the large AMEC segment NE6¹⁴⁷, suggesting a significant contribution to the Green Belt, they are within the smaller F1 parcel of the AERC report¹⁴⁸, indicating an average contribution to the Green Belt.
146. Indeed, these sites lie within the small gap between the strategic urban extensions of North West Cheltenham to the north and West Cheltenham to the south which, once developed, will further reduce the contribution parcel F1 makes to the Green Belt. Consequently, exceptional circumstances exist for the removal of F1 from the Green Belt. The JCS team could consider either removing parcel F1 only, or finding a more consistent boundary between the two strategic allocations. Therefore, my recommendation is to redraw the Green Belt in this area following either option.
147. There are other omission sites south of the proposed West Cheltenham urban extension within AMEC segment SE10, which are assessed as making a significant contribution to the Green Belt by the AMEC report, but as making an average contribution by the AERC report¹⁴⁹. Nonetheless, they lie within the narrow gap between Cheltenham and Churchdown and play a critical role in the separation of

¹⁴³ SA104 Fig 2 & text on p21

¹⁴⁴ EBLO 100 p20

¹⁴⁵ Cheltenham Plan sites map within EXAM 142

¹⁴⁶ EXAM 142 Appendix 4

¹⁴⁷ ENAT 100 Fig 5.2

¹⁴⁸ EXAM 81 Fig C and EXAM 142 AERC sites

¹⁴⁹ EXAM 81 Fig C

Cheltenham and Gloucester. Therefore, they should not be promoted ahead of other more suitable sites.

148. *Small Green Belt Sites Contribution*

149. Overall, these additional identified sites have the potential for significant residential development. Taking the capacities of developer promoted sites alone, they add up to 735 dwellings (280 + 229 + 226). If these sites were to be included in Cheltenham's district capacity, this would bring the remaining dwelling requirement down to 304 (1,039 – 735). If other sites were incorporated along Cheltenham's northern boundary, such as those west of the A435 with a capacity of about 300 dwellings, Cheltenham's remaining housing requirements could be met in full.

Overall conclusion

150. The removal of Leckhampton as a strategic allocation and the reduction of housing numbers at North West Cheltenham leaves Cheltenham with a need to find alternative housing capacity. The newly proposed strategic allocation of West Cheltenham will go part way to doing this, although a deficit still remains. In my judgement there is additional potential capacity in non-strategic Green Belt sites, which could significantly increase Cheltenham's district capacity and which could be allocated in the emerging Cheltenham Local Plan. Releasing these areas of Green Belt now within the JCS would facilitate these sites coming forward and contributing to Cheltenham's five year housing land supply. Following this approach should also enable Cheltenham's housing requirements for the Plan period to be met in full.

Tewkesbury

151. The housing requirement for Tewkesbury is 9,983 dwellings and the district capacity figures put forward (excluding strategic allocations) is 6,475¹⁵⁰, although I understand that local plan potential could increase if needs be. On current figures, this leaves a residual requirement of 3,508 (9,983 – 6,475) dwellings.

152. The strategic allocation at MOD Ashchurch is now expected to deliver 2,325 dwellings within the Plan period¹⁵¹ rather than the 2,125

¹⁵⁰ Verbally given by the JCS team at the March 2016 hearings including 5,991 completed sites, commitments, existing allocations and a windfall allowance, together with 484 district plan potential

¹⁵¹ EXAM 185

stated in the JCS¹⁵². However, I have doubts as to whether the brownfield part of the site will deliver this level of housing within the Plan period due to likely delays occurring mainly as a result of potential contamination and the re-location of MOD assets and personnel. Therefore, it would not be appropriate to increase the JCS number, which should remain at 2,125.

153. Adding in the MOD Ashchurch allocation brings the supply to 8,600 (2,125 + 6,475) and leaves another 1,383 (9,983 – 8,600) units to find.

154. The JCS team indicated at the March hearing session that additional capacity could be considered in the Tewkesbury Local Plan and distributed across the borough. However, scattering such a large amount of housing around the Tewkesbury villages would not be the most sustainable approach. More appropriate would be the allocation of strategic sites close to Tewkesbury Town, which is identified as the second most important tiered location in the settlement hierarchy, after Gloucester and Cheltenham.

155. Substantial economic growth is planned for the wider Tewkesbury Town area, particularly close to Junction 9 where there is high demand for employment land¹⁵³. Significant regeneration is also planned for Tewkesbury Town itself¹⁵⁴. Consequently, to provide sufficient housing in this growing economic area, and to support the vitality and viability of the Town Centre, further residential development in sustainable locations around the wider Tewkesbury Town area is appropriate. I shall therefore, consider the potential for additional strategic allocations in this general locality.

Fiddington

156. Having considered the Tewkesbury omission sites, there appears to be only one site within the JCS area that is appropriate for strategic allocation and that is Land at Fiddington (OM 20). I understand from the developers¹⁵⁵ that this site could accommodate about 900 dwellings as well as a primary school and local centre and that various supportive reports and assessments have already been undertaken in readiness for a planning application. It is envisaged that the site could contribute to Tewkesbury's 5 year housing land supply.

157. The site lies within the wider Tewkesbury Town area, close to the urban edge of Ashchurch, immediately to the south of strategic allocation

¹⁵² SUB 100, p35 Table SP2b

¹⁵³ EXAM 184 paragraph 2.16

¹⁵⁴ EXAM 180 paragraph 2.39

¹⁵⁵ Pegasus Matter 9 Statement

A9, and in proximity to strategic allocation A8. It is within easy reach of the A46 and Tewksbury Town, and lies adjacent to the M5 close to junction 9. It also has good access to existing nearby employment sites and other facilities. It is largely agricultural land, outside the Green Belt, unaffected by AONB, and according to the Broad Locations Report is within an area of medium to low landscape sensitivity.

158. The main issue with this site seems to be flood risk and integration, as land along the Tirlle Brook in the north of the site appears to lie in Flood Zones 2, 3a and 3b (functional floodplain)¹⁵⁶. However, most of the site seems to be in Flood Zone 1 and the submitted masterplan¹⁵⁷ shows the higher flood risk areas being used as green infrastructure with built development being confined to less risky areas. Such green infrastructure would integrate well with the employment/retail allocation to the north and, in my judgement, on the evidence before me, neither flooding nor integration should be a bar to development.

159. Therefore, I recommend that Land at Fiddington be allocated for 900 dwellings. This would bring the supply up to 9,500 (8,600 + 900) and would leave 483 (9,983 – 9,500) dwellings to find.

Sites outside the JCS area - Mitton

160. Whilst there are no other appropriate strategic omission sites within the JCS area to meet Tewkesbury's needs, there is potential for strategic development at Mitton (OM19) within Wychavon District. I understand that the two OM19 sites could together deliver a total of up to 1,100 dwellings together with a primary school, amongst other things¹⁵⁸. The sites have been assessed in the South Worcestershire Strategic Housing Land Availability Assessment as being suitable, available and achievable¹⁵⁹.

161. The sites are located adjacent to the urban edge of Tewkesbury Town and the Tewkesbury Industrial Estate with good access to facilities and employment opportunities. Given their close proximity to the Town Centre and local services, they have the potential to enhance the Town's vitality and viability. The sites also lie close to the M5 motorway and are within reasonable access of junction 9.

¹⁵⁶ See Robert Hitchins Ltd Position Statement p14 attached to Pegasus' Matter 9 Statement; and EBLO 100 pp30 & 31

¹⁵⁷ See Robert Hitchins Ltd Position Statement p5 attached to Pegasus' Matter 9 Statement

¹⁵⁸ See RPS (Barratt West) and Carter Jonas' Matter 9 Statements

¹⁵⁹ EXAM 55 A, B & C

162. The sites lie outside the Green Belt, within Broad Location T1¹⁶⁰, in an area of mainly medium to low landscape sensitivity, which is unaffected by AONB. Whilst there are flooding concerns with T1, the South Worcestershire Strategic Flood Risk Assessment Extract Map¹⁶¹ shows the site as lying mainly within Flood Zone 1, within which development is intended to be located. I understand that there are also opportunities to provide betterment to the flooding in the Tewkesbury area.
163. The southern part of Broad Location T1, including land at Mitton, was subjected to sustainability appraisal early on in the plan making process and was identified as being suitable for further appraisal on the grounds of its close proximity to Tewkesbury Town and its reasonable access to services, facilities and employment development. However, it was not taken forward on the basis of its location outside the JCS area¹⁶². The sites at Mitton should undergo further sustainability appraisal and in carrying this out, the developer's objections to the way previous appraisals have been undertaken¹⁶³ should be taken into account.
164. There has been objection that OM19 lies outside the Gloucestershire Housing Market Area and, therefore, should not be considered for the JCS districts' needs. However, defining housing market areas is not an exact science and they often overlap. The Mitton sites are closer to the Tewkesbury urban settlement than to any other Town or village and, in terms of sustainability, are better related to Tewkesbury Town than elsewhere. Mitton clearly has the capacity and potential to contribute to meeting Tewkesbury's needs and its exclusion from the Gloucestershire housing market area should not be an obstacle to its delivery.
165. The South Worcestershire authorities have already contemplated the possibility of Mitton being used to meet the JCS authorities' housing needs¹⁶⁴, although at that time, it was not envisaged that there would be an immediate requirement to call upon this land. Furthermore, South Worcestershire's Local Plan, which was adopted in February 2016, recognises the possibility of assisting the JCS authorities in meeting their housing needs¹⁶⁵.

¹⁶⁰ EBLO 100, pp26 and 27

¹⁶¹ See Delivery Statement, Appendix 1.3 within RPS (Barratt West) and Carter Jonas' Matter 9 Statements

¹⁶² SAPR 100 pages 53 and 54

¹⁶³ See RPSs (Barratt West) and Carter Jonas' Matter 9 Statements

¹⁶⁴ See Exam 57

¹⁶⁵ See Inspector's report EXAM 106 and EXAM 212

166. Accordingly, I recommend that the JCS authorities engage in constructive discussions with Wychavon District Council with a view to seeking their agreement on the release of land at Mitton to contribute towards Tewkesbury's housing requirement. If Wychavon agrees to allocate part or all of these sites for Tewkesbury's needs in a future Local Plan Review, this should be set out in a Memorandum of Agreement. Any such commitment to allocate, together with the type and scale of development, should be set out in the JCS.

Overall Conclusion

167. Green Belt land should not be released to meet Tewkesbury's strategic housing requirements and the urban extensions to Gloucester and Cheltenham should be left to meet the requirements of those constrained settlements. There are more appropriate sustainable sites outside the Green Belt, that are not unduly constrained by matters such as AONB, landscape and flooding, which could meet Tewkesbury's needs.

168. Fiddington is an appropriate site to consider for allocation within the JCS and, outside the JCS area the potential of Mitton in Wychavon District should be explored to meet Tewkesbury's remaining requirement.

Reserve Sites

169. As previously indicated, I have some concerns that not all of the strategic allocations will deliver to the estimated timescales and this could impact on the five year housing land supply. Should monitoring show a need for additional housing delivery to meet the five year requirements, then a flexible mechanism should be in place for the release of reserve sites. The ability to draw on reserve sites would help ensure that delivery is maintained and ad hoc planning by appeal is reduced.

170. For Gloucester, if Twigworth is allocated for higher numbers than the identified 750 dwellings, there will be less of an immediate need to draw upon the south Gloucester sites in Stroud, albeit some contribution will still be required. Even with lower Twigworth numbers, the combined capacity of the Brookethorpe/Whaddon and Hardwicke sites is sufficiently large to allow one or both of them, at least in part, to be designated as reserve sites to the extent they are not needed as allocations.

171. It is, therefore, my recommendation that Stroud district council be approached to seek their agreement to designate some reserve capacity in south Gloucester for Gloucester's needs as part of their review. In the meantime, Stroud might agree to another mechanism for the sites coming forward, if needed, in an appropriate Memorandum of Understanding.

172. Similarly for Tewkesbury, the capacity of Mitton is greater than is currently needed for allocation, and the remaining site is suitable for designation as a reserve site. It is, therefore, my recommendation that Wychavon District Council be approached to seek their agreement to designate reserve capacity at Mitton for Tewkesbury's needs as part of a future plan review. In the meantime, Wychavon might agree to another mechanism for the sites coming forward, if needed, in an appropriate Memorandum of Understanding.

173. Should early agreement be possible with Stroud and Wychavon District Councils, new policies for these reserve sites could be included in the JCS and appropriate trigger mechanisms be put in place.

Local Green Space

174. As indicated in my Preliminary Findings, in my judgement, the case for Local Green Space designation within both the proposed North West Cheltenham and Leckhampton urban extensions has been made out¹⁶⁶. However, as I am recommending the removal of Leckhampton as a strategic allocation, the Local Green Space designation can be made in either the emerging Cheltenham Local Plan or the forthcoming Neighbourhood Plan. Consequently, I no longer propose recommending indicative areas for Local Green Space in the JCS.

175. Turning to North West Cheltenham, as discussed and agreed with the JCS team at hearing sessions, my recommendation is to set out indicative Local Green Space Areas within the JCS, leaving the actual designation to either the Cheltenham Local Plan or any forthcoming Neighbourhood Plan. The reason for this is to avoid unnecessarily fettering the effective master-planning of this urban extension.

176. Objections have been made to Local Green Space being considered at the strategic level within the JCS¹⁶⁷ on the basis that the NPPF envisages designation as a one staged process that should be carried out at local or neighbourhood plan level¹⁶⁸. However, the whole of the NPPF envisages local plan making being carried out in one stage within a single local plan¹⁶⁹, encompassing all matters that were previously separated into pre-NPPF core strategies and lower tier local plans. Nonetheless, for pragmatic reasons, split plans such as the JCS and its district plans, which

¹⁶⁶ EXAM 146 paragraphs 61 to 66 and 99 to 103

¹⁶⁷ See particularly Post Stage 3 Hearing Submission – Representors no. 6 Hunter Page Planning

¹⁶⁸ NPPF paragraph 76

¹⁶⁹ NPPF paragraph 153

were already in preparation prior to the publication of the NPPF, may still be found sound.

177. Whilst I am also directed to Regulation 5 which, although unstated, I take to be of the Town and Country Planning (Local Planning)(England) Regulations 2012, there is nothing in this regulation which would prevent this approach. Furthermore, I draw an analogy with Green Belt, and note Mr Justice Jay's findings in the Calverton Parish Council judgement¹⁷⁰. In that case the Judge found a two-staged approach to altering Green Belt boundaries acceptable, with the precise boundaries for individual released sites being left to the Part 2 local plans.

178. Consequently, there is nothing unsound about identifying indicative areas at this stage and leaving the detail to later plans. However, taking account of my findings in relation to both the North West Cheltenham and Leckhampton urban extensions, it might be possible to make a final designation of Local Green Space within the JCS if the JCS authorities were minded to do so, but that is a matter for the authorities. Either approach would be sound. With respect to indicative areas I make the following recommendations.

179. For North West Cheltenham the indicative Local Green Space area should coincide with the aforementioned green buffer around Swindon village. The exact extent of this buffer should be determined by the JCS team in accordance with my above recommendations on this urban extension.

180. Policy wording within the JCS should make it clear where the indicative areas are located and how it is envisaged the designation will be moved forward in subsequent plans. The amended site layout should reflect the Local Green Space indicative areas.

Safeguarded Land

181. There are two areas of safeguarded land in the submitted JCS, namely, land adjoining the North West Cheltenham urban extension and land to the West of Cheltenham. I shall consider each area in turn.

North West Cheltenham

182. In my Preliminary Findings I expressed some reservations over the Green Belt release of the huge area of countryside covered by the North West Cheltenham urban extension and the adjoining safeguarded land

¹⁷⁰ EXAM 35D

combined, and questioned whether exceptional circumstances exist¹⁷¹. Nonetheless, the AMEC report shows this safeguarded land as roughly corresponding to segment NE9, thereby making only “a contribution” to the Green Belt, unlike much of the land around Cheltenham and Gloucester, which makes a “significant contribution”¹⁷².

183. There is no doubt that there would be a substantial cumulative impact on the environment associated with any future development of the safeguarded land, which lies in such close proximity to the large North West Cheltenham allocation. This part of Cheltenham would be completely transformed from a pleasant rural landscape to a large built out suburb.

184. Also, there could be issues over the consolidation of the North West Cheltenham urban extension and the subsequent building out of the safeguarded land in succession. To ensure appropriate integration of such major development, careful attention will need to be paid to infrastructure and phasing of schemes. The situation over the upgrading of junction 10 of the M5 is also likely to impact on the release of the safeguarded land for development and, at present, there are no firm proposals for a junction upgrade.

185. However, that having been said, Cheltenham is constrained and there is a limit to where future strategic development can reasonably take place. The Broad Locations Report states that Broad Location C3, which contains this land, has the greatest potential to accommodate a significant element of Cheltenham’s needs¹⁷³, and the Site Assessment/Capacity Report states that longer term development for commercial uses could potentially be accommodated on land along the A4019 towards the M5¹⁷⁴. Indeed, this M5 corridor is favoured for economic development by the Local Enterprise Partnership in their Strategic Economic Plan for Gloucestershire¹⁷⁵.

186. The Landscape and Visual Sensitivity Report shows the land as being generally of medium sensitivity¹⁷⁶, and the Strategic Allocations Report does not highlight any absolute constraints to development, indicating instead that it is one of the most sustainable locations for new residential and employment development¹⁷⁷.

¹⁷¹ EXAM 146 paragraphs 104 to 108

¹⁷² ENAT 100 Fig 5.2

¹⁷³ EBLO 100 paragraph 3.28

¹⁷⁴ EBLO 105 pp 14 to 17

¹⁷⁵ EXAM 37A & B

¹⁷⁶ EBLO 106 p11

¹⁷⁷ EBLO 102 pp61 to 67

187. Having considered carefully the evidence before me, including all representations, in my view the North West Cheltenham safeguarded land would be the best option for meeting strategic development needs beyond the plan period. Whilst paragraph 14 of the NPPF does not require local plans to meet objectively assessed needs where the adverse impacts of so doing would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted, in this instance, the adverse environmental impacts of appropriate future development at this location and the removal of the land from the Green Belt would not significantly and demonstrably outweigh the substantial social and economic benefits it would bring.

188. Paragraph 83 of the NPPF indicates that, when Green Belt boundaries are being reviewed, regard should be had to their permanence in the long term, so that they should be capable of enduring beyond the plan period. Paragraph 85 then goes on to state that, where necessary, safeguarded land should be identified to meet longer term development needs well beyond the plan period. Consequently, in accordance with the NPPF and for the reasons given above, in my judgement exceptional circumstances exist for the proposed safeguarded land North West of Cheltenham to be released from the Green Belt. Therefore, I find this safeguarded land designation to be sound and I do not make any recommendations for modification.

West Cheltenham

189. The proposed safeguarded land at West Cheltenham lies within segment NE4 of the AMEC report and makes a significant contribution to the Green Belt¹⁷⁸. Nonetheless, the area that lies within the Cheltenham boundary, close to the urban edge, makes a lesser Green Belt contribution according to the AERC Report¹⁷⁹. For the reasons set out previously above, I find that the recently proposed West Cheltenham strategic allocation, which broadly corresponds to this area, is sound. Therefore, I recommend that the JCS be modified to remove this part of the safeguarded land and to allocate it as an urban extension.

190. Nonetheless, as per my Preliminary Findings¹⁸⁰ I take the view that, in order to maintain a sufficient gap between Cheltenham and Gloucester, development should not extend too far to the west. The unallocated western part of this proposal stretches close to the village of Staverton, Staverton Industrial Estate and Gloucestershire Airport, beyond which lies North Churchdown, the allocation of which I have found unsound for

¹⁷⁸ ENAT 100 Fig 5.2

¹⁷⁹ EXAM 81 Fig C

¹⁸⁰ EXAM 146 paragraphs 109 to 114

Green Belt reasons. New development in this location runs the risk of coalescing with existing pockets of development, further narrowing this critical gap between Cheltenham and Gloucester.

191. Consequently, due to the significant contribution this land makes to Green Belt purposes, exceptional circumstances do not exist for its release. Therefore, in my judgement, this proposed safeguarded land should be removed from the Policies Map and the JCS be amended. I recommend accordingly.

Infrastructure

192. As stated in my Critical Infrastructure note¹⁸¹ the JCS does not adequately identify and address critical infrastructure requirements as envisaged in the PPG¹⁸². Additionally, the Infrastructure Delivery Plan¹⁸³ identifies a funding gap of nearly £750 million but the JCS does not set out how this is to be met.
193. The JCS team has recently produced Strategic Allocations Infrastructure Delivery Position Statements¹⁸⁴ and Updates¹⁸⁵ for proposed allocations, which satisfactorily set out key infrastructure requirements for the first five years of the plan and how they will be provided. In order to comply with PPG advice, I recommend that the main points identified in these statements be reflected in the JCS. A similar process of producing Infrastructure Delivery Position Statements and recording main points in the JCS should also take place for additional recommended strategic allocations.
194. With respect to transport, there have been wide spread concerns that the transport modelling, based on the Central Severn Vale SATURN strategic highways 2008 base year model is outdated and not fit for purpose. Whilst I understand that the model has been refined to make it as robust and up to date as possible, Gloucestershire County Council and Highways England have commented that further refinement work needs to be done¹⁸⁶.
195. Nonetheless, I note Atkin's evidence¹⁸⁷ that the model was peer reviewed in 2012 and found to be generally fit for purpose. Whilst the 2008 model contains weaknesses, it is currently the best information

¹⁸¹ EXAM 202

¹⁸² PPG 12-018-20140306

¹⁸³ SUB 109

¹⁸⁴ EXAM 168

¹⁸⁵ EXAM 168A-E and EXAM 225

¹⁸⁶ Highways England and Gloucestershire County Council Matter 11 Statements

¹⁸⁷ EXAM 220

available. There were no objections to its use at the March hearing session from Highways England or Gloucestershire County Council.

196. Although Highways England and Gloucestershire County Council are working on a 2013 based update, it is not expected until later on in the year and, even then, model runs will have to be undertaken to make refinements to the mitigation packages and transport strategy. Waiting for this updated evidence would cause undue delay to the JCS, which in the public interest needs to progress. Therefore, I do not recommend delaying progress to await the 2013 based model.

197. According to Atkins¹⁸⁸, most of the increase in traffic on the Strategic Road Network by 2031 will come from growth not attributable to the strategic allocations, the latter of which will generally account for only 5% to 10% of total growth. Consequently, it is said that many of the traffic issues arising are unrelated to the allocations. I have no good reason to dispute this evidence.

198. The transport mitigation strategy "DS3a"¹⁸⁹ should go a reasonable way to relieving that part of the impact which is attributable to most of the strategic allocations, although it should be amended, as appropriate, once the updated modelling is available. In the case of Leckhampton, more detailed site specific traffic evidence was examined at inquiry¹⁹⁰ indicating that an unacceptable cumulative impact would result from the development proposed. I have dealt with Leckhampton above.

199. Although strategic allocations are likely to contribute to the cumulative traffic impacts, with the exception of Leckhampton, there is insufficient evidence before me to demonstrate that these impacts will be so severe as to justify the removal of allocated development from the JCS. Whilst there will be some issues on the network overall, particularly at certain junctions, Highways England indicated at the March hearing that these issues would be manageable and resolvable over time.

200. Consequently, on the evidence before me, I am satisfied that the JCS can justifiably proceed with the proposed transport mitigation strategy, the main parts of which should be reflected in the JCS with a suitable note referring to the awaited update.

Elizabeth C Ord

Inspector

¹⁸⁸ EXAM 220 and EXAM 84

¹⁸⁹ EXAM 84

¹⁹⁰ EXAM 228

26 May 2016

Note of Recommendations made at the hearing session on 21 July 2016

This note is a record of the recommendations made at the 21 July hearing session following consideration of additional evidence presented since my Interim Report. It is written for the benefit of those who were not present at the hearings to inform them of progress and next steps. It does not contain full reasoning, which is left over to my final report. All recommendations are subject to any further evidence which might come forward before submission of my final report.

The JCS team has confirmed that these recommendations, together with my earlier reports and previously agreed modifications, are sufficient for them to draft the main modifications to the JCS, which they are now working on. Main modifications will be sent to me for checking by Monday 19 September 2016. There is no longer a need to hold hearing sessions in September.

Thereafter, the drafted main modifications will go to the Council Members of the three districts for approval, followed by at least six weeks of public consultation. I will then consider representations on the proposed main modifications, which I hope to do in January 2017 and, if requested, I will hold hearing sessions on the main modifications thereafter.

Recommendations

5% Uplift

The 5% uplift should remain, providing a housing requirement of 35,175 dwellings. This would make a significant contribution to the supply of affordable housing, would boost the supply of housing generally, and would give choice and flexibility. In my judgement, there are sufficient sites to meet this requirement, at least for the next 10 years, when Gloucester might run short without the assistance of Stroud. (In EXAM 236 Stroud has indicated it would consider Gloucester's needs as part of a review and has suggested aligning its own review with a JCS review.)

Leckhampton – traffic

I am satisfied that the proposed allocation at Leckhampton involves different considerations to the Bovis/Miller outline application and, therefore, the two can be distinguished. Although the appeal decision found that there would be severe cumulative traffic impacts resulting from the appealed development, the same would not necessarily be true of all schemes. An alternative scheme could prove to be acceptable. Whilst there appear to be land constraints to traffic mitigation strategies, a future scheme might, nonetheless, produce a mitigation package, which would reduce the impacts to a satisfactory level.

Highways England and Gloucestershire County Council Highways Authority have no objections to the allocation. They are confident there is an acceptable

solution to the A46 capacity issue and other road issues. I place significant weight on the advice of Highways England and Gloucestershire County Council.

Moreover, I have accepted the JCS modelling work for other strategic sites and it would be inconsistent of me not to accept it for Leckhampton. However, should evidence come forward from the 2013-based modelling, that evidence will further inform my final judgement on traffic impacts.

In summary, on the evidence presently before me, I accept the JCS authorities' position on traffic and confirm that I do not propose main modifications on traffic grounds.

Leckhampton – Landscape, Visual Impact, AONB, Local Green Space

Cheltenham side

For the reasons previously given in my earlier reports I confirm that it is my recommendation that no development be allocated on the red, highly sensitive areas shown on the Landscape and Visual Sensitivity plan.

The development proposed would harm visual amenity and in particular striking views of the Cotswold escarpment from within the proposed allocation and from the A46. Development should be designed to preserve as far as possible the view of Leckhampton Hill from the corner of the A46 and Kidnappers Lane.

I have concerns over the impact of the proposed development on the AONB. I have visited Leckhampton Hill on three occasions and it is apparent to me that proposed building on the areas of medium sensitivity, shown yellow on the Landscape and Visual Sensitivity plan, would bring a large mass of development closer to Leckhampton Hill, adversely impacting on views from the Hill.

I have considered the objection letters from the Cotswold Conservation Board and Natural England on the Bovis/Miller application relating to the proposed scale of overall development. Natural England makes the point that this land forms part of the setting of the AONB and contributes positively to its special qualities. I agree. The scale of development would impact significantly on views from the escarpment including important public viewpoints such as the Devil's Chimney and Cotswolds Way National Trail.

In accordance with NPPF paragraph 115, great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The scale of development proposed on the Cheltenham side of the allocation would not meet with paragraph 115. The proposed scale is too great for this sensitive location.

The quantity of proposed development should be scaled back. I therefore recommend that built development be contained within the green, less sensitive areas of the Landscape and Visual Sensitivity plan towards the north. Built

development should, however, avoid the green corridor of Hatherly Brook referenced "HB" in EXAM 121C. The areas I find acceptable for development correspond generally with the fields referenced NE, NW1, NW2, NW3 and NN in EXAM 121C.

I have considered the discussions on the need for a primary school in the area and the ability of a larger scale development to deliver such a school. However, this need would be less pressing with reduced housing and, in any event, it does not override the harm I have identified.

Local Green Space

The indicative area of Local Green Space should take in the walking loops. Therefore, I recommend that the indicative area reflect Fig 1 of EXAM 121C (also shown as Fig 1 in EXAM 121A) but excluding land to the West of the Farm Lane. The area can be refined and designated in either the emerging Cheltenham Local Plan or the emerging Neighbourhood Plan.

Tewkesbury side

I have taken account of the new planning permission for infrastructure relating to the site West of Farm Lane (EXAM 240 & 240A). However, this has not altered my opinion. In my judgement the development would be prominent in views out of the AONB and would cause significant harm to its scenic beauty. Therefore, I recommend that the land West of Farm Lane should not be allocated.

West Cheltenham Safeguarded Land

Part of this area has already been recommended as a strategic allocation and I do not propose re-visiting those discussions. It is the remainder of the area proposed for safeguarding that I have re-considered. This proposed safeguarded land makes a significant contribution to the Green Belt according to the AMEC report. Consequently, there is a very high bar to overcome in demonstrating exceptional circumstances.

However, in my judgement this bar has been reached for reasons which include the following: there would be a major benefit in Severn Trent Water removing the Hayden Sewage Works from the area, resulting in significantly improved living and working conditions; it would result in a co-ordinated development in two phases, preventing further piecemeal development in the area; it would provide a strong Green Belt boundary; there would be significant contributions to infrastructure, including schools.

Consequently, I find that exceptional circumstances exist for the release of this land from the Green Belt and, therefore, its safeguarding is sound. Furthermore, the JCS team might wish to consider exploring the possibilities of

phase one being expanded and additional housing being provided in this area during the Plan period.

Review

An early review mechanism should be built into the JCS. This could be based on the JCS team's suggestion in EXAM 247. However, I recommend that, instead of a 25% buffer, there be a 10% buffer to avoid corrective action being taken too readily. The less than 75% trigger in three consecutive years for strategic allocations seems to me to be a sound basis for review.

However, every effort should be made to align a review with other Gloucestershire authorities. This is particularly important if sites are to be brought forward South of Gloucester in Stroud, given Stroud's position (Exam 236) and their suggestion of an aligned Stroud/JCS review. The JCS team propose setting out a commitment to align reviews with other Gloucestershire authorities in accordance with their devolution note (EXAM 255). This appears to me to be a sound way forward.

Additional Strategic Sites

From the feed back on my Interim Report it appears that there may be scope for strategic allocations at Twigworth, Winnycroft, West Cheltenham and Fiddington. I note that the JCS team will carry out further work on these sites aimed at allocating them within the JCS. The JCS team will investigate further the extent of the land that might be allocated at Twigworth.

Cross Boarder Negotiations

The JCS team will work with Wychavon District Council to prepare a Memorandum of Agreement to be submitted along with the proposed main modifications. This is with a view to setting aside land at Mitton to contribute to Tewkesbury's housing supply.

The possibility of reserving additional capacity at Mitton will also be explored with Wychavon District along with an appropriate trigger mechanism for release of that land.

Stepped Trajectories

Stepped trajectories may soundly be used in the JCS implementation strategy subject to robust justification.

Elizabeth C Ord

Inspector

25 July 2016

Retail Note

Subsequent to my Interim Report I was asked by WYG on behalf of the Peel Group to reconsider Gloucester's comparison goods supply figures up to 2021, which I accepted in my report as being sufficient to meet short term need. I agreed to this request and heard representations from WYG at hearing sessions in July.

Other retail matters I was asked to re-consider have already been properly dealt with and do not merit further discussion at this stage. There is an agreed timetable for an immediate retail review and any necessary strategic retail allocations will be made as part of that review.

This note is restricted to considering certain commitments which have been counted towards the Gloucester comparison goods supply to 2021. In drafting this note I have considered further submissions from Peel's Counsel, Mr Tucker QC (EXAM 258), and the response from the JCS authorities' solicitor, Mr Jameson (EXAM 258A).

There are three Gloucester City planning permissions whose contribution to supply is questioned, namely Tesco Extra St.Oswalds, Interbrew Wholesale Warehouse, and the former Peel Centre Cinema building. In considering deliverability I am asked by Mr Tucker to draw an analogy with NPPF footnote 11 of paragraph 47, which gives direction on how to assess deliverable housing sites.

Footnote 11 advises that, amongst other things, to be deliverable there must be a realistic prospect that housing will be delivered on the site within five years. It also states that sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years.

The Tesco scheme has been subject to a technical start and, therefore, as a matter of fact has been implemented. However, the evidence suggests that minimal work has been done and this was simply to keep the permission alive. It is common ground that the site is being marketed for sale (see sales particulars in EXAM 258) and, therefore, it is highly unlikely that the scheme will be completed. A common sense approach should be taken to deliverability and, in this case, as there is little realistic prospect of the Tesco permission being delivered in practice, it should be discounted.

With respect to the Interbrew site, I understand from WYG's undisputed evidence that Costco was to be the end user of the retail planning permission but has confirmed to Gloucester City Council that it no longer has an interest in proceeding. Marketing sales particulars have now been submitted along with an e-mail from an interested party indicating that the site will be refurbished for

existing uses (EXAM 258). On this basis it appears highly unlikely that the retail planning permission will be delivered and therefore, it should be discounted.

A technical start has been made to the retail warehouse scheme at the Peel Centre, although there is uncertainty over whether it will proceed. The site is currently subject to a new planning application for a "Next" and a food store (EXAM 250) and I understand that if this new permission is granted, Peel Group will not build out the retail warehouse (WYG Matter 5 statement 3/3/2016, paragraph 2.0.5). The situation should be closely monitored, although at the present time there is insufficient reason to discount this commitment.

In summary, there is sufficient evidence to discount both the Tesco and Interbrew commitments but not that of the Peel Centre. This reduction in supply produces a more immediate need for retail development, which should be addressed.

NPPF paragraph 23 requires suitable sites to be allocated to meet retail needs in full. Therefore, on the evidence currently before me I recommend that land be strategically allocated in the retail review to make up the shortfall in deliverable supply required to meet demand.

Elizabeth C Ord

Inspector

26 July 2016

Gloucester, Cheltenham and Tewkesbury adopted Joint Core Strategy Examination in Public correspondence from the Inspector

In response to the Inspector's (examining the Tewkesbury Borough Plan) request through the hearing sessions, the following note has been prepared and documents assembled to give the full picture of correspondence from the JCS Inspector during the examination in public into the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. The JCS Examination in Public began in 2015, and the JCS was adopted in December 2017, during the intervening time a number of hearing sessions took place to aid the Inspector in coming to her final findings.

The attached documents were issued by the JCS Inspector throughout the examination process and covered different subjects that were being considered at that time:

Date of publication	JCS Exam Document Title
19/05/2015	EXAM35- Inspector's preliminary note on gypsies and travellers
07/07/2015	EXAM78- Inspector's note regarding additional work required
18/12/2015	EXAM146- Inspector's preliminary findings on green belt release spatial strategy
31/05/2016	EXAM232- Inspector's interim report
21/07/2016	EXAM259- Inspector's note of recommendation
03/08/2016	EXAM260- Inspector's retail note
26/10/2017	MM41A- Inspector's final report

Only documents which contain insights into the Inspector's deliberations and any interim and final findings have been included, other documents were also issued by the Inspector, however these were requests for information or agendas for hearings.



The Planning Inspectorate

Report to Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council

by Elizabeth C Ord LLB(Hons) LLM MA DipTUS

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 26 October 2017

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE GLOUCESTER CHELTENHAM AND
TEWKESBURY**

JOINT CORE STRATEGY

Document submitted for examination on 20 November 2014

Examination hearings held between 19 May 2015 and 21 July 2017

File Ref: PINS/B1605/429/4

Abbreviations used in this report

AONB	Area of Outstanding Natural Beauty
CBC	Cheltenham Borough Council
CIL	Community Infrastructure Levy
DCLG	Department for Communities and Local Government
DS7	Do Something 7
GB	Green Belt
GCC	Gloucester City Council
GHMA	Gloucestershire Housing Market Area
GTAA	Gypsy and Traveller Accommodation Assessment
HFR	Household Formation Rate
HIS	Housing Implementation Strategy
JCS	Joint Core Strategy
LEP	GFirst Local Enterprise Partnership
LGS	Local Green Space
LTP	Local Transport Plan
MM	Main Modification
MOD	Ministry of Defence
NMSS	Neil McDonald Strategic Solutions
NPPF	National Planning Policy Framework
OAHN	Objectively Assessed Housing Need
ONS	Office for National Statistics
PPG	Planning Practice Guidance
PPTS	Planning policy for traveller sites
SA	Sustainability Appraisal
SALA	Strategic Assessment of Land Availability
SELAA	Strategic Employment Land Availability Assessments
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIDP	Strategic Infrastructure Delivery Plan
SUE	Strategic Urban Extension
TBC	Tewksbury Borough Council
TIS	Transport Implementation Strategy

Non-Technical Summary

This report concludes that the Gloucester Cheltenham and Tewkesbury Joint Core Strategy (JCS) provides an appropriate basis for the planning of the JCS area up to 2031 providing a number of modifications are made to the Plan. The JCS Councils have specifically requested me to recommend any modifications necessary to enable the Plan to be adopted.

All of the modifications to address this were proposed by the Councils but, where necessary, I have amended the detailed wording. I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Expanding the vision and strategic objectives;
- Clarifying the spatial strategy;
- Stating the role and status of Neighbourhood Plans;
- Restating the housing requirement;
- Inserting housing trajectories and altering the approach to calculating annual requirements;
- Committing to early focused reviews of Gloucester's and Tewkesbury's housing supply;
- Amending affordable housing developer contributions;
- Including a requirement for older people's and students' housing;
- Changing the employment strategy;
- Recalculating retail need and committing to an immediate focused review of retail;
- Recalculating the needs of Gypsies, Travellers and Travelling Show-people and amending the strategy for land supply;
- Amending Green Belt policy and making changes to the sites that are to be removed from the green belt;
- Removing and adding strategic allocations;
- Making changes to sustainable development policies;
- Making changes to infrastructure policies;
- Amending the monitoring framework and inserting review mechanisms;
and
- Adding a list of superseded policies

Introduction

1. This report contains my assessment of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy (JCS) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework (NPPF) makes clear that, to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authorities have submitted what they consider to be a sound plan. The basis for my examination is the *Pre-Submission Document* dated June 2014, which is the same as the document published for consultation in June 2014. Whereas the Councils produced a *Submission Version* dated November 2014, this incorporated main modifications of the publication version, which require public consultation. As such consultation had not taken place, the November version could not form the basis of my examination. The Councils also submitted a *List of minor changes to the Submission Version of the JCS*, some of which actually amounted to main modifications that had not undergone public consultation. Therefore, I have dealt with these amendments in the same way as other main modifications.

Main Modifications

3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Councils requested that I should make any modifications needed to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that are necessary for soundness and legal compliance all relate to matters that were discussed at the examination hearings. Following these discussions, the Councils prepared a schedule of proposed main modifications and an integrated sustainability appraisal (SA) addendum dealing with these amendments, which incorporates Strategic Environmental Assessment, Habitats Regulations Assessment and Health and Equality Impact Assessment. Thereafter, the schedule and additional supporting evidence was the subject of public consultation for six weeks.
5. Following this consultation significant updated traffic evidence was published. Given its importance in underpinning the JCS, comments from examination participants were invited over a three week period. Thereafter, a focussed SA addendum was produced specifically dealing with traffic.
6. Due to the extent of the proposed modifications and the additional evidence received since the previous hearing session in July 2016, and taking account of the large numbers of representors who wished to be heard, main modification hearings were held in July 2017.

7. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of these amendments significantly alter the content of the modifications as published for consultation or undermine the participatory processes and SA that has been undertaken.

Policies Map

8. The Councils must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted Development Plan. When submitting a local plan for examination, the Councils are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the JCS Proposals Map Submission 2014 as set out in SUB 103b.
9. The policies map is not defined in statute as a Development Plan document and so I do not have the power to recommend main modifications to it. However, a number of the published proposed main modifications to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
10. These further changes to the policies map were published for consultation alongside the proposed main modifications under document reference MM02 entitled *Modified and New Maps*. In this report I identify any amendments that are needed to those further changes in the light of the consultation responses.
11. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Councils will need to update the adopted policies map to include all the changes proposed in *Modified and New Maps* and the further changes published alongside the proposed main modifications incorporating any necessary amendments identified in this report.

Assessment of Duty to Co-operate

12. Section s20(5)(c) of the 2004 Act requires me to consider whether the Councils complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. Section 33A requires constructive, active and ongoing engagement with neighbouring planning authorities and a variety of prescribed bodies on strategic matters in order to maximise the effectiveness of plan preparation.
13. Details of how the JCS authorities have met their duty to co-operate are set out in their *Duty to Cooperate Statement*. This sets out how the authorities have co-operated between themselves by setting up various levels of governance including a *Cross Boundary Programme Board*, and demonstrates engagement with other authorities and bodies.
14. It shows that regular, meaningful consultation on strategic issues has taken place with relevant bodies including the GFirst Local Enterprise Partnership

(LEP), Highways England, Gloucestershire County Council Highways Authority, the Environment Agency, Natural England, and Historic England. A number of Statements of Co-operation have also been agreed.

15. The JCS authorities have engaged in joint working with other Gloucestershire authorities in preparing a Strategic Housing Market Assessment (SHMA), Gypsy and Traveller Accommodation Assessments (GTAAs), Strategic Flood Risk Assessments (SFRAs) and Strategic Infrastructure Delivery Plans (SIDP).
16. A Memorandum of Understanding has been signed by all Gloucestershire district authorities and Gloucestershire County Council, which sets out how the authorities worked together in preparing their local plans, and deals with cross border, strategic planning applications and strategic infrastructure. A separate Statement of Co-operation has been signed with Stroud district, which addresses the possibility of Stroud contributing to any identified unmet housing needs within the JCS area. Also, in furtherance of cross border relationships, both the Stroud and the South Worcestershire Local Plans make provision for considering the housing needs of the JCS authorities, and potentially assisting with supply, if required. Furthermore, a Planning Statement has been signed with Wychavon District Council in respect of a development at Mitton, to which I refer further below.
17. From the submitted evidence I conclude that the JCS authorities have fulfilled the legal requirements of the duty to co-operate by maximising the effectiveness of the plan-making process and undertaking constructive and active co-operation and engagement on an on-going basis with all relevant bodies and organisations as required by the Local Planning Regulations.

Assessment of Soundness

Preamble

18. The JCS examination has been long and controversial, attracting considerable interest and participation. Since the Plan's submission, substantial additional evidence has been submitted and round table discussions on various topics have taken place in an attempt to address outstanding issues and ensure proper participant consultation. In order to support the proposed main modifications, updated evidence including reports and surveys were published for consultation alongside the schedule of proposed main modifications.
19. Due to the complexity of the issues and the evolving nature of the evidence base, I produced a number of written notes and reports throughout the examination to keep matters on track and to more effectively manage progress. Amongst them were my Preliminary Findings of December 2015, an Interim Report of May 2016, a Note of Recommendations dated 25 July 2016 and a Retail Note of 26 July 2016, all of which I refer to below.

Main Issues

20. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified eleven main issues upon which the soundness of the Plan depends.

Issue 1 – Whether the vision and strategic objectives are sufficiently

comprehensive in addressing the key challenges of the area.

21. The Plan's vision and strategic objectives are based on key challenges within each Council's Sustainable Community Strategy, drawn together to reflect the JCS area as a whole. There are nine objectives, collated under three broad ambitions, incorporating the three dimensions of sustainable development. They have developed from a comprehensive evidence base and have evolved through several stages of consultation and SA, resulting in a positive and distinctive approach that identifies issues of local importance without repeating national policy. However, some gaps need to be filled to ensure the strategies are effective and properly reflect what the Plan is seeking to achieve.
22. In this regard, the wider Tewkesbury Town area, which is proposed for strategic growth, should be identified as a key location for housing and economic development (**MM001a**), and reference made to the proposed enhancement of Ashchurch for Tewkesbury railway station (**MM001b**). Furthermore, the intended capacity enhancements from extensive proposed improvements to Cheltenham Spa railway station which, amongst other things, should facilitate access to strategic allocations in the West and North West of Cheltenham, should feature in the vision (**MM001c**).
23. Gloucester City's regeneration programme should be referenced (**MM001**) and ongoing work at the Kings quarter updated (**MM002**). Text needs deleting, which no longer supports the new apportionment mechanism for housing (**MM003**), and the challenges to meeting development needs posed by the flood plain, AONB and Green Belt (GB), should be identified (**MM004**).
24. Moreover, strategic objective 1 should include the need to increase access to high speed broadband, thereby emphasising its importance for economic growth (**MM005**). Strategic objective 4 ought to refer to the review of Green Belt within the "Development Plan" rather than the "JCS" to reflect the fact that local changes to the GB might also be made in the forthcoming local plans (**MM006**). Further to the Written Ministerial Statement of 25 March 2015, strategic objective 6 should not refer to exceeding standards and this needs to be deleted (**MM006**).
25. Strategic objective 7 requires additional text and rewording to strengthen the ambition to improve opportunities for public and sustainable transport (**MM007**), and in order to ensure a wide choice of high quality homes, Strategic objective 8 needs to clarify that the Plan's housing provision is a minimum requirement, by adding the words "at least" (**MM007**). Strategic objective 9 requires additional text to emphasise the role of education, sport, leisure and public transport in promoting healthy communities.
26. Subject to these identified modifications, I am satisfied that the vision and strategic objectives provide balance and a positive framework for the Plan's administrative area.

Conclusion

27. Subject to the identified main modifications, I conclude that the Vision and Strategic Objectives are sufficiently comprehensive in addressing the key challenges of the area. Consequently, I find this part of the Plan to be sound.

Issue 2 – Whether the spatial strategy is the most appropriate for the JCS area.

Overall Approach

28. The JCS authorities intend to follow a two tier approach to land supply with strategic allocations being made in the JCS and local allocations being left to forthcoming District Plans.
29. Part 3 of the Plan sets out the spatial strategy for the JCS area, with Policy SP1 addressing the need for new development and Policy SP2 dealing with its distribution. However, the title of Part 3, being "Strategic Policies", fails to fully reflect its content and could be confusing, particularly as there are other strategic policies within the Plan. Therefore, for reasons of clarity and effectiveness, **MM008** is necessary, which changes the title to "The JCS Spatial Strategy".
30. The overall spatial approach has evolved from a number of spatial options for allocating strategic development land. These were considered in the *Spatial Options Topic Paper* and were subjected to SA, with the most sustainable option being found to be the creation of urban extensions to Cheltenham and Gloucester. In accordance with the evidence base, the spatial strategy focuses new growth mainly on Cheltenham and Gloucester with the aim of retaining their economic and social positions as strategically significant settlements in the sub-region and taking advantage of their existing infrastructure capacity.
31. Tewkesbury Town is constrained by the high risk of flooding from the rivers Severn and Avon, and urban extensions to the Town itself are not proposed. Nonetheless, there are significant parts of the wider Tewkesbury Town area, which appear sustainable and are not so constrained. In recognition of this, the JCS incorporates strategic allocations at Ashchurch on the eastern edge of Tewkesbury Town's wider urban area (although one of these sites is now to be withdrawn for reasons of deliverability¹).
32. The amended employment strategy, which is dealt with at Issue 4 below, concentrates growth along the M5 corridor and junctions 9 and 10. Junction 9 lies close to Tewkesbury Town and its wider built up area and, therefore, this strategy is likely to have direct economic growth consequences for Tewkesbury. Accordingly, the Plan should put greater emphasis on the development potential of the wider Tewkesbury Town urban area to reflect its sustainable location for both housing and its planned employment growth. The detail of how the Plan should be modified to address this is dealt with

¹ See Issue 8 on strategic allocations below

below under Issue 3 (Housing), Issue 4 (Employment) and Issue 8 (Strategic Allocations).

33. Besides the proposed development at Ashchurch, Tewkesbury's growth is focused on a hierarchy of rural service centres and service villages as set out in Table SP2c. However, during the examination, new evidence was submitted in the form of the 2015 *Settlement Audit Refresh* and, as a consequence Stoke Orchard is to be added as a service village. Furthermore, as Twigworth village will now have a strategic allocation adjacent to it, it should be removed from the list. These amendments are achieved by **MM030**.

Housing Apportionment

34. Gloucester is unable to make any land contribution towards the urban extensions and, therefore, the Gloucester urban extensions consist of land within Tewkesbury district, which lies on the urban edge of Gloucester. Cheltenham makes some contribution towards the urban extensions from land within Cheltenham district. The remainder of the urban extension land lies within Tewkesbury district on the urban edge of Cheltenham. Other strategic allocations lie within the wider Tewkesbury Town area, close to Ashchurch within Tewkesbury district.
35. The JCS was produced on the understanding that each authority would maintain its own five year housing land supply. The JCS Councils intended to apportion supply between the three authorities so that housing on the edge of Cheltenham contributed towards Gloucester's and Tewkesbury's needs, and housing on the edge of Gloucester contributed towards Tewkesbury's needs. However, the proposed methodologies for distributing supply from shared urban extensions as they were built out seemed over-complicated and uncertain, potentially leading to five year housing land supply issues between authorities. None of the methodologies presented appear effective and are, therefore, unjustified.
36. The primary reason for allocating urban extensions around Gloucester and Cheltenham is to meet the unmet needs of Gloucester and Cheltenham where that need arises. The proposed apportionment would not fulfil this aim and, therefore, is unjustified. The most logical and effective way forward is to simply allocate Gloucester's strategic allocations to Gloucester, Cheltenham's to Cheltenham, and those in the wider Tewkesbury Town/Ashchurch area to Tewkesbury. The JCS authorities have accepted this approach, which is reflected in **MM026**.
37. The redistribution of land supply in this way has had a consequential impact on the amount of land needed around the three main centres of Gloucester, Cheltenham and Tewkesbury. As a result, there is to be some re-balancing towards Gloucester and Tewkesbury, the detail of which is addressed by main

modifications considered below under Issue 3 (Housing), Issue 4 (Employment) and Issue 8 (Strategic Allocations). However, to reflect more general changes to the spatial strategy and to aid clarity, **MM022** and **MM024** are necessary for this part of the Plan to be sound.

Conclusion

38. Subject to the identified main modifications, I conclude that the spatial strategy is the most appropriate for the JCS area. On this basis, I find this part of the Plan to be sound.

Issue 3 – Whether the Plan's housing requirements are soundly based and whether sufficient provision is made for the supply of housing.

39. The JCS addresses housing supply and demand within Part 3 (Strategic Policies) under Policies SP1 (The Need for New Development) and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review).

Objectively Assessed Housing Need (OAHN)

40. The suggested housing need for the JCS area is set out within Policy SP1. However, the figures are based on outdated evidence and during the examination extensive new evidence was submitted to reflect the up-to-date position. Accordingly, a new assessment was carried out in order to obtain the most appropriate estimate of OAHN, resulting in different figures to the submitted JCS.
41. Assessing housing need is not an exact science and there is no single method of determining an appropriate figure. It is a matter of judgement based on an objective analysis of the submitted evidence. For the JCS authorities, the OAHN has been assessed in a separate document to the Strategic Housing Market Assessment (SHMA), although the two should be read together.
42. The suggested OAHN for the six Gloucestershire districts within the Gloucestershire housing market area (GHMA) is underpinned by two reports from Neil McDonald Strategic Solutions (NMSS). One covers the OAHN for Stroud, Forest of Dean and Cotswold, and the other covers the OAHN for the JCS administrative area. That for the JCS area indicates an OAHN of 30,500 dwellings.
43. Whilst ideally there should be a single OAHN assessment for the entire GHMA, the different timescales of the emerging plans are bound to lead to some divergences, as needs change over time. The starting point is for the JCS authorities and others to identify their own needs within their respective areas drawing upon a proportionate evidence base. An assessment of each authority's own OAHN, coupled with the duty to co-operate on unmet need, provides a satisfactory mechanism for overall co-ordination. In these

circumstances a general consistency of approach is the best that can be achieved and is justified.

44. However, after the publication of these OAHN reports the Department for Communities and Local Government (DCLG) published its 2012-based household projections with updated household formation rates (HFRs). Given that the Planning Practice Guidance (PPG) advises that the most recent projections should form the starting point for estimating OAHN, the OAHN for the JCS area was recalculated. This is consistent with Stroud, who had already done a similar recalculation.
45. Starting with the 2012 Office for National Statistics (ONS) population projections and DCLG's 2012-based household projections, and adjusting to reflect appropriate assumptions and judgements, NMSS re-assessed the OAHN for the GHMA in accordance with the NPPF and PPG. This resulted in a demographic figure for the JCS area of 31,830 dwellings. The overall figure was then segregated into districts resulting in demographic needs of 13,290 dwellings for Gloucester, 9,900 dwellings for Cheltenham and 8,640 dwellings for Tewkesbury. I have found no convincing evidence to reject the workings of NMSS and the resultant demographic figures.
46. Whilst these figures provide a crucial starting point, it is also necessary to consider the impact of economic growth forecasts and aspirations to ensure that there is sufficient housing to support the delivery of job growth. To align the quantity of homes with the Councils' revised economic strategy, I concluded in my Interim Report² that the OAHN should be economically led to accommodate the proposed 39,500 jobs target. This was a shift in strategy from the submitted Plan, whose OAHN was demographically led.
47. Having estimated the population needed at the end of the Plan period (2031) to provide the labour force implied by economic forecasts, the number of dwellings needed was estimated. Given the uncertainties of economic forecasts, a broad-brush approach to assessment is appropriate and, accordingly, it is reasonable to take the average number of required dwellings. With a range between 31,200 and 36,600, this results in an OAHN of 33,500 dwellings, an uplift of 1,670 dwellings on the demographic figure. The OAHN for the JCS area for the Plan period (2011-2031) is therefore 33,500 dwellings and the JCS needs to be modified accordingly for soundness.
48. More recent population projections were published in May 2016 (ONS 2014 sub-national Population Projections) and updated household projections were published in July 2016 (DCLG's 2014-based household projections). NMSS reviewed these statistics and found that they made no difference to the OAHN, due to it being employment led. I accept NMSS's evidence.

² EXAM 232, paragraph 7

49. In terms of apportioning the economic uplift between the three districts, account has been taken of the main economic growth area along the M5 corridor, which runs through the heart of the JCS area. In broad terms, the additional housing is distributed in accordance with the amount of employment land potential in each authority area and with the spatial strategy. This results in economically led OAHNs of 13,675 for Gloucester, 10,395 for Cheltenham and 9,425 for Tewkesbury.
50. To reflect these changes and to justify the strategic approach, amendments are necessary to the supporting text of Part 3, and new Tables SP1a (demographic OAHN) and SP1b (economic uplift OAHN) are inserted (**MM009-MM012** and **MM014, MM015, MM017**). However, this does not reflect the full housing requirement, which is dealt with below.

Housing Requirement

51. There is a substantial need for affordable housing within the JCS area, but the proportion of affordable housing that is deliverable through market housing schemes, will not meet this need. This is despite the economic uplift, and regardless of whether all strategic allocations and other housing development provide the required contributions of affordable housing (see affordable housing below). Furthermore, it is a real possibility that some strategic allocations will not deliver the affordable housing policy requirement. Although there are other possible sources of affordable housing, as set out in the *Affordable Housing Note*, these numbers are comparatively small and there is no certainty over how much will come forward.
52. The PPG states that an increase in the total housing figure included in a local plan should be considered where it could help deliver the required number of affordable homes. Consequently, to be consistent with sustainable development I consider that a reasonable uplift of 5% is necessary.
53. This would also have other delivery benefits. There are indications that the rate of housing development could result in actual supply falling below planned supply, thereby risking deliverability of the five year housing land supply. As shown in the latest housing trajectories much of the five year housing land supply is expected to come forward from the strategic allocations. However, these allocations have long lead-in times and completions could be delayed, thereby affecting the trajectories' rate of delivery. Increasing supply would give more certainty of delivery and provide choice and flexibility, enabling a positive response to rapid change.
54. I have considered the effect of a 5% uplift in the light of paragraph 14 of the NPPF, and whether the adverse impacts of meeting either the OAHN or the uplift would significantly and demonstrably outweigh the benefits, or whether

specific policies in the NPPF indicate that development should be restricted. In my judgement, whilst there will be adverse environmental impacts from development³, and I go on to consider later in the report whether exceptional circumstances exist to meet some of the housing need on GB land⁴, I have not found sufficient reason to justify a lower housing requirement figure. Whilst this may still leave a shortfall in affordable housing, there is a balance to achieve, and in view of the constraints to development within the JCS area and the limited availability of suitable sites, a greater uplift would be inappropriate.

55. For these reasons, it is necessary for a sound plan to increase the economically-led OAHN figure of 33,500 by 5% (1,675 dwellings), which results in a housing requirement of 35,175 dwellings. In order to boost significantly the supply of housing in accordance with national policy, this requirement should be expressed as a minimum figure. Splitting this 5% uplift between the three districts results in minimum housing requirements of 14,359 dwellings for Gloucester, 10,917 for Cheltenham and 9,899 for Tewkesbury.
56. Accordingly, changes are needed to Policy SP1 (*The Need for New Development*) and its supporting text along with the insertion of Table SP1b, which sets out the requirements. This is achieved by **MM010**, **MM012**, **MM013** and **MM017**.

Strategic Housing Market Assessment (SHMA)

57. The JCS housing provision is underpinned by a SHMA, as updated, covering the six GHMA districts (Gloucester, Cheltenham, Tewksbury, Stroud, Forest of Dean, Cotswold), which seeks to balance the various types of housing need, including affordable housing. However, the originally submitted SHMA was not fully in accordance with the NPPF and PPG and was based on outdated evidence. For example, certain population groups were not adequately considered, such as the institutional needs of the elderly and students, and the affordable housing need assessment took private rented sector supply into account, contrary to the PPG. Consequently, a further SHMA update was prepared during the examination, which re-assessed the scale and mix of various housing types and tenures in accordance with national policy. This new evidence underlines the need for some amendment to the Plan as follows.

Affordable Housing

58. During the course of the examination, the Government, through the Housing and Planning Act 2016, introduced a duty for local authorities to promote the supply of Starter Homes, which will be included in the definition of affordable housing. Whilst this part of the Act has not yet been brought into force, it is likely to be implemented during the Plan period. Therefore, in order to be effective, an amendment is necessary to update the Plan, making general

³ See Issue 8 on strategic allocations

⁴ See Issue 7 on GB

reference to this.

59. The need for affordable housing was reconsidered during the course of the examination and revised figures produced in the further SHMA update. This bases housing cost affordability on up to 35% of gross income. From this, the unconstrained affordable housing need across the JCS is calculated as 638 units per annum. I have found no convincing evidence to reject this figure and its underlying workings.
60. The SHMA then proceeds to reduce this figure by excluding single person households under 35 years who can afford shared accommodation but cannot afford a one bedroomed self-contained unit. This is because the benefits system only provides assistance for single person households under 35 years old to be housed in shared and not self-contained accommodation.
61. There is no basis in the NPPF or PPG for reducing affordable housing need on the basis of the workings of the benefits system. Consequently, in my judgement, the affordable housing need figure should remain at 638 units per annum and the JCS should reflect this figure as a target for affordable housing.
62. The delivery of most affordable housing is intended to be through market housing schemes. However, following the *West Berkshire* Court of Appeal judgement⁵, which upheld the Secretary of State's Written Ministerial Statement of 28 November 2014, the PPG indicates that affordable housing and tariff style contributions should not generally be sought from sites of 10 units or less, which have a maximum combined gross floor space of no more than 1,000sqm. There is no compelling evidence to justify a departure from this. Consequently, for consistency with national policy and guidance, Policy SD13 (*Affordable Housing*) needs to be amended so that sites of 10 residential units or less are not required to contribute affordable housing.
63. Viability is a key factor in considering the quantum of affordable housing that should be generated through market housing development. New viability evidence submitted during the examination demonstrates that viability across the JCS area and between different development types differs significantly. Therefore, to ensure its effectiveness, the JCS needs to be modified to reflect a more flexible approach. This is achieved by setting down varied requirements for affordable housing contributions, taking account of infrastructure challenges and differing land values, amongst other things.
64. For local sites in Cheltenham and Tewkesbury, a minimum contribution of 40% is to be sought, whilst in Gloucester, the minimum contribution is to be 20%. If a development is unable to deliver the full requirement, any reduced contribution will need to be supported by a viability assessment conforming to an agreed methodology. In the interests of transparency, such assessments will in all but exceptional cases be published.
65. It is recognised that strategic allocations present different viability considerations to other sites and each one will have its own deliverability and

⁵ SoS for Communities and Local Government v West Berkshire District Council [2016] EWCA Civ 441

viability challenges. Therefore, balancing the need to provide for infrastructure with affordable housing contributions, the evidence suggests that generally a minimum figure of 35% affordable housing is likely to be viable. Nonetheless, to maintain flexibility, it is necessary to modify the Plan to ensure detailed viability evidence is submitted with each planning application and to determine the appropriate balance between affordable housing and infrastructure needs.

66. In designated rural areas, as described under section 157 of the Housing Act 1985, local planning authorities may choose to set a lower threshold of 5 units or less. Where a lower threshold is applied, developments of between 6 and 10 units would be subject to affordable housing contributions in the form of commuted payments only. There are parts of the JCS area that fall within this rural designation typology and each JCS authority wishes to retain the ability to apply a lower threshold in their own district, where appropriate. This is a justified approach and consequently, in the interests of a clear plan it is necessary for the JCS to reference the ability of District Plans to provide the details of lower thresholds in certain circumstances.
67. In order to ensure that the JCS is sound, main modifications **MM069** to **MM071** to Policy SD13 and its supporting text are therefore necessary. Subject to these modifications the viability evidence leads to my conclusion that the Policy is justified.

Older People's Housing

68. In order to be effective and avoid confusion over five year housing land supply figures, the JCS must be clear on the housing types and numbers that are counted towards the OAHN and those that are institutional and are not. This is particularly important because extra-care housing can sometimes be used as an alternative to care homes, somewhat blurring the distinction.
69. The further SHMA update identifies the need for 1,456 C3 use retirement/sheltered market housing units and 1,011 C2 use extra-care units over the Plan period. For the JCS these form part of the OAHN and are absorbed in the OAHN figures.
70. The further SHMA update also identifies the need for 1,558 non-specified institutional class C2 bed spaces for the Plan period, which would usually be provided in care homes or nursing homes. These bed-spaces are to be provided over and above the OAHN.
71. I understand that many of these bed-spaces will have been permitted by the time the JCS is adopted and provision for the remainder will be made through the District Plans. To be effective and provide a basis for any further development within the District Plans, the JCS should be amended to set out this position. This is achieved by **MM070a**.

Students

72. In order to be competitive, Gloucestershire University requires sufficient accommodation for its students. The further SHMA update indicates that additional growth in student numbers is estimated to result in about 450 new

private dwellings in the private rented sector over the plan period, although this growth has largely been accounted for in the OAHN and, therefore, no additional provision is required. However, over and above the OAHN, the evidence suggests a need for 1,500 bed-spaces in campus accommodation.

73. Planning permission was granted in 2015 for the development of a student village at the Pittville campus in Cheltenham, and Gloucester City and the County Council are currently planning for the Gloucester campus and additional student accommodation. Therefore, I understand that many of the required bed-spaces will have already been permitted by the time the JCS is adopted and provision for the remainder will be made through the District Plans. To be effective and provide a basis for any further development within the District Plans, the JCS should be amended to set out this position. This is achieved by **MM035** and **MM067a**.

Housing types overall

74. Subject to the identified modifications, the JCS policies as a whole appropriately address the need for all types of housing. As a result the Plan is consistent with the NPPF regarding inclusive design and accessible environments.

Housing Land Supply

75. Housing land supply is dealt with in several places within the JCS, namely, the section on delivery within the supporting text of SP1, Policy SP2 on distribution and within the monitoring section. However, there is no Housing Implementation Strategy (HIS) or trajectories contrary to the requirements of paragraph 47 (4th bullet). This was rectified by the submission of a HIS during the examination, which is a living document, a version of which was published for consultation alongside the schedule of proposed main modifications.

Shortfall

76. Whilst the JCS authorities have sought to meet the full housing requirement for the Plan period, it is apparent from the HIS that insufficient sites can be identified at present for Gloucester and Tewkesbury. Overall, against the requirement of 35,175, there is currently a supply of 31,824 dwellings, leaving a shortfall of 3,351. However, there appear to be a number of possibilities for locating additional land and, therefore, focused reviews of Gloucester's and Tewkesbury's supply are proposed.
77. Gloucester's shortfall is 1,346 dwellings although it has sufficient housing land for the short to medium term and this allows adequate time to consider additional development options both within and outside the JCS area. It is therefore intended to explore opportunities within the urban area, as well as potential new Strategic Urban Extensions (SUEs) in Tewkesbury Borough and Stroud District, taking account of the JCS authorities' Memorandum of Agreement with Stroud.

78. Accordingly, there should be an early review of Gloucester's housing land supply to meet its needs in the latter part of the Plan period (see Issue 11 monitoring and review below). This would be in accordance with the *Dacorum* judgement⁶ and guidance in the PPG.
79. Tewkesbury's identified shortfall in its housing requirement is exacerbated by the withdrawal of its main housing land allocation at MOD Ashchurch (2,125 dwellings to 2031) after the Defence Infrastructure Organisation delayed the site's release. This shortfall is approximately 2,400 dwellings.
80. Although parts of the overall site will still be available during the Plan period, including Aston Fields, there are access constraints and issues over how a suitable design could be achieved whilst the army camp remained on site. Consequently, uncertainty over sustainable delivery would make allocation at this stage unsound. Nonetheless, other parts of the land in the control of the Defence Infrastructure Organisation are likely to become available in the future providing a deliverable solution, although timescales are currently unknown.
81. Whilst I previously suggested⁷ that a site at Fiddington might be a possibility for allocation, on the evidence now before me, this would not be justified at present. Nonetheless, it could possibly be allocated in whole or in part in the future. The problem with allocation now is that part of the site has the potential to locate off-line improvements to the A46 corridor, which could address significant traffic flow matters that are constraining growth in the area. Without capacity enhancements to the A46, future development around the Ashchurch area would be limited. Furthermore, there are implications for wider regional highways strategies including Highways England's South Midlands Route Strategy that highlights capacity and safety issues around the M5 Junction 9 and the A46 through Ashchurch. At this stage, given the importance of establishing the most appropriate traffic solution, deliverability and site capacity at Fiddington are uncertain.
82. The JCS authorities have indicated that there are other options in the Tewkesbury town and Ashchurch area which have not been put forward through the JCS process but which are within the Tewkesbury Strategic Assessment of Land Availability (SALA). However, more investigation and evidence gathering needs to be undertaken to establish whether these sites are sustainable options for allocation.
83. Tewkesbury has not had sufficient time to respond to the significant changes to its housing land supply resulting from MOD Ashchurch. Consequently, I consider that, rather than prolonging the JCS examination further, an immediate review of Tewkesbury's supply should take place upon adoption of this Plan to explore additional possibilities (see monitoring and review). This review should be informed by masterplanning of the Ashchurch area, part of which would assess housing delivery options including an access and transport strategy. This review has already started and consultants were commissioned in June 2017.
84. Furthermore, I understand that Tewkesbury Borough Council has submitted a

⁶ Grand Union Investments Ltd. v Dacorum Borough Council [2014] EWHC 1894 (Admin)

⁷ Interim Report EXAM 232 paragraphs 156-159

bid for the Homes and Communities Agency Capacity Fund to support the delivery of growth in this area and unlock housing sites both within and beyond the Plan period. This includes exploring the potential to bring forward land parcels on the MOD Ashchurch site and considering the impacts and opportunities of an off-line A46 route.

85. Outside the JCS area Wychavon District Council has agreed to contribute 500 dwellings to Tewkesbury's supply through a housing-led development at Mitton. Developers are currently preparing an outline planning application, which is scheduled for submission in October 2017.
86. Tewkesbury Borough Council on behalf of the JCS Councils and Wychavon District Council on behalf of the South Worcestershire Councils have signed a Planning Statement setting out the direction of travel for the delivery of this cross-boundary site. It also contains an in principle agreement to develop a more formal Memorandum of Agreement, if deemed necessary. Moreover, as part of any review of the South Worcestershire Development Plan, The Councils will co-operate in considering whether any longer term unmet need in Tewkesbury Borough could reasonably be delivered at Mitton.
87. Whilst development at Mitton may arguably conflict with the Bredon Parish Neighbourhood Plan, which was made on 26 July 2017, this does not necessarily prevent development at Mitton, although it is a material consideration. Having read the submitted legal opinions and in light of Tewkesbury's need for housing, I am not persuaded that the JCS approach or that of Wychavon District Council is unsound or unlawful. It is an appropriate outcome to a duty to co-operate matter.
88. Therefore, taking all considerations into account, I am satisfied that Tewkesbury's housing land supply position is sound subject to immediate review as provided for by **MM123c**. This is in accordance with *Dacorum* and national guidance.

Trajectories and charts

89. In accordance with **MMs124-128**, trajectories and charts will be added to the JCS showing estimated delivery against requirements. Sources of supply are shown to come from strategic allocations and the cross-boundary Mitton site in Wychavon, District Plan potential, commitments, existing allocations (within adopted local plans) and windfall development.
90. I am satisfied that the estimated supply from strategic sites is based on realistic assumptions on lead-in times, and build-out rates and that potential District Plan allocations are supported by robust, up to date SALAs. The windfall allowance is appropriate and reflects past provision, and a suitable lapse rate has been applied to non-allocated, small sites of up to four dwellings, which takes the number of extant, non-implemented permissions in a base year and calculates the number of permissions lapsing over the next five years to get an average.
91. In accordance with the NPPF, paragraph 47 (2nd bullet), the most appropriate buffers have been applied to the five year requirements for each authority,

resulting in 5% for Gloucester, and 20% for Cheltenham and Tewkesbury due their persistent under delivery. These housing land supply buffers have been applied to both the housing requirement and the plan period shortfalls.

92. Although a 20% buffer is appropriate for Tewkesbury at present, Tewkesbury's supply position has recently been improving and, overall, it does not have a shortfall since the start of the Plan period. However, the situation is different for Gloucester and Cheltenham, which have accumulated shortfalls since the start of the Plan period. In accordance with the *Liverpool* approach, these shortfalls have been spread over the remainder of the Plan period. Whilst the PPG favours *Sedgefield*, it supports *Liverpool* in appropriate circumstances. In this case the Councils' reasons for wishing to pursue *Liverpool* are its partial reliance on large strategic allocations, which require the provision of significant infrastructure prior to the completion of dwellings. Using *Liverpool* would allow time for these sites to come forward to help meet the shortfall and deliver on-going annual requirements. In these circumstances, I take the view that the *Liverpool* method is justified.
93. The conventional approach to deriving the annual housing requirement is to divide the total number of dwellings for the Plan period by its number of years' duration to obtain a fixed, average annual figure. However, there is no specific policy or guidance necessitating this methodology. In the interests of ensuring that the future growth of the area can be guided by the Development Plan, the JCS authorities consider that a stepped approach is necessary for Cheltenham Borough.
94. For Cheltenham, as the strategic sites will take time to deliver, providing significant numbers in the mid to latter stages of the Plan, I consider that a stepped approach is justified. Consequently, the housing requirement during the early stages of the Plan has been set at a level that allows the authority to demonstrate a low-risk five year supply from the anticipated adoption of the JCS, increasing to a more ambitious target for the latter half of the Plan period. It is, therefore, recommended that the requirements for Cheltenham Borough be set at 450 dwellings per annum from 2011/12 to 2021/22, with a stepped increase to 663 dwellings per annum from 2022/23 to 2030/31.
95. For Tewkesbury, delivery has been strong over the past four years and as of July 2017 there was an oversupply of 254 dwellings against the annualised housing requirement of 495 for the Plan period. This strong delivery is expected to continue over the coming years until about 2020/21, as committed development is delivered, potentially producing an oversupply in the order of 1,400 dwellings. Cumulatively, on the current evidence, Tewkesbury is able to meet its housing requirements until 2024/25, when delivery is estimated to drop substantially with a shortfall likely to occur in 2025/26.
96. A step down in Tewkesbury's housing requirement from 2024/25 was proposed in the main modifications consulted upon in Spring 2017 in order to

maintain a rolling 5 year supply. However, it is now considered that a review to allocate additional supply will be completed before this date, and Tewkesbury's identified supply would meet requirements until then, rendering a step down unnecessary. This timescale for review is an appropriate response and is preferable to a stepped approach.

Five year supply

97. The anticipated adoption of the Plan is within the 2017/18 monitoring year and, accordingly, the five year supply has been calculated for the period 1 April 2017 to 31 March 2022. Using the methodology set out above, Gloucester can demonstrate at least 5.8 years of housing land supply, Cheltenham 6.00 years and Tewkesbury 5.3 years. However, by the time of adoption, it is estimated that Tewkesbury's supply will have risen to 6.3 years with a 20% buffer applied. Given Tewkesbury's strong delivery record to date during the early Plan period, this buffer could drop to 5% in the future, rendering the 5 years supply even greater.

Main Modifications required

98. On the basis of the updated housing evidence and particularly the HIS, a range of main modifications are required for the Plan to be effective.
99. The section on delivery needs to reflect clearly the contribution of strategic allocations, and local allocations in the forthcoming District Plans. The role and status of Neighbourhood Plans, which are also part of the Development Plan, should be referenced to reflect their potential to identify local sites and policies for future neighbourhood growth. Also, in the interests of positive planning, the JCS should reflect the support the authorities intend to give to the neighbourhood planning process.
100. References to over-supply should be deleted and the table setting out the JCS area's housing requirement needs to be amended. Changes are needed to recognise the contribution Wychavon is making to Tewkesbury's supply and to indicate that each of the JCS authorities is committed to considering the requirements of other authorities both within and outside the GHMA.
101. These amendments are achieved by **MM018** and **MM019**.
102. Policy SP2 (*Distribution of New Development*) and its supporting text also requires substantial alteration. Consequently, it has been re-written to reflect the revised figures and to explain where the supply is now intended to come from.
103. For Gloucester City, it states that the JCS will make provision for at least 14,359 new homes. At least 13,287 dwellings are intended to be brought forward from within the Gloucester City administrative boundary including the Winnycroft strategic allocation, and from the SUEs at Innsworth and

Twigworth, South Churchdown and North Brockworth within Tewkesbury Borough, and sites covered by any Memoranda of Agreement.

104. For Cheltenham it states that the JCS will make provision for at least 10,996 new homes. These are intended to be brought forward from within the Cheltenham Borough administrative boundary and cross-boundary SUEs at North West Cheltenham and West Cheltenham, both of which are partly in Tewkesbury Borough, and commitments covered by any Memoranda of Agreement.
105. For Tewkesbury Borough, outside the SUEs to Gloucester and Cheltenham, the JCS will make provision for 9,899 new homes. At least 7,445 will be provided through existing commitments, development at Tewkesbury Town, Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement or similar. It is intended that the Tewkesbury Borough Plan and Neighbourhood Plans will allocate in the order of 1,860 new homes in Rural Service Centres and around 880 new homes in Service villages. However, these numbers are set out as absolutes in the Plan and more flexibility is required to allow for changing circumstances and to ensure effectiveness.
106. The unmet needs of Gloucester and Cheltenham, beyond their administrative boundaries, are only to be delivered on identified strategic allocations and any other sites with an agreed sharing mechanism through a Memorandum of Agreement. In order to allocate any additional SUEs, a review of the Plan would be necessary.
107. It also needs to be clearly stated that local allocations made through the District Plans would have to be in conformity with the JCS spatial strategy and any allocations made through Neighbourhood Plans would have to be in general conformity with the Plan's strategic policies. Reference should also be made to consideration being given to meeting need within another local authority where it is clearly established that need cannot be fully met within the JCS area.
108. Table SP2a (*Distribution of development in the JCS area*) is to be replaced by a new table and retitled "Sources of housing supply in the JCS area". This sets out the figures from the various general sources of supply for each authority, including the contribution from Wychavon District of 500 dwellings to help meet Tewkesbury's requirement.
109. Table SP2b (*Geographical location of strategic allocation sites*) is also replaced by a new table that is retitled "*Apportionment of Strategic Allocation Sites*". This lists the various allocations and the contribution each makes to the housing land supply and, together with figures for the district capacities, indicates the total supply of 31,824 dwellings against the requirement of 35,175.

110. Corresponding changes to the supporting text are also necessary, referencing updated SALAs, reflecting updated trajectories, explaining why the shortfalls in Gloucester and Tewkesbury have come about and how these shortfalls are to be addressed.
111. These amendments are appropriately dealt with by **MM020, MM021, MM023, MM027, MM028** and **MM029**.

Conclusion

112. Subject to the identified main modifications, the Plan's housing requirements are soundly based. Although the JCS is unable to provide sufficient, deliverable housing at the current time, it appears that there are credible options for identifying additional supply within the Plan period. Accordingly, by giving a policy commitment to undertake early focused reviews of Gloucester's and Tewkesbury's supplies, this part of the Plan is made sound.

Issue 4 – Whether the Plan is based on a robust, objective assessment of employment needs and provides sufficient opportunities for economic growth.

113. A core principle of the NPPF (within paragraph 17, 3rd bullet) is to proactively drive and support sustainable economic development by identifying and then meeting business needs, whilst responding positively to wider opportunities for growth. However, the submitted Plan did not sufficiently consider economic development needs and how they should be met and, moreover, its economic policies were underpinned by inadequate evidence.
114. Consequently, amendments are required to those policies which address the Plan's economic strategy, namely Strategic Policies SP1 (*The Need for New Development*) and SP2 (*Distribution of New Development*), and also Sustainable Development Policy SD2 (*Employment*), as well as Policy SA1 (*Strategic Allocations Policy*).
115. During the examination extensive new employment evidence was submitted and round table events held to discuss economic issues. This evidence includes past trends, an analysis of supply and demand (including loss of employment land) and the most recent economic forecasts, which were considered against local intelligence on industry growth to provide projected economic trends. As I previously indicated in my Interim Report⁸, this new evidence provides a robust basis for the recommended main modifications discussed below.
116. Of significance is the *Nathaniel Lichfield and Partners Employment Land Assessment Update* of October 2015, which indicates that the current lack of

⁸ EXAM 232 paragraph 29 & 30

employment land within the JCS area threatens the economy by undermining the ability of existing companies to expand and new firms to invest in the area. It therefore concludes that the JCS should target the creation of 39,500 new jobs (in place of the 28,000 new jobs in the Plan) and set a framework for the delivery of a minimum of 192ha of B-class employment land (in place of the 64.2ha of employment land in the Plan).

117. On the basis of the new evidence and in the interests of positive planning the Councils propose an amended economic strategy reflecting the above conclusions which, although aspirational, is nonetheless realistic. This incorporates a vision which promotes a vibrant, competitive economy with increased job opportunities, taking account of the LEP's Strategic Economic Plan and the proposed growth focussed on the M5 corridor and particularly Junctions 9 and 10.
118. Reference is also made to the task force that has been established for evidencing the case for upgrading Junction 10 to an all movements junction, which would support accelerated growth of the area's economy. Aligned to this is the notion of a Principal Urban Area within the County, based around the promotion and regeneration of key urban centres and the balancing of economic potential with housing provision in the JCS area as a whole.
119. The sources of employment land supply are to include a mix of high quality and well-located strategic sites, existing undeveloped available employment sites, and potential smaller sites in the urban and rural areas. Amendments to Strategic Policy SP2 are required to reflect the new strategy.
120. The strategic allocations are expected to deliver at least 84ha of B-class employment land and the District Plans 48ha which, together with existing capacity of 63ha, is intended to give about 195ha of B-class employment land. Together with non B-class employment land, the strategic allocations are now set to deliver in the order of 112ha of employment land and to reflect this, amendment is needed to the strategic allocations chapter and specifically Table SA1, which sets out indicative development capacities.
121. Using information from the SALAs, the JCS *Economic Update Note* of February 2016 assesses the potential additional B-class capacity for each district as 7ha in Gloucester City, 1ha in Cheltenham Borough and 40ha in Tewkesbury Borough. This land is proposed for local employment allocations in the District Plans, which are also intended to provide for start-ups and flexible workspaces.
122. Furthermore, in order to prevent the incremental loss of existing employment land to non-employment uses, it is reasonable for the three districts to wish to evaluate the implications of safeguarding district employment sites. Therefore,

to achieve this it is necessary to modify the JCS to enable District Plans to provide for change of use in certain defined circumstances only.

123. Accordingly, provision should be made within the JCS for setting employment policies in those District Plans. This approach should ensure an adequate supply of employment land and premises and give choice and flexibility to support the intended employment growth.
124. It is not clear from the employment chapter whether it covers retail as an employment type. As the intention is to deal with retail separately, to be effective, its content should be modified to make clear that retail and other "A" class uses are not included. The title to the chapter should also be amended to reflect this.
125. Policy SD2 states that employment related development will be supported at strategic allocations in line with Policy SA1. However, whilst this is generally intended to refer to B class uses (except where non B class uses would support residential and B class development) the Plan does not state this and is, therefore, ineffective and requires amendment.
126. Priority is to be given to key growth sectors and specific local sectors. It is also proposed that support be given to new and existing enterprises and suitable education and training facilities to develop work-place skills. Moreover, employment-generating farm diversification projects, the re-use of rural buildings and appropriate rural new build are to be encouraged. These are justified aims and objectives and, in order to be effective, Policy SD2 needs modification to reflect all of this and to identify the key growth sectors.
127. Cheltenham racecourse, Gloucestershire airport and Gloucestershire university are of significant economic importance to the JCS area and, in order to be sound, more support needs to be given to their development within the Plan. Modifications are recommended to address this in context by setting out the substantial contributions they make to the economy.
128. Despite the importance of tourism to the JCS area, little mention is made of it within the Plan. Therefore, to address this and to provide a supporting framework for appropriate tourist development, modifications are necessary to outline each district's strategies for promoting tourism.
129. Regeneration is a high priority for certain identified urban areas within Gloucester, Cheltenham and Tewkesbury and each of these districts has economic strategies to bring about development in these areas. However, the Plan makes no reference to them, rendering it ineffective in this regard. Consequently amendments are necessary to incorporate references to the relevant strategies, the documents within which they are contained, and the bodies involved, as appropriate, thereby ensuring the Plan's consistency with

these strategies and providing a framework for any regeneration policies that might be included within the forthcoming District Plans.

130. To maximise promotion of the economy, support is to be given to employment related development within other areas. However, not all intended types of location have been identified in the JCS. Consequently, to ensure its effectiveness, amendments are needed to express support for development at the following: allocations within the Development Plan; land in existing employment use; where there is a change of use on an appropriate scale from non-B class to B class; within Gloucester City, the Principal Urban Area of Cheltenham, or Tewkesbury Town; locations within or adjacent to existing employment areas; where it would allow expansion of existing businesses; and where it would support small to medium enterprises.
131. In order to incorporate all of the above into the JCS, amendments are required to Policies SP1, SP2, SD2 and SA1 along with changes to the supporting text and tables. This is achieved by **MM010, MM013, MM016, MM020, MM025, MM032 to MM036, and MM103.**

Conclusion

132. Subject to the identified main modifications, I conclude that the Plan is based on a robust, objective assessment of employment needs and provides sufficient opportunities for economic growth. On this basis, I find this part of the Plan to be sound.

Issue 5 – Whether the retail strategy properly addresses need and supply and complies with national policy.

133. The evidence underpinning Policy SD3 (*Retail*) and its supporting text was updated during the course of the examination with the production of a *JCS Retail Study Update*. This shows that, on a constant market share basis, a substantial unmet comparison goods need will arise for Cheltenham and Gloucester after 2021. Until then, it suggests that both centres will have sufficient supply, with the shortage becoming apparent thereafter.
134. However, with respect to Gloucester, two commitments have been counted in the comparison goods supply for the period up to 2021, which ought to be removed for reasons of deliverability. In considering this I have drawn an analogy with NPPF footnote 11 of paragraph 47, which gives direction on how to assess deliverable housing sites. Footnote 11 advises that, amongst other things, to be deliverable there must be a realistic prospect that housing will be delivered on the site within five years. It also states that sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years.
135. Whilst the commitment at Tesco Extra St. Oswalds has been subject to a technical start, and as a matter of fact has been implemented, the evidence

suggests that minimal work has been done and then only to keep the permission alive. It is common ground that the site is being marketed for sale and, therefore, it is highly unlikely that the scheme will progress. A common sense approach should be taken and, as there is little prospect of the Tesco permission being delivered in practice, it should be discounted.

136. With respect to the other commitment at the Interbrew site, the evidence suggests that Costco (the end user of the retail planning permission) has confirmed to Gloucester City Council that it no longer has an interest in proceeding. Marketing sales particulars and an e-mail from an interested party indicates that the site will be refurbished for existing uses. On this basis it appears highly unlikely that the retail planning permission will be delivered and, therefore, it should be discounted.

137. Subject to adjustments being made for the removal of the sales areas for the two identified commitments, working on a constant market share basis, I accept the figures in the *Retail Study Update* which, in the interests of positive planning, should be expressed in the Plan as minima and not caps. There is, however, an issue over whether the figures should be based on a constant market share basis. Nonetheless, I do not propose to deal with this in my report, as I am recommending an immediate review of retail policy for the reasons given below and it would be more appropriately addressed at that stage.

138. The NPPF at paragraph 23 (sixth bullet) requires suitable sites to be allocated to meet retail needs in full, and there is an identified need during the Plan period which, having discounted the identified commitments from the supply, is immediate. The JCS indicates that supply will be dealt with in the forthcoming District Plans. However, this takes no account of the strategic nature of the sites under consideration, which are for major developments of more than local importance. In accordance with the NPPF, paragraph 156 (second bullet), the JCS should make clear that it covers strategic retail allocations, whilst local allocations are to be left to the District Plans.

139. However, in view of the dearth of site evidence before me, the lack of any SA on retail sites, and the fact that no call for strategic retail sites has been made during the preparation of the JCS, I am not in a position to make strategic retail allocation recommendations. Waiting for this evidence would cause a significant delay to the JCS and would not be in the public interest. Therefore, considering the *Dacorum* judgement⁹, in order to resolve this soundness issue, a policy commitment should be made within the JCS to undertake an immediate review of retail policy.

140. Furthermore, contrary to paragraph 23 (third bullet) of the NPPF, town/city centre boundaries for Gloucester, Cheltenham, and Tewkesbury, which are centres with more than local impact, have not been defined. This is of

⁹ Grand Union Investments Ltd. v Dacorum Borough Council [2014] EWHC 1894 (Admin)

particular concern in relation to Gloucester, which has no extant local plan and, therefore, no existing defined town centre boundary.

141. The emerging Gloucester City Plan has a draft City Centre boundary for Gloucester, a Primary Shopping Area and Primary and Secondary Shopping Frontages and it is proposed that these all be incorporated into the JCS. The Policies map will require corresponding changes to ensure the soundness of this policy. These boundary designations will be included in the immediate review of retail policy, which will consider their justification in the light of forthcoming retail evidence.
142. With respect to Cheltenham and Tewkesbury, insufficient work has been carried out to identify updated town centre and shopping frontages although, there are relevant saved policies in both the existing Cheltenham and Tewkesbury local plans. Consequently, pending an immediate review of designations and their inclusion in the JCS, new retail development will be encouraged in accordance with the saved local plan policies. This should be explicitly set out in Policy SD3.
143. Other amendments to the supporting text of Policy SD3 are proposed to set out structural changes in the retail market due to internet shopping, and to explain regeneration strategies.
144. Modifications **MM037** to **MM043** address all of these matters.

Conclusion

145. Even with the identified main modifications, I conclude that there are shortcomings in the Plan's retail strategy. However, subject to an immediate review of Policy SD3, this strategy can be made sound, and in these circumstances the shortcomings are not fatal to the overall soundness of the Plan.

Issue 6 – Whether the Plan makes sufficient and appropriate provision for Gypsies, Travellers and Travelling Show-people.

146. The JCS identifies a strategic need for Gypsy and Traveller accommodation, based on now superseded national policy, and proposes that much of this be met on strategic housing sites. There has been considerable objection to this and little support. Following the publication of new national policy in *Planning policy for traveller sites (PPTS)*, August 2015, an updated GTAA dated March 2017 was prepared. This demonstrates a reduction in the need for Gypsy and Traveller pitches from 151 pitches to 83, due largely to temporary planning permissions having been made permanent and the evidence-based use of lower HFRs.

147. Taking the re-definition for planning purposes of Gypsies, Travellers and Travelling Showpeople in the PPTS, which excludes non-travelling households, the need for 83 pitches is shown to further reduce over the Plan period. There is a slight increase in the need for Travelling Show-people plots, mainly due to the large numbers of children on site who are likely to form their own households during the Plan period, with the GTAA (March 2017) identifying a need for 30 plots for those who meet the PPTS (2015) definition, and 10 plots for those whose status is not known; of which the GTAA identifies that 70% are likely to meet the definition.
148. The methodology behind this assessment incorporates a full demographic study of all occupied pitches, a comprehensive effort to undertake interviews with Gypsy and Traveller households, and consideration of the implications of the new national policy. I am satisfied that the GTAA provides a robust and credible evidence base and I accept its findings.
149. The previous 2013 GTAA stated that, if transit pitches were considered necessary, a transit site of at least 10 pitches should be provided in Gloucestershire or a temporary toleration policy be established for Gypsies and Travellers moving through the County. Since then, two transit sites have been granted planning permission in Gloucestershire creating 14 transit pitches in total. Consequently, this need has been met. However, the 2017 GTAA presents alternative options to further meet any future need in any event.
150. The evidence now demonstrates that for those Gypsies and Travellers that fall within the PPTS (2015) definition there is a five year land supply. For Travelling Showpeople there is confidence that the five years supply will be further addressed through local allocations in district level plans and windfall sites guided by Policy SD14. Although there is currently an unknown element to the need for both groups, the evidence is that 10% of Gypsy and Traveller and 70% of Travelling Showpeople households are likely to meet the PPTS (2015) definition. As such there is no longer a strategic requirement for Gypsy, Traveller or Travelling Showpeople sites and therefore no need to site pitches or plots at strategic allocations. Further site allocations will be explored through the district level plans. Consequently, to ensure appropriate and effective delivery, modifications to the Plan are recommended removing the requirement for strategic allocations.
151. Section 124 of the Housing and Planning Act 2016 broadens the duty on local authorities to consider the needs of the wider community who reside in caravans or houseboats. This includes people who are no longer classified as Gypsies, Travellers and Travelling Showpeople. Consequently, the JCS authorities should make provision for those people who fall outside the PPTS definition but who have a need to reside in caravans.

152. To address this, such provision, including culturally appropriate accommodation, is to be considered as part of the overall housing mix and will be dealt with through the forthcoming District Plans. This should ensure that needs are planned for in appropriate accommodation in line with DCLG's *Draft guidance to local housing authorities on the periodical review of housing needs: caravans and houseboats* (March 2016). Accordingly, I recommend modifications to Policy SD12 (*Housing Standards*).
153. Furthermore, as part of the mix of affordable housing provision, it is necessary to consider the affordable housing needs of Gypsies, Travellers and Travelling Showpeople. The affordable housing requirement of the travelling community, identified as "public" in the GTAA, will be addressed as part of the overall affordable housing requirement, as set out in Policy SD13 (*Affordable Housing*).
154. According to a *note* produced during the examination, namely *Viability and Impact of Gypsy and Traveller*, there appears to be sufficient headroom for residential sites to contribute to Gypsy and Traveller site provision. Therefore, taking account of the *West Berkshire* Court of Appeal judgement¹⁰ and the Written Ministerial Statement of 28 November 2014, a modification to chapter SD13 is justified for soundness. This would ensure that financial contributions from market housing development towards affordable Gypsy, Traveller and Travelling Showpeople pitches and/or plots are considered, as appropriate.
155. Furthermore, in seeking to maintain supply, existing permanent residential and transit sites are to be protected from alternative use development but do not need to be shown on the policies map.
156. To reflect this updated position and ensure the strategy is effective, modifications **MM072** to **MM077** to Policy SD14 (*Gypsies, Travellers and Travelling Showpeople*) and its supporting text are necessary. A corresponding amendment to the policies map will also be required to ensure the soundness of this policy. Similarly, modifications **MM067** to Policy SD12 (*Housing Mix and Standards*), and **MM0071** to the supporting text of Policy SD13 (*Affordable Housing*) are necessary.

Conclusion

157. Having regard to the public sector equality duty and article 8 of the European Convention of Human Rights, I am satisfied that, subject to the identified main modifications, the Plan makes sufficient and appropriate provision for Gypsies, Travellers and Travelling Show-people. Accordingly, I find this part of the Plan to be sound.

¹⁰ SoS for Communities and Local Government v West Berkshire District Council and Reading Borough Council, 11 May 2016, [2016] EWCA Civ 441

Issue 7 – Whether exceptional circumstances exist for the proposed removal of land from the Green Belt.

158. Policy SD6 (*Green Belt*) sets out the Plan's strategic direction for release of land from the GB, also for development within the GB and for GB protection.
159. The Gloucester/Cheltenham GB is one of the smallest in England and the large areas proposed for removal represent a significant proportion of its entirety. In accordance with paragraph 83 of the NPPF, GB boundaries should only be altered in exceptional circumstances.
160. The main purpose of GB designation between Gloucester and Cheltenham is to prevent the merger of Gloucester and Cheltenham, with other purposes being the prevention of urban sprawl and the preservation of open character. The purpose of a subsequent GB extension north of Cheltenham is to prevent the coalescence of Cheltenham with Bishop's Cleeve.
161. From the submitted evidence, and particularly *The Broad Locations Report*, it is clear that development opportunities are constrained in large parts of the JCS area by significant flood risks and potential impacts on The Cotswolds AONB, amongst other things. Following a sequential approach to sustainable site identification, it is apparent that there is insufficient deliverable/developable, non-GB land within the JCS area to meet its development needs. This is borne out by the Strategic Housing Land Availability Assessments (SHLAAs), Strategic Employment Land Availability Assessments (SELAAs) and SALAs.
162. The possibility of making contributions to the JCS area's housing land supply from cross-border sites in other local authority areas has also been explored under the duty to co-operate. However, apart from about 500 dwellings in Wychavon, no other sites are currently accessible to the JCS authorities. Discussions are continuing with Stroud and Wychavon and options will be assessed as part of the forthcoming housing land supply review for Gloucester and Tewkesbury. Nonetheless, without the use of GB land, there would be no prospect of meeting the housing requirement for the JCS area.
163. Therefore, taking full account of constraints and the outcomes of cross-border exploration, removal of land from the GB is needed, so far as is justified, to contribute to housing provision and the five year supply. In coming to this conclusion, I have considered paragraph 14 of the NPPF. For the GB releases identified below, I find that the adverse impacts of removing land from the GB would not significantly and demonstrably outweigh the benefits of contributing towards housing and other development needs. Nor are there policies within the NPPF that indicate that development on this land should be prevented in principle.

164. The JCS authorities relied on AMEC's 2011 GB assessment in carrying out their review of the GB and selection of strategic allocations. This report is the most up-to-date analysis of the area's GB and considers how strategic segments of the GB perform against the purposes of including land within the GB. I am satisfied that its methodology results in a robust evaluation.
165. I have also taken account of the 2007 AERC Report (covering Cheltenham administrative area only), which I find to be robust in its consideration of local, smaller GB segments.
166. From these reports and other submitted evidence, and for the reasons set out in my Preliminary Findings¹¹, Interim Report, and July 2016 Note of Recommendations, I have drawn the following conclusions.
167. There are exceptional circumstances for GB release at four of the five proposed strategic allocations within the GB. These are Innsworth (plus land at Longford), South Churchdown, Brockworth and North West Cheltenham. However, exceptional circumstances do not exist for GB release at the fifth proposed strategic allocation of North Churchdown¹².
168. North Churchdown would have contributed to Gloucester's housing supply and, as previously indicated, Gloucester is unable to meet its housing requirement for the full Plan period. Nonetheless, there are exceptional circumstances for land to be removed from the GB at Twigworth, which would contribute a greater level of housing supply to Gloucester than North Churchdown. Accordingly, Twigworth is recommended as an additional strategic allocation.
169. Part of identified land at West Cheltenham, which is proposed for GB release as safeguarded land in the Plan, is now recommended as an additional strategic allocation (see below). It is in a sustainable location and its release is justified for development.
170. To be effective, the JCS should state what strategic allocations are within the GB and make clear that the relevant land is to be released from the GB. It does not do this and, therefore, requires modification.
171. As regards potential future development needs, the Plan contains two areas of safeguarded land proposed for GB release at North West Cheltenham and West Cheltenham. This is in accordance with paragraphs 83 and 85 (3rd & 5th bullets) of the NPPF, which seek the endurance of reviewed GB boundaries for the long term beyond the Plan period and, where necessary, the identification of safeguarded land to meet future development needs.

¹¹ See particularly *Inspector's Preliminary Findings on Green Belt Release, Spatial Strategy and Strategic Allocations* (EXAM 146) paragraphs 67-120

¹² *Ibid* paragraphs 78-81

172. The North West Cheltenham safeguarded land cannot be allocated as a SUE at present for reasons of deliverability largely due to traffic issues, but has potential for future development. The West Cheltenham safeguarded land cannot currently be allocated as a SUE pending relocation of the Hayden Sewage Treatment Works by Severn Trent Water, due largely to odour emission issues. An area of GB around the works is identified in the Cheltenham and Tewkesbury Local Plans as a Development Exclusion Zone. The JCS will replace this designation with an odour monitoring zone where odour modelling will take place to demonstrate where development can occur. This should identify potential areas for future development.
173. Both the North West Cheltenham and West Cheltenham proposed areas of safeguarded land are in sustainable locations, although it should be made clear that any future development is to be well integrated and physically linked to Cheltenham as part of the SUEs. Exceptional circumstances exist for the release of these areas from the GB and their safeguarding is justified.
174. Additional land is recommended to be safeguarded at Twigworth, which is currently not identified within the Plan. This land is in a sustainable location, adjacent to the proposed Twigworth strategic allocation, and together these two areas provide strong and defensible GB boundaries in accordance with paragraph 85 (6th bullet) of the NPPF. Whilst there are currently deliverability issues, this area has the potential to contribute to Gloucester's housing supply later in the Plan period, although the JCS should make clear that development is to be well-integrated and physically linked to the urban area of Gloucester. Exceptional circumstances exist for the release of this land from the GB and its safeguarding is justified.
175. The Plan also identifies other, relatively small, local alterations to the GB boundary. Apart from releases at Shurdington, exceptional circumstances exist for the removal of all of these areas from the GB¹³. Whilst not identified in the Plan, the Policies Map also shows land being released from the GB within the AONB south east of Brockworth. It was agreed at the hearing sessions that exceptional circumstances do not exist for this release. Therefore, it is recommended that the Plan makes clear that this area is retained within the GB and that, to ensure the soundness of the GB strategy, a corresponding change is made to the Policies Map.
176. Two other relatively small areas are proposed for GB release, which are not identified within the Plan. One is located at Grovefield Way in the area of The Reddings where development is being built out. The other is in the area of the Old Gloucester Road and Arle Nurseries, which would provide a more appropriate GB boundary to the north of the West Cheltenham allocation and to the south of the North West Cheltenham allocation. Exceptional circumstances exist for both of these releases.

¹³ Ibid paragraphs 115-120

177. In addition to the extensive review of the GB underpinning the Plan, the JCS authorities wish to have the option of carrying out a limited review of the GB through their forthcoming District Plans. It is reasonable for limited alterations to be made to the GB boundary through the District Plans where this is justified by exceptional circumstances. However, the JCS does not provide the framework for this. Therefore, in order to be effective, SD6 requires modification so that the JCS provides reasonable flexibility to allow this process to take place.
178. The Plan designates Gloucestershire Airport, Cheltenham Racecourse, and waste management sites (allocated in the Gloucestershire Waste Core Strategy) as developed sites within the GB, where co-location of additional development that is essential to the use of these facilities could have wider benefits and, therefore, be justified. However, to provide more flexibility to the waste industry, existing waste management facilities operating in accordance with extant planning permissions should also be included in the designation but do not need to be shown on the policies map. Therefore, in the interests of effectiveness, it is necessary to modify the Plan to reflect this.
179. Also, the wording of Policy SD6 does not reflect the more positive approach to waste management development within the GB that is set out in the Waste Core Strategy. Therefore, in the interests of consistency and to ensure that the Waste Core Strategy is properly considered, SD6 should be modified to state that future waste development on allocated sites in the GB will be in accordance with the Development Plan (which includes the Waste Core Strategy), as well as national policy.
180. With respect to the Racecourse, in recognition of its national standing and importance to the local economy, there should be support for more racecourse related development. The Racecourse Policy Area, within which the JCS provides for appropriate development to take place, is too limited. Therefore, to be effective, the Racecourse Policy Area should be increased and the Policy modified to allow for a new hotel or conferencing facilities.
181. In order to reflect all the above, amendments are required to Policy SD6 and its supporting text. These are addressed by **MM050** to **MM055**. Corresponding changes are also to be made to the Policies Map to ensure the soundness of this Policy.

Conclusion

182. Subject to the main modifications identified, I conclude that exceptional circumstances exist for the proposed removal of land from the GB. Consequently, I find this part of the Plan to be sound.

Issue 8 – Whether the proposed strategic allocations are justified and whether they provide sufficient direction for proposed development.

183. The JCS strategic allocations are set out in Policy SA1 (*Strategic Allocations Policy*). In my Preliminary Findings, Interim Report and Note of Recommendations I addressed both the strategic sites within this Policy and

omission sites in some detail, and for the reasons given in those documents I draw the following conclusions.

184. The strategic allocations of Innsworth (A1), South Churchdown (A3), North Brockworth (A4), North West Cheltenham (A5), and Ashchurch (A9) are sound. However, the allocation at North West Cheltenham should ensure that a green buffer remains around Swindon village within which Local Green Space may be designated, the detailed boundaries of which are to be left to the forthcoming Cheltenham Local Plan. Whilst Ashchurch is allocated for employment uses in the JCS, outline planning permission was granted in March 2016 by the Secretary of State for retail-led development. Therefore, to be effective, modifications are needed to amend the use of this allocation to "employment generating" development, which would include retail.
185. The strategic allocations at North Churchdown (A4) and Leckhampton (A6) are unsound. However, a reduced local allocation could be made at Leckhampton in the forthcoming Cheltenham Local Plan, which should also designate Local Green Space within this area. Whilst I previously commented that an allocation in the order of 200 dwellings at Leckhampton might be reasonable, this was only an approximation and intended to indicate a scale below the strategic threshold for the JCS. The final figures should be based on a full assessment of the area to provide the evidence base to underpin an appropriate allocation.
186. Whereas I previously found the MOD site at Ashchurch (A8) to be sound, due to the Defence Infrastructure Organisation since deciding to retain the majority of the site for at least the next 10 years, the JCS authorities propose removing it from the Plan. I accept that, for reasons of deliverability, its allocation is no longer sound and it is appropriate to remove it.
187. The remaining capacity within the strategic allocations is insufficient to meet the housing and employment requirements for the JCS area. Therefore, the sites of Winnycroft, Twigworth and West Cheltenham are proposed as additional strategic allocations.
188. The majority of the site at Twigworth is located in Flood Zone 1. However, concerns have been raised about flooding, particularly pluvial flooding which present some challenges. Nonetheless, updated flood risk evidence commissioned by the JCS authorities indicates that proposed development of the site would not be unsafe and there are no flooding reasons that should prevent allocation. This was debated by the relevant experts and others at the modification hearings and, having considered all representations on the matter and undertaken visits to Twigworth, I am persuaded that flood risk can be made acceptable by appropriate mitigation measures at application stage.
189. With respect to heritage, although the JCS authorities' consultant has some concerns over the impacts of development at Winnycroft and Twigworth, these issues are not insurmountable and could be addressed at application stage. Consequently, heritage constraints do not prevent the sites being allocated.
190. Winnycroft now has the benefit of outline planning permission for 420 dwellings on part of the site and an application for up to 250 dwellings is being considered on the other part. Consequently, it should contribute to

Gloucester's five year housing land supply. There has been some debate over whether the allocation could be expanded to incorporate adjacent land which is being promoted by developers and would increase supply further. However, there are significant issues on this land that require further detailed assessment before it could be allocated, and it would be unreasonable to delay the JCS any further pending such investigations. Therefore, this additional land cannot be included in the JCS.

191. Since writing my Interim Report, the proposed area for the West Cheltenham strategic allocation has increased, using more of the previously proposed safeguarded land in order to uplift housing numbers from 500 to 1,100 dwellings and to provide a Cyber Business Park adjacent to GCHQ, which will be a dedicated facility of national importance. I am told that the proposed Cyber Business Park has been awarded £22 million of government Growth Deal funding, secured through the LEP and Department for Transport to accelerate its development and underpin highway infrastructure needs.
192. Although there is local concern over this allocation, having undertaken site visits and considered carefully all representations, I am satisfied that appropriate design and mitigation measures can overcome the issues. Furthermore, the increase in housing numbers will assist with the viability of re-locating the Hayden Treatment Works on the safeguarded land, for which Severn Trent Water is exploring options. As indicated previously, this site is in a sustainable location and, given Cheltenham's requirement for additional housing and employment land during the Plan period, its allocation is essential in meeting Cheltenham's development needs.
193. In summary, there are no overriding constraints that would prevent Twigworth, Winnycroft or West Cheltenham being allocated. Therefore, on this basis and for the reasons set out in my Interim Report and Note of Recommendations, I find these proposals to be sound.
194. As a result of these alterations in allocations, the quantity and location of housing and employment land supply has changed and, therefore, to be effective, the Plan needs to reflect this. Consequently, Table SA1, which sets out the housing and employment targets for each site, should be modified accordingly.
195. Policy SA1 and the indicative site layouts do not provide sufficient detail to give clarity to developers, local communities and other interested persons about the nature and scale of development and, therefore, do not conform to NPPF paragraph 157 (fifth bullet) and the PPG. Whilst the intention was to provide a comprehensive master-plan in addition to and separate from the JCS, it is inappropriate to defer important details to an un-examinable document.
196. Therefore, I recommend that, rather than having one general strategic allocations policy, each strategic allocation has its own specific policy setting out the key principles on what it is expected to deliver, along with revised indicative site layouts. An amended Policy SA1 is to remain, giving general direction to developers to ensure sustainable development with comprehensive infrastructure across the site and an appropriate transport strategy to support delivery. A comprehensive masterplan is required for the whole area of each

allocation. Nonetheless, to be effective, and to avoid potential unintended delivery consequences, (such as part of an allocation being stopped from coming forward due to masterplanning on another part being delayed), a modification is necessary to introduce flexibility into the policy.

197. To reflect all of the above, amendments are required to the strategic allocations chapter of the Plan. This is achieved by **MM101** to **MM120**, which also remove remaining references to the former strategic allocation A7 at Up Hatherley Way, South Cheltenham, which was taken out of the Plan at pre-submission stage. Corresponding changes to the Policies Map are also required to ensure the soundness of the policies.

Conclusion

198. Subject to the identified main modifications, I conclude that the proposed strategic allocations are justified and provide sufficient direction for proposed development. I therefore find this part of the Plan to be sound.

Issue 9 – Whether other Sustainable Development Policies are sufficiently comprehensive and justifiable.

199. Part 4 of the Plan contains the Sustainable Development Policies SD1 to SD15, some of which have been dealt with above (SD2, SD3, SD6, SD13 and SD14). Policies SD5 (*Design Requirements*) and SD7 (*Landscape*) are sound as written, the former making sufficient provision for inclusive design and accessible environments in accordance with the NPPF. Issue 9 addresses the remainder of the Sustainable Development Policies (SD1, SD4, SD8 to SD12 and SD15).

Policy SD1 (Presumption in Favour of Sustainable Development)

200. Policy SD1 simply reflects the NPPF. As it is no longer a requirement of Government to include such a policy in local plans, it is proposed to remove it. **MM031** does this.

Policy SD4 (Sustainable Design and Construction)

201. Policy SD4 requires amendments to comply with the Written Ministerial Statement of 25 March 2015 and the PPG relating to technical standards for new dwellings. Accordingly, references to exceeding national standards, zero carbon buildings, the Code for Sustainable Homes, BREEAM, and a 10% target reduction of carbon dioxide emissions from energy demand through on-site renewables, should all be removed. Furthermore, there ought not be any reference to forthcoming District Plans setting requirements in this regard.
202. Also, to ensure compliance with the Waste Hierarchy, National Planning Policy for Waste and the Gloucestershire Waste Core Strategy, the Policy should set out an expectation that all development incorporates the principles of waste reduction and re-use.
203. Pending the designation of Minerals Safeguarding Areas in the forthcoming Minerals Local Plan for Gloucestershire, the JCS should include a requirement

for a minerals assessment where development might sterilise mineral resources. The wording of the existing requirement should be modified in the interests of clarity and effectiveness.

204. **MM044** to **MM049** address these amendments.

Policy SD8 (The Cotswolds Area of Outstanding Natural Beauty)

205. Policy SD8 aims to protect the Cotswolds AONB. However, no mention is made of the potential impact of development "within the setting of" the AONB. Therefore, to ensure its coverage is comprehensive and justified, **MM056** is necessary to make reference to "setting".

Policy SD9 (Historic Environment)

206. Whereas Policy SD9 requires development proposals at strategic allocations to have regard to the *JCS Environment Assessment*, it does not explicitly require potential impacts on heritage assets and mitigation measures to be assessed. Therefore, to ensure it is effective, **MM057** inserts this requirement into Policy SD9.

Policy SD10 (Biodiversity and Geodiversity)

207. The provisions of Policy SD10 do not explicitly extend to preventing unacceptable impacts of development both within and surrounding designated sites. To be effective, this needs to be made clear in the Policy. Furthermore, to comply with paragraph 117 (2nd bullet) of the NPPF, the Policy should identify and map components of the local ecological networks. It is therefore proposed to incorporate the Gloucestershire Nature Map within the Plan to comply with National policy. These amendments are addressed by **MM058** to **MM060**.

Policy SD11 (Residential Development)

208. Policy SD11 guides new housing development to sustainable and accessible locations. However, to be effective it needs to clarify what housing locations it relates to, and amended policy wording is necessary to do this. Also, the reference to the evidence base for carrying out annual assessments of land availability needs to be updated to refer to the SALA rather than the SHLAA.

209. The supporting text in the Plan encourages proposals that bring empty space back into use. The proposed main modifications that were consulted upon in Spring 2017 erroneously removed this text. It has now been re-instated.

210. **MM061** to **MM064** deal with these amendments.

Policy SD12 (Housing Mix and Standards)

211. Policy SD12 is not consistent with the Written Ministerial Statement of 25 March 2015 on technical standards for new dwellings. This changes National policy so that it now requires minimum standards to be dictated by Building Regulations, although local plans have the option of incorporating tighter national standards in respect of access, water and space where there is evidence of local need and where viability is not compromised. The JCS does

not propose incorporating the national optional standards but provision is to be made for the forthcoming District Plans to re-visit this matter, if appropriate. This will allow flexibility when local circumstances are considered further. Accordingly, amendments are required to reflect the updated position.

212. With respect to housing mix, the Plan does not adequately address the needs for all types of housing and the different groups in the community, as set out in paragraphs 50 and 159 of the NPPF. To rectify this, reference should be made to the needs of the disabled, as well as the cultural needs of Gypsies, Travellers and Travelling Showpeople. Also, the reference to the evidence base for the housing mix should include the 2015 SHMA update. Subject to the required amendments, dealt with by **MM065a** to **MM068**, this Policy complies with national policy.

Policy SD15 Health and Environmental Quality

213. A health impact assessment is required by this Policy for proposed development at strategic allocations and other locations at the discretion of the local planning authority. However, to be justified, a more flexible approach is required. Therefore, it is proposed that such assessments be submitted "as appropriate" and that applications which may require health impact assessments be screened in the first instance to determine whether it is necessary for a full assessment to take place. These amendments are dealt with by **MM078** and **MM079**.

Conclusion

214. Subject to the identified main modifications, I conclude that these other Sustainable Development Policies are sound.

Issue 10 – Whether appropriate, evidence-based provisions for delivering suitable infrastructure have been made.

215. Part 5 of the Plan deals with the specific Infrastructure Policies identified as INF1 to INF8.

Policies INF1 (Access to the Transport Network) and INF2 (Safety and Efficiency of the Transport Network)

216. At the start of the examination there was very little transport evidence submitted to support the Plan and, given the extent of outstanding, controversial issues, this was a serious omission. To address this shortcoming, a JCS Transport Evidence Working Group was set up to produce the evidence necessary to underpin the JCS.
217. This Group consists of officers and their appointed consultants from Gloucestershire County Council, Highways England and the JCS authorities. It has now produced a comprehensive *Transport Evidence Base*, which sets out the relevant transport evidence for the JCS area, including an assessment of the strategic allocations and proposed mitigation packages.

218. Over the course of the examination the JCS authorities submitted several transport mitigation scenarios prepared by consultants to demonstrate how potential highway capacity and safety problems could be reduced. Until recently these scenarios were all based on the Central Severn Vale SATURN 2008 base year peak hour models, which were somewhat outdated.
219. An updated 2013 based Central Severn Vale SATURN model was therefore developed, which was validated in March 2017. This was used to test various modelled traffic scenarios to understand the cumulative impact of development including schemes completed since 2013, future committed schemes and the proposed strategic allocations.
220. Although the volume of traffic in the JCS area is set to significantly increase during the Plan period, the evidence suggests that JCS development will only account for a small proportion of this overall traffic growth. The updated modelling scenario *Do Something 7* (DS7) indicates that mitigation strategies could be developed to significantly reduce the cumulative impact of the growth envisaged by the JCS including the traffic impact of the strategic allocations.
221. These strategies are set out in the JCS authorities' Transport Implementation Strategy (TIS), which is a living document that sits alongside the JCS. It concludes that the DS7 scenario represents an effective and viable transport strategy to support delivery of the JCS. It demonstrates how additional trips from JCS development can be accommodated on the network, whilst ensuring the transport network is able to adequately function. This has involved balancing affordability, new infrastructure and travel choices with a key element being the greater use of alternatives to the car.
222. The TIS complements Gloucestershire County Council's *Local Transport Plan 2015-2031* (LTP), which is the key document for dealing with local transport network strategies in Gloucestershire. In order for the JCS to be effective, it should be in general conformity with the LTP. However, the LTP is a living document, which is updated and amended to reflect changing circumstances, and the JCS authorities have liaised closely with the County Council to minimise any discrepancies between the two documents. The LTP has already been reviewed to take account of the JCS and could respond further if appropriate.
223. SATURN does have limitations in that it is a strategic model and the DS7 proposals are high level. Furthermore, DS7 does not resolve all congestion issues across the JCS area. Nonetheless, more focussed modelling and mitigation design to deal with allocated development issues can be left to application stage.
224. Highways England are content that, from a strategic road network perspective, the JCS is sound and residual issues are not fundamental. Gloucestershire County Council, the local highways authority, is satisfied that the proposed planned growth in the JCS area can be safely accommodated on the local highway network without a cumulative severe impact, and that residual issues are not fundamental to the safe and efficient operation of the local transport network. Both indicate that residual issues are capable of resolution and can be dealt with through further detailed assessment and mitigation as sites come forward. I give considerable weight to the opinions of these bodies.

225. Also, a high level air quality study has provided a strategic overview of the potential air quality impacts that could result from the greater vehicle flows attributed to the scale of planned growth. This tests the DS7 scenario to 2031 and includes an assessment of potential cumulative impacts of the increased traffic on strategic travel corridors. In producing this document, the *Wealdon* judgement¹⁴ has been taken into account, which dealt with the approach to assessment of in-combination effects of vehicle emissions on protected habitats. Whilst more detailed air quality assessments will be required by Policy SD4 at application stage, this high level study does show that there would be no significant air quality issues that would prevent the SUEs being allocated.
226. I am now satisfied that the submitted evidence properly supports the JCS and that the TIS sufficiently resolves transport issues for allocation of the identified strategic sites to proceed.
227. The thrust of Policies INF 1 and 2 is to ensure that any traffic congestion that is likely to arise from development is mitigated to ensure that the highway can operate safely within its design capacity. However, having two policies gives rise to some duplication, which is unjustified. Therefore, modifications are necessary to amalgamate these provisions into one policy and to re-name it INF1 (Transport Network). Consequently, significant changes are required to the Policy wording to provide the required streamlining.
228. Furthermore, to ensure consistency with national policy, additional text is necessary to promote non-car use by ensuring that opportunities are taken for enhancing walking, cycling and public transport networks. The need for Transport Assessments has also been added to include cumulative impacts, and amendments made to allow for travel plans to be requested where appropriate.
229. Other changes to the supporting text are necessary to update the transport position and aid clarity. These include making the link with the TIS, Policy SA1 (*Strategic allocations*), and Policy SD5 (*Design Requirements*) with regard to masterplanning, design and layout when considering sustainable travel modes, providing further explanation of travel plans and the LTP, and directing developers to an infrastructure guide.
230. All these modifications are satisfactorily achieved by **MM080** to **MM083**.

INF3 (Flood Risk Management)

231. Flooding is a significant issue in the JCS area, which covers parts of the Severn and Avon rivers and a large number of smaller watercourses. Accordingly, the JCS is supported by Level 1 and Level 2 SFRAs, the latter of which includes site assessments for all sources of flood risk in the area (fluvial, pluvial, tidal, sewers and artificial sources) for sites with a proportion of land in Flood Zones 2 and/or 3. Appropriate methods are also discussed for reducing flood risk on site and sustainable drainage techniques, although the suitability of a particular development is left to a site specific Flood Risk Assessment at the application stage.

¹⁴ *Wealdon District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [EWHC 351] March 2017

232. The Level 2 SFRA demonstrates that for all but one of the sites (Twigworth) development on site can be located away from flood risk and designed to be safe from flood risk. For the remaining site, Twigworth, further detailed evidence indicates that, despite a greater flood risk in part of the site, there are no overriding flooding issues which would prevent its allocation for development. I consider all of this evidence to be robust and convincing and I accept its conclusions.
233. The JCS directs built development towards areas of low flood risk in accordance with the sequential test. However, to be effective, Policy INF3 and its supporting text should be amended to ensure that development in flood risk areas is subjected to a Flood Risk Assessment which, amongst other things, incorporates the latest available updates to modelling, so that the most up-to-date flood risk information is available to decision takers.
234. Although the evidence does not take full account of recent climate change guidance suggesting a new 70% fluvial allowance in place of the previous 20% allowance, the Environment Agency are satisfied that this could be dealt with at the planning application stage. Consequently, they have no soundness objections to the Plan.
235. Sustainable drainage schemes should also be properly considered at application stage and, to ensure consistency with national policy, the Plan's supporting text should direct developers to guidance from the Lead Local Flood Authority. For similar reasons, explanatory text requiring consideration of cumulative effects and the demonstration of deliverable flood risk management solutions is also required.
236. Finally, and more specifically, to ensure the effectiveness of ongoing flood defence work in Gloucester City, an amendment is proposed to refer to the co-ordinated approach that is required to development, particularly at key regeneration sites to realise wider flood benefits.
237. All these amendments are satisfactorily achieved by **MM084** to **MM087**.

INF4 (Green Infrastructure)

238. The JCS authorities have produced a Green Infrastructure Strategy based on an assessment of the area's environmental assets. The strategy identifies two key regional/sub-regional green infrastructure assets in the area, namely The Cotswolds AONB and the River Severn and its washlands. The River Severn area is being promoted as a Regional Park in recognition particularly of its special habitat qualities and its importance to the quiet enjoyment of the countryside. It is therefore necessary for the effectiveness of Policy INF4 that a change be made to its supporting text to make reference to the potential Regional Park.
239. Also, for reasons of effectiveness, the Policy should recognise that the growth proposed by the JCS will increase demands on green spaces and that this will require careful management and collaborative working with key stakeholders. Accordingly, an amendment is needed to insert additional supporting text to reflect this.
240. Furthermore, it is recommended that the North West Cheltenham SUE retains

a green buffer around Swindon Village. An amendment to the strategic allocations chapter of the Plan is necessary to reflect this, as mentioned under Issue 8. Reference to this green buffer and its intended allocation as Local Green Space in the forthcoming Cheltenham Local Plan should also be made in the supporting text of INF4 for reasons of effectiveness.

241. These changes are all properly dealt with by **MM088** and **MM089**.

INF5 (Social and Community Infrastructure)

242. INF5 makes provision for social and community infrastructure associated with proposed development. As its delivery will be influenced by existing social sustainability initiatives that the JCS and District Plans intend to take forwards, to be effective, reference to these initiatives should be made in the supporting text. Accordingly, **MM090** is necessary to reflect this.

INF6 (Renewable Energy and Low Carbon Energy Development)

243. Policy INF6 is a criteria based policy that supports appropriate renewable and low carbon energy development including wind turbines. However, the Written Ministerial Statement of 18 June 2015 indicates that planning permission should only be given to wind energy development where the site is identified in the Development Plan, amongst other things. The JCS authorities intend to address any such allocations through their District Plans. Consequently, to conform to national policy, INF6 requires amendment to remove wind turbines from its remit and to refer to potential allocations being made at district level.

244. The Policy's supporting text also refers to 10% on site renewable energy generation for new development. However, as referred to above for Policy SD4 in Issue 9, for consistency with the Written Ministerial Statement of 25 March 2015 and the PPG relating to technical standards for new dwellings, references to exceeding national standards should be removed.

245. These amendments are satisfactorily dealt with by **MM091**, **MM093** and **MM094**.

INF7 (Infrastructure Delivery)

246. The JCS does not make clear at least for the next five years what infrastructure is required to deliver the planned development as envisaged in the PPG. Furthermore, the SIDP identifies a funding gap of nearly £750 million during the Plan period with little indication being given of how it is intended to be met.

247. However, detailed, robust evidence from Ove ARUP, submitted during the examination for all the proposed allocations and the cross-border site at Mitton, adequately identifies priority infrastructure for at least the next five years and how it will be provided. This is reflected in the main modifications to the strategic allocations chapter in Part 6 of the Plan which, as amended, sets out satisfactorily the requirements for each allocated site.

248. New analysis of the funding gap by Ove ARUP demonstrates that the SIDP estimated costs at a high level and is an optimistic snapshot in time. When

the funding is broken down, the report says that the funding gap reduces to about £73 million for critical infrastructure, with the majority of projects and costs being within the "desirable" category. Moreover, it indicates that projects and associated costs have changed as time has progressed and schemes have evolved. The analysis shows that at least for the first five years, most infrastructure requirements are likely to be met by developers through planning obligations.

249. The evidence indicates that for most infrastructure a fully funded package of deliverable solutions has been agreed between service providers and promoters for at least the first five years of projected completions. Nonetheless, there is some uncertainty over certain critical infrastructure over the Plan period, due to a lack of information or discussions still ongoing between parties. However, I accept that infrastructure planning is an iterative process and there will be opportunities to address any outstanding issues as schemes advance. Whilst there is an expectation that issues will be resolved in the detailed master planning of sites, strategies are in place to minimise risks to delivery to an acceptable level. I find the Ove ARUP work to be robust and convincing and I accept its conclusions.
250. Some longer term transport schemes will depend on other sources of funding as identified in the TIS. Monies have also been secured for Gloucestershire through the third round of the government's Growth Deal in the sum of £29.13 million (with £26.5 million covering the JCS area), part of which will be used to ease traffic flow. Further investment is possible for motorway improvements through the Road Investment Strategy. Bidding for additional funding is ongoing.
251. On the basis of this evidence I am satisfied that there are reasonable prospects of at least the identified critical infrastructure coming forward over the first five years from adoption of the Plan.
252. To ensure that INF7 is in accordance with national policy in seeking to secure the delivery of appropriate and proportionate infrastructure, it should take account of the *National Infrastructure Delivery Plan 2016-2021*. To do this, a change should be made to its supporting text to reference and reflect this plan. Also, to ensure its effectiveness, amendments are necessary to clarify that development of all scales and types is covered, and to signpost developers to Gloucestershire County Council's *Local Developer Guide* for advice.
253. Furthermore, to be justified, alterations to the Policy are necessary to clarify that infrastructure will only be required that is necessary, directly related, and fairly and reasonably related to the scale and kind of development proposed. Amendments to the list of types of infrastructure that might be needed is also necessary in the interests of effectiveness.
254. These amendments are satisfactorily achieved by **MM095** to **MM098**.
- INF8 (Developer Contributions)*
255. Policy INF8 provides for developers to make direct arrangements for implementing infrastructure requirements or to make financial contributions. To ensure its effectiveness, the Policy should be modified to make clear that

financial contributions will be sought through section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy (CIL) under the Planning Act 2008.

256. Similarly, for non-policy compliant schemes, it is proposed that viability assessments be submitted which, if necessary, the JCS authorities will have independently appraised at the applicant's expense. Such assessments will usually be published in the interests of transparency.

257. These amendments are properly dealt with by **MM099** to **MM100**.

Conclusion on infrastructure

258. Subject to the identified modifications, I conclude that appropriate, evidence-based provisions for delivering suitable infrastructure have been made, and that this part of the Plan is sound.

Issue 11 – Whether the provisions for implementation, monitoring, review and ongoing co-operation are satisfactory.

Monitoring Framework

259. Part 7 of the Plan addresses the monitoring and review of JCS policies to assess the effectiveness of their implementation and delivery. It contains a monitoring framework with targets and monitoring indicators that are to be reviewed periodically. In general, this is a comprehensive tool although, to be effective, it requires amendment to reflect the modifications to the JCS and to remove indicators for which data sources are no longer available or are more appropriate for monitoring at District Plan level.

260. Furthermore, the supporting text requires amendment to demonstrate how the Plan is able to be flexible and responsive to change in accordance with national policy. It is therefore recommended that, if monitoring indicates that delivery problems are emerging or that circumstances are changing in other ways, the JCS authorities will consider implementing certain measures to bring forward development. These include the early release of safeguarded land, particularly if improvements to Junction 10 are forthcoming, and cross-boundary working with Stroud and Wychavon District Councils that might allow for further housing land supply. Also, to be effective, it needs to be clarified that monitoring outcomes will be reported through a single JCS Authority Monitoring Report.

261. All of these amendments are satisfactorily dealt with by **MM122** and **MM129** to **MM133**.

Housing Implementation Strategy and Trajectories

262. Amendments are necessary to refer to and set out information from the HIS in order to ensure that the Plan is clear and therefore effective. This includes explanations of what the JCS authorities intend to do should there be any barriers to delivering the development proposed by Policies SP1 and SP2 and how to respond to changing circumstances. There are calculations of the five

year supplies for each authority and charts and trajectories for market and affordable housing illustrating estimated delivery against requirements together with accompanying explanations. The expected delivery from each of the strategic allocations and Mitton in Wychavon is also set out in table format and contingencies put in place to respond to any significant under-delivery.

263. These changes are addressed by **MM121** and **MM124** to **MM128**.

Reviews

264. In order to ensure flexibility and effectiveness, the Plan needs amendment to include a housing supply review mechanism with a trigger for full or partial review. Solely for monitoring purposes, a 10% buffer is to be applied to the housing requirement of each JCS authority on an annual basis. If completions fall below 110% of an authority's supply trajectory then this acts as an early warning for the authorities to review and take corrective action. If strategic allocations cumulatively delivered less than 75% of their projected completions over three consecutive years, this would trigger the need to consider a partial or full JCS review. In this way the authorities would get early warning of a potential imminent housing shortfall so that corrective action could be taken.

265. Moreover, the six Gloucestershire district councils have been jointly working on a Gloucestershire devolution bid seeking to better align services and resources to jointly grow the economy. A Statement of Intent has been submitted to DCLG although it may be some time before it is taken forward in light of other government priorities. The Plan is intended to be reviewed within five years in accordance with the PPG and it is the wish of the JCS authorities that any full or partial review is aligned with those of other Gloucestershire authorities. This is reasonable. Therefore, amendments are necessary to reflect this in the interests of effectiveness.

266. The above changes are addressed in **MM123**.

267. As referred to above, in response to shortfalls in the Plan's provisions, a number of focussed reviews to the JCS will be necessary¹⁵. This accords with PPG guidance. Without these reviews the JCS would be unjustified and, therefore, unsound.

268. As Gloucester is unable to meet its housing requirement for the full Plan period, there should be an immediate review of Gloucester's housing supply following adoption of the JCS. This would allow consideration of options that become available both within and outside the JCS area and could include further development opportunities that are not currently deliverable.

269. The JCS authorities' Statement of Co-operation with Stroud District provides a tool for exploring the possibility of housing land supply in Stroud contributing to the JCS authorities' needs, where it is reasonable to do so and consistent with achieving sustainable development. Consequently, to achieve maximum co-ordination and to ensure that potential development sites are comprehensively explored using agreed site assessment criteria, it is recommended that the Gloucester housing supply review is undertaken in

¹⁵ As set out in more detail in the sections of this report on housing shortfall and retail

tandem with Stroud's Local Plan review, which is currently underway.

270. With regards to Tewkesbury, as already noted, its housing land supply position has significantly changed since submission, leaving it with a substantial shortfall, which can only properly be dealt with by a comprehensive assessment of the options, which will take time. Consequently, to avoid further delay in adoption of the JCS, an immediate review of the Plan is the most appropriate way forward to identify appropriate housing allocations.
271. The JCS authorities are committed to an immediate review of both Gloucester's and Tewkesbury's housing supply following adoption of the JCS. To address this, a new policy is proposed by **MM123c**, Policy REV1: (*Gloucester and Tewkesbury Housing Supply Review*), which is accompanied by explanatory text for Gloucester at **MM123a** and for Tewkesbury at **MM123b**.
272. With respect to retail, as set out under Issue 5 (Retail), a review of retail policy SD3 is required to make the Plan sound. This is to take place immediately upon adoption of the JCS and will take approximately two years to complete. **MM123** is recommended to deal with this.

Conclusion

273. Subject to the identified modifications, I conclude that the provisions for implementation, monitoring, review and ongoing co-operation are satisfactory and that this part of the Plan is sound.

Assessment of Legal Compliance

274. Regulation 8(5) of the Town and Country Planning (Local Planning)(England) Regulations 2012 requires local plans to identify any policies that it intends to supersede. The JCS does not do this and, therefore, **MM134**, **MM134a** and **MM134b** are necessary, which insert lists of superseded policies into the JCS for each authority.
275. Some participants raised concerns about the SA and particularly its consideration of alternative strategic sites. Whilst the SA was generally adequate, and appraised most reasonable alternatives for meeting the Plan's objectives, it rejected certain alternatives too early in the process for what appeared to be non-land use planning reasons. However, in accordance with *Cogent Land LLP v Rochford District Council*, this inadequacy has been cured by an additional SA report, which explains matters raised throughout the examination, as well as addressing relevant main modifications.
276. Issues were also raised in relation to climate change, particularly with respect to flooding. However, I am satisfied that the Plan contains policies designed to secure that the development and use of land in the JCS area contribute to the mitigation of, and adaptation to, climate change, thereby ensuring legal compliance with section 19(1A) of the Planning and Compulsory Purchase Act 2004.
277. Whilst there were some adverse comments from participants to the examination about the nature, adequacy and conduct of public consultation, the JCS authorities' consultation reports generally demonstrate adequate

consultation. Where additional consultation was considered constructive, round table discussions were set up during the examination process to capture participants' submissions. Consequently, there was no breach of the 2012 Regulations in this regard.

278. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that, subject to the identified main modifications, the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	At the time of submission the approved LDSs of each of the Councils were those adopted in April 2011 (GCC), November 2009 (CBC) and April 2013 (TBC) [SUB114]. Subsequent to submission, CBC and GCC each updated their LDS in January 2015 (GCC) and February 2015 (CBC) [EXAM23A & B]. The JCS is identified in each LDS with timing based on information available at the time and dependent on the progression of the JCS examination. The TBC LDS of April 2013 anticipated adoption of the JCS in December 2014, GCC LDS of January 2015 in October 2015 and the CBC LDS of February 2015 in Autumn 2015. Since the final examination hearing in July 2017 each of the Councils has approved a new LDS in October 2017 updating the timing. The JCS content is compliant with each of the Council's LDSs and compliant with the timing within the LDSs adopted by the Councils in October this year.
Statement of Community Involvement (SCI) and relevant regulations	At the time of submission the approved SCIs of each of the Councils were those adopted in July 2005 (GCC), July 2014 (CBC) and May 2013 (TBC) [SUB115]. Consultation on the JCS, including consultation on the post-submission proposed 'main modification' changes, complies with the SCIs' requirements, or with those of their corresponding predecessor documents as applicable.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations Assessment Report (May 2014) [SAPR114-119] concludes that the submission JCS would not have adverse effects, alone or in-combination, on the integrity of the identified European Sites. The Sustainability/Integrated Appraisal Addendum Report (October 2016) [Document MM003] concludes and sets out how the proposed modifications (as consulted upon) would not have adverse effects, alone or in-combination,

	on the integrity of the identified European Sites.
National Policy	The JCS complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The JCS complies with the Act and the Regulations, except in respect of identifying the policies that are superseded by it. That failure to comply is overcome by MM134, 134a & 134b.

Overall Conclusion and Recommendation

- 279. Whilst there are issues with the Plan, 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. Rather than delaying matters further, the balance is in favour of finding the Plan sound now subject to an immediate partial review.**
- 280. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.**
- 281. The Councils have requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

Elizabeth C Ord

Inspector

This report is accompanied by the Appendix containing the Main Modifications