



The Planning Inspectorate

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# **Report to Tewkesbury Borough Council**

**By David Reed BSc DipTP DMS MRTPI**  
an Inspector appointed by the Secretary of State

**Date: 12 April 2022**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Tewkesbury Borough Plan 2011-2031**

The Plan was submitted for examination on 18 May 2020

The examination hearings were held between 16-18 & 23-25 February,  
9-11 & 16-18 March 2021

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## Abbreviations used in this report

AONB	Area of Outstanding Natural Beauty
DtC	Duty to Co-Operate
HRA	Habitats Regulations Assessment
JCS	Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031
MM	Main Modification
NPPF	National Planning Policy Framework
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SAC	Special Area of Conservation
TBP/the plan	Tewkesbury Borough Plan 2011-2031
UCO	Use Classes Order
2004 Act	Planning & Compulsory Purchase Act 2004 (as amended)
2006 Plan	Tewkesbury Borough Local Plan to 2011 (adopted 2006)

## Non-Technical Summary

This report concludes that the Tewkesbury Borough Plan 2011-2031 (TBP) provides an appropriate basis for the planning of the borough provided that a number of main modifications (MMs) are made to it. Tewkesbury Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

All the MMs concern matters that were discussed at the examination hearings or in writing and were published for public consultation during the nine week period from 1 November 2021 to 4 January 2022. The Council carried out a sustainability appraisal (SA) of the MMs incorporating a habitats regulations assessment (HRA) to accompany the consultation. I have recommended the inclusion of the MMs in the Plan after considering all the representations made in response to the consultation and the updated SA and HRA.

The Main Modifications can be summarised as follows:

- Deletion of housing allocations at Shurdington, Forthampton and others that now have planning permission, updating the capacity and detailed policies relating to some sites, updating the overall housing provision made by the plan and the five-year housing land supply position;
- Deletion of one allocation for Gypsy and Traveller accommodation and the addition of one allocation;
- Deletion of allocations for extensions to Major Employment Sites in the light of recent planning permissions;
- Deletion of allocations for extensions to Rural Business Centres at Orchard Industrial Estate, Toddington and Isbourne Business Centre, Winchcombe;
- Deletion of proposal to remove Green Belt designation from land at Shurdington and Gloucestershire Airport and inclusion of a Green Belt policy;
- Deletion of Landscape Protection Zone and inclusion of a general landscape protection policy referencing landscape character areas; and
- A number of other modifications, particularly to development management policies, to reflect changes to the Use Classes Order and to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Tewkesbury Borough Plan 2011-2031 (TBP/the plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 as amended (the 2004 Act). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with other legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework (NPPF) makes it clear that in order 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 planning authority has submitted what it considers to be a sound plan. The TBP submitted in May 2020 is the basis for my examination. It is the same document as the 'Pre-Submission' TBP published for consultation purposes in October 2019 (Core Document CD001).
3. On adoption the TBP will replace the Tewkesbury Borough Local Plan to 2011 which was adopted in March 2006 (the 2006 plan). The TBP will then form part of the development plan together with the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS), Minerals Local Plan, Waste Core Strategy and any made neighbourhood plans.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out a sustainability appraisal (SA) of them together with a habitats regulations assessment (HRA). The MM schedule was published for public consultation for nine weeks from 1 November 2021 to 4 January 2022. The consultation was accompanied by the SA/HRA report. I have taken account of the consultation responses together with the updated SA/HRA in coming to my conclusions in this report and in this light I have made some minor amendments to the detailed wording of the MMs. None of the amendments significantly alters the content of the MMs as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken.

## Policies Map

6. The Council 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 Council is 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 'Tewkesbury Borough Plan 2011-2031 Proposals Maps' published in May 2020 (Core Document CD003).

7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs 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 justified. These further changes to the policies map were published for consultation alongside the MMs in the document 'Schedule of Draft Changes to the Submitted Tewkesbury Borough Plan 2011-2021 Policies Map for Consultation Purposes'. No changes are necessary to these plans in the light of the consultation responses.
8. When the plan is adopted, in order to comply with the legislation and give effect to the plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in 'Tewkesbury Borough Plan 2011-2031 Proposals Maps' together with or amended by the changes published alongside the MMs in the 'Schedule of Draft Changes to the Submitted Tewkesbury Borough Plan 2011-2021 Policies Map for Consultation Purposes'.

## Context of the Plan

9. Tewkesbury Borough is one of six districts in Gloucestershire and comprises a large and varied rural area of 50 parishes covering about 160 square miles. The Borough extends from Worcestershire in the north to the outskirts of Cheltenham and Gloucester in the south, two large urban areas with which it has a close connection recognised by jointly prepared strategic planning policies. The population of about 86,900 is concentrated in and around the historic town of Tewkesbury with two medium sized settlements at Bishop's Cleeve and Winchcombe and numerous villages and hamlets. The diverse landscape ranges from the flat pasturelands of the Severn Vale to the wooded scarp slopes of the Cotswolds, with 36% of the Borough designated as part of the Cotswolds Area of Outstanding Natural Beauty (AONB).
10. Importantly the TBP is a 'part two' or non-strategic plan which follows the adoption of the JCS in December 2017. The JCS sets the overall planning strategy for the three districts concerned over the plan period to 2031. This includes the objectively assessed housing needs of Tewkesbury Borough and the spatial strategy for meeting those needs, albeit leaving some non-strategic allocations and detailed policy to be made in the TBP. The JCS is currently being reviewed with a Regulation 18 'preferred options' consultation to be undertaken in due course.
11. Because the TBP has a limited, non-strategic role alongside the JCS the TBP as adopted must be consistent with the existing JCS. Its purpose is to fulfil the role the JCS set for it. The JCS was adopted on the basis that an immediate review would be carried out to address a shortfall in housing land supply in Tewkesbury. For whatever reason, that review is taking longer than hoped and the Council has submitted the TBP in advance of the JCS review. That does not mean that to be sound the role of the TBP must change to rectify any issues that have arisen due to the delay in the JCS review. Any such issues remain to be addressed by that review. Whilst this may be frustrating to some representors, this results from the nature of the plans being prepared by the Council and the timing of their submission. The JCS review, not the TBP, is the proper mechanism to update the strategic policy framework in the light of the latest evidence. Similarly, the TBP has no role in providing direction for the JCS review or to pre-empt it in any way.

## **Public Sector Equality Duty**

12. Throughout the examination I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of Gypsy and Traveller sites to meet need and accessible and adaptable housing.

## **Assessment of Duty to Co-operate**

13. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with the duty to co-operate (DtC) imposed on it by section 33A in respect of the plan's preparation. The Council is obliged to co-operate with relevant local authorities and other prescribed bodies in relation to cross boundary strategic matters in order to maximise the effectiveness of the TBP.
14. The Council has a track record of addressing cross boundary strategic issues through formal joint working with Gloucester City and Cheltenham Borough Councils to prepare the strategic policies of the JCS. These arrangements were put in place in 2008 and continue with the preparation of the JCS review. The JCS, which itself complied with the DtC, addresses the full range of strategic issues that arise between the three Council areas and also those that affect neighbouring authorities and other bodies. The TBP is consistent with the JCS and includes complimentary policies that address the strategic issues at the local level.
15. All relevant local authorities and other prescribed bodies were consulted at the various stages of plan preparation. Whilst some amendments to the TBP have been sought for reasons of soundness, no representations have been made that there has been a lack of co-operation by the Council.
16. In relation to specific matters, the Council has engaged with Gloucestershire County Council regarding a new primary school at Bishop's Cleeve, Wychavon District Council regarding the cross boundary housing site at Mitton, Natural England, Stroud District Council and other authorities regarding the Cotswolds Beechwoods Special Area of Conservation (SAC), and Gloucester City Council regarding unmet need for Gypsy, Traveller and Travelling Showpeople sites.
17. I am therefore satisfied that, overall and where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the TBP and that the DtC has therefore been met.



## **Assessment of other aspects of Legal Compliance**

18. The Plan has been prepared in accordance with the Council's Local Development Scheme published in October 2017 and updated in January 2021.
19. The TBP has been prepared over a lengthy period, with a Scoping Issues and Options consultation in Autumn 2013, Draft Policies and Site Options consultation in early 2015 and Preferred Options consultation in Autumn 2018 prior to consultation on the Pre-Submission plan in October 2019. On the basis of the Council's Consultation Statements I am satisfied that adequate consultation on the TBP and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
20. SA has been carried out throughout each stage of the preparation of the plan as an iterative process. A comprehensive SA was published alongside the plan and other submission documents under Regulation 19 and an addendum report prepared to assess the MMs. The SA process has adequately assessed the TBP to establish, when judged against reasonable alternatives, that the plan will help to achieve relevant environmental, economic and social objectives.
21. The HRA dated July 2019 (incorporating both screening and appropriate assessment stages) concludes that, in combination with other plans and projects, the TBP will not adversely affect the integrity of the two potentially affected sites, the Cotswolds Beechwoods SAC and the Severn Estuary SAC/Special Protection Area/Ramsar Site. Natural England confirmed their agreement to these findings and the addendum to the HRA at MM stage confirms they remain valid.
22. The Development Plan, taken as a whole, incorporating the TBP as modified, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
23. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. In particular TBP Policy ENV2 seeks to address the flooding consequences of climate change, Policy ENV3 supports solar energy generation and Policies TRAC1-5 more sustainable transport options. More strategic policies to address climate change in new buildings may affect development viability and will be a matter for the JCS review. Overall, the plan meets the statutory objective in Section 19 (1A) of the 2004 Act.
24. The TBP complies with all other relevant legal requirements, including the 2004 Act and the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).

## Assessment of Soundness

### Main Issues

25. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified 5 main issues upon which the soundness of the plan depends. The report deals with these issues. It does not respond to every point or issue raised by representors, nor does it refer to every policy, policy criterion or allocation in the Plan.

#### **Issue 1 – Whether the TBP provides for the quantity and distribution of housing required by the strategic policies of the JCS and whether the general housing policies in the plan are positively prepared, justified, effective and consistent with national policy.**

26. JCS Policy SP1 sets a rounded housing requirement for Tewkesbury Borough of at least 9,900 new homes over the plan period 2011-31 (495 pa) towards which Policy SP2 makes provision for at least 7,445 dwellings. This leaves a shortfall of 2,455 dwellings to be addressed through the review of the JCS which is required by Policy REV1. Table SP2a makes clear that the TBP is expected to identify further potential for at least 315 dwellings. The RES1 allocations in the submitted TBP, taking account of capacity adjustments, provide for between 1,122 and 1,192 dwellings, and the deletion of the SHU1 and FOR1 sites for the reasons explained below would reduce this by 60, providing for between 1,062 and 1,132 dwellings, thus substantially exceeding the JCS requirement for the TBP. Of these, five allocations totalling 90 dwellings in the submitted TBP but with planning permission granted by April 2020 can now be deleted from the plan and shown as commitments within the respective settlement boundaries. In the interests of an effective plan **MM1** therefore deletes these five sites and adjusts the capacity of some others which have now gained planning permission.
27. Alongside the process to identify allocations in the TBP, a number of other sites have been given planning permission, some on appeal. As at April 2020, with the allocations to be included in the TBP and taking completions and commitments at that time into account, a total provision of 9,382 dwellings has been identified leaving a reduced shortfall of 518 to be met through the JCS review for the period to 2031. Since the JCS only gives the TBP a limited role, and was adopted notwithstanding a built-in shortfall, it is not essential for soundness for the TBP to ensure a five-year housing land supply at the time of adoption. Nevertheless, updating the calculation in the JCS as at April 2020 including the RES1 allocations would indicate 7.15 years supply. This should be included as a new appendix 6 in the TBP together with a revised trajectory as appendix 7 to update those that follow paragraph 7.1.36 of the JCS. It is appreciated that the position will have changed further since April 2020 but later figures are not before the examination. To ensure effectiveness **MM8** therefore provides a table giving the updated sources of housing land supply as at April 2020 whilst **MM9**, **MM47** and **MM48** update the five year housing land supply calculation and the overall housing trajectory in the JCS.
28. The actual delivery of housing over the first nine years of the plan period has exceeded the 495 pa requirement by 1,124 dwellings, and this 'surplus' is taken into account in both the housing land supply calculation and trajectory.

This is to be consistent with the methodology of the JCS which clearly takes the 'anticipated over supply on adoption' figure of 254 into account in its five year supply calculation. To do otherwise would in practice increase the JCS housing requirement for Tewkesbury over the 2011-31 period above 9,900 dwellings which would be contrary to the detailed justification for the figure in JCS paragraphs 3.1.8 to 3.1.15.

29. Within the overall 9,900 figure, JCS Policy SP2 provides for about 1,860 new homes in the two relatively large Rural Service Centres (Bishops Cleeve and Winchcombe) and about 880 new homes in twelve smaller Service Villages listed in JCS Table SP2c. As at April 2020, taking account of completions, commitments and capacity adjustments, the allocations in the TBP will provide 2,428 dwellings in the Rural Service Centres and, after deletion of allocation SHU1 for the reasons explained below, 1,082 dwellings in the Service Villages, thus more than meeting the JCS requirement.
30. The TBP also includes 14 general housing policies RES2-14 and DES1. Turning to these, Policy RES4 allows for 'very small-scale' residential development within and adjacent to the built-up area of rural settlements that fall outside the JCS settlement hierarchy. These have no defined settlement boundary. The policy as submitted includes a general rule that such settlements should not grow by more than 5% or 10 dwellings in the plan period, whichever is lower. Whilst the 5% figure is justified for small settlements as these generally have fewer services and facilities, the limit of 10 dwellings is arbitrary and not justified, particularly as some of the villages concerned are a reasonable size such as Apperley, Ashleworth, Dumbleton and Gretton which had defined settlement boundaries in the 2006 plan. In order for the policy to be justified **MM10** deletes the restriction to 10 dwellings in the plan period.
31. Policy RES5 as submitted lacks a criterion to ensure high quality household waste collection services are facilitated in new housing development. **MM11** inserts this to ensure effective development management.
32. Policy RES7 dealing with the reuse of rural buildings for residential purposes should cover disused as well as redundant buildings to be consistent with NPPF paragraph 80 and a criterion ensuring the protection of protected species is necessary to be consistent with paragraph 179(b). **MM12** makes these changes to the submitted policy.
33. Similarly, to be consistent with NPPF paragraph 179, **MM13** adds an additional criterion to Policy RES11 to ensure the protection of ecological networks and priority habitats when proposals to change the use of agricultural land to domestic garden are being considered.
34. Policy RES12 regarding affordable housing provides some local refinement to JCS Policy SD12, notably requiring provision on sites over 6 dwellings in the AONB. **MM14** introduces tenure mix into the submitted policy as a possible variable for reducing affordable housing costs to ensure effectiveness and to take account of the definition of affordable housing in NPPF Annex 2.
35. The housing mix Policy RES13 with its requirements for accessible/adaptable and wheelchair user dwellings as submitted contains no explicit reference to viability constraints affecting potential mix and no guidance as to the level of

self and custom-build housing that may be sought. To be justified **MM15** makes clear viability may justify a relaxation of the policy at application stage and sets a maximum 5% for self and custom-build housing plots. In the same way in relation to Policy DES1 seeking nationally described space standards for new dwellings, to be justified the changes in **MM34** recognise there may be circumstances where this is not possible and viability constraints may require a relaxation at planning application stage.

36. In relation to the viability of housing development, as a non-strategic plan the TBP does not revisit the policies or background assumptions of the JCS, in particular JCS Policies INF6, INF7 and the JCS Infrastructure Delivery Plan. The submitted TBP was accompanied by a high-level Viability Assessment from PorterPE dated September 2019 which took into account the Community Infrastructure Levy introduced in January 2019 and tested various 'policy costs' arising from the JCS and TBP. These included an estimate of £5,000 per dwelling for site specific Section 106 costs and concluded that, overall, the policies in the TBP would not threaten the viability of the plan provided the most critical policies, particularly RES12, RES13 and DES1, are applied flexibly when necessary in lower value areas.
37. In the lead up to the examination hearings there was concern that Section 106 costs had risen in some cases, and in response an update report was prepared testing costs of up to £20,000 per dwelling. With the other assumptions unchanged, contributions of up to £17,500 were viable in higher value areas, but some typologies in medium value areas would become unviable with costs over £10,000. This suggests greater flexibility will be required, but sales values relative to costs may have increased since 2019 and most allocated sites now have planning permission with their level of contributions agreed.
38. The most problematic sites are the regeneration sites in Tewkesbury with additional land assembly and build costs where flexibility will be needed. However, taken overall, the evidence provides high level assurance that the policies in the JCS and TBP, as amended by the MMs, should not undermine the deliverability of the plan as required by NPPF paragraph 34.
39. The suggestion that new buildings should adopt best available techniques not entailing excessive costs (BATNEEC) to adapt to and mitigate the effects of climate change is a strategic matter with potential viability implications. Consequently, this is a matter for consideration during the JCS review.
40. In conclusion, subject to **MM1, MM8, MMs9-15, MM34, MM47** and **MM48**, the TBP provides for the quantity and distribution of housing required by the strategic policies of the JCS and the general housing policies in the plan are positively prepared, justified, effective and consistent with national policy.

**Issue 2 – Whether the housing allocations and settlement boundaries in the TBP are justified and consistent with national policy and whether the site-specific policies for the allocations are effective.**

41. Policy RES1 of the submitted plan seeks to allocate 21 housing sites which emerged through the site selection process. For 13 of these there are site specific policies setting out criteria that proposals should satisfy in addition to the general development management policies that apply to all sites. Five allocations granted planning permission by April 2020 are now superfluous and can be deleted whilst the capacity of some other sites can be updated in the light of later permissions. In the interests of an effective plan these changes are made by **MM1**.

*Tewkesbury*

42. The historic town of Tewkesbury with its neighbouring built-up areas is the largest and most sustainable settlement in the Borough and second only to Gloucester and Cheltenham in the settlement hierarchy for the JCS area. With key services, public transport facilities and major employment opportunities, it is a preferred location for housing growth and proposals for a Garden Town in the Northway/Ashchurch area are under consideration for inclusion in the JCS review. However, the town is highly constrained, particularly by flooding, and the JCS sets no specific housing requirement for the current plan period.
43. Nevertheless, there is scope for some expansion to the north at Mitton by agreement with Wychavon District Council together with further growth on the low ridge to the south at Odessa Farm and two potential regeneration sites in the town centre. To ensure site-specific Policies TEW1 and TEW4 are effective in addressing flooding issues on these sites **MM2** requires development to take account of climate change, to be flood resistant/resilient for its lifetime and to address identified flood risk assessment requirements. In addition, the boundary of the Healings Mill allocation TEW4 on the policies map should be amended to exclude the land which forms part of the adjacent Site of Special Scientific Interest.

*Bishops Cleeve*

44. Bishops Cleeve is one of two Rural Service Centres defined by the JCS as the most sustainable settlements in the Borough after Tewkesbury. The village has expanded to the north in recent years with three further allocations in the submitted plan including the ex-allotments site BIS3 which has become available for development. The level of recent and planned housing growth has led to a requirement for a further primary school and a potential site for this has been identified just to the north of the village.
45. To ensure effectiveness **MM2** modifies site-specific Policies BIS2 and BIS3 to clarify flood prevention requirements and to specify the need for ecological enhancements to the Dean Brook.

*Winchcombe*

46. Winchcombe is the other Rural Service Centre but is more constrained than Bishops Cleeve. This is a result of the Cotswolds Area of Outstanding Natural Beauty (AONB) which includes most of the town apart from the northern

sector between Gretton Road and the B4632, and this sector is constrained by the need to avoid coalescence with the nearby village of Greet. Given the need for new housing and the relative sustainability of Winchcombe the TBP proposes one allocation for 80 dwellings, site WIN1, on the western side of the town behind Delavale Road, but the site lies within the AONB where great weight must be given to conserving and enhancing the landscape and scenic beauty.

47. The town lies in a sensitive, spectacular landscape with hills on three sides offering wide views of the town from surrounding viewpoints. As such any peripheral expansion will be readily seen. However, the selection of the site has been informed by strategic and local landscape and visual sensitivity studies which confirm the site, up to the 115 m contour but no further, would have a low adverse effect on landscape character and moderate adverse effect on views from a series of recreational footpaths. On the basis of the evidence and my site visits it is accepted that there would be some adverse effect, but by respecting existing hedgerows and ensuring a feathered, well landscaped edge replaces the stark, linear edge of the existing estate, the impact of the new housing would be relatively minor and would only appear as an incremental encroachment towards the lower slopes of Langley Hill.
48. The scale and extent of the allocation is limited in relation to the existing size of the town and with the Policy WIN1 requirements for the site and minor boundary adjustments the landscape and scenic beauty of the AONB would be conserved. The proposal is therefore consistent with national policy as set out in NPPF paragraph 176. Its nature and scale and the only minor adverse impact on the purposes for which the AONB has been designated mean that the proposal does not amount to major development in the terms of NPPF paragraph 177 so the exceptional circumstances test does not apply.
49. The allocation of the site is therefore justified given the provisions of the JCS, the sustainability of the town and AONB designation. However, the precise boundaries of the allocation should not project beyond the 115 m contour or existing field hedgerows for landscape reasons and this should be clarified on the policies map. Even within this allocation, great care needs to be taken in drawing up detailed proposals with regard to their effect on the landscape and long distance views, for instance on the rising ground in the south western part of the site which projects beyond Mercia Road.
50. To be effective the allocation should include the site of No 2 Orchard Road to increase flexibility adjacent to Pickering House, but not the site of No 26 Delavale Road as whether this is a suitable and acceptable access point should be determined through the development management process. In addition, to be consistent with NPPF paragraph 104(c), **MM3** strengthens bullet point 4 of Policy WIN1 to ensure good pedestrian/cycling links are provided from the site to the town.

### *Coombe Hill*

51. Coombe Hill is a small, fragmented settlement on the A38 with few facilities but good public transport services and connectivity to urban centres. The TBP identifies two allocations in the core of the village, COO1 and COO2, with the potential to enhance the sense of place with a more built-up road frontage and

public open space to contribute to the wider green infrastructure network. Both sites now have planning permission, for 95 and 25 dwellings respectively. In the interests of effectiveness **MM1** updates the capacity figure for the two sites and **MM4** clarifies the requirement for alternative natural greenspace on allocation COO1 to mitigate against increased recreational pressures on the nearby Coombe Hill Canal Site of Special Scientific Interest.

### *Shurdington*

52. Shurdington is the only village in the Borough which is inset within the Green Belt. This was designated in 1968 to protect the open character of the area between Gloucester and Cheltenham and to prevent the coalescence of the two urban areas. Defined as a Service Village based on the settlement audit, JCS Policy SP2 potentially provides for some new housing in Shurdington. However, it is not a requirement of the policy and the Council's disaggregation formula takes no account of environmental or policy constraints, simply providing a guidance figure subject to those constraints. The inset boundary for the village is tightly drawn which has inevitably constrained development with few new houses built in recent decades and just 16 completions and commitments in the plan period to date.
53. However, once defined, the NPPF makes clear that Green Belt boundaries should only be altered in exceptional circumstances given their intended permanence. Whilst JCS Policy SD5 allows for a 'limited review' of the Green Belt through the TBP 'as necessary' it does not require such a review in respect of Shurdington or lower the exceptional circumstances test.
54. The undeveloped gap between Gloucester and Cheltenham is narrow and Shurdington lies astride the A46 between the two urban areas. The extent of the Green Belt has already been reduced by the JCS through strategic allocations and land safeguarded for longer term development, and any further reduction, even limited in nature, requires a strong justification. Whilst Shurdington has not grown like some other villages in the Borough, this is an inevitable consequence of its Green Belt location and there is no policy imperative in the JCS for it to do so.
55. Housing allocation SHU1 would significantly extend housing development along the A46, encroach into the countryside to the south of the village and breach the existing strong boundary formed by Badgeworth Lane. It would erode the remaining undeveloped gap between Gloucester and Cheltenham. The 2017 Tewkesbury Part 2 (Partial) Green Belt Review undervalues the rural character of the site and its contribution to the purposes of the Green Belt. As explained above, the JCS requirement to identify new housing in the TBP and the service villages would be met without 50 houses on this site. Given this context the necessary exceptional circumstances to justify releasing the site from the Green Belt for housing purposes are not present.
56. However, the Green Belt inset boundary around the village does not appear to have been reviewed since its original designation and it does not reflect the reality of built development on the fringes of the village. The purposes of the Green Belt would not be prejudiced by amending the boundaries to exclude the built-up areas further west along Badgeworth Lane, along the eastern side of the A46 (but not parcels P30 and P31 in the Partial Review which are open

land in the AONB) and along Leckhampton Lane. The latter amendment would include the site of housing allocation SHU2, allowing it to go ahead, but the site has housing on three sides and is secluded from outside view, so unlike SHU1 would not comprise an encroachment into the countryside. Recognising the existing built-up extent of the village in this way would meet the exceptional circumstances test.

57. The extended Green Belt boundary around the village would enable some further infilling and redevelopment and thus limited housing growth, albeit not of the scale proposed in the submitted TBP. In addition, TBP Policy RES6 in conjunction with NPPF paragraph 149(f) allows scope for affordable housing on exception sites beyond the settlement boundary should the need be demonstrated.
58. Since allocation SHU1 and the removal of the site from the Green Belt is not justified **MM5** is necessary to delete the allocation from the plan and **MM24** to amend Policy GRB1 to only include justified alterations to the Green Belt inset boundary around Shurdington, i.e. only those that reflect the existing built-up area. The policies map should be amended accordingly. The settlement boundary of the village should follow the Green Belt inset boundary. For effectiveness **MM2** amends site-specific Policy SHU2 to include the need to take account of requirements to address flood risk.

#### *Minsterworth*

59. Minsterworth is an unusual, highly linear village comprising mainly frontage housing interspersed with countryside gaps stretching along about 3 miles of the A48. Further housing of a similar nature is underway or committed at the western and eastern ends of the village and also in the middle, but many gaps remain. Although classified as a Service Village in the JCS, no allocations are made in the submitted TBP but an extended settlement boundary allows further frontage development along the northern side of the road, linking the western and central parts of the village.
60. Whilst the settlement is characterised by ribbon development, the proposal to allow further continuous frontage housing is contrary to the Council's criteria for defining settlement boundaries and would unduly compromise the intermittent character of the village. In order for the area subject to settlement boundary policies to be justified the policies map should be redrawn to exclude the undeveloped gap between Ellis Bank Lane and Enderley.
61. The Council published an alternative settlement boundary for consultation alongside the MMs adopting the Parish Council view that more in-depth development would be appropriate and that this should be concentrated near the Church, Village Hall and Old School. Whilst the amendment on the northern side of the road was the subject of objection, consolidation of the village to the south between the A48 and Church Lane is justified at this time with potential further development being considered at a later date. The policies map should be amended accordingly.



### *Forthampton*

62. Forthampton is a small, dispersed village with few services and facilities and therefore not classified by the JCS as a Service Village suitable for significant development. Despite this, the submitted TBP includes a housing allocation for 10 dwellings to support the vitality of the village on the basis of community support for such a proposal. However, in itself this is insufficient justification for an allocation and it would now seem from the views of the Parish Council that community support is not clear cut in any event. In the circumstances housing allocation FOR1 is not justified and **MM6** is necessary to delete the allocation. The policies map should be amended accordingly. Any proposals for the village can be considered under the enabling Policy RES4.

### *Omission of settlement boundaries*

63. A number of substantially built-up areas are not included within settlement boundaries on the policies map as submitted. Amongst other implications, this would mean Policy RES3 applies rather than RES2, and EMP4 rather than EMP3, which would not be justified. These areas should therefore be included within defined settlement boundaries. There is no reason why boundaries should only be defined for recognised settlements in the JCS hierarchy, for an effective plan they should distinguish more widely between built up and countryside areas so that the geographic coverage of the policies in the TBP is justified and effective. **MM7** is therefore necessary to explain the inclusion of settlement boundaries for built-up areas on the edge of Gloucester and Cheltenham. Boundaries are also necessary for Northway and Ashchurch to the east of Tewkesbury to reinstate those in the 2006 plan adjusted to reflect subsequent planning permissions and to include the intensively built-up part of the MOD land. The policies map should be updated accordingly.

### *Conclusion*

64. In conclusion, subject to **MMs1-7** and **MM24**, the housing allocations and settlement boundaries in the TBP are justified and consistent with national policy and the site-specific policies for the allocations are effective.

### **Issue 3 – Whether the TBP provides the pitches and plots for Gypsies, Travellers and Travelling Showpeople required by the strategic policies of the JCS.**

65. Based on the Gypsy and Traveller Accommodation Assessment carried out in 2017, the supporting text to JCS Policy SD13 sets out the number of pitches and plots that are required in each district between 2016 and 2031, both for those that meet the definition in the Planning Policy for Traveller Sites (PPTS) and those that do not. Contrary to the Council's view in EXAM027, the needs of the latter group should also be provided under the requirements of JCS Policy SD11 and the Housing and Planning Act 2016, albeit there is no need to demonstrate five years supply of deliverable sites for those that do not meet the definition.

66. The overall requirement for the Borough is 78 pitches for Gypsies and Travellers of which 20 are for those who either definitely or are likely to meet the definition. With 23 pitches granted permission since 2016, in numerical terms the PPTS requirement figure has already been met, but there is no means of ensuring that those who met the definition are accommodated first. 55 pitches still need to be provided, and in practice some of these will be for those meeting the definition. Following a call for sites and consideration of public land, the TBP as submitted includes allocations for a further 25 pitches, but this includes 8 pitches on land adjacent to Fieldview at The Leigh, a site which is no longer available. The provision for a further 17 pitches therefore leaves 38 still to be identified in the period to 2031, a challenging figure.
67. Whilst satisfied that few suitable sites have come forward and the Council has generally taken a proactive approach to site finding, one existing site providing seven pitches at Brookside Stables, Badgeworth has not been allocated despite meeting the site selection requirements for inclusion in the Preferred Options Consultation in 2018. The previously developed site has been in continuous use since 2002, initially unauthorised but subsequently with the benefit of a series of temporary permissions. Notwithstanding its location in the Green Belt, the reasons for excluding the site following the consultation are unconvincing. The site is suitable for allocation for permanent use which would reduce the remaining shortfall against the JCS requirement to 31 pitches. These will need to be provided in due course through individual planning applications assessed against the criteria in JCS Policy SD13. For the TBP to be positively prepared, **MM16** is necessary to allocate the Brookside Stables site and for effectiveness to delete the site adjacent to Fieldview at The Leigh which is no longer available. The policies map should be updated accordingly.
68. In conclusion, subject to **MM16** and further sites being brought forward under JCS Policy SD13, the TBP provides the pitches and plots for Gypsies, Travellers and Travelling Showpeople required by the strategic policies of the JCS.

**Issue 4 – Whether the TBP provides for the quantity and distribution of employment land required by the strategic policies of the JCS, whether the employment allocations are justified and consistent with national policy and whether the general employment policies in the plan are positively prepared, justified, effective and consistent with national policy.**

69. JCS Policy SP1 sets a requirement for a minimum of 192 ha additional B-class employment land across the JCS area to contribute towards the delivery of about 39,500 new jobs. 112 ha of employment land will be delivered in the JCS strategic allocations (JCS Table SA1), leaving at least 80 ha to be provided on non-strategic sites. 6 ha is allocated in Cheltenham and 31 ha either allocated or proposed in Gloucester, leaving a minimum 43 ha of further land to be identified in Tewkesbury Borough.
70. The amount of undeveloped land on existing employment sites being carried forward in the TBP totals 43 ha (EXAM041). With planning permission granted for a 3.5 ha extension to Ashville Business Park and on 5.9 ha adjacent to Bamfurlong Industrial Park, scope for a 2.2 ha extension at Malvern View

Business Park and 13.7 ha in new or extended Rural Business Centres (excluding the Toddington, Coombe Hill and Greet sites for the reasons explained below), a total of 68.3 ha is available for employment development in the Borough, 25.3 ha more than the minimum requirement.

71. Across the JCS area as a whole, a total of 217.3 ha of employment generating land has been identified to date. This exceeds the requirement for at least 192 ha with a reasonable surplus to allow flexibility, albeit also including land for some non B-class uses. In addition, land could come forward under the permissive TBP Policies EMP3, EMP4 and EMP5, also as part of the Tewkesbury Garden Town proposal being considered for inclusion in the JCS review. A significant amount of employment land is identified in the current concept plan, an initial part of which could come forward in the plan period.

*B4063/Cheltenham Road East/Airport employment sites*

72. The TBP as submitted proposes the removal of three sites from the Green Belt along the B4063/Cheltenham Road East and their allocation for employment purposes. These are 3.9 ha for an extension to the Ashville Business Park (site 1) on the northern side of the road together with 1.3 ha adjacent to the Meteor Business Park (site 2) and 4.2 ha adjacent to the Bamfurlong Industrial Park (site 3) on the southern side of the road. The latter two sites currently lie within Gloucestershire Airport and its 'essential operational area' (EOA). Planning permission was granted for site 1 in 2016 and for a 5.9 ha site, effectively sites 2 and 3 combined but adjacent to Bamfurlong Industrial Park, in March 2021. In both cases the Council concluded that there were very special circumstances which justified development in the Green Belt. The development of site 1 has commenced but it remains substantially open land at present whilst work to open up the 5.9 ha site is also now underway.
73. As stated above, once defined, Green Belt boundaries should only be altered in exceptional circumstances. JCS Policy SD5 allows for a 'limited review' of the Green Belt through the TBP but as with Shurdington it does not require such a review in the case of the B4063 sites or lower the exceptional circumstances test. However, JCS paragraph 4.1.28 allows the TBP to consider the need for different land uses to support the growth of the airport operation including the extent of the essential and non-essential operational area (NEOA) of the airport, both of which form part of the Green Belt. Taking this opportunity, the TBP includes the extension of the 'South East Camp', the NEOA area on the southern side of the airport, to allow further expansion of businesses that require an airport location. This will directly support the airport and its role in the Gloucestershire economy. In the interests of effectiveness **MM25** clarifies this expansion in the plan.
74. Importantly, the Green Belt between Gloucester and Cheltenham is vulnerable along the B4063 with the built up areas of Churchdown and the industrial estates leaving only short, intermittent, undeveloped gaps between the A40 roundabout and the planned Golden Valley development, itself a major release of previously Green Belt land. The gap between the Ashville/Meteor and Bamfurlong industrial estates is one of the last vestiges of open land separating Gloucester and Cheltenham along this road and therefore it makes a major contribution towards the Green Belt purposes of checking the unrestricted sprawl of large built-up areas and preventing neighbouring towns

merging into one another. The Partial Green Belt Review rightly concludes that the harm to the Green Belt from development of the airport land as a whole would be high, and this applies equally to smaller parcels of land adjacent to the B4063, particularly in combination with site 1 which even on its own would result in moderate harm to the Green Belt.

75. The proposal to allocate sites 2 and 3 would also reduce the EOA of the airport, with the effect of this on its operations not yet clear, particularly on helicopter flights which are an important part of the airport's role. Whilst the airport operators are confident that any effect would be manageable, the recent planning application was scaled back due to the uncertainty and the Civil Aviation Authority are yet to consider the implications of any reduced airport boundary and revised operating procedures. The larger scale proposal promoted by the airport and Council post submission would have an even greater impact with unknown effects on the operation of the airport. With general agreement as to the importance of the airport to the local economy, its future is a strategic matter that should be considered through the JCS review and not prejudged by incremental decisions in the TBP.
76. For exceptional circumstances to exist to justify alterations to the Green Belt in this area, the need for releases must be clear and no other reasonable options available. Neither has been sufficiently established. Altering the Green Belt is not critical to the provision of 192 ha of B-class employment land across the JCS area, there is potential for employment land on non-Green Belt sites in the Borough, 4.5 ha of undeveloped land remains on the existing Ashville and Meteor Business Parks, and high quality employment land is coming forward in strategic allocations nearby. If further land is required the safeguarded land already removed from the Green Belt could be brought forward rather than additional Green Belt releases along the B4063.
77. Whilst there is demand for further employment land in the vicinity of the airport, businesses that specifically need an airport location can be accommodated in the expanded NEOA. Should the sites be removed from the Green Belt and allocated for general employment use, businesses without any need to be located near the airport could be accommodated, businesses that could locate elsewhere. Given the importance of maintaining the openness of the gap between the Ashville/Meteor and Bamfurlong industrial estates the 'very special circumstances' test that applies for development within the Green Belt should be retained unless and until the sites with planning permission are fully developed and the designation no longer serves a useful purpose. The three allocations should therefore be removed from the TBP and Green Belt designation retained.
78. In the absence of sufficient justification **MM17** is necessary to delete the three allocations (whilst noting the planning permissions that have been granted) and **MM24** is necessary to amend Policy GRB1 and its supporting text to retain the sites in the Green Belt. To ensure policy effectiveness **MM17** also reduces the size of the proposed extension to the Malvern View Business Park at Bishops Cleeve to reflect the loss of much of the site to housing as the result of a planning appeal decision. The policies map should be revised accordingly.

*Toddington, Coombe Hill and Greet employment sites*

79. The TBP as submitted allocates 6.5 ha of land as an extension to the Orchard Industrial Estate at Toddington on the triangular shaped field to the south west and land on the opposite side of the B4078. However, the sites are in an open rural landscape, just to the south of the Cotswolds AONB and in the Policy LAN1 Special Landscape Area which recognises its contribution to the setting of the AONB. The site is detached from any built-up area, not well connected to the principal road network and would offer little opportunity for sustainable modes of transport. The site was put forward for inclusion in the 2006 Local Plan but was rejected by the local plan inspector.
80. The TBP also proposes to allocate 2.2 ha for an expansion of the Knightsbridge Business Centre at Coombe Hill (The Leigh). The site comprises the grass field to the west alongside the A4019. Although well connected to the M5 and adjacent to the planned expansion of Coombe Hill, the site lies in open countryside and would more than double the size of the existing industrial estate.
81. Development of the sites in both cases would be prominent to passers-by and unduly intrusive in the landscape. The sites are not essential for the provision of the JCS employment land requirement as explained above. Given their sensitive landscape context any proposals for the expansion of these sites should be considered under the provisions of enabling Policy EMP4(3) rather than establishing the principle of development through a specific allocation in the TBP. In the absence of sufficient justification **MM18** is therefore necessary to delete the sites from the plan and the policies map should be amended accordingly.
82. The land for the proposed expansion of the Isbourne Business Centre at Greet is no longer available for development. In the interests of effectiveness **MM18** therefore deletes the site and the policies map should be revised accordingly. To ensure an effective plan **MM18** also corrects the area of other sites as advised in EXAM041.

*The Use Classes Order and general employment policies*

83. Following subsequent changes to the Use Classes Order (UCO), the JCS definition of B-class employment land now includes some uses which form part of Class E. This allows for some changes of use of existing land both to and from the JCS definition of employment land without the need for planning permission, potentially undermining the JCS strategy. To be consistent with the JCS and to implement its strategy the relevant employment land uses should continue to be defined in the TBP. In relation to future changes of use, the aim of the UCO is to increase flexibility. Whilst policies can refer to the potential for restricting future changes of use by condition, this must be fully justified in each case and not pursued as a matter of course.
84. To provide an effective policy framework in the TBP and to be consistent with national policy **MMs17-20** and **MM22** are therefore necessary to include the JCS definition of employment land in the various policies and to explain the circumstances when conditions limiting changes of use may be appropriate.

85. Policy EMP5 as submitted lacks a criterion to ensure new employment development includes satisfactory waste management arrangements. **MM21** inserts this in the interests of effective development management together with reference to suitable access to be consistent with NPPF paragraph 110(b).
86. Also for effectiveness, **MM22** amends Policy EMP6 as submitted to include waste management facilities within the scope of the policy to safeguard existing employment sites and to ensure grant funding and financial support is fully explored prior to any loss of land.
87. In relation to agricultural development, Policy AGR1 as submitted omits any reference to safeguarding biodiversity, ecological impacts and protecting water quality. For consistency with national policy **MM23** is necessary to add these considerations into the plan.

### *Conclusion*

88. In conclusion, subject to **MMs17-25**, the TBP provides for the quantity and distribution of employment land required by the strategic policies of the JCS, the employment allocations are justified and consistent with national policy and the general employment policies in the plan are positively prepared, justified, effective and consistent with national policy

### **Issue 5 – Whether the general policies in the plan (other than the general housing and employment policies dealt with under issues 1 and 4) are positively prepared, justified, effective and consistent with national policy.**

89. The TBP also includes an extensive series of general policies primarily for development management purposes to provide a framework for the determination of planning applications in the Borough.
90. The submitted plan contains no replacement for Policy GRB1 in the 2006 Plan setting out how proposals in the Green Belt will be dealt with. JCS Policy SD5 is strategic and does not contain detailed policy. Therefore, to ensure the TBP is consistent with national policy and will be effective, **MM26** is necessary to insert a new development management policy for the designation based on the policies in the NPPF. Following consultation, the MM has been amended to allow for development approved under a Neighbourhood Development Order.
91. The TBP policies relating to the town centre and retail uses require some amendments to be effective and consistent with national policy. Policy RET1 lists the hierarchy of retail centres in the Borough but as submitted omits the local centres to be provided within the JCS strategic allocations. **MM27** adds these for a more effective policy. The garden centre/outlet centre under construction at the Ashchurch strategic allocation was permitted as a departure from the development plan and will have a unique role that does not fit within the identified hierarchy in the policy.
92. The RET policies as submitted also require amendment to use the NPPF term primary shopping areas, to clarify the approach to impact assessment and to reflect subsequent changes to the UCO. These subsume the town centre uses

A1, A2 and A3 into the wide-ranging Commercial, Business & Service Class E. The objective of concentrating and protecting suitable uses in designated retail centres and the primary shopping area in Tewkesbury by means of reworded policies that define retail related uses remains justified. However, the intention of the UCO is to allow flexibility and any restrictions on future changes of use by imposing conditions must be fully justified on a case by case basis. To ensure consistency with national policy **MMs27-33** make the necessary changes to the plan.

93. To be consistent with the NPPF and to be effective, **MM35** clarifies that locally important heritage assets covered by Policy HER5 are non-designated heritage assets and that a local list of such sites is under preparation.
94. Policy LAN2 as submitted seeks to carry forward into the TBP the Landscape Protection Zone designated by Policy LND3 of the 2006 plan. This seeks to protect the 'ecology and visual amenity' of the river area around the Severn, at the confluence of the Severn and Avon and along the Chelt and Leadon valleys. However, no evidence of its effectiveness has been provided and no review of its boundaries has been undertaken against clear criteria. The zone includes higher ground for example at The Mythe as well as floodplain and its boundaries follow roads as well as topographical features. Mixing ecological and landscape aims, the objective of the policy is not clear. With the TBP including Policies NAT1 and NAT2 to protect in turn biodiversity and the water environment, the Landscape Protection Zone as submitted is not justified and is therefore deleted by **MM36**.
95. However, the TBP lacks a policy to protect landscape character throughout the Borough, not just the river landscape. To be consistent with national policy and to implement JCS Policy SD6 at Borough level **MM36** introduces a new Policy LAN2 into the plan to protect and enhance local landscape character as identified in the published assessments, and to require relevant proposals to be informed by a Landscape and Visual Impact Assessment.
96. Policy LAN3 as submitted defines and protects three 'Strategic Gaps' between Bishops Cleeve & Gotherington, Twynning & Church End and Winchcombe & Greet in order to protect the separate identity and prevent coalescence of the settlements concerned. However, these objectives are justified as locally important rather than having a strategic role and should therefore be renamed as 'Gaps of Local Importance'. For the policy to be justified **MM37** makes the necessary change.
97. Policy NAT1 seeks to protect biodiversity, geodiversity and important natural features and the closely related Policy NAT3 promotes green infrastructure. To be consistent with national policy the policies should be strengthened to secure measurable net gains for biodiversity, off-site if necessary, to refer to local nature recovery strategies and to protect irreplaceable habitats. **MM38** and **MM39** make the necessary amendments and provide further guidance in the supporting text. Policy ENV3 requiring solar farms to improve habitats and biodiversity should also be strengthened by **MM42** for the same reason.
98. To ensure its effectiveness **MM40** inserts an additional paragraph into Policy ENV1 to ensure development near sewage treatment works does not unreasonably restrict the future operation of the works.

99. Policy ENV2 concerning flood risk and water management and its explanatory text requires strengthening for effectiveness. Additional requirements to provide contributions to flood warning systems when necessary, foul water drainage by mains sewer wherever possible and sustainable drainage solutions are therefore introduced by **MM41**.
100. For effectiveness Policy RCN2 dealing with new sports and recreation facilities should be strengthened by additional text requiring sports lighting to include timing controls and to take account of ecological effects. **MM43** includes this and has been amended slightly following consultation.
101. Policy COM3 as submitted setting out criteria for the consideration of proposals for telecommunications equipment includes health impacts as a factor. However, the health effects of such apparatus are dealt with under other legislation so to be consistent with national policy to avoid duplication **MM44** deletes the issue from the policy.
102. Finally, for effectiveness, **MM45** and **MM46** make a small number of changes to update the lists of Locally Important Open Spaces and Local Nature Conservation Sites in the appendices to the plan.
103. In conclusion, subject to **MMs26-33** and **MMs35-46**, the general policies in the plan (other than the general housing and employment policies dealt with under issues 1 and 4) are positively prepared, justified, effective and consistent with national policy.

## Overall Conclusion and Recommendation

104. The Plan has a number of deficiencies in respect of soundness 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.
105. However, the Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the main modifications set out in the Appendix the Tewkesbury Borough Plan 2011-2031 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*David Reed*

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.