



MATTER 1 EXAMINATION STATEMENT
CLAREMONT PLANNING ON BEHALF OF
EUROPEAN PROPERTY VENTURES
DUTY TO CO-OPERATE & OTHER LEGAL
REQUIREMENTS



This Statement for Matter 1 – Duty to Co-Operate and Other Legal Requirements will seek to address the Inspector’s Questions identified below:

Issue: Whether the Council has complied with the duty to co-operate and other legal requirements.

1.1 Duty to Co-operate:

- Strategic planning issues relating to the borough have been addressed in the first instance through the preparation of the JCS which met the duty to co-operate. Are there any strategic matters dealt with by the TBP to which the duty applies and, if so, which other authorities and organisations are affected by them?
- If relevant, for each of the strategic matters to which the duty applies, how has the engagement been carried out, what has been the outcome and how has this addressed the strategic matter?
- Overall, has the Council engaged constructively, actively and on an on-going basis with the relevant bodies in maximising the effectiveness of the TBP in relation to the strategic matters? Has the duty to co-operate been met?

1.5 Have the likely environmental, social and economic effects of the plan been adequately addressed in the Sustainability Appraisal? Does the appraisal test the plan against reasonable alternatives for the distribution of housing and employment land?



Matter 1 – Duty to Co-Operate & Other Legal Requirements

1. Introduction

- 1.1 Claremont Planning Consultancy Ltd (Claremont Planning) previously provided responses to the Council's emerging Local Plan on behalf of European Property Ventures Gloucestershire Ltd (EPV). The representations were in respect of the Council's approach to allocations for housing, raising concerns that the Council had not allocated sufficient sites in the emerging Local Plan to appropriately deal with housing needs. In particular, they emphasised the potential to allocate additional sites at Shurdington including the site promoted by EPV, as suitable, available and deliverable to meet Tewkesbury's housing needs.

2. Duty to Co-Operate (Q1.1)

- 2.1 From the information that the Council has made available as part of the examination process and planning policy evidence base, there are concerns that the Duty to Cooperate has not been fully addressed through the preparation of the emerging TBP. The examination library includes a Duty to Cooperate Statement (dated April 2020), which in turn refers to Consultation Statements provided in respect of the Regulation 18 and Regulation 19 consultations, briefly summarising the activities undertaken by the Council and feedback received, as well as confirming who was consulted. However, from the information provided it is not apparent how the Council has sought to specifically address in a strategic manner, matters such as housing and infrastructure through the preparation of this Plan, despite the relationship between the Borough and neighbouring authority areas, in particular at Cheltenham and Gloucester.
- 2.2 It is not apparent whether the Council has sought to engage constructively with its neighbouring authorities on an ongoing basis through the preparation of this plan from the information made available. This is despite the preparation of the JCS review which has been ongoing in parallel with this preparation of the TBP, and the need to engage with neighbouring authorities in order to ensure that together, the three authorities are making sufficient and appropriate provision for housing to address the JCS needs in full. This is particularly concerning in the context of the delays to the preparation of the JCS Review, with current expectations that it will not be adopted until winter 2023 at the earliest.
- 2.3 Whilst the examination library includes Statements of Common Ground that have been prepared and signed with various bodies and stakeholders, it is noted that there appears to have been no SOCGs signed with neighbouring authorities including the other JCS authorities. It therefore cannot be concluded whether the Council has fulfilled its obligations in relation to the Duty to Cooperate, with clear concerns that the Council has failed to appropriately address strategic matters through the emerging TBP and is instead reliant on the emerging JCS review to deal with these issues.



3. Sustainability Appraisal (Q1.5)

- 3.1 The Council has submitted a Sustainability Appraisal (SA), supporting the submission version of the TBP. However, it is not considered that this provides an adequate assessment of the Plan, in particular in relation to the assessment of reasonable alternatives as required by the 2004 Regulations.
- 3.2 It is considered that the SA fails to provide an appropriate assessment of different strategies. Rather than provide an assessment of different distributions of development considering for example allocating greater levels of growth to certain settlements, the report seems to focus on justifying why specific sites were allocated rather than others. It has also failed to address alternative strategies including different amounts of housing provision, despite this being a clear alternative strategy that the Council should at least have considered through the plan preparation process. This is even more pertinent given the delays to preparing the JCS review, needed to address the Borough's housing shortfall, whereby the Council could have considered the impact of addressing the housing shortfall in full through the emerging TBP. This would clearly have resulted in more significant impacts on a number of receptors, however, the potential benefits in respect of housing delivery would be significant.
- 3.3 The SA concludes in respect of housing that the proposals within the TBP are considered to represent a major positive effect on housing in the Borough. This is not considered to be the case, given the expectation that even with the allocations proposed in the Plan, the Council will experience a shortfall in relation to housing land supply before the end of the plan period, unless the JCS review is adopted and strategic allocations contained within that begin to deliver significant numbers of dwellings to fill the gap once proposed allocations and current commitments are delivered in the early years of the plan period. Therefore, the SA should have sought to assess the potential implications of higher housing numbers, to support a more robust strategy for the Plan that would be more likely to meet the tests of soundness as set out in the Framework.

Word Count: 778 words