

TEWKESBURY BOROUGH PLAN: EXAMINATION 2020

Matter 1 – Duty to Cooperate and Legal Compliance

Statement on behalf of Bromford Housing Association (BHA)
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Authorised by:

Planning Director

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Matter 1 – Duty to Cooperate and Legal Compliance

Main Issue

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?*

1.1.1 BHA notes that TBC has submitted to the examination a separate paper on Duty to Cooperate [CD008]. This explains how the duty has been met with regards to carrying out the appropriate engagement with prescribed bodies as well as other relevant parties.

1.1.2 Section 5 of CD008 deals with ongoing engagement with local authorities outside the County. In particular, the paper addresses the engagement undertaken with Wychavon District in respect to the proposals to bring forward 500 dwellings on land at Mitton as a contribution towards Tewkesbury needs, but which lies within Wychavon [CD008, para 5.2-5.3].

1.1.3 BHA recognise that the allocation of the Mitton site will be formally addressed through the preparation of the South Worcestershire Development Plan review (SWDPR), nonetheless the current timetable for the SWDPR indicates that the revised plan is programmed for adoption in 2023, and so is unlikely be in place before the TBP is adopted.

1.1.4 In this context, RPS is aware that a live planning application has been submitted and is in the process of being considered by Wychavon District Council in consultation with TBC.

1.1.5 Consequently, BHA concurs with the Council that there are no duty to cooperate issues relating to the preparation of the TBP.

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? (This is not an opportunity to discuss the merits of individual sites)?*

General Comments

- 1.5.1 RPS broadly supports TBC's overall approach to testing the likely environmental, social and economic effects of the plan and also broadly supports the overall testing of the plan against reasonable alternatives for the distribution of housing land, as set out in the Sustainability Appraisal [CD006]. RPS contends that, in general terms, the Council is clearly cognizant of the need for the appraisal process to accord with the legal framework with respect to significant effects of the plan and any appropriate 'reasonable alternatives', as summarised in the SA 'Legal Compliance' statement [CD006, Appendix 1].
- 1.5.2 In relation to the likely significant effects of the plan, the Council's evidence is set out in sections 5, 6 and 7 and at Appendices IV to VII of CD006. The likely effects of the settlement boundaries and individual site options are set out at Appendix V and VI respectively, which were determined against the SA Framework as set out at section 2 of CD006.
- 1.5.3 With regards to the testing of the plan against reasonable alternatives for housing, the overall approach taken by the Council is summarised in Section 4 of CD006, with references made to relevant case law on this matter. In defining and testing reasonable alternatives for the distribution of housing land in the TBP, it is important to recognise that the TBP is not a strategic plan and that its primary role is to address the local housing needs of Tewkesbury Borough. In this regard, the SA recognises that it is the Joint Core Strategy (JCS) [CD012] that provides the high-level strategic policies and allocations for the JCS area; under which the TBP supports this framework with more detailed, locally-specific planning policies and non-strategic allocations for development in Tewkesbury Borough. The TBP, as stated in the SA, therefore needs to reflect and be consistent with the policies in the JCS [CD006, para 3.5].
- 1.5.4 Specifically, the JCS requires that growth is distributed in accordance with the defined settlement hierarchy; these being Tewkesbury Town; Rural Service Centres (including Winchcombe); and Local Service Villages (including Shurdington), and to sites covered by any Memoranda of Agreement [CD012, Policy SP2, criterion 4]. Consequently, the scope of any 'reasonable alternatives' should be considered in this context consistent with the strategic policies in the JCS. RPS notes that the vast majority of site options appraised in the SA, including those selected for allocation and those options rejected, are identified at the three settlement locations in accordance
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with the JCS. On this basis, RPS considers that the SA has adequately tested the plan against reasonable alternatives for the distribution of housing in the Borough.

Comments on Winchcombe

- 1.5.5 In broad terms, in relation to the SA of Winchcombe settlement boundary, RPS acknowledges that the settlement performs relatively well in comparison with other identified settlements in the Borough [CD006, Table 6.1]. This confirms Winchcombe as being one of the most sustainable settlements in Tewkesbury Borough where additional growth should be accommodated to facilitate the delivery of housing to support local needs of the area.
- 1.5.6 Notably, with respect to the approach taken by the Council in appraising and testing the plan against reasonable alternatives at Winchcombe, RPS notes that the SA process tested three potential housing site options (CD001, Table 6.2/Appendix VI_59-63/139). These were, in turn, drawn from a larger group of (seven) sites considered through the site assessment process summarised in the Housing Background Paper 2019 [EB013, Appendix E and F]. The site assessment process determined that these three sites were 'suitable and available' in line with the site assessment methodology [EB013, Table 8]. In addition, the reasons for selection or non-progression of site options was also explained in the SA [CD006, Table 6.3]. Finally, the single selected site at Winchcombe (WIN1) was then tested as part of the refinement of the plan policies and site allocations [CD001, Table 7.2] prior to the Regulation 19 consultation in 2019. Further commentary on the preferred site allocation (WIN1) is also set out in the SA [CD006, para 7.47] following the refinement exercise.
- 1.5.7 RPS also notes that a number of site options identified at Winchcombe are located within the Cotswolds Area of Outstanding Natural Beauty (AONB), part of which covers the settlement of Winchcombe. In line with national policy [NPPF, paragraph 172] great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. However, this does not preclude outright any development from occurring within the AONB boundary, including housing. The need to consider potential significant effects on the AONB are recognised in the SA as part of the identification of key sustainability issues likely to impact on appraisal of options brought forward through TBP [CD006, para 3.6/Table.3.1], in particular the effect of development on landscape and visual amenity [CD006, para 3.29].
- 1.5.8 With regards to Winchcombe, RPS notes that the appraisal of landscape effects (under SA Objective 11) from site options at the settlement has taken into account the potential impact on the AONB and its setting. RPS specifically notes that the SA has also had regard here to the supporting evidence base [EB019,], which has considered in more detail the potential impact on the AONB from development at Winchcombe and which recognises that certain areas on the perimeter of

Winchcombe have differing landscape and visual sensitivity to development thus reducing the potential for negative effects [CD006, Appendix VI, 61/139].

- 1.5.9 On this basis, RPS considers the approach to testing of the plan and reasonable alternatives, in overall terms, has followed a broadly logical and evaluative process based on sound planning judgement.
- 1.5.10 Nonetheless, RPS submitted objections at the Regulation 19 stage on behalf of the interested party (now Bromford Housing Association) regarding specific aspects of the SA process in relation to the treatment of individual sites at Winchcombe (WIN1) in the appraisal. As set out in our representations on the SA, RPS does not agree with certain aspects of the SA scoring of WIN1, and raises soundness concerns in this regard. Consequently, RPS considers that certain amendments should be made to the SA in relation to WIN1.
- 1.5.11 Therefore, responses made in respect to the appraisal of Land at Delavale Road, Winchcombe (WIN1) are dealt with under the relevant Matter 3 statements.