

Matter 1: Duty to Co-operate and other legal requirements.

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

1.1 Duty to Co-operate:

- a. 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?**
- b. 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?**
- c. 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?**

1.1.2 The Joint Core Strategy (JCS) is a strategic planning partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council, which was adopted by all three local authorities in December 2017. Most strategic planning matters have been addressed through this Plan, for example in relation to Objectively Assessed Need, spatial strategy and identification of strategic cross-boundary sites. This was confirmed through the JCS Inspector's final report, where it was concluded the authorities had fulfilled the legal requirements of the duty.

1.1.3 Examination Document CD008 'Tewkesbury Borough Plan Duty to Cooperate Statement' (April 2020) provides an overview of how the various local authority and prescribed bodies have been engaged in the plan-making process, and how the various strategic planning matters have been addressed. Of note is Appendix 1, which is the JCS Duty to Cooperate Statement, which sets out various notes and agreed statements between the different bodies. In terms of authorities neighbouring the JCS, it provides a Planning Statement regarding the delivery of housing at Mitton in Wychavon District, and the signed Statement of Cooperation between the JCS authorities and Stroud District Council, regarding cross-boundary opportunities in that district.

1.1.4 Tewkesbury Borough Council has continued to engage with the various bodies throughout the preparation of the Tewkesbury Borough Plan and the responses to the Pre-Submission consultation demonstrate that there has been cooperation relating to any outstanding matters to which the duty applies. These are as follows:

- i. Cotswolds Beechwoods Special Area of Conservation:** The Cotswolds Beechwoods Special Area of Conservation (SAC) is located in Stroud District. Recent evidence, commissioned by the Gloucestershire local authorities and supported by Natural

England, demonstrates there is recreational pressure resulting from local population growth, including from Tewkesbury Borough. In light of this, the same bodies are working together and have commissioned a Mitigation Strategy, which is currently in preparation. Policy NAT5 of the Tewkesbury Borough Plan (TBP) recognises the need to mitigate the impact and supports mitigation measures, from new development, to address this. This policy was formulated following objections at the preferred options stage from Natural England, which were subsequently resolved. Natural England is therefore supportive of this approach and the duty to cooperate has been satisfied.

- ii. **Unmet Gypsy, Traveller and Travelling Showpeople requirement:** Gloucester City Council has an unmet need for Gypsy, Traveller and Travelling Showpeople requirements and is seeking support in addressing this. However, the response to the Pre-Submission consultation recognised that Tewkesbury Borough does not have a full supply across the plan-period to address all travellers' needs, and that, at this time, it would not be possible for provision to be made in Tewkesbury Borough to provide for Gloucester City's needs. The Borough Council continues to work proactively with all Gloucestershire district authorities to address these needs.

Question

1.2 Has the preparation of the plan complied with the 2004 Planning and Compulsory Purchase Act and the relevant regulations?

TBC response

- 1.2.1 The Council has taken the necessary steps to ensure the Plan is compliant with both Part 2 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Plan) (England) Regulations 2012. Examples of actions taken not detailed in the responses to Matter 1 include the following: Planning and Compulsory Purchase Act 2004 –Local development of data – an extensive evidence base to support the Plan's development can be found on the Council's website.¹
- 1.2.2 **Local Development Scheme** – the Council's updated LDS was considered and approved by the Executive Committee on 6 January 2021.²
- 1.2.3 **Preparation of local development document** – The local development document has been prepared in compliance with this Regulation. For example national requirements as set out in the National Planning Policy Framework (NPPF) (CD-UK2), Planning Practice Guidance (CD-UK1) and other national planning policies and advice have been considered at every stage of the plan making process, with references provided in the text of the Plan where relevant.
- 1.2.4 **Independent Examination** – the Pre-Submission Local Plan was submitted to the Secretary of State on 18 May 2020 in accordance with the Act and Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended).

¹ [Tewkesbury Borough Plan examination library — Tewkesbury Borough Council](#)

² [Tewkesbury Borough Plan examination library — Tewkesbury Borough Council](#)

- 1.2.5 **Duty to co-operate** in relation to planning of sustainable development – Actions taken by the Council are described under Question 1 above.
- 1.2.6 **Town and Country Planning (Local Plan) (England) Regulations 2012 Electronic communications** – In preparing and consulting on documents relating to the Plan much of this was done using electronic communications, principally email and via the Council’s website. Correspondence in writing was offered as an alternative method of communication where this was requested
- 1.2.7 **Duty to co-operate** – The Council has consulted with the Duty to co-operate bodies listed in section 4 of the regulations. This is described in the Council’s response to Question 1 above.
- 1.2.8 **Form and content of local plans and supplementary planning documents:** The Council believe that the form and content of the Plan meet the requirements of section 8 of the Regulations and that the policies contained within it are consistent and not in conflict with the adopted development plan, particularly the JCS. The Regulations require that the Plan notes that it replaces all of the existing saved policies and allocations in the 2006 Tewkesbury Borough Local Plan. This is proposed as a main modification at the end of the section: Why are we preparing a new Plan – in the Introduction and will read: The Policies in this Plan will replace all the saved policies in the 2006 Tewkesbury Borough Local Plan.
- 1.2.9 **Form and content of adopted policies map** – the Plan’s policies maps (Examination Documents CD002 and CD003) have been drawn up to meet the regulations. Each are Ordnance Survey map based and include an explanation of the symbols used.
- 1.2.10 **Local plans and supplementary planning documents:** additional matters to which regard is to be had – This Regulation relates to planning matters for which Gloucestershire County Council is the lead authority i.e. transport and waste matters. It also relates to the Council’s supplementary planning documents³ to which regard has been had when developing the Plan.
- 1.2.11 **Preparation of a local plan** – The Scoping Consultation (Autumn 2013) incorporating Issues and Options, the Draft Policies and Site Options consultation (Spring 2015), and the Preferred Options Consultation all met the requirements of Regulation 18 of the Town and Country Planning (Local Plan) (England) Regulations 2012. Namely the specified bodies were notified of the Council’s intention to prepare a Plan and invited to make representations on its contents. The comments were duly considered by the Council). Full details of the first stage of consultation can be found on the council’s website⁴ and found in the Statement (Examination Documents CD004b, CD004c, CD004d).
- 1.2.12 **Publication of a local plan** – Before submitting the Local Plan to the Secretary of State the Council published the submission documents which included the Consultation Statement (CD004) on its website and provided a full set of hard copies at its main public office –, as well as the all libraries in the Borough, for inspection during normal office hours. Details of the same were sent to everyone registered on the Local Plans consultation database by email, the general and statutory consultation bodies; and

³ [Local plan — Tewkesbury Borough Council](#)

⁴ [Local plan — Tewkesbury Borough Council](#)

the other people and bodies listed on Table 1 of the Statement of Community Involvement (Examination Document CD009)

- 1.2.13 **Representations relating to a local plan** – The Plan (Pre-Submission) consultation was held between 4 October and 18 November 2019. Details can be found in the Council’s consultation statement (Examination Document CD004a). Details of representations on the Regulation 18 Preferred Options Consultation can be found in Examination Document CD004b; on the Draft Policies and Site Options Consultation in Examination Document CD004c; and on the Issues and Options Consultation in Examination Document CD004d.
- 1.2.14 **Submission of documents and information to the Secretary of State** – The core documents listed on the Council’s website⁵ were submitted to the Secretary of State in accordance with Regulation 22 on 18 May 2020. The documents were made available electronically and publicly at inspection points and those on the Council’s database, along with the general and prescribed bodies were informed as described under “Publication of a local plan” above, in order to meet the requirements of Regulation 22.
- 1.2.15 **Consideration of representations by appointed person** – This duty is being carried out by the appointed Planning Inspector with support from the Programme Officer.
- 1.2.16 **Independent examination** – This duty is being carried out by the appointed Planning Inspector with support from the Programme Officer.
- 1.2.17 **Availability of documents:** The availability of documents complies with these regulations as is described in the Council’s response to Question 1.3.
- 1.2.18 **Copies of documents** – The Council has complied with the regulations in respect of supplying documents in respect of the Plan on request as soon as possible in the format requested.

Question

1.3 Has the preparation of the plan complied with the Statement of Community Involvement?

TBC response

- 1.3.1 Paragraph 2.3 of the Statement of Community Involvement 2013 (Examination Document CD009) summarises the approach to community involvement on the Local Plan.

A significant challenge for all local planning authorities is ensuring that all stakeholders are involved early enough in planning processes to enable them to have meaningful input. This includes people with a direct interest in a land use proposal and also those concerned for the wider planning of the area. Accordingly, the council will encourage individuals and communities to engage with new opportunities and to do more for themselves by: providing information and support; giving the ‘seldom heard’ a voice; and ensuring that advice, information and assistance gets through to all communities including those who may be isolated or deprived as well as those who are already active participants.

⁵ [Tewkesbury Borough Plan examination library — Tewkesbury Borough Council](#)

1.3.2 The Statement of Community Involvement also set out what was expected at each stage of the consultation and this is summarised in the table below along with what was achieved in each stage. The table below demonstrates how the plan process met the requirements of the Statement of Community Involvement.

Statement of Community Involvement: Developments Plan documentation preparation stages		Consultations held	What we did
Stage 1: Preparation of the Local Plan (Reg 18)	Invitation to make representations on scope/content of plan	Issues and Options Consultation 16 October to 26 November	<p>Between 15 October 2013 and 26 November 2013, the local planning authority undertook an eight week period of public consultation in accordance with Regulation 18. Representations were invited from a wide range of people and organisations, including communities, businesses, and stakeholders about what should be in the new plan. The material prepared for the consultation consisted of:</p> <ul style="list-style-type: none"> • A5 sized flyers, • a longer explanatory leaflet, and paper questionnaires. • Website consultation hub • Information packs consisting of A5 sized flyers, a longer explanatory leaflet, and paper questionnaires was sent to each library • For those stakeholders for whom an email address was held, they were notified via email, for the remainder a letter was sent out to their postal address • Groups who are considered ‘hard to reach’ or ‘seldom heard voices’ were specifically targeted through their umbrella organisations. • Eleven public ‘road show’ exhibitions were held around the borough to coincide with a series of events held on the Joint Core Strategy. • An additional event comprised a question and answer seminar for Town and Parish Councils on 16 October 2013 prior to the start of the formal consultation. • The events were attended by over 750 people
		Draft Policies and Site Options Consultation 27 February to 13 April 2015	Representations were invited from a wide range of people and organisations, including communities, businesses, and stakeholders about what should be in the new plan. The consultation was publicised through a statutory notice placed on the Council’s website (a copy of the notice is set out in Appendix 3). The consultation was also advertised on

			<p>social media via the Council’s Facebook and Twitter feeds and a new front page banner was designed for the Council’s website:</p> <p>Information packs consisting of the plan document, the integrated appraisal, an explanatory letter (incorporating the statutory notice), and paper questionnaires were placed in each library and advice centre in the borough and Tewkesbury Borough’s main council offices. The statutory notice was reproduced on emails and letters sent out to invitees and a press release was issued.</p> <p>An online consultation hub was created using Delib’s CitizenSpace web-tool which included electronic versions of all paper copies of material.</p> <p>For those stakeholders for whom an email address was held, notification was sent electronically, for the remainder a letter was sent out to their postal address (on 26 February 2015).</p> <p>Groups who are considered ‘hard to reach’ or ‘seldom heard voices’ were specifically targeted through their umbrella organisations.</p> <p>Prior to the start of the formal consultation two question and answer seminars were held in the Council Chamber for Tewkesbury Borough Council Members (Monday 12 January 2015) and Town and Parish Councils (Thursday 22 January 2015). The seminars provided an opportunity to discuss the Borough Plan and emerging policies and rural site allocations to support its delivery.</p> <p>Eight public ‘road show’ exhibitions were held around the borough at which officers were available to answer questions.</p> <p>The events were attended by over 470 people</p> <p>Additionally, a feature article was run in the local newspaper, The Echo, profiling Tewkesbury Borough Council’s planning policy manager, Holly Jones, in order to raise people’s awareness of the work of the team and the purpose of the consultation on the Borough Plan</p>
	<p>Consultation on draft plan</p>	<p>Preferred Options consultation undertaken from 10 October to 30 November 2018</p>	<p>Consultation was undertaken via the following methods:</p> <ul style="list-style-type: none"> • Setting up of a dedicated webpage on the Council’s website to host the consultation and access consultation documents • Providing copies of the consultation documents at the Borough Council’s offices as well as at all libraries and advice centres within the Borough. • Sending out emails to all people and organisations signed up to the local plan consultation database.

			<ul style="list-style-type: none"> • Holding three public consultation events at Shurdington, Tewkesbury and Winchcombe. • Issuing of press releases to local media to publicise the consultation • Publishing a series of ‘tweets’ on Twitter and ‘posts’ of Facebook, through the Council’s own social media accounts, to publicise the consultation and consultation events. <p>The list of statutory and stakeholder consultation bodies specifically invited to make representations is set out at Appendix 1 of the Consultation Statement (Examination Documents CD004b). A copy of the notification sent to all consultees is included at Appendix 2.</p> <p>People were invited to respond to the consultation via email, by post or through a dedicated online consultation portal. The online portal involved the setting up of a dedicated response form that people were able to fill out electronically and submit the comments to the consultation, as well as sign themselves up the consultation database for any future notifications. This online form was replicated both as an electronic and hard copy format to enable people to complete it to email and post in response. This form can be viewed at Appendix 3.</p>
<p>Stage 2: Publication of a Local Plan (Reg 19 & 20)</p>	<p>Consultation: opportunity for consultees to make representations on the proposed submission documents</p>	<p>Consultation undertaken from 10th October to 30 November 2018</p>	<p>Publicity for the consultation was undertaken via the following methods:</p> <ul style="list-style-type: none"> • Setting up of a dedicated webpage on the Council’s website to host the consultation and access consultation documents • Providing copies of the consultation documents at the Borough Council’s offices as well as at all libraries and advice centres within the Borough. • Sending out emails to all people and organisations signed up to the local plan consultation database and those asked to be kept update through the Preferred Options consultation. • Issuing of press releases to local media to publicise the consultation • Publishing a series of ‘tweets’ on Twitter and ‘posts’ of Facebook, through the Council’s own social media accounts, to publicise the consultation and consultation events. <p>The list of statutory and stakeholder consultation bodies specifically invited to make representations is set out at Appendix 1 of the Consultation Statement (CD004a). A copy of the notification sent to all consultees is included at Appendix 2.</p>

			<p>People were invited to respond to the consultation via email, by post or through a dedicated online consultation portal. The online portal involved the setting up of a dedicated response form that people were able to fill out electronically and submit their comments to the consultation, as well as sign themselves up the consultation database for any future notifications. This form was based on the 'model representation form for local plans' published by the Planning Inspectorate. This online form was replicated both as an electronic and hard copy format to enable people to complete it to email and post in response. This form can be viewed at Appendix 3.</p>
<p>Stage 3: Submission of documents to the Secretary Of State</p>	<p>Notification of examination six weeks before hearing opens</p>		<p>The Pre-Submission Local Plan was submitted to the Secretary of State on 18 May 2020 in accordance with the Act and Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) The core documents listed on the Council's website⁶ were submitted to the Secretary of State in accordance with Regulation 22. The documents were made available electronically and publicly at inspection points and those on the Council's database were informed as described under "Publication of a local plan" in question 1.2 above.</p>

Question

1.4 Is the plan been prepared in accordance with the Local Development Scheme?

TBC response

1.4.1 An updated LDS was adopted on 6 January 2021 (Examination Document CD013). The Plan is being prepared in accordance with this Local Development Scheme.

Question

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).

TBC response

Have the likely environmental, social and economic effects of the plan been adequately addressed in the sustainability Appraisal?

1.5.1 The SA has been undertaken in accordance with the NPPF (para 32, 2019) and UK Government planning guidance⁷ including integrating the requirements for Strategic Environmental Assessment (SEA). The HRA was undertaken in parallel with the SA,

⁶ [Tewkesbury Borough Plan examination library — Tewkesbury Borough Council](#)

⁷ <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

reported separately [CD007], and the summary HRA findings also incorporated into the SA Report [CD006].

- 1.5.2 The SA has been undertaken in an iterative and ongoing way with plan-making stages and consultations since initial SA scoping by the Council in 2014. Table 1.1 in Examination Document CD006 presents the timetable of plan-making and assessment stages with dates of public and formal consultations. The Council appointed independent SA, SEA & HRA specialists in early 2015 – Enfusion.
- 1.5.3 The environmental, social, and economic effects of the plan have been investigated through the development and use of an SA Framework of objectives and decision-aiding questions that form the basis for assessing the Report that is provided as Appendix II of the submitted SA Report [CD006].
- 1.5.5 The SA Framework (Table 2.1CD006) comprises 13 SA objectives that cover the environmental, social, and economic factors relevant to the TBP. The SA Framework signposts the SA objectives to the relevant NPPF paragraphs, the JCS SA, and the TBP Objectives. The Council sought to develop an SA Framework that was similar to that used during the SA of the JCS to ensure continuity and correlation - but refined and made more relevant to a Borough Local Plan and its specific issues.
- 1.5.6 Each SA objective was sub-divided into decision-aiding questions to aid the assessment and clarify which sustainability topics are being addressed in each SA objective, together with an outline of any assumptions or uncertainties. As so many sustainability factors are inter-related it is important to avoid duplication of assessment – and each decision-aiding question is quite specific for this purpose. Inter-relationships were recognised throughout the assessment process with predicted effects organised into 9 sustainability topics to enable consideration of significant implications including cumulative effects.
- 1.5.7 A range of identified qualitative and quantitative standards or thresholds for the decision-aiding questions were used. Five levels of significance criteria were identified – major/minor, negative/positive, and neutral/not applicable; uncertainty such as due to lack of information was also reported where relevant (Table 2.2 CD006). The assessment of effects considered the nature of the likely sustainability effects, including positive/negative; short-medium term (5-10 years)/long term (10-20 years plus); permanent/temporary; secondary, cumulative, and synergistic, and, where possible, were described and as in accordance with Schedule 2 of the SEA Regulations.
- 1.5.8 The approach to and the methods applied to the SA of the TBP aimed to correlate with those that were used for the SA of the JCS, thus demonstrating continuity and compatibility for the assessment of the two plans. The details are described in Section 2 of the SA Report [CD006]. The SA Framework forms the basis against which each element of the emerging TBP was assessed and thus, the SA has considered environmental, social, and economic effects of the plan throughout – including against reasonable alternatives for the distribution of housing and employment land.

Does the appraisal test the plan against reasonable alternatives for the distribution of housing and employment land?

- 1.5.9 Section 4 of the SA Report [CD006] explains the requirements for and the approach taken to options assessment in plan-making and reasonable alternatives in SA/SEA.
- 1.5.10 **Preferred Options (PO) TBP & SA 2017-2018:** The PO version of the TBP was informed by earlier plan-making and SA work (Initial SA Report, February 2015) that was then on hold until the further work during the examination of the JCS was completed with its adoption in December 2017. The adopted JCS did not change the strategic direction of JCS Policy SP2 but the housing requirement for Tewkesbury Borough was increased from 8,565 to 9,899 dwellings for the plan period, and the list of Service Villages at Table SP2c has been revised to include Stoke Orchard and delete Twigworth.
- 1.5.11 The Council also considered the current extent – or boundary – of each settlement in order that the criteria-based method is proportionate in its application. A number of new settlement boundaries were identified in 2017, including for Tewkesbury Town which had not included any suggested site options in the earlier 2015 consultation, and these were subject to SA with details provided in Appendix V of the SA Report (TBP POs July 2018) and the submitted SA Report⁸ [CD006].
- 1.5.12 A key element of the Council's Sites Assessment method⁹ was to identify the size of each village in order to apply the criteria in JCS Policy SP2 to guide the disaggregation of development. The Council also considered the current extent – or boundary – of each settlement in order that the criteria-based method is proportionate in its application. Each potential non-strategic site option for housing or employment was subject to an initial desk-based site sieving to identify deliverability. Options passing through this first stage were then tested for constraints and suitability including, where relevant, site visits, to give an overall assessment (A-D) with those scoring D considered to be unsuitable for allocation. Plan-making took into account the comments and concerns received during the earlier consultation in 2015.
- 1.5.13 All reasonable alternative site options (suitable and deliverable) identified as A, B or C were subject to SA individually, and likely effects were also considered for each settlement with details reported in Appendix VI of the SA Report (July 2018 and CD0006). Three strategic level site options (>500 new homes) were also identified and investigated, including through SA.
- 1.5.14 A summary of the findings of the SA of site options for housing and employment development is discussed in the main text of CD0006 paragraphs 6.10 – 6.25 and shown in Table 6.2. The outline reasons for selection or rejection of site options and

⁸ Please note that Appendix V was omitted in error from the SA Report that was published for consultation in 2019 and submitted in 2020 – but is discussed in the main text of the report.

⁹ TBP Sites Background Paper (2018)

the proposed preferred options are discussed in paragraph 6.26 and Table 6.3 with site options organised by settlement.

- 1.5.15 JCS Policy SD13 sets out the identified need for gypsy & traveller pitches and travelling showpeople plots for the TBP. Site options were identified from the call for sites and consideration of sites in public ownership. Nineteen potential sites were identified and assessed through a 2-stage process – initial desk-based assessment using broad criteria for suitability, followed by a second part assessment that included more detailed assessment of suitability, availability and developability. No site options were rejected at the first stage, and all 19 options went forward to the second part. At the second stage assessment, 10 site options were rejected as not currently offering the potential for development. Nine site options were considered to have potential and thus were subject to SA as being reasonable alternatives.
- 1.5.16 The details of the site options and SA findings are presented in Appendix VI of the SA Report, and summary discussion in Section 6. The summary of the SA findings for gypsy & traveller pitches and travelling showpeople plots is discussed in paragraphs 6.27-6.34 and shown in Table 6.4. The reasons for selection or rejection of site options are outlined in Table 6.5.
- 1.5.17 Thus, the SA helped identify, refine, and assess reasonable alternatives for settlement boundaries, options for housing and employment development sites, and options for gypsy, traveller & traveling showpeople sites. The processes for identifying reasonable alternatives are explained in the SA Report. Each reasonable site option for housing or employment land was assessed using the full SA Framework of objectives and decision-aiding questions that consider the environmental social, and economic effects relevant to the TBP.
- 1.5.18 **Pre-Submission TBP & SA 2019:** Responses to the consultation on the Preferred Options were considered and the TBP was further developed into the Pre-Submission stage. The options for sites were updated and the proposed sites confirmed for allocations. Some additional site options had become available and these were subject to SA with details provided in Appendix VI of the SA Report [CD006]. The Housing Site Allocations in Policy RES1 had been amended - including 5 new sites, removal of 2 sites, and changes to site-specific requirements. Summary discussion of the changes and their implications for the SA findings are presented in paragraphs 7.29-7.76 and shown in Table 7.2.
- 1.5.19 Thus, the SA continued to test any reasonable alternatives that became available at subsequent stages of plan-making – in the same way and to the same level of detail using the same SA Framework of objectives covering environmental, social, and economic factors.

Q1.6 Does the Habitats Regulations Assessment identify likely significant effects of the plan on European nature conservation sites? If so, are appropriate mitigation measures

put forward, what are these and how will they be secured? Do the policies of the plan secure the necessary mitigation? Does Natural England agree with the HRA findings?

TBC response

- 1.6.1 The HRA has been undertaken in an iterative and ongoing way at the same time as the SA since initial work in 2014. It has been undertaken by the same independent specialists and has adjusted to changes in approach and method as necessitated by UK case law and changing guidance. The HRA of the emerging TBP has considered the HRA of the JCS and including ongoing discussions between the JCS authorities and the regulator, Natural England (NE), in respect of recreational impacts on the Cotswold Beechwoods SAC. The summary findings of the HRA have been incorporated into the SA Reports.
- 1.6.2 The initial HRA in 2015 scoped 14 designated nature conservation sites (SAC, SPA, Ramsar) into the HRA for the TBP. Two sites (Dixton Wood and Cotswold Beechwoods SACs), whilst the other 12 sites are located in the surrounding authority areas. The full characterisation of the European & Ramsar sites is provided in Appendix 1 of the HRA Report [CD007] and summarised in Table 3.2 of the main text. The potential for in-combination effects with other plans and projects (PP) was considered and a review of PP detailed in Appendix II of the HRA Report [CD007].
- 1.6.3 Table 3.3 outlines the potential effects and impacts on designated sites from proposed development. The screening stage identified certain TBP Policies & Allocations for which some impacts could potentially lead to significant effects with details in Appendix III and summary in Table 3.4. HRA screening, as detailed in Appendix IV, combines both a plan and a European/Ramsar site focus. The policy screening removes from consideration those elements of the plan unlikely to have effects on European/Ramsar sites. The remaining plan elements can then be considered in more detail for their impacts on designated sites.
- 1.6.4 the HRA Screening Assessment is provided in the HRA Report for housing sites (paragraphs 3.13-3.19); employment sites (paragraphs 3.20-3.23); gypsy, traveller & travelling showpeople sites (paragraph 3.24); and other policies TOR1-3, ENV3, AGR1 (paragraphs 3.25-3.27). The potential impacts (Table 3.3) arising from the draft TBP Policies (Appendix III) were investigated against the characteristics of the identified European Sites (Appendix IV) to determine if there is the potential for Likely Significant Effects (LSEs). Table 3.6 provides the key to Table 3.5 that summarises the results of the screening assessment overall.
- 1.6.5 The screening assessment identified uncertainty with regard to the potential for LSEs on one woodland European site, the Cotswold Beechwoods SAC, as a result of changes to air quality, increased disturbance, including light and noise pollution, and loss or fragmentation of habitat. There are potential LSEs for habitat loss or fragmentation alone with regard to tourism-related and solar farm policies. There is also some potential for LSEs in-combination with other plans – specifically the

emerging Stroud Local Plan Review and in consideration of the JCS Policy SA3 North Brockworth.

- 1.6.6 The screening assessment also identified uncertainty with regard to the potential for LSEs on the Severn Estuary SAC/SPA/Ramsar through disturbance and changes to water quality and water levels. There is the potential for in-combination effects, particularly with plans and projects in the Forest of Dean and Stroud Council areas.
- 1.6.7 Thus the HRA screening stage identified certain LSEs on designated nature conservation sites and these issues were considered in more detail through appropriate assessment (AA).
- 1.6.8 In consideration of the relatively small sites proposed in the TBP, their location relative to the Cotswold Beechwoods SAC, and the strong mitigation through JCS SD9 and INF3, together with the TBP Policies NAT1 & NAT5 and site-specific requirements for allocations in Shurdington, it was concluded that the TBP will not have adverse effects on the integrity of European sites through reduced air quality from traffic or increased recreational activity, either alone or in-combination.
- 1.6.9 In consideration of the relatively small sites proposed in the TBP, their location relative to the Severn Estuary SAC/SPA/Ramsar, and the strong mitigation through JCS SD9 and INF3, together with the TBP Policies NAT1 & NAT5, ENV2 and site-specific requirements for allocations in Tewkesbury Town and Coombe Hill, it was concluded that the TBP will not have adverse effects on the integrity of European/Ramsar sites through changes to water quality or water levels.
- 1.6.10 Tourism and energy proposals will be mitigated through requirements in JCS Policy SD9 and TBP Policy NAT1 & NAT5, and ENV2 such that there will be no loss or fragmentation of habitat, either alone or in-combination.
- 1.6.11 Overall, the HRA [CD007] concluded that the TBP will not have adverse effects, alone or in-combination, on the integrity of the identified European/Ramsar Sites. The appropriate mitigation measures have been identified through plan policies. Also, collaborative work with relevant authorities is ongoing at the strategic level to ensure that the situation is monitored and that mitigation measures are kept relevant and implemented.
- 1.6.12 The JCS authorities have commenced a review of the JCS; the Stroud Local Plan Review has commenced, and the four authorities will continue to liaise under Duty to Cooperate requirements as the Review Plans progress. They will further be informed by monitoring undertaken for the Local Plans, their accompanying Sustainability Appraisals and HRAs, and discussions with NE.
- 1.6.13 In their representation to the pre-submission TBP, NE advised that they agree with the stated narrative and conclusions of the HRA Report [CD007]. NE “agrees with the HRA report’s conclusions that the proposed policy framework, together with that of

the adopted JCS, will serve to protect the migratory fish in the Tewkesbury Borough part of the Severn catchment. NE is working with the Environment Agency to review and update, as necessary, the evidence base regarding the distribution of these species throughout the catchment.”

- 1.6.14 NE further commented – “With regard to recreation pressures from new housing on European Sites such as the Cotswold Beechwoods SAC, the collaborating LPAs, ecologists and NE are meeting in December 2020 to review the visitor survey carried out over summer 2020” As a result of this, a mitigation strategy is being currently drafted (consistent with TBP Policy NAT5). NE also notes and agrees with the conclusions of the SA Report [CD006]. Thus, NE have confirmed that they agree with the HRA findings.

Question

1.7 Does the local plan include policies designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change in accordance with Section 19 (1A) of the 2004 Act? If so, which?

TBC response

- 1.7.1 JCS policy SD3 provides the strategic policy for sustainable design and construction. Further to this, the TBC have agreed in discussions with the Environment Agency that the following wording should be inserted under paragraph 2.22 to form a new 2.23, to ensure that the policies in the Plan are designed to secure that development and use of land contribute to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the 2004 Act. These changes will form main modifications to the Plan.

2.23 Climate change is happening now; it is the issue of our times that cannot be ignored. The UK government has set a legal requirement to reduce greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050. The Tewkesbury Borough Council has recently declared a climate change emergency and the local plan process is a key mechanism and catalyst for action on the ground. There needs to be a rapid step change in the way we live our lives and undertake our day to day activities in order to prevent the climate changing in such a way that it threatens the planet and future generations.

2.24 Climate change today is already resulting in a shift in our seasons: hotter drier summers, warmer wetter winters, more frequent droughts, more storms and gales resulting in damage to property. This is creating loss in wildlife habitats and species, social unrest through increased migration, greater demand for cooling in offices and homes, greater strain on water resources and wildlife, worsening summer air pollution, greater risk of flooding, increased heat stress to the elderly and infirm. These effects are happening globally and here in Tewkesbury. The risk of flooding in Tewkesbury and neighbouring areas is already high and these risks are increasing steadily.

2.25 In order to address the climate emergency and in demonstrating compliance with Policy SD3 of the Adopted Joint Core Strategy, applicants will be expected to demonstrate the use of best available techniques to adapt and mitigate to the effects of climate change. It is expected these would not lead to excessive costs that undermine development viability. Policies for new development in this Plan therefore include a clause which provides: Proposals for new buildings shall adopt best available techniques not entailing excessive costs (BATNEEC) to adapt to and mitigate the effects of climate change

2.26 This clause helps to ensure that the effects of climate change can be mitigated and adapted to without causing unnecessary costs that may affect the viability of any development scheme. Examples of BATNEEC include elements of design, layout and location, in accordance with JCS Policy SD3 whereby for example housing is sited to maximise solar gain in the winter with shading in the summer; use of sustainable materials in construction; low-flow water systems and the implementation of sustainable urban drainage systems; measures to mitigate against the risks of flooding which is prevalent throughout the Tewkesbury borough and is outlined in the councils SPD Flood and Water Management; and enabling of car share schemes. In addition, renewables are becoming increasingly affordable and the technology in this area is changing all the time; opportunities therefore exist to exploit this area in sustainable design and construction without excessive costs.

2.27 Policies SD3: Sustainable Design and Construction, SD4: Design Requirements, INF2: Flood Risk Management, and INF3: Green Infrastructure of the JCS also provide climate change requirements.

2.28 This policy clause also links to the recently published Gloucestershire Energy Strategy 2019¹⁰ This strategy sets out nine key building blocks. The fifth is: Developing Stronger Planning Policies. These policies should “...enable more local renewables and require zero-carbon and smart enabled new developments. To meet long-term targets, new planning policies need (a) to ensure that all new developments contribute to reducing carbon emissions rather than increasing them and are resilient to climate change and (b) to enable the growth of renewable energy generation and smart energy infrastructure, taking appropriate account of landscape sensitivities.’

2.29 Including this policy clause enables real progress to be made in climate change mitigation and adaptation. This will help bring about environmental and socio-economic improvements that will benefit Tewkesbury and its communities.

1.7.2 The suggested clause (Proposals for new buildings shall adopt best available techniques not entailing excessive costs (BATNEEC) to adapt to and mitigate the effects of climate change) is proposed as a main modification to be inserted at the end of the following policies:

¹⁰ <https://www.gfirstlep.com/downloads/2019/gloucestershire-energy-strategy-2019.pdf>

- Policy RES5 - New Housing Development
- Policy EMP5 - New Employment Development (General)
- Policy AGR1 - Agricultural Development
- Policy TOR1 - Tourism Related Development
- Policy RET1 - Maintaining the vitality and viability of the town, borough and local centres
- Policy RET4 Out of Centre Development
- Policy RET5 Single or Small groups of shops in residential areas
- Policy RET6 Hot Food Takeaways
- Policy RET7 Local Shops and Public Houses
- Policy RET8 Agricultural/Horticultural Retail in the countryside
- Policy RCN2 New Sports and Recreational Facilities

1.8 How has the preparation of the plan complied with the Public Sector Equalities Duty?

TBC response

- 1.8.1 The plan-making stages and consultations have been undertaken in an iterative and ongoing way with the Sustainability Appraisal (SA) since initial SA scoping by the Council in 2014. Table 1.1 in CD006 presents the timetable of plan-making and assessment stages with dates of public and formal consultations. The Council chose to progress an integrated assessment that included SEA, HRA, health and equalities. They appointed independent SA, SEA & HRA specialists in early 2015 – Enfusion.
- 1.8.2 All elements of the emerging Draft TBP were appraised against a SA framework including several SA objectives that directly and indirectly address equality, health, and diversity: No.1 – Housing; No.2 Economy & Employment; No. 3 Healthy Communities; No. 4 Accessibility to Services (including health & education); No. 5 Accessibility to Public Transport; No. 7 Air Quality; No. 11 Landscape; and No. 12 Cultural Heritage.
- 1.8.3 The SA included an Equality & Diversity Impact Assessment Screening (EqIA) that was reported in detail separately as SA Appendix VII to demonstrate compliance with the Equality Act (2010). This was explained in the introduction (paragraphs 1.3-1.4) to the SA Report [CD006] and the methods (paragraph 2.4 & Table 2.1). The summary findings were reported in paragraphs 6.109-6.113 with regard to the Preferred Options stage of plan-making. No comments were received on the EqIA during consultation on this revised Regulation 18 draft plan.

- 1.8.4 The findings of the EqIA were updated in 2019 in line with the refined draft plan. The summary findings are provided in the main SA Report [CD006] at paragraphs 7.99-7.102. Details are provided in the SA Appendix VII EqIA Report (Examination Document CD006b) that systematically screens the draft elements of the TBP for impacts on any of the protected characteristics or persons in the Equality Act (2010). The EqIA screening found that the all the components of the Plan will lead to positive effects on the protected characteristics with no negative effects being identified.
- 1.8.5 The screening assessment undertaken of the emerging draft TBP in 2018 and updated in 2019 found that the TBP is unlikely to have negative effects on protected characteristics or persons identified under the Equality Act 2010 and, as a result, a full EqIA will not be required.
- 1.8.6 A number of reports are already produced on an annual basis which include consideration of equality, health, and diversity within the JCS area. With the TBP monitoring framework as well, further monitoring regarding equality and diversity is not considered to be required.