

TEWKESBURY BOROUGH PLAN EXAMINATION

MATTER 3A | ALLOCATIONS OUTSIDE THE GREEN BELT

Grass Roots Planning Ltd on behalf of Cotswold Homes Ltd

Contact: Matthew Kendrick

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On behalf of Cotswold Homes Ltd and the landowners, this statement sets out our answers to the questions posed by the Inspectors for the Tewkesbury Borough Plan Examination in relation to Matter 3A. Cotswold Homes Ltd have a specific interest in draft allocation BIS3 at the former Nortonham Allotments west of the A435, Bishop's Cleeve and our responses to these questions relate to this specific site.

Question 3.1 |

The TBP does not consider potential allocations in the Northway/Ashchurch area, leaving this to the ongoing strategy planning process which forms part of the JCS review. What is the area covered by these emerging strategic proposals?

3.1.1 We do not have any specific comments on this issue.

Question 3.2 |

Which settlements have adopted or emerging Neighbourhood Plans? Where relevant, are the allocations included in these also in the TBP or additional to the TBP? Are the settlement boundaries consistent? If there are any differences what are the reasons for these?

3.2.1 We understand that Bishop's Cleeve was designated as a Neighbourhood Plan Area in April 2017 and the Parish Council is now in the plan preparation process. However, we have been unable to find any reference to a draft plan and assume that this at a very early stage. We would welcome land west of the A435 being allocated for residential development within the Neighbourhood Plan in due course to replicate the strategy and allocation adopted in the TBP.

Question 3.3 |

Considering each Policy RES1 site in turn:

a | What is the current use of the site and is there any relevant planning history? Are there any current planning applications or appeals?

3.3.1 The landowners up until recently leased the land west of the A435 (emerging allocation BIS3) to the Parish Council for use as allotments. The site therefore has a lawful use for allotments

but has not been used as such for a couple of years now following the Parish Council surrendering the lease of the land. The sequence of events relating to the site is as follows:

- In the summer of 2018, the landowners agreed to the Parish Council's request to surrender the lease of the allotment site;
- The land was visited by the owner's agents (Bruton Knowles) who reported that there were no allotment holders still on the site;
- The surrender of the lease was finalised in October 2019; and
- The landowners were informed by the Parish Council that all allotment holders, wishing to do so, had found alternative provision (such as those available in the adjacent land to the west).

3.3.2 There is no relevant planning history with the exception of the current application currently pending determination, which is discussed further below.

3.3.3 A planning application for the site was lodged on the 10th March 2020 (Application Ref: 20/00245/FUL) by Cotswold Homes for 103 dwellings, access from the A435, public open space, and ancillary works. During the determination process, officers have required a certain open market housing mix to be provided on site and in order to meet this requirement the number of homes has now increased to 121 dwellings. The application remains undetermined and is pending; however, in our view, no consultee responses relating to highways, ecology, landscape, flood risk or drainage, heritage, or other technical matters to date, have caused significant concerns that would preclude development on this site. The matters of concern primarily relate to specific issues of design and layout which are currently being addressed to meet officer requirements.

b | If planning permission has already been granted or there is a resolution to grant permission, at what stage should the allocation be deleted from the plan and the notation on the Policies Map be changed to that for a committed site?

3.3.4 In our view a site should only be deleted as an allocation and amended to be a committed site once it has planning permission. This should be reviewed continually up to the adoption of the Local Plan.

c | Is the housing allocation justified given the site selection criteria, constraints, infrastructure requirements and potential impacts? Is the site either deliverable during the next five years or developable during the plan period?

- 3.3.5 As set out within our representations submitted in November 2019 (paragraphs 3.1 – 3.9), we consider that Bishop’s Cleeve is a suitable and sustainable location for growth given the existing access to employment opportunities, key facilities and sustainable transport links it provides.
- 3.3.6 Land west of the A435 / emerging allocation BIS3 is not subject to any specific planning policy designations, such as an Area of Outstanding Natural Beauty (AONB), Conservation Area, Site of Special Scientific Interest (SSSI), Site of Nature Conservation Interest (SNCI), Air Quality Management Area (AQMA), or Green Belt. Part of the site, immediately adjacent to the Dean Brook, lies within Flood Zones 2 and 3, and this is not proposed for housing development as part of the current application that relates to the site. Therefore in terms of planning policy, the site is unconstrained with the exception of it lying adjacent to the current settlement boundary of Bishop’s Cleeve as defined in the 2006 Local Plan.
- 3.3.7 However, as set out in our planning statement which supports the application for development on this land, planning permissions and subsequent construction has significantly extended the settlement to subsume the site since those plans were prepared. As a result, the site falls within the urban area of Bishop’s Cleeve with housing / mixed-use development to the east, west and south. This can be seen in figure 1 below which is an extract from our planning statement which supports the application.

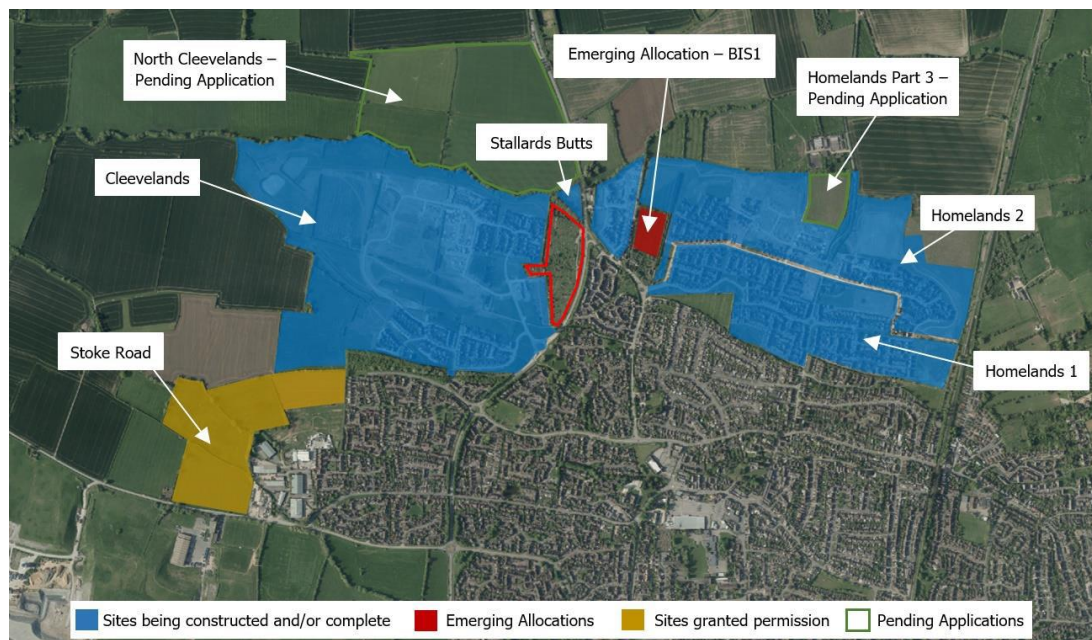


Figure 1. Extract of aerial of Bishop’s Cleeve showing allocation BIS3 (shown with a red line) in context of allocated, permitted and / or development currently being constructed

- 3.3.8 As set out under Question 3.3A, the site up until recently was used as allotments but the Parish Council began the process of relinquishing the lease in 2018. This was largely due to the fact that since other developments were delivered in Bishop's Cleeve, more modern allotments have been provided elsewhere which are better quality and more suitable. As such, whilst there is a general protective policy regarding the retention of allotments, in this instance, we consider that this has been thoroughly considered and evidenced and this site is no longer required for such a purpose.
- 3.3.9 The site has been subject to a planning application since March 2020 as referenced above. To date, no significant technical issues have been raised which would preclude development of the land and therefore it is unconstrained in this respect. The concerns raised to date have primarily related to layout and design and this is currently being amended and discussed with officers.
- 3.3.10 Accordingly, subject to planning permission being granted in a timely fashion, Cotswold Homes are confident that the entirety of the site could be delivered within the next five years. It should therefore be considered 'deliverable' during the plan period.
- 3.3.11 The above information provides a backdrop that identifies how the site meets the selection criteria set out in the Housing Background Paper (HBP) (October 2019). In our view the HBP provides a clear process and scoring system for how sites were assessed and selected; to us this also appears to have been an iterative process with new sites (such as allocation BIS3) being assessed at a later stage and included once considered against other options.
- 3.3.12 Having studied Appendix G of the HBP which includes the assessment of land west of the A435 which is now allocation BIS3, we are in broad agreement with the appraisal undertaken by the Council against the selection criteria. The three criterion where the site did not score the highest marks related to flood risk and drainage and brownfield land. As with any greenfield site this will always have a negative impact on sustainability objectives; there is an identified need for housing and this should be delivered via a broad mix and type of allocations including both brownfield and greenfield land.
- 3.3.13 With regards to flood risk and drainage, the appraisal acknowledges that this can be mitigated by avoiding any development within Flood Zones 2/3 which is directly adjacent to the Dean Brook and Cotswold Homes have committed to this via the layout presented as part of the planning application. In addition, the SFRA2 addendum prepared by JBA Consulting in July 2019 which we referenced as part of our representations in November 2019, highlights that

the majority of the site is within Flood Zone 1 and it is only the area immediately adjacent to the brook that lies within the Flood Zone. Accordingly, we consider that this issue has been easily overcome and warrants the scoring given within the HBP. Overall, we consider that the allocation is justified based on proportionate evidence and the site selection criteria which gives the site the highest score of 'A'.

- 3.3.14 Lastly, we are aware of the potential infrastructure requirements in Bishop's Cleeve and we will address this further in a later section of this statement. We note that there is a requirement for a new primary school in the area; as set out in our agreed Statement of Common Ground (SoCG) between TBC and Cotswold Homes, both parties agree that the outstanding issue surrounding school places should not prevent the allocation and delivery of site BIS3 within the Tewkesbury Borough Plan. Gloucestershire County Council have a statutory obligation to provide school places and it is not the role of the developer to deliver this; we understand that a new site has been selected for this purpose but is not yet available in the public domain. Cotswold Homes will of course be prepared to provide appropriate and proportionate contributions to school places as part of the development, if granted planning permission.
- 3.3.15 There are no other infrastructure constraints in Bishop's Cleeve that we are aware of that would preclude development of this site.
- 3.3.16 Accordingly, we consider that the allocation of land west of the A435, Bishop's Cleeve (Ref. BIS3) is justified, given that it is based on proportionate evidence and accords with the overall strategy found sound in the Joint Core Strategy (JCS).

d | Is the indicative capacity figure for the allocation justified?

- 3.3.17 As presented within our previous representations in November 2019 and through the application process that has been undertaken, a detailed masterplanning exercise has been carried out and in order to comply with officer comments relating to the mix of housing provided on site, the overall number of dwellings has increased to 121. We consider that this can be achieved without compromising the overall design and layout of the scheme.
- 3.3.18 Therefore, whilst we consider that the figure for the allocation of site BIS3 is justified as this was based on a simple net density calculation and is in any event an indicative capacity, if TBC wanted to increase the overall numbers, or suggest a range of housing figures, as part of the policy wording for the allocation, this would also be justified based on the evidence

provided to date. We have previously suggested that a range of 85 – 125 dwellings could be incorporated into allocation BIS3.

e | Where there is a site specific policy for the allocation, is this justified, consistent with national policy and would it be effective?

3.3.19 We understand that there have been some changes to emerging policy BIS3 since the Pre-Submission Plan was submitted for examination. Since our representations were submitted in November 2019, we have also agreed a Statement of Common Ground with Tewkesbury Borough Council which was issued to the Inspectorate in Autumn 2020.

3.3.20 Primarily this has agreed to the removal of the policy requirement to provide vehicle access from the adjacent development to the south/west (Cleevelands development scheme) – we did not consider that this policy requirement was justified based on the available evidence submitted with the planning application for the site and now that the highways authority has confirmed no objection to the use of the A435 for an access point into the site during the determination process. With this element of the policy removed we can now agree that this is justified, consistent with national policy and will be effective.

f | Is new primary school provision necessary at Bishop’s Cleeve? Would the allocation of site BIS3 for a primary school or mixed housing/primary school be justified? If not, where should provision be made?

3.3.21 We do not consider that the allocation of site BIS3 for a primary school or mixed housing / primary school is appropriate. Whilst there is evidence to confirm that a new 3FE primary school is required in the Bishop’s Cleeve area due to historic completions and commitments, to date we are not aware of any appraisal undertaken by TBC to assess different available options for a school site in the village as part of the Borough Plan process. At the moment therefore, allocating site BIS3 would not be justified as it would not be based on proportionate evidence and assessed against the reasonable alternatives, failing to meet the requirements paragraph 35 of the NPPF.

3.3.22 Gloucestershire County Council are the statutory education provider for Tewkesbury Borough Council. It is therefore their responsibility to identify a suitable site and appraise various options for education provision both in terms of operational requirements as well as planning policy. We are aware that such an appraisal was undertaken in 2019 (attached as Appendix A) which identified land at Kayte Lane as being the most suitable option for a 3FE primary

school (this land is already owned by GCC), and in our view such an approach is logical given there is an existing secondary school that could provide links between the two facilities.

- 3.3.23 We note the Parish Council and GCC's response to the Pre-Submission consultation which has indicated that site BIS3 should be allocated for a mixed-use site. We appreciate that the Kayte Lane site is much further south compared to a significant proportion of development which can be found further north, and we appreciate the aspiration that children should be able to walk to school.
- 3.3.24 No formal approach has been made by GCC to the landowners to purchase the site. The landowners, in good faith, marketed the site for sale to a developer once the emerging allocation was made and is duty bound to obtain best value for the land. They have a contractual obligation to deliver housing on this land; as such, the site is not available for educational use and any policy it for this purpose would fail to be effective as it would not be deliverable within the plan period.
- 3.3.25 We understand that since this issue has come to light GCC have been pursuing further options for a school site to the north of Bishop's Cleeve. At a Cabinet meeting in December 2020 GCC obtained approval to release £3 million of funding to purchase land for a new 3FE primary school. Given that this references the purchase of land, we assume that a suitable site has been found to the north which GCC considers is appropriate, as no approach from GCC to the landowners of BIS3 has been made. Accordingly, we would welcome the allocation of this land for educational purposes, provided it is suitable in planning policy terms, in due course.
- 3.3.26 As set out we do not consider that the allocation of BIS3 for educational purposes is justified nor would it be effective, as it would not be able to be delivered.

g | Would a further allocation or settlement boundary change to reflect the permission for housing granted on appeal at Stoke Road, Bishop's Cleeve be justified? What are the proposals for the Cleevewood Properties land?

- 3.3.27 We consider that there should be a settlement boundary change to reflect permission for housing granted on appeal at Stoke Road, which should then be counted towards overall commitments for the plan period.
- 3.3.28 We have no involvement with the proposals for land north of Malvern Business Park and therefore do not wish to comment on this question.



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Inspector David Reed BSc DipTP DMS MRTPI
c/o Ian Kemp
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Our Ref: 554/A3/MJK
29th January 2020

Dear Mr Kemp,

MATTERS STATEMENTS FOR TEWKESBURY BOROUGH PLAN EXAMINATION SESSIONS

On behalf of Cotswold Homes Ltd, we recently submitted our detailed response to the identified matters for the forthcoming examination. As these submissions identify, Cotswold Homes have a specific interest in emerging allocation BIS3 in Bishops Cleeve. We have submitted an application for this site and that is currently under consideration by Tewkesbury Borough Council (TBC).

Separate to the identified matters that the Inspector has sought specific responses on, we wanted to write to him regarding the significant issues that relate to CIL and S106 contributions in the Borough. This predominately relates to the education contributions that are being sought by Gloucestershire County Council (GCC) in respect to current applications within Gloucestershire.

In summary GCC are currently seeking contributions towards education provision on all new development in TBC that equates to over £16,000 per plot; this is being sought in addition to site specific S106 contributions (specific highways improvements for example) and the CIL levy charged by TBC, which are considerable in their own right.

GCC are referring to their 'Local Development Guide' in respect to the justification for this scale of contribution. We made representations to the consultation undertaken on a 'refresh' version of this document in May 2020 and these representations sum up our position in respect to this matter, we enclose these for the Inspectors attention.

We won't reiterate the concerns raised the representations because they are clearly set out in the enclosures, but in summary our significant concerns are summarised as follows:

- When examining the CIL Charging Schedule linked to the Joint Core Strategy the Inspector in that case considered evidence that determined in TBC sites could be viable on the basis of a £200 per sqm CIL rate, allowing for S106/278 contributions equating to £8,000 per unit;
- As the Inspector in this case will know, the TBC Submission Plan's evidence base includes viability work that allows for S106/278 contributions of £5,00 per Dwelling and £1,000 per flat, because it is assumed that the introduction of CIL would reduce the need for such contributions;

- The adopted CIL lists assume that these contributions will be used to fund education improvements, the above did not assume that this would not be the case, what GCC are trying to do is essentially charging twice for the same infrastructure provision; and
- In light of these matters the viability of schemes across the borough are being put in jeopardy.

To change the S106 requirements from being broadly £8,000 per plot to well in excess of £20,000, when the education contribution request, plus other infrastructure provision such as access improvements are taken into account, is clearly inappropriate and is likely to decimate housing delivery in the area.

These issues are of serious concern for my clients and other developers in the area. They made an investment decision in respect to site BIS3 based, logically, on the adopted CIL schedule and the viability testing that underpinned it. If the GCC education contribution requests are applied on top of CIL and other contributions, then the land agreement will become unworkable and the site will be unviable. It is entirely inappropriate to change the goalposts like GCC has done, the CIL Charging Schedule examination, and other examinations across the county, such as that which the Inspector is embarking on are clearly the appropriate forums within which this issue should be considered, and the evidence presented in these forums all point towards the inappropriate nature of the level of contributions now being sought.

It is very puzzling for all involved in the development industry in TBC that they are presenting evidence to you as part of this examination which sets a completely different position to that adopted to the determination of planning applications. Therefore, we request that the Inspector asks them to clarify, urgently, what their position is on contributions – is it that set out in their own viability testing (i.e. CIL plus £5k per dwelling and £1k per flat) or a much higher figure mainly determined by GCC (i.e. in excess of £20k – 400% increase)? If it is the latter, then they need to explain, with accompanying evidence, how that will not render development they are currently proposing unviable.

We hope that the Inspector will take these considerable concerns into account as part of the forthcoming examination sessions and ensure that TBC adopt a plan, and contributions, that are based on robust viability evidence to avoid them simply applying the requests of GCC, that have no evidential basis. Doing the latter will cripple housing delivery in an area where housing supply and delivery is in a perilous state.

We understand that other parties are likely to also be writing in with their significant concerns regarding this issue and we have seen representations submitted on behalf of the Robert Hitchens Group and agree with these fully.

Yours sincerely



MATTHEW KENDRICK

Director

Appendix A – Representations to GCC, May 2020



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Our Ref: 554/A1/MJK/CC
27th May 2020

Dear Sir / Madam,

REPRESENTATIONS TO GLOUCESTERSHIRE COUNTY COUNCIL'S 'LOCAL DEVELOPMENT GUIDE REFRESH 2020' CONSULTATION

On behalf of Cotswold Homes, we write in connection with the current consultation being undertaken by Gloucestershire County Council (GCC) regarding the level of contributions to be sought from developers via s106 agreements, in particular education contributions.

Our interest primarily relates to an emerging allocation in the Tewkesbury Borough Submission Plan at the former Nortonham Allotments in Bishop's Cleeve (Ref: BIS3), for which we recently submitted an application for 103 dwellings, public open space and ancillary works.

We have reviewed the 'Local Development Guide Refresh 2020' and have a number of concerns which broadly echo those raised by the House Builder's Federation (HBF), who have highlighted serious issues with the document and the effect that this could have on the viability of development sites across the county. In summary, our key concerns are as follows:

- This is a very limited 4-week consultation period during the COVID-19 pandemic which we consider to be inappropriate in respect to a policy document that could have wide ranging impact on viability in Gloucestershire, at a time when viability will already be brought sharply into focus by the COVID19 crisis;
- No significant evidence base has been produced in support of the revised Pupil Product Ratios (PPRs);
- During a recent (undertaken in May 2018), examination of the Joint Core Strategy Authorities' Community Infrastructure Levy (CIL) charging schedule it was clearly acknowledged that education contributions would be collected under this method rather than via s106, which would allow for S106 contributions towards education in the County to be reduced, rather than increased;
- The CIL examination considered a robust evidence base in respect to viability testing, including sensitivity testing, to ensure that sites would remain viable across the county even if authorities

chose to collect similar s106 rates to that in the past (which equated to circa £7k per dwelling in Tewkesbury);

- No evidence base has been produced by GCC in support of this new guidance to understand how such a fundamental change in the level of S106 monies being sought might affect the viability of allocated, committed or purchased sites, and furthermore, TBC as part of their Submission Plan has used alternative lower s106 contribution figures to demonstrate that their allocations are viable;
- There will be no independent examination of the 2020 Refresh Guide, meaning that this will be adopted without scrutiny and will unjustly become a 'material consideration' in the assessment of planning applications in respect to an issue that cannot be argued as subjective; therefore, it will undoubtedly be used to refuse applications that do not provide the financial sums being sought, without any evidential basis; and
- As a result, the increase in education contributions from circa £8,000 to £17,000 per dwelling, is unjustified and in our view potentially unlawful.

We will set out our concerns in more detail below.

The consultation period

We note the consultation period is only for four weeks (4th – 29th May), which is very short, especially during this unprecedented time of COVID-19 lockdown. Many staff across the development industry have been furloughed during the pandemic and as such have not been able to work and respond to this consultation.

In light of the situation, with our own applications we have agreed an extended consultation periods with officers, to ensure that all stakeholders and members of the public have a sufficient opportunity to review and provide a full response to the documents prepared. It is our opinion therefore that this consultation should be extended for at least a further four weeks (now that some restrictions have been lifted), to allow for additional responses to be submitted.

The consultation has not been well advertised and our clients only became aware of this when they were sent correspondence by a representative of another housebuilder. We would therefore also suggest that given the magnitude of potential effects this emerging guidance may have on the construction industry in Gloucestershire, a more wide-ranging consultation ought to be carried out to ensure that the development industry is fully aware of the intentions of GCC to increase requests for s106 contributions.

Revised Pupil Product Ratios

As part of the consultation, revised PPRs have been suggested by GCC, without any substantive evidence base being presented to provide justification for this. Accordingly, we have found it very difficult to ascertain how these new PPR's have been arrived and whether they are robustly based on tangible evidence.

We support comments made by the HBF and other representatives of the industry that GCC are failing to take into account internal migration within the county in respect to schools (i.e. a significant proportion of pupils in new developments will already attend local schools), and accordingly they have severely over-inflated the ratios as a result. As such, the contributions that will be sought from developers for education purposes will effectively double to circa £17,000 per dwelling, which will have significant implications on viability.

It is therefore critical that realistic PPRs are prepared, based on a justified and appropriate evidence base that needs to be properly presented as part of a consultation process to allow more informed investigation of how they have been arrived at.

CIL Examination

The CIL Charging Schedule for the Joint Core Strategy (JCS) authorities was adopted alongside the JCS in October 2018 and was brought into effect in January 2019.

A significant level of evidence was prepared in support of the CIL examination and hearings took place over two days in May 2018 (which as far as we understand, GCC participated in this). The examination process determined whether the schedules proposed were compliant in legal terms and whether they were economically viable, as well as reasonable, realistic and consistent with national guidance. The CIL adoption and charging schedule has therefore been subject to a high level of scrutiny through an independent examination process, and is justified.

Within the final report to the examination, the Inspector stated at paragraph 33 that *'with respect to section 106 infrastructure costs, it is assumed for the majority of generic sites that infrastructure requirements are likely to be met off-site through CIL. Therefore, section 106/278 infrastructure costs would be significantly scaled back and in many cases would not apply. Where site specific obligations are required, the evidence suggests that generally there will be sufficient headroom to fund these costs at past average levels'*.

This conclusion was based on the work undertaken by Porter Planning Economics Ltd and PBA as part of the examination. They undertook testing in relation to the 'generic' typology of sites across the county, using information provided by the JCS authorities relating to past s106 receipts (paragraphs 3.25 – 3.28 of document CILEXAM002(a)). They undertook sensitivity viability assessment testing of the generic sites with the following s106/s278 figures:

- £1,000 per unit
- £3,000 per unit
- £5,000 per unit
- £8,000 per unit

This determined that sites in Tewkesbury could remain viable, with a sustained CIL rate of £200 per sqm with s106/278 contributions of £8,000 per unit. This demonstrated that sites were viable even if the District authorities continued to operate s106 requests at past average rates. However, as set out, it was not anticipated that these past average rates would continue due to the introduction of CIL across the county.

Lack of evidence relating to viability of sites

As part of the current consultation GCC have prepared no evidence relating to the viability of allocated sites in the JCS and how these may be affected as a result of the increased levels of s106 contributions that would undoubtedly result from the adoption of the emerging guidance in its current form.

In contrast to this, TBC have recently submitted their Submission Plan for examination, which allocates sites across the District to support the aims of the Joint Core Strategy (JCS) to deliver enough homes and community infrastructure up to 2031.

As part of the Tewkesbury submission, a series of viability assessments have been undertaken in support of the allocations proposed. TBC have incorporated a calculation of £5,000 per dwelling and £1,000 per flat for s106/278 contributions, because it was anticipated that *'the introduction of CIL would scale back the need for these requirements'*. In fact, the review undertaken by TBC has excluded educational costs altogether as *'these requirements are expected to be off-site for the allocated sites and covered by CIL'* (paragraph 5.53 of the Viability Assessment September 2019 prepared by TBC).

The figures used by TBC are justified and logical, given that they were based on previous s106 receipts which amount to circa £7,000 per dwelling between 2010 – 2015.

As part of Tewkesbury's evidence base an assessment has been undertaken which demonstrates that already some of the sites proposed for allocation within the TBC Submission Plan are already marginal at best, let alone if GCC significantly increase the level of contributions sought in terms of s106/278 agreements. This is highly likely to result in viability assessments being prepared at the application stage, resulting in affordable housing levels being reduced. This is contrary to national guidance which states that the viability of allocations should be established at the plan-making stage, rather than at planning application stage (see paragraph 67 of the NPPF).

The viability and deliverability of existing and future allocated housing sites may be jeopardised, which is particularly significant given the current pandemic and likely economic impacts that will follow. Central Government's clear direction has been that the housing market and construction industry makes a significant contribution to the economy and therefore needs to be supported to allow the economy to bounce back; the introduction of this ill-conceived and unsubstantiated guidance will fatally undermine that.

Lack of independent examination

The introduction of CIL was intended to help fund the infrastructure gap identified in the JCS and reduce burdens on larger development. As already set out this went through a significant independent examination process and the levels of CIL and s106 were considered justified by the Inspector.

While CIL Charging schedules are not formally part of the Development Plan for an area, NPPG (Paragraph: 012 Reference ID: 25-012-20190901) outlines that such schedules, and relevant plans *'should inform and be generally consistent with each other'*.

In light of the conclusion of the Inspector dealing with CIL just two years ago, which identified 'headroom' of circa £8k per plot for S106 contributions, GCC's proposal to add a S106 burden of £17,000 per dwelling for education contributions alone, in addition to the CIL levy already charged, will mean that the proposed Developer Guide will clearly be in breach of the aforementioned NPPG guidance as it will be inconsistent with the CIL charging schedule and the substantial evidence base behind it.

The fact that GCC are now proposing to amend the Developer Guide and significantly increase the level of contributions to be sought from developers (far higher than any previous receipts by the charging authorities), without any independent examination being undertaken, is of huge concern to the development industry and could potentially severely undermine allocated housing sites which is a particularly serious issue in this time of crisis.

This approach is clearly not appropriate, nor is it correct in terms of the application on NPPG. Such a fundamental change should be done via an update to the CIL charging schedule or as part of the

emerging development plans for the area (such as the Tewkesbury Local Plan), to ensure consistency and independent scrutiny of evidence. This is currently clearly lacking in respect to the current approach and a significant flaw. We fail to see how this can reasonably become a material consideration in the assessment of planning applications when it has not been subjected to independent scrutiny.

Should GCC continue to proceed on this basis with no justifiable evidence or rationale for doing so, and no independent examination, the development industry will be forced to seek legal advice on the lawfulness of this approach.

Conclusion

These proposals by GCC are likely have significant impact on the delivery of allocated sites across the JCS authority area, resulting in viability cases being brought forward by developers and a reduction in levels of affordable housing being delivered on site. It is also highly likely that this will result in an increased number of appeals and costs applications being made against the JCS authorities.

The CIL examination took into account substantive levels of evidence relating to viability of the allocated sites. Sensitivity testing undertaken as part of the viability assessments relating to the examination utilised a figure of up to £8,000 per unit based on previous s106 receipts by the JCS authorities. This was considered a reasonable and robust approach, as it was anticipated that the requirements for s106/278 contributions would be reduced due to the introduction of CIL and this methodology was endorsed by the Inspector.

For GCC to now exponentially increase the level of S106 requirements being sought for education contributions alone, in addition to CIL that is meant to be funding such infrastructure, is unjustified and in our view unlawful. We therefore respectfully request that GCC review this consultation alongside the proposed revisions to the JCS instead so that it can be independently examined and scrutinised.

Should you wish to discuss this any further, please do not hesitate to contact us.

Yours sincerely

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MATTHEW KENDRICK
Director