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Ian Kemp  
Programme Officer  
Tewkesbury Borough Local Plan Examination  
**VIA EMAIL ONLY**

Dear Ian

**Tewkesbury Borough Local Plan Examination – EiP attendance by Gloucestershire County Council acting as LEA – Matter 3A**

McLoughlin Planning has been instructed by Gloucestershire County Council's Education Department (acting as the Local Education Authority) to participate in the Examination of the Tewkesbury Borough Local Plan. In terms of the County's participation in the EiP process, the County submitted a Representation on the Plan relating to the soundness of Policy RES1 and Bishops Cleeve specific allocations BIS1, BIS2 and BIS3. In terms of the nature of those objections, the County was objecting to the development of the sites for residential purposes on the basis that there being insufficient primary school capacity at Bishops Cleeve.

At the time of writing and for the purposes of the 29<sup>th</sup> January deadline, the County Council finds itself in something of an unusual position. It has been approached by Tewkesbury Borough Council to agree a Statement of Common Ground (SoCG) which would effectively withdraw the County's objection to the aforementioned allocations. The background to this SoCG request is framed by the decision made by the County Council Cabinet meeting on the 16<sup>th</sup> December where it was resolved by Members that Officers had the authorisation to acquire a site at Bishops Cleeve for the provision of a new three form entry (3FE) primary school. Following this resolution, Officers on behalf of the County Council are actively engaged in the acquisition of a third party site for providing the new primary school. At this current point in time, the County Council cannot agree the SoCG as whilst there is a resolution to acquire the site and Officers have been working tirelessly to ensure that the contract to acquire the site is signed, the contract has not yet been agreed. Given the highly advanced stage the sales process has reached, the County cannot disclose the precise location of the school for commercial reasons.

Assuming that the contract to acquire the new school site is signed, the County Council finds itself in the position where it has to rapidly re-evaluate its position in terms of the provision of a primary school at an alternative location in Bishops Cleeve. Because of this, the County Council will now be looking to promote land that it has acquired for the 3FE primary school. As you and the Inspector will be aware, matters are clearly complicated by the fact that the County Council does not have a duly made objection promoting the new school site, which it is in the process of acquiring. Furthermore, under Section 20(6) of the Planning and Compulsory Act 2004, the attendance at an Examination in Public is limited to those who have sought changes to the Plan.

As set out above, the County's position at the point when the Representations were submitted did seek a change to the Plan in seeking the deletion of the aforementioned



Bishops Cleeve allocations. However, it did not seek the allocation of additional land at Bishops Cleeve for a primary school. As a result, the County does not have a duly made Representation for the promotion of this new school site which it is acquiring. I have therefore, been asked by the County Council to set out the case for securing a seat at the Examination in Public so it can be explained to the Inspector as to the rationale behind the County Council's changed position and the soundness implications this would have for the Plan.

Notwithstanding the provisions of Section 20 of the 2004 Act, I also look at guidance provided by the Planning Inspectorate Documents "Procedural Practice in the Examination of Local Plans June 2016 (4<sup>th</sup> Edition)." In this document, at Section 3.11, it is made clear that an Inspector is not precluded from inviting other people to appear and be heard at a Hearing session. The test of whether a new party could be invited to appear and be heard at the EiP session is on the basis of the Inspector considering that Party is required to enable the soundness of the Plan to be determined. Further guidance is provided in Section 9 of the aforementioned document at paragraph 9.27.

In response, it is the County's position that it is simply essential for it to be present at the EiP on the basis that its involvement is critical to the soundness of the Plan as a whole. As can be seen from the Matters and Questions Document Matter 3A, the Inspector is asking questions about new primary school provision at Bishops Cleeve. Of particular relevance is the question which asks what the role of Site BIS3 should be in terms of whether it should be a mixed use allocation (residential and education) or whether the primary school should be provided elsewhere. It is the County's position that the evidence base for primary school provision at Bishops Cleeve is clear in terms of the School Places Strategy Document which will be submitted to the Examination as part of the evidence base. In terms of dealing with the location of the new school, in light of the points made above, the County will be advancing its case to show that it has control over an alternative site and that the school can be located there, and its objections to Allocation BIS3 are no longer being carried forward.

By attending the EiP, it would avoid a situation where there is a risk that the Inspector would rule that the Plan is unsound because of the failure to provide new school places and it ensures that soundness issue can be fully examined and addressed through the Plan process.

I appreciate the nature of this request is somewhat unusual, but given the circumstances of the fact of the case in terms of involving the provision of a new primary school in a location where there is no disputed need for one on a site which is currently commercially confidential, it is simply essential that a special dispensation is made to the County Council to allow them to adjust their position relative to their duly made representations and attend the Examination in Public in a revised capacity. In terms of attending the Examination, due to other Appeal commitments, I would like to make the request that the matter relating to Bishops Cleeve is handled on Tuesday, 23<sup>rd</sup> February.

I would be grateful if all of the above could be put before the Inspector and I look forward to hearing from you in due course.

Yours sincerely

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**Managing Director**

