



1. Matter 7 Other Policies (LAN3)

1. Introduction

1. Copperfield is instructed by Vistry Homes Limited ('Vistry', previously Linden Homes) and Comapro who have made representations at the Preferred Option TBP in 2018 and the Pre-Submission TBP in 2019.
2. This hearing statement reflects the representations previously made and is focused on the Inspectors' MIQs (dated December 2020).
3. Vistry and Comparo have interests in land to the north of Bishops Cleeve and both have engaged in the delivery of the 450 dwelling Homelands Farm mixed-use development in the same location.
4. Vistry has a live planning application at the Homelands Farm Buildings which is also the subject of a proposed allocations **BIS2** and **EMP2**. The site has the benefit of a resolution to grant planning permission for 65 dwellings (26 affordable) and up to 2000sqm GIA of business class use. A draft S106 is with the LPA and the County Council for signing.
5. Comparo also controls the proposed **BIS1** allocation which has the benefit of full planning permission for residential development.
6. Vistry and Comparo also control land to the north of Homelands Farm to the west and east of Gotherington Lane. Details of the land ownership were presented as part of the Regulation 19 representations. The land holding is illustrated in Appendix A of the Matter 3 statement.
7. Set out below are the responses to the relevant MIQs on behalf of Vistry and Comapro.

Questions 7.1-7.3

- 7.1 If relevant, do the other general policies in the TBP apply to the JCS Strategic Allocations in Tewkesbury Borough? If so, are they justified and effective in the context of Gloucester or Cheltenham (as the case may be), and if not, is this clear?*
- 7.2 To be effective, should the plan include a policy relating to proposals in the Green Belt based on national policy in the NPPF and to replace Policy GRB1 in the existing 2006 adopted Local Plan?*
- 7.3 Are the various AGR, TOR, RET, DES, HER, LAN, NAT, ENV, HEA, RCN, COM and TRAC policies in the plan positively prepared, justified, effective, consistent with national policy and, where relevant, the JCS?*



In some cases, there are specific additional questions:

- *LAN3 Strategic Gaps: Are the identified gaps and the policy justified?"*

RESPONSE:

8. The representation below is focussed on the improper inclusion of policy LAN3 in the Tewkesbury Borough Plan (TBP). Our representation relates to the land north of Bishops Cleeve in which our client has an interest although the procedural and technical points raised may have relevance to the other two identified Strategic Gap areas.
9. Our view is that the TBP should not be seeking to include a Strategic Gap policy in the Local Plan for the following reasons:
 - Strategic Gap Policy is by its very nature strategic and it is not the place of the TBP, a local 'non-strategic' plan, to create strategic priorities.
 - The NPPF supports the application of a 'flexible local plan capable of adaption'. The Strategic Gap policy as drafted is entirely inflexible.
 - The use of a Strategic Gap policy replicates Green Belt restrictions and places unnecessary additional policy constraints on a sustainable settlement which has limited future directions of growth options.
 - The Strategic Gap policy as worded is an unnecessary duplication of other development control policies such as Countryside Policy and Landscape policy. It is therefore not required to ensure adequate policy protection against development should the authority wish to resist future growth.
 - The policy is singular in its focus and there has been no assessment of the ability of the land to accommodate future development in ways which do not impact on the coalescence of the two settlements.
 - The evidence base used to justify the lands designation as Strategic Gap is outdated and not sufficiently detailed to justify the policy position.
10. I set out our position in detail below.

Strategic Planning

11. The Statutory Local Development Plan for future development in Bishops Cleeve is made up of the Joint Core Strategy (JCS) and the Tewkesbury Borough Plan (TBP). Together these



documents form the basis for all decision making and provide guidance for where and how development will take place across the borough.

12. The relationship between these documents is summarised succinctly in the TBP introduction (para 1.5) which states that ‘The Tewkesbury Borough Plan does not seek to cover strategic issues that are addressed by the Joint Core Strategy or any subsequent review of the Joint Core Strategy’.
13. Strategic Gap policies by their very name are strategic in nature. The TBP policy seeks to restrict all forms of development with very limited exceptions over significant areas of land in the same way as Green Belt policy. The three Strategic Gap areas covered in the TBP have already been assessed as part of a strategic review related to the 2011 AMEC Green Belt Study and the 2014 Toby Jones Landscape Sensitivity Study. At a strategic level and local level, the need for Strategic Gap policy was not explicitly identified in the evidence base or the Strategic Objectives and subsequent policies of the JCS.
14. It is our view that the TBP should not be seeking to add further additional strategic policy constraints and no further evidence has been produced which sets out the requirement for the additional protections afforded by the TBC Strategic Gap policy. There is sufficient policy to protect against unplanned development in the form of Policy RES2 Settlement Boundaries. LAN1 Special Landscape Areas as well as policy SD6 Landscape and SD7 AONB of the JCS all seek to protect matters of strategic importance already. When these designations were reviewed in 2017, it was concluded as part of the JCS Examination that an extension was not supported.

Flexibility in the Local Plan

15. The NPPF states that plans should be “sufficiently flexible to adapt to rapid change” (NPPF Para 11-a). The NPPF also references the need for Plans to be prepared with the objective of achieving sustainable development (NPPF Para 16).
16. Our representation seeks to challenge the inclusion of LAN3 Strategic Gap to the north of Bishops Cleeve. Alongside Green Belt and AONB designations there are very limited options for further growth in Bishops Cleeve. Adding further policy constraints without clear justification will unduly restrict the ability of the Council to respond to future land release requirements for employment and housing development at the most sustainable settlement outside of Tewkesbury itself. The inclusion of LAN3 has not been justified, reduces flexibility in future plan making and is therefore not consistent with the NPPF requirements.
17. The rigid policy structures of the previous Tewkesbury Local Plan were referenced in the JCS document. Paragraph 2.34 of the JCS set out the challenges of accommodating growth in the sub-region and specifically the needs to protect AONB areas from unwanted development and constraints placed on the growth strategy by the Green Belt policy. The solution set out in the adopted JCS was to release land in the existing Green Belt creating new and lasting defensible



boundaries to control development. These decisions were found sound and informed by a robust evidence base including the 2011 AMEC Green Belt Study and the 2014 Toby Jones Landscape Sensitivity Study. The JCS did not seek to introduce further restraint-based policies (Green Belt or otherwise) to the North of Bishops Cleeve which has supported the majority of employment and housing development for Rural Service Centres in the previous and current plan period.

18. It should also be noted that Bishops Cleeve is one of only 2 rural service centres delivering 1,860 homes to 2031 and it is reasonable to expect that within the TBP review period further housing and employment land may be required in the Borough's more sustainable settlements. The inclusion and addition of an unnecessary and unjustified Strategic Gap policy will further restrict the Council should it need to adapt its approach and flexibly plan to find more housing or employment land in future.
19. By way of context, the Council has demonstrably been unable to maintain a 5 year housing land supply¹ against the policies contained within the JCS and should not be seeking to introduce additionally restrictive policies ahead of any review of the JCS.

Is a Strategic Gap policy needed or is it duplicating other policies?

20. The Gloucester, Cheltenham and Tewkesbury JCS was adopted in December 2017 and remains the strategic spatial strategy document for the sub-region. As previously stated, there is no reference in the JCS to the implementation of a Strategic Gap policy and we believe that many of the protections in the TBC Strategic Gap policy are included within the adopted JCS policy. These include:
 - The JCS Strategic Objective 4 which seeks to conserve and enhance the environment including protecting areas of landscape importance and acknowledges the need to review the Green Belt and create new defensible boundaries to allow for new sustainable development.
 - Policy SD6 of the JCS provides strategic policy protection for the landscape. Within the policy wording is significant protections against development which does not respect the landscape. The policy does not reference the specific need for additional protections in the form of a Strategic Gap policy.
21. There are also policies in which, the introduction in the TBP of LAN 3 Strategic Gap could be in conflict with the aims of the JCS. The JCS policy SP2 references the importance of Rural Service Centres (Bishops Cleeve is 1 of only 2 such settlements) in accommodating significant growth. There is no suggestion that the implementation of the Strategic Gap policy is temporary, and its policy protections could persist beyond the life of the JCS and the TBP, unduly restricting the potential development of land in sustainable locations.

¹ Appeal reference APP/G1630/W/20/3256319 dated 12th January 2021, the Inspector considered supply was 1.82 years.



The failure of the TBP to properly assess the land

22. As stated in 4.5.4 of the JCS, the authorities commissioned AMEC to carry out a Green Belt Assessment in 2011 which “considers how strategic segments of the Green Belt perform against the purposes of including land within Green Belt”. It should be noted that the AMEC study assessed land to the north of Bishops Cleeve which is now proposed to be designated as Strategic Gap and did not recommend the land be included for protection when measured against the 5 Green Belt tests.
23. Within the 2014 Toby Jones Landscape Sensitivity Study there is no reference for the need to introduce Strategic Gap policy protections. Future proposals could and should stand and fall on their respective impact and not through the implementation of a blunt policy tool used to restrict nearly all forms of development in an otherwise sustainable location. In assessing the land parcels BISH01 and GOTH01 no attempt has been made to understand potential mitigation or apply any form of sequential approach to assessing the suitability of land that may be needed for future development. It should also be noted that the 2014 assessment of Landscape concluded medium sensitivity acknowledging that the land could accommodate development with suitable mitigation.
24. In 2011 AMEC were commissioned to undertake a fundamental review by the JCS of the Green Belt. This review included an assessment of the existing Green Belt and specifically assessed a number of potential additions to the Green Belt including land to the north of Bishops Cleeve. Table 5.3 concludes the evaluation of this land as having no direct role in preventing merger, no strong boundary options to prevent longer term development and no direct role in the preservation of the setting of the town. The reports recommends no clear case for inclusion in the Green Belt and suggests other policy designations could be used to manage the development of this area of land (as set out in paragraph 14 above, the TBP proposed other policies which will have this effect including RES2 Settlement Boundaries)
25. It is our view that Strategic Gap policy seeks to replicate much of the Green Belt restriction without any form of balanced assessment against the other strategic policies relating to future growth and creating sustainable places to live.

Outdated Evidence base

26. In support of the introduction of Strategic Gap policy the TBP relies on one principal piece of evidence base, the 2014 Toby Jones Landscape Sensitivity Study (doc EB020). The study dates from 2014 with supplementary assessments on additional addendum parcels undertaken in 2017, 2018 and 2019. BISH01 and GOT01 were both assessed in 2014.
27. The 2014 study scope was to evaluate all land surrounding rural service centres and service villages as identified in the Joint Core Strategy in terms of landscape and visual sensitivity to



residential development. The assessment focusses on two key elements, 1) landscape sensitivity, which measures the landscapes ability to accommodate development without its essential character being harmed and 2) visual sensitivity, which assesses how development would change the experience of the viewer when undertaking an activity.

28. The assessment in the report of landscape character for both BISH01 areas and GOT01 rate the site as medium for landscape sensitivity and high for visual sensitivity.
29. As stated in EB020 Para 2.5 Table 2, when assessing landscape sensitivity rated as medium land may be able to accommodate some development without significant adverse impacts. Due to a lack of detailed analysis it is unclear in the landscape assessment or the TBP policy and its supporting text how two key parcels assessed as having medium impact would support a Strategic Gap policy based on landscape assessment alone.
30. It is understood that the report did not seek to assess committed development, but it should be noted that the 450 dwelling Homelands committed scheme was consented and part way through its build program when the 2014 assessment was undertaken. No update has been undertaken ahead of the publication of the TBP to see how completion of the Homelands development has changed the landscape sensitivity or the visual sensitivity. In this regard the assessment and inclusion in the Local Plan of a Strategic Gap policy cannot be based on up-to-date evidence.
31. The assessment of visual sensitivity, how a person might perceive the landscape when undertaking a normal activity concludes the site has high sensitivity. From higher vantage points the report concludes that the site would carry high sensitivity. In this regard all land to the northern half of the settlement has been assessed (BISH01 and BISH 02) and in the Feb 2018 update (BIS11 and BIS12) has been categorised as carrying the high sensitivity rating. No attempt has been made to understand the wider policy constraint or development opportunities of different land around the North and Northwest of Bishops Cleeve. The introduction of a Strategic Gap policy places an immediate additional and inflexible policy constraint against further development without any of the benefits of a sequential or targeted assessment of future development options around the settlement of Bishops Cleeve.
32. In addition, no consideration appears to have been given to the assessment of land now proposed to be covered by Strategic Gap policy could accommodate or mitigate any visual impacts of future development or that further greenfield releases would now be seen against the backdrop of the existing urban edge of Bishops Cleeve, as well as the proposed employment allocation EM2.
33. It is our view that the correct and proper assessment of landscape and visual impact should be done within the context of future development proposals and the protections afforded to valuable landscapes given the due protection through the development control process. The introduction of the Strategic Gap policy effectively introduces a strict anti-development policy on land which is immediately adjacent to recently expanded urban edge of Bishops Cleeve.



The land between Bishops Cleeve and Gotherington had already been assessed through the 2011 AMEC Green Belt study and found not to meet the test for inclusion in the Green Belt. The introduction of a Strategic Gap policy is the introduction of a local moratorium-based policy which attempts to place the same restrictions as Green Belt.

34. This Matter Statement therefore concludes that the Strategic Gap policy should be removed for the following reasons:

- The introduction of strategic policies in the TBP should only be done with due reference to policy foundations set out in the Strategic Plan and in this case the JCS does not support the introduction of a Strategic Gap policy.
- The evidence used to justify the inclusion of the Strategic Gap policy has been selective, interpreted incorrectly and should not carry enough weight to justify the inclusion of a significant new anti-development policy on land which may in future represent the best option for future growth to one of only two key Rural Service Centres in the JCS area.
- The settlement boundary provides an appropriate level of control until such time as plans are reviewed.

Suggested Modification

35. On the basis that the policy is not justified or effective, it should be removed from the non-strategic TBP.



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For and on behalf of Copperfield L&P Ltd

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