

TEWKESBURY BOROUGH PLAN EXAMINATION – LIST OF MATTERS, ISSUES AND QUESTIONS – 16TH DECEMBER 2020

MATTER 7:

OTHER POLICIES

ON BEHALF OF: ROBERT HITCHINS LTD

Pegasus Group

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Introduction

Pegasus is instructed by Robert Hitchins Ltd to submit a Statement in respect of Matter 7, pursuant to the Matters and Questions identified by the Examination Inspector.

Separately additional Statements have been submitted in respect of the following Matters:

- Matter 1
- Matter 2
- Matter 3
- Matter 6

Pegasus previously submitted representations in response to the Reg 19 Pre-Submission Plan in November 2019 and the Preferred Options Consultation in November 2018. The Hearing Statements should be read alongside our representations and supporting evidence.

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7. **Issue: Whether the other policies in the plan are positively prepared, justified, effective, consistent with national policy and, where relevant, the JCS.**

Questions:

- 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?**

- 7.1.1 In addition to the Policies in the JCS which identify the strategic urban extensions located within the administrative area of the Borough, some development management policies of the TBP may be relevant. Paragraph 1.5 of the JCS states:

“Whilst the JCS provides the higher level or strategic part of the development plan for the area, more detailed, locally-specific planning policies will be set out in the Gloucester City Plan, Cheltenham Plan and Tewkesbury Borough Plan, collectively called District plans. These will include local allocations of land for development and local policies to guide decisions on planning applications. They also form part of the development plan and will need to reflect and be consistent with the policies in the JCS as set out in the diagram on page 8.”

- 7.1.2 Paragraph 3.1.18 also explains the relationship between the Plans.

- 7.1.3 Paragraph 2.9 of TBP (CD001) states that:

“The policies in the Borough Plan apply Borough-wide, including Strategic Allocations identified through the Joint Core Strategy.”

- 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?**

- 7.2.1 Policy SD5 of the JCS (DP001) replaced Policy GRB1 of the adopted TBP (page 126 of the JCS provides a schedule of all policies from the Tewkesbury Borough Plan and indicates whether they are replaced by the JCS).

- 7.2.2 As the TBP is a “daughter” document, it is considered that there is no need for a policy to be included in the 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:

7.3.1 Our comments focus on Policy LAN2

RET1 Maintaining the vitality and viability of the town, borough and local centres

- **Is the Tewkesbury town centre boundary and the extent of the primary shopping frontages justified?**
- **Are the boundaries of the other designated retail centres justified?**
- **Should the local centres in the strategic allocations be specified?**

7.3.2 Pegasus have not comments on this Policy.

RET2 Tewkesbury town centre and primary frontages

- **Is the policy effective given the changes to the use classes order?**

7.3.3 Pegasus have not comments on this Policy.

RET3 Retail centres

- **Is the policy effective given the changes to the use classes order?**
- **Should the local centres in the strategic allocations be specified?**

7.3.4 Pegasus have not comments on this Policy.

RET5 Single or small groups of shops in residential areas

- **Is the policy effective and is the 280 sq m figure justified?**

(DES1 Housing space standards is considered under Matter 7)

7.3.5 Pegasus have not comments on this Policy.

LAN1 Special Landscape Areas

- **Is the policy justified in the light of JCS Policy SD6? What is the evidence base for the policy area and how does it relate to the AONB or Gloucestershire Landscape Character Assessment?**

7.3.6 Pegasus have not comments on this Policy.

LAN2 Landscape Protection Zone

- **Is the policy justified in the light of JCS Policy SD6? What is the evidence base for the policy area and how does it relate to the Gloucestershire Landscape Character Assessment?**

7.3.7 It is considered that the approach in CD001 is unsound.

7.3.8 JCS Policy SD6 (Landscape) provides strategic policy guidance on landscape matters, that would affect any planning application. Policy SD6 states that *'...All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.'*

7.3.9 CD001 now proposes to roll forward (unchanged) the landscape protection in the Borough, under revised Policy LAN2 (Landscape Protection Zone). The Council makes clear at paragraph 8.9 of CD001 that , *"...it does not intend to alter the extent of the LPZ from that featured in the Tewkesbury Borough Local Plan to 2011..."*.

7.3.10 However, the Council cannot simply roll forward an existing LPZ designation without first updating the evidence as to the whether or not the nature, quality and extent of the LPZ has changed during the intervening years since the adoption of the current local plan in March 2006 (nearly 14 years ago).

7.3.11 The Planning Inspectorate Procedure Guide for Local Plan Examinations (June 2019) states at paragraph 1.11 that:

"Evidence base documents, especially those relating to development needs and land availability, that date from two or more years before the submission date may be at risk of having been overtaken by events, particularly as they may rely on data that is even older. As a minimum, any such documents should be updated as necessary to incorporate the most recent available information."

7.3.12 It is considered that the evidence base should be reviewed to support the Plan.

7.3.13 Consequently it is considered that Policy LAN2 as proposed in CD001 is not justified nor consistent with national policy as it is based on out-of-date evidence that may not be accurate or relevant. This undermines the approach taken by the Council to Landscape Protection Zones, it also raises the appropriateness of applying this designation to the site selection assessment process, where it has been relied upon by the Council in determining whether some sites should be excluded from consideration as potential allocations.

7.3.14 In order to make Policy LAN2 sound, the Council should review the evidence base to determine whether it is still up-to-date.

LAN3 Strategic Gaps

- **Are the identified gaps and the policy justified?**

7.3.15 Pegasus have no comments on this Policy.

COM3 Telecommunications

- **Is the reference to health justified?**

7.3.16 Pegasus have no comments on this Policy.

TRAC2 Cycle network & infrastructure

- **Is a reference to e-bike charging infrastructure justified?**

7.3.17 Pegasus have no comments on this Policy.