



Your ref: EXAM022a,b,c and 023

Our ref: CP0005

15 March 2021

c/o Ian Kemp  
PO Box 241  
Droitwich  
WR9 1DW

Attention of: Inspector David Reed BSc DipTP DMS MRTPI

SENT BY EMAIL ONLY (idkemp@icloud.com)

Dear Sir,

RE: Examination Documents 022a to 022c and 023

Our clients, Vistry and Comparo did not originally object to the viability of the emerging Tewkesbury Borough Local Plan. However, having reviewed the recently submitted examination documents 022a-022c and 023, there are a number of point we would like to bring to your attention.

Viability is a complex strategic subject which was influenced and guided by the JCS and CIL examinations as well as the evidence that underpinned the assessments of viability carried out at those stages. However, it appears through the submission of document 022a-022c and 023, Tewkesbury Borough is seeking to test alterations to the approach set out in the JCS through this examination, (notably the way education is considered). Given EXAM0003 is clear about not seeking to revisit JCS policies (most likely based on the scope of the Local Development Scheme), we would request some clarity on whether documents 022a-022c and 023 are seeking this examination to go beyond its defined scope?

Concern is also raised about the impact of the proposed new approach, which appears materially different to the way in which the CIL was original formulated through the JCS process. Although the sites that Comparo and Vistry represent are progressing (one already having secured planning permission (BIS1) and the other nearing the completion of its S106 agreement (BIS2)), there are other proposed allocations whose viability would likely be materially impacted.

If some sites become unviable because the changes proposed through documents 022a-022c and 023 are endorsed by this examination, then this will no doubt have wider implications for land supply and the range of proposed site allocations in the emerging Local Plan and JCS. The viability approach now proposed, which is

Copperfield  
Hollywood Estate  
Hollywood Lane  
Cribbs Causeway  
Bristol  
BS10 7TW  
[info@copperfieldltd.co.uk](mailto:info@copperfieldltd.co.uk)

Registered Office:  
Blackbrook Gate 1  
Blackbrook Business Park  
Taunton  
TA1 2PX  
Registered in England  
and Wales No.  
13002386

*Page 2 of 3*

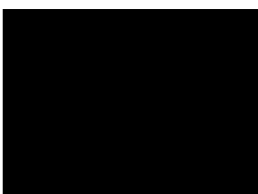
materially different to that presented to the JCS, therefore needs to be considered in this context. This would, in our view, need to include a review of the deliverability of the strategic sites allocated in the JCS as their non-delivery would likely impact the way in which the JCS and Tewkesbury Borough Local Plan operate as a combined pair of Development Plan documents.

The proposed approach also appears to secure two sets of contributions towards education provision, once through CIL (as per the second paragraph of EXAM22b) and once through S106 (as per the County Council's formula). This is contrary to Regulation 122 of the CIL Regulations. Amendments made to the CIL regulations in 2019 did not change the necessity to seek fairly and reasonably related contributions only once through one or other mechanism, not both.

In conclusion, it is important to clarify whether the substance and implications of the new formulaic approach fall within or beyond the scope of this examination and there appear to be several approaches to consider. If for example, it is decided that the approach falls within the scope of this Local Plan examination, then it should be robustly tested and respondents be given time to fully explore the complexities of the matter, including the relationship with the policies of the JCS. If it is determined to fall outside of the scope of the Local Plan examination, then one option is not to consider it at all, whereas another would be to recognise the implication (to improving certainty over the delivery of the Local Plan), without concluding on the soundness of the formula being presented.

This is a significant issue for all concerned with delivering housing in Gloucestershire and whilst this letter does not specifically respond to the questions raised, I hope that it proves helpful in determining a way to proceed based on the newly submitted information.

Yours faithfully,



Colin Danks MRTPI  
Director  
on behalf of Copperfield L&P Ltd

