

Dear Ian

Thank you for delivering by hand the petition in respect of the Land at Leckhampton identified in the Tewkesbury Local Plan for development.

Please find attached our representations in respect of the Tewkesbury Second Proposed Modification Local Plan and the Cheltenham Proposed Modifications Local Plan for your interest.

Regards

Louise

Louise Harrison
Senior Planning Manager
Gloucestershire and Wiltshire

Tewkesbury Borough Local Plan
Second Proposed Modifications – July 2005

Objections by the Government Office for the South West:

Policy/para	Objections
GNL2	<p>The policy has not been amended in respect of GOSW representations to the Proposed Modifications stage and our objection therefore remains. To achieve the aims of the policy, the words <i>require</i> and <i>submit</i> rather than <i>request</i> and <i>prepare</i> should be used. In addition, the deletion of reference to 'mixed use' sites from the policy, could be misleading. Whilst the policy helpfully refers to items (c), (d) and (e) of Article 8(7) of the Town and Country Planning (General Development Procedure) Order 1995, it does not refer to the fact that this Article relates to development involving any one or more of these criteria. Additional text should be included within the policy itself to make clear that development briefs will also be required for proposals that include a combination of these criteria – particularly as the reasoned justification refers to diversity through a mix of uses.</p> <p>Reference to 'Sensitive Sites' has been removed from the policy but has not been removed from the reasoned justification. The reasoned justification should therefore be amended to reflect the changes to the policy.</p>
HOU1 (formally HSG1)	<p>We are concerned that most of our previous objections to this policy have not been incorporated within the Second Proposed Modifications. As previously stated the release of sites, particularly within 2007-2011 phase, should be clearly linked to the needs of the PUAs and to the timing of the Green Belt Review. The policy should be reworded to ensure that these sites do not come forward before a comprehensive review of the Green Belt has been undertaken and the most sustainable directions for PUA growth have been identified (which is</p>

	<p>likely to be post 2007, through the Regional Spatial Strategy), taking into account the sequential approach detailed in PPG3 and the requirement to develop brownfield sites first.</p> <p>We are particularly concerned that in the absence of a phasing policy within the plan, there is potential that the sites phased for 2007-2011 sites could be granted consent ahead of clear strategic guidance from the Structure Plan (following the Secretary of State's direction), a Green Belt review, and the RSS, and could undermine the ability of the Regional Planning Body to deliver its objectives. Proper policy provision should be included that will ensure that permissions are not granted on any sites that may need to be reviewed in light of directed changes to the Structure Plan and the RSS. It would also be helpful if the policy stated that the phasing strategy will be kept under review and monitored on an annual basis.</p> <p>It would also be helpful if the Plan were to articulate how Tewkesbury Borough Council proposes to work with neighbouring authorities to bring forward sites that meet the needs of settlements within other administrative boundaries. For example, the inclusion of the Farm Lane/Leckhampton Lane Shurdington site may provide a greater focus of development at the Cheltenham PUA, but it is not clear how this proposal will deliver a sustainable community if it is taken forward in isolation (particularly in light of the recommendations of the Inspectors' reports into the Tewkesbury and Cheltenham Local Plans, and the Gloucestershire Joint Study Area proposals in respect of the RSS).</p> <p>The Longford/Innsworth site has been removed from the list of housing sites, and yet the preceding text still refers to Longford and Innsworth forming part of the Gloucester PUA. It would add clarity to the Plan if the supporting text were to articulate why the Longford/Innsworth site has not been included within the housing allocations despite being part of a PUA.</p> <p>Furthermore, the inclusion of an allocation of 135 dwellings in Stoke Orchard does not appear to accord with the overall development strategy of the Plan given that Stoke Orchard is identified in policy HOU3 as a settlement where residential development will be restricted. Whilst identification of this site for residential development would contribute to the Council's overall brownfield targets, the location does not appear to be sustainable in terms of the apparent role, function and location of this settlement, and is therefore contrary to PPG3, PPG13 and RPG10. Given the findings of the Inspector into the Tewkesbury Local Plan and our above comments, this site should be deleted from this policy.</p>
<p>HOU2 (formally HSG2)</p>	<p>The only change to this policy is the inclusion of Farm Lane/Leckhampton Lane in the list of settlements, yet there remains an inadequate explanation of the function of each of the settlements and the policy still does not provide guidance about the type, scale and density of residential development. This is of particular relevance given that the Longford/Innsworth site has been removed from Policy HOU1</p>

	and yet it is still included within HOU2.
HOU3	This policy suggested that only small scale residential development will be permitted within these settlements by stating that ‘development will be restricted to infilling (ie not more than two dwellings) and Stoke Orchard has now been included within this policy context on the basis that the proposed additional 135 dwellings will secure additional local facilities to justify its inclusion in HOU3. This approach does not sit comfortably with the sustainable communities agenda. Providing a substantial amount of housing in a non-sustainable location purely to secure additional facilities is contrary to PPG3, PP13 and RPG10. The Council should investigate the provision of such facilities through alternative means, rather than relying on market housing to provide the funding.
Green Belt – Background (and policies GRB2 and GRB3)	We are concerned to see that the Green Belt Introduction has not been modified, but note that the Council’s reasons for not modifying the text contains a lengthy justification of some of the matters raised by GOSW in 2004, including an explanation that the 2007 phasing of strategic sites allows for their review ‘should the Green Belt Review conclude that these were inappropriate’. However, the 3 points set out in this explanation do not refer to the relationship of the Green Belt with adjoining LPAs, and none of the Council’s explanations in respect of this policy approach have been made clear in any modification of policy or reasoned justification.
BA1	Our comments on the Green Belt background are also applicable to this policy. In addition the use of the word ‘until’ in the 3 rd bullet point suggests that it is a forgone conclusion that the lack of need will be proven. For greater clarity, this word should be replaced with ‘unless’.
BR2	<p>In the first paragraph, the policy states that proposed development must be within use class B1, B2 and B8. However, the new second paragraph suggests that a number of other uses may be appropriate. These include hotel, leisure, garage/vehicle sales, and, whilst it states that retail ‘will be resisted’, it does not categorically state that retail would be unacceptable in this location. The appropriateness of these new provisions are made even more unclear by the suggestion that this site relates to a number of settlements, and that some parts of the site may be better located to some settlements than others.</p> <p>This new paragraph appears to undermine the ability of this site to maximise its premier business location and lacks a clear vision as to the purpose of this allocation. The reasoned justification refers to a development brief which incorporates a new district centre, but it is not clear from the policy itself as to how the provisions in the new paragraph relate to the requirements of the district centre. It would appear from the Council’s reasons for making the modifications that this provision is in addition to the district centre provided for under policy BR3 – if so, the Council should clearly articulate how the provision of two hotels, for example, can be justified in this location and how the vitality and viability of Gloucester City Centre will not be undermined by such development.</p> <p>In light of the above we consider that the new paragraph should be</p>

	redrafted or deleted.
SH1	<p>The proposed development at Farm Lane/Leckhampton Lane relates principally to the Cheltenham urban area and represents a significant extension of that urban area. Whilst the reasoned justification refers to the RSS and consideration of proposals being in association with any proposals in CBC that come forward, it is not clear how the policy will prevent the site being taken forward in isolation without joint planning with Cheltenham Borough Council (particularly in light of the recommendations of the Inspectors' reports into the Tewkesbury and Cheltenham Local Plans, and the Gloucestershire Joint Study Area work in respect of the RSS). In the absence of such joint working it is difficult to see how this site will deliver a truly sustainable community.</p> <p>The plan should make clear, as part of the policy itself, that its phasing will take account of opportunities to develop previously developed land within Cheltenham, rather than just within Tewkesbury district and that no permission will be granted prior to the site's strategic justification.</p>
ST1	<p>The proposal allocates 135 new dwellings at Stoke Orchard which will almost treble the amount of housing provision at a settlement which currently only has a church by way of community facilities. This policy does not appear to accord with the overall development strategy of the Plan given that Stoke Orchard is identified in policy HOU3 as a settlement where residential development will be restricted. Whilst identification of this site for residential development would contribute to the Council's overall brownfield targets, the location does not appear to be sustainable in terms of the apparent role, function and location of this settlement, and is therefore contrary to PPG3, PPG13, RPG10 and the Gloucestershire Third Alteration Structure Plan. Given the findings of the Inspector into the Tewkesbury Local Plan and our above comments, this site should be deleted from this policy.</p>

Government Office for the South West
July 2005

Explanatory Notes

The above objections relate purely to the Second Proposed Modifications, May 2005

Cheltenham Borough Local Plan Second Review (2011)
PROPOSED MODIFICATIONS - JULY 2005

Representations from Government Offices for the South West September 2005

Policy/ Para	Representation
	GENERAL COMMENT
	<p>There are a number of occasions throughout Proposed Modifications document where the Inspectors Recommendation is to modify the plan in accordance with Pre Inquiry Changes. The Council's Statement of Decision mostly states 'Agree', and yet the corresponding Proposed Modification states 'No further changes required'. This is misleading as it implies that the Plan will not be altered to reflect these agreed changes.</p> <p>Pre Inquiry Changes do not constitute formal changes to the Local Plan, even if the changes are upheld at inquiry. These PIC changes should therefore have been formally incorporated into the Proposed Modifications. Should the Authority publish further modifications to this Plan, these PIC changes should be included in the document.</p>
	INTRODUCTION
Para 1.9	<p>The Council's decision not to accept the Inspector's recommendations in respect of employment land allocation has been used to justify making no further changes to this paragraph. However, irrespective of our comments on employment provision in general (see representation on Chapter 12 below), this paragraph does not adequately explain how the Council has taken into account our previous representation in respect of the implications of the non-conformity with the Structure Plan. This paragraph should therefore include an explanation of how the Authority aims to resolve the issue of non-conformity.</p>
	COUNTRYSIDE
Policy CO44A	<p>PPS7 is the national planning policy for sustainable development in rural areas. It interprets the requirements of the Countryside and Rights of Way Act for planning purposes and should be the primary reference for local planning authorities when formulating planning policies and determining planning applications. Therefore, the Inspector's recommendation in respect of the wording of this policy, which reflects PPS7, should be incorporated within the Plan.</p>
	EMPLOYMENT
Chapter 12	<p>The Inspector recommended that the Council should address some of the shortfall in employment provision within this Plan, and did not support the Council's argument that this provision could be met through the LDF process at a later date. In his report, the Inspector identified two additional sites for employment provision. The Council's justification for going against his recommendation focused largely on the fact that the sites identified are in the Green Belt.</p> <p>Whilst the Council has deemed these particular sites to be inappropriate for employment allocations, the Council's Statement</p>

	<p>of Decision and Proposed Modifications does not adequately address how else the shortfall will be delivered within the Plan period.</p> <p>As a consequence, the level of employment land provision remains inadequate to deliver the requirements of the adopted Structure Plan. In addition, it fails to address the importance of Cheltenham's PUA status and the requirement to consider the needs of different sectors of the economy (PPG4 and RPG10), particularly in light of the Secretary of State's direction on the Gloucestershire Structure Plan which requires a greater focus at the PUAs.</p> <p>The Council's Local Development Scheme shows that employment provision will not be addressed through a Development Plan Document until 2008. Given that the shortfall in employment provision has been present for some time, it is likely that this situation will be exacerbated if it is not addressed as part of this Local Plan.</p> <p>The Council should therefore reconsider its employment land provision in order to satisfy the requirements of the existing and emerging Structure Plan, and policies SS12 and EC3 of RPG10 (now part of the statutory Development Plan).</p>
	<p>HOUSING</p>
<p>Para 13.9</p>	<p>GOSW has accepted that the Cheltenham Borough Local Plan Second Review should seek to meet development requirements for the period to 2011 in order to maintain general conformity with the adopted Second Review, but that in so doing the Local Plan should not prejudice the emerging Regional Spatial Strategy for the South West; informed by the recent JSA work.</p> <p>In light of this, and the Secretary of State's direction on the Gloucestershire Structure Plan Third Alteration, the reference to how 'the long term growth of Cheltenham post 2011' can be accommodated could be misleading. As currently worded, the paragraph appears to suggest that the housing provision in the Local Plan is sufficient to last until 2011. Given that the direction on the Structure Plan requires more housing to be provided at Cheltenham than already provided for in the adopted Structure Plan, and the RSS will be published well before 2011, reference to this date should be deleted.</p>