

Gloucester City Plan

Response to Inspector's Preliminary Questions by Gloucester City Council

February 2021

- 1. It would be helpful to me if you could briefly set out the relationship between the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011- 2031; the progress of any potential review; and how this relates, if at all, to the policies contained within the submission version of the GCP.**

In addition, could you confirm whether the GCP, as submitted, is consistent with the 2017 Local Development Scheme and the section entitled Introduction and Overview within the GCP, with particular reference to strategic policies. Specifically, could the Council clarify if any of the policies within the GCP are intended to replace rather than implement the policies contained within the JCS? If so, which policies within the JCS are to be superseded

Relationship between Adopted Joint Core Strategy and Gloucester City Plan

- 1.1** Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council formed a strategic planning partnership in 2008. The authorities are taking a two-tier approach to the preparation of the Local Plan for that area. The Joint Core Strategy (JCS) was adopted in December 2017 and addresses strategic, cross-boundary matters. Underneath this, each JCS authority has prepared a district plan, which delivers the JCS, for example through the allocation of the urban capacity, and addresses any issues and opportunities relevant to that area. Paragraphs 1.3 to 1.5 of the Adopted JCS states the following:

'What is the Joint Core Strategy? (JCS)

The JCS is an important part of the development plan for Gloucester City, Cheltenham Borough and Tewkesbury Borough... As a planning document, which looks to reflect the priorities of Government, residents, businesses, local service providers and other stakeholders, the JCS has been prepared within the context of national policy and having regard to the diverse aspirations and local characteristics that make up the area.

The JCS sets out the long-term vision and objectives for the area together with strategic policies for shaping new development and locations for new development up to 2031. Together, these policies help to provide a strategic planning framework for the JCS area, which guides future planning decisions and helps to achieve the overall vision for the area.

Whilst the JCS provides for 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...'

- 1.2** By way of an update in relation to the final paragraph of the above quote, the Cheltenham Plan was adopted in July 2020 and the Tewkesbury Borough Plan is also currently at examination in public.

Strategic policies

1.3 It is important to note that the use of the terms 'strategic' and 'local', in the context of the adopted JCS and district plans, was determined before the update to the National Planning Policy Framework (NPPF) was published in 2019, which provides a new definition. The adopted JCS addresses strategic matters of a cross boundary nature, setting the overall strategy for the area, strategic-size allocations to meet a proportion of housing needs for Gloucester City and Cheltenham Borough on a cross-boundary basis (450+ dwellings), strategic employment land allocations for the JCS as a whole and high-level development management policies where there is a need for consistency in approach.

1.4 The NPPF (2019) update introduced the requirement for local authorities to make explicit which policies in a local plan are strategic. The NPPF sets out what matters the strategic policies should provide for, with paragraphs 20 and 21 providing as set out below:

'20. Strategic policies should set out the overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

- (a) Housing (including affordable housing), employment, retail, leisure and other commercial development;*
- (b) Infrastructure for transport, communications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- (c) Community facilities (such as health, education and cultural infrastructure); and*
- (d) Conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure, and planning measures to address climate change mitigation and adaptation.'*

21. Plans should make explicit which policies are strategic policies. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.

22. Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.

23. Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies).'

1.5 Neighbourhood plans are to be in general conformity with strategic policies contained in development plans, and Planning Practice Guidance paragraph ID41-076-20190509 sets out guidance as to how a strategic policy is determined for this purpose and states as follows:

'Strategic policies will be different in each area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- *Whether the policy sets out an overarching direction or objective*
- *Whether the policy seeks to shape the broad characteristics of development*
- *The scale at which the policy is intended to operate*
- *Whether the policy sets a framework for decisions on how competing priorities should be balanced*
- *Whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan or spatial development strategy*
- *In the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan or spatial development strategy*
- *Whether the local plan or spatial development strategy identifies the policy as being strategic...'*

- 1.6 On this basis, the City Council considers there are some policies in the GCP that are strategic, where they meet the above description. Section 6 of the GCP provides a schedule of policies for both the GCP and Adopted JCS where it is considered they meet the definition of a strategic policy. This includes, for example, all site allocations for development, affordable housing (which builds on JCS Policy SD12), the Cordon Sanitaire around Netheridge Sewage Treatment Works and the Cotswolds Beechwoods Special Area of Conservation.
- 1.7 The GCP will not replace any policies within the JCS, but deliver them locally, for example through the allocation of the authority's urban capacity for development. The GCP does not supersede any policies in the Adopted JCS.

JCS Review progress

- 1.8 The Adopted JCS includes a commitment to undertake an immediate review on the issues of housing supply for Gloucester and Tewkesbury and the retail/town centre policies for the whole area. However, for various reasons, including the requirement to have reviewed local plans within 5 years, the decision has been taken that the review will be comprehensive, rather than focussing on these two specific issues. It is intended the JCS Review will extend the plan period to 2041, addressing existing housing shortfalls and additional development needs. It will also include a full review of retail and city/town centre matters.
- 1.9 An issues and options consultation was undertaken between November 2019 and January 2021 and officers are now working towards a Regulation 18 consultation for Summer 2021. The estimated timetable for the JCS Review to adoption is as follows:
- Issues and Options Consultation – Winter 2018/19
 - Preferred Options Consultation – Summer 2021
 - Pre-Submission Consultation – Winter 2022
 - Submission to the Secretary of State – Spring 2023
 - Examination – Summer 2023
 - Adoption – Winter 2023

2. I have been provided with an updated five-year housing land supply study MN06, dated October 2020. However, it is unlikely that the GCP will be adopted before April 2021. Therefore, it would be helpful if the Council could use its projected housing trajectory to demonstrate if it would be in the position to provide a five-year supply of deliverable housing land for the next monitoring year.

2.1 Officers have undertaken an interim review of housing supply with a base date of 1st April 2021. This has been recalculated by inputting all additional planning consents between 1st April 2020 and 7th January 2020, along with assumptions on likely consents between this date and 31st March 2021. The results are summarised on Table 1 below, with full details provided at Appendix 1.

2.2 To summarise, as at 1st April 2021, it is anticipated the City Council will be able to demonstrate a supply of deliverable housing land of 5.5 years. This figure is based on the Liverpool approach to calculating housing supply, as agreed through the Joint Core Strategy examination, and with a 5% buffer as prescribed by the NPPF and in accordance with the most recent results of the Housing Delivery Test.

2.3 This represents an uplift from the published 2020 Housing Monitoring Report (MN06), which concluded 4.9 years of supply. The reason for this change is primarily because of anticipated delivery of the JCS strategic allocations in Tewkesbury Borough that provide for Gloucester City's housing requirement, and additional windfall development within the Gloucester City administrative area.

Delivery		2019/20 Calculation (Actual) with 5% Buffer	2020/21 Calculation (Estimate) with 5% Buffer
GCC annual housing requirement	a	718	718
Number of years into the plan period	b	9	10
Requirement up to 31st March 2019	c	6462	7180
Actual delivery 2011-2019	d	4481	4919
Shortfall	e = c - d	1981	2261
5YHLS (Liverpool Method - as per JCS)			
5-year requirement	f = a x 5	3590	3590
Remainder of plan period	g	11	10
Plan period shortfall to be met within the five-year period	h, Sedge = e, Liv = (e/g) x 5	900	1130
NPPF Buffer	i = 5%, 10%, or 20% of (f + h)	224	236
Total number of dwellings required	j = f + h + i	4714	4956
Total anticipated supply 2020/21 to 2024/25	k	4673	5465
Percentage of total requirement met	l = k/j x 100	99.1%	110.3%
Supply in years	m = k/j x 5	4.9	5.5

Table 1: Gloucester City 5-year housing land supply calculations as of 2019/20 Housing Monitoring Report (MN06) and revised interim calculation as of January 2021.

3. Since the publication version of the GCP was consulted upon, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force amending the Town and Country Planning (Use Classes) Order 1987. Does the Council consider that this would have any implications on any of the policies within the GCP? For example, whilst I am aware that the GCP does not specifically include retail and town centre policies, some of the site allocation policies such as Policy SA09 and SA17 refer to B1 employment uses. On the basis that this is likely to be a matter that I will raise during the hearings, it may speed up the examination, if the Council could put some thought into how this may impact on the policies of the GCP.
- 3.1 The changes to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 created two new Use Classes, which came into effect on 1 September 2020. The new Use Classes are E 'Commercial, Business and Service' and F 'Local Community and Learning' and the full wording has been provided at Appendix 2.
- 3.2 Both new classes broadly amalgamate previous Use Classes, as follows:
- **Use Class E:** Broadly covers uses previously defined in the revoked classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafés), D1 a – b (Non-residential institutions) and D2 (indoor sport).
 - **Use Class F:** Broadly covers uses previously defined in the revoked classes from parts of D1 (Non-residential institutions), D2 (Assembly and Leisure), and provides for newly defined community uses.
- 3.3 The changes to the Use Classes Order does have some implications for policies contained in the Gloucester City Plan. Table 2 below provides the conclusions of a review of the policies in the GCP and a proposed amendment to update in accordance with the new Use Classes Order.

Generic policies	Pre-Submission wording	Proposed amendment to address September 2020 update to Use Classes Order
Policy B2: Safeguarding employment sites and buildings	Refers to safeguarding sites and buildings in B Use Class employment, with change of use to non-B Use Classes generally resisted.	Amend policy to refer to Use Classes B2, B8 and E(g).
Policy B3: New employment development and intensification and improvements to existing employment land	Supports developments for B Use Class employment uses.	Amend policy to refer to Use Classes B2, B8 and E(g).
Policy C4: Hot food takeaways	Criterion 5 requires 'There should be a minimum of two non-A5 units, or at least 10 metres, between the units, whichever is greater.'	Amend policy to refer to 'hot food takeaway units', removing reference to A5 Use Class.
Site allocations policies		
Policy SA07: Lynton Fields, Land East of Waterwells Business Park	Allocates the site for B Use Classes.	Amend policy to allocate for Use Classes B2, B8 and E(g).
Policy SA17: Land South of Triangle Park	Allocates the site for B1/B8 Use Classes.	Amend policy to allocate for B8 and E(g).
Policy SA22: Land adjacent to Secunda Way Industrial Estate	Allocates the site for B Use Classes.	Amend policy to allocate for Use Classes B2, B8 and E(g).

Table 2: Review of policies affected by the new Use Classes Order and proposed changes to address

- 3.4 Several policies also refer to 'main town centre uses' as defined by the NPPF (for example Policy SA08 Kings Quarter and Policy SA21: Part of West Quay, The Docks), which has not been updated to reflect the changes to the Use Classes Order. On this basis it is not considered necessary to make any changes in relation to this.

4. I am aware from my informal contact with Ian Kemp, who is acting as the Council's Programme Officer, that the Council intends to submit a number of Statements of Common Ground (SoCG). I understand that these will include SoCG with Highways England; Gloucestershire County Council (GCC) as Minerals and Waste Planning Authority; and in relation to Water related matters, which I assume will include matters relating to flood risk, the Environment Agency, the Marine Management Organisation and GCC.

Additionally, I am aware that a proposed SocG with GCC is being prepared relating to the provision and cost of highways and education infrastructure. Could the Council give me an indication of when these are likely to be complete? However, I would like to stress that the publication of my Matters Issues and Questions are not dependent on their arrival, although clearly, the sooner they are provided the better.

Going forward, the Council may like to consider the wider use of Statements of Common Ground. For example, with Historic England as a means of examining the consistency of the relevant policy wording with the Framework and with Natural England, to explore how the policies of the JCS relate to the GCP in relation to the requirements for project level Habitat Regulations Assessments, and the costs associated with any mitigation related to the Cotswold Beechwood Special Area of Conservation.

- 4.1 The City Council is in the process of preparing Statements of Common Ground (SoCG) with the following bodies:
1. Environment Agency, Marine Management Organisation, Gloucestershire Lead Local Flood Authority (one statement)
 2. Highways England
 3. Gloucestershire Highways
 4. Gloucestershire County Council as Minerals and Waste Planning Authority
 5. Gloucestershire County Council as Education Authority
 6. Historic England
 7. Natural England
- 4.2 These are well advanced and close to completion. Additional SoCG may be prepared as the authority seeks to respond to the Inspector's MIQs.
- 4.3 Officers will endeavour to issue completed SoCG to the Inspector by Friday 19th March 2021.

Appendix 1 – 5-year housing land supply calculations as of 1st April 2021

See separate document.

Appendix 2 – Use Classes E and F of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Class E – Commercial, Business and Service

Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e):

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
 - **E(c)(i)** Financial services,
 - **E(c)(ii)** Professional services (other than health or medical services), or
 - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - **E(g)(i)** Offices to carry out any operational or administrative functions,
 - **E(g)(ii)** Research and development of products or processes
 - **E(g)(iii)** Industrial processes

Class F – Local Community and Learning

Class F covers uses previously defined in the revoked classes D1, 'outdoor sport', 'swimming pools' and 'skating rinks' from D2(e), as well as newly defined local community uses.

- **F1 Learning and non-residential institutions** – Use (not including residential use) defined in 7 parts:
 - **F1(a)** Provision of education
 - **F1(b)** Display of works of art (otherwise than for sale or hire)
 - **F1(c)** Museums
 - **F1(d)** Public libraries or public reading rooms
 - **F1(e)** Public halls or exhibition halls
 - **F1(f)** Public worship or religious instruction (or in connection with such use)
 - **F1(g)** Law courts
- **F2 Local community** – Use as defined in 4 parts:
 - **F2(a)** Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres
 - **F2(b)** Halls or meeting places for the principal use of the local community
 - **F2(c)** Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
 - **F2(d)** Indoor or outdoor swimming pools or skating rinks