

Pre-Submission Tewkesbury Borough Plan

The Tewkesbury Borough Plan (TBP) is a plan for the area that will allocate sites for housing and employment development as well as provide planning policies to guide future development in the Borough. It provides a plan covering the period from 2011-2031. The Pre-Submission TBP is the next step in process of creating the final version of plan.

The 'Pre-Submission' TBP is the final stage of consultation before the plan is submitted to the Secretary of State for Communities and Local Government for its independent examination. Following submission, an appointed Planning Inspector will begin the examination of the plan and consider whether it is sound and legally compliant.

All comments received will be submitted to the Secretary of State and considered as part of the examination by the Planning Inspector.

Please note that copies of all comments will be made available for the public to view (including your name, but will not include any personal contact details or signatures), and therefore cannot be treated as confidential. Data will be processed and held in accordance with the General Data Protection Regulations 2018 and Data Protection Act 2018.

We are seeking your views on the policies and the proposals in the draft plan and would encourage you to respond by using the online consultation facility at: www.tewkesbury.gov.uk/boroughplan

However, you may also send completed forms to us via email and post:

- Email: localplanconsultation@tewkesbury.gov.uk
- Post: Local Plan Consultation, Tewkesbury Borough Council, Gloucester Road, Tewkesbury, GL20 5TT

The consultation opened on 4th October 2019 and you will be able to submit comments up to 5pm on Monday 18th November 2019.

The following response form has two parts:

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

**Pre-Submission Tewkesbury Borough Plan
Response Form**

PART A: Personal Details – only complete once

Title: Mr

Name: John Mills

Company: Cotswolds Conservation Board

Email Address: john.mills@cotswoldsaonb.org.uk

Address: The Old Prison, Fosse Way, Northleach GL54 3JH

If you are acting on behalf of a client, please supply the following details:

Client Name:

Client Organisation:

Keeping you updated

Would you like to be notified of future progress on the Tewkesbury Borough Plan? (*
we will do this via email)

YES

Part B – Please use a separate sheet for each representation

Name or Organisation:

To which part of the Local Plan does this representation relate?

Paragraph	<input type="text"/>	Policy	RES1 / WIN1 / RES2	Policies Map	Housing Map (Policies RES1 & RES2) - Winchcombe
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Do you consider the Local Plan is :

1) Legally compliant	Yes	<input type="text"/>	No	<input type="text" value="v"/>
2) Sound	Yes	<input type="text"/>	No	<input type="text" value="v"/>
3) Complies with the Duty to co-operate	Yes	<input type="text" value="v"/>	No	<input type="text"/>

Please tick as appropriate

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Cotswolds Conservation Board ('the Board') does not consider that site allocation WIN1, at Winchcombe, is legally compliant or sound. As such, the Board also does not consider Policies RES1, RES2 and WIN1 to be legally compliant or sound.

This site allocation and these policies are not legally compliant because they do not adequately address the statutory requirement, under Section 85 of the Countryside and Rights of Way Act 1990, to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty (AONB) (in this instance, the Cotswolds AONB). They are not sound because they are not consistent with national policy, in particular, paragraph 172 of the National Planning Policy Framework (NPPF).

The Board's concerns with regards to Site Allocation WIN1 mainly relate to the sharp, protruding 'wedge' shape of the allocation at its south-west corner. This south-west corner of the allocation is the section of the allocation that is most clearly visible to key receptors, such as walkers on the Gloucestershire Way / Winchcombe Way on Langley Hill to the south-west of the proposed allocation. Because of this protruding wedge

shape, the Board is of the opinion that the allocation:

- protrudes negatively into the landscape to a degree that could not be successfully mitigated;
- adversely affects settlement character and form;
- does not conserve the pattern of settlements fringing the lower slopes of the escarpment and their existing relationship to landform.

As such, the proposed allocation is not consistent with the Cotswolds AONB Landscape Strategy and Guidelines, in relation to Landscape Character Type (LCT) 2 – Escarpment.¹ In turn, the proposed allocation is not consistent with the policies of the Cotswolds AONB Management Plan 2018-2023, particularly policies CE1 (Landscape) and CE10 (Development and Transport – Principles), which states that proposals should be compatible with the Cotswolds AONB Landscape Strategy and Guidelines.² In turn, the proposed allocation is not consistent with the Policy SD7 (Cotswolds AONB) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, which requires proposals to be consistent with the policies set out in the Cotswolds AONB Management Plan.

On this basis, it is the Board's opinion that the allocation and the associated policies do not adequately address the requirements of paragraph 172 of the NPPF to give great weight to conserving and enhancing landscape and scenic beauty in AONBs.

Given the adverse effects outlined above, the Board would also argue that the allocation *could* have a significant adverse impact on the purposes for which the area has been designated. As such, it is the Board's opinion that the allocation constitutes major development in the context of paragraph 172 and footnote 55 of the NPPF.

Tewkesbury Borough Council asserts (in the Housing Background Paper) that even if the allocation was considered to be major development, exceptional circumstances can be demonstrated and that the development would be in the public interest. However, the Board is of the opinion that the Borough Council has not adequately demonstrated convincing evidence of affordable housing need arising specifically to the settlement / parish.

Further supporting information is provided below.

Supporting Information

The Board acknowledges the assessments that Tewkesbury Borough Council has undertaken, or commissioned, in relation to Site Allocation WIN1. These include the Winchcombe Town Landscape and Visual Sensitivity Study (LVSS) and the consideration of whether this allocation constitutes major development in the context of paragraph 172 of the NPPF (as detailed in the Housing Background Paper). We appreciate that some of this assessment work has been undertaken to address issues that the Board raised in its response to the Preferred Options consultation.

¹ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf>

² <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2018/12/Management-Plan-2018-23.pdf>

The Board also acknowledges the proposed mitigation measures that are set out in Policy WIN1, including the requirement for the development to be 'landscape-led', which would help to reduce the visual impacts of the proposed allocation.

However, as indicated above, the Board considers that the allocation would protrude into the landscape to a degree that could not be adequately mitigated. The Borough Council's 'Winchcombe Landscape and Visual Sensitivity Study' indicates that Area A1 (Land West of Winchcombe), which includes the current WIN1 site allocation area, would have moderate adverse visual effects. However, that assessment was based on the western edge of the potential allocation area forming one continuous and sinuous line between Harvey's Lane, to the south, and Mount View Drive, to the north. It was not based on the current proposed allocation, in isolation, which includes a sharp wedge shape at its south-west corner that intrudes negatively into the landscape at the point where the allocation is most visible from key viewpoints on the Gloucestershire Way / Winchcombe Way on Langley Hill, to the west. The Board is of the opinion that this protruding sharp wedge could potentially increase the adverse visual effects from moderate to significant.

With regards to demonstrating housing need in settlements in the Cotswolds AONB, the Board is of the opinion that the starting point should be for the Borough Council to demonstrate robust evidence of (affordable) housing need specific to the individual settlement / parish. As the Planning Inspector for the West Oxfordshire Local Plan identified in his Local Plan report, it would not be sound to allocate sites in the AONB without this robust evidence.

In its Housing Background Paper, the Borough Council refers to data from the Tewkesbury Borough housing register (August 2019) demonstrating a need for 85 affordable dwellings for people/families with a local connection to Winchcombe. The Board acknowledges that choice-based letting systems, such as Homeseecker Plus, do provide some indication of potential take-up of affordable housing. However, it is the Board's opinion that they should not be used as a measure of housing need. This is because such data allows for double, or even triple, counting of housing need and the data on these registers is not validated until people actually apply for housing. As such, the actual number of affordable dwellings required in Winchcombe might be considerably less than 85.

The Board acknowledges that a rural housing needs survey for Winchcombe, undertaken in 2016, identified 67 households with a local connection who have self-identified themselves in need of affordable housing in the parish. However, given that there are already existing commitments for 271 dwellings in Winchcombe during the Plan period, much of this affordable housing need might already be accommodated through these existing commitments.

(Continue on a separate sheet /expand box if necessary)

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In order to address the adverse visual impacts associated with site allocation WIN1, the Board recommends that the boundary of the allocation at its south-west corner should not extend beyond the western limit of the housing on Mercia Road, immediately to the south (i.e. Grid Reference SP01912865). This should be reflected in Policies RES1, RES2 and WIN1 and in the associated maps.

In order to address the issue of demonstrating affordable housing need in Winchcombe, the Board recommends that Tewkesbury Borough Council should identify the extent to which the affordable housing need identified in the 2016 housing need survey has been – or will be – addressed through the existing commitments for 271 dwellings in Winchcombe during the Plan period.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

	No, I do not wish to participate in hearing session(s)	v	Yes, I wish to participate in hearing session(s)
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Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

By participating in the hearing I will be able to expand on the points made above.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature:

A rectangular box containing a handwritten signature in cursive script that reads "John Mills".

Date:

18/11/19

Part B – Please use a separate sheet for each representation

Name or Organisation:

To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

Do you consider the Local Plan is :

1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Cotswolds Conservation Board considers that Policy RES4 is not sound. This is because the policy is not justified.

The Board’s main concerns with Policy RES4 relate to:

- the ambiguous wording of the policy with regards to the amount of development that would be permitted during the plan period; and
- the limited extent to which development that falls under Policy RES4 is required to comply with other policies in the Plan.

Ambiguous Wording

The supporting text (paragraph 3.29) seems to indicate that the limits on the amount of housing allowed under this policy relate to the whole of the plan period. So, for example, the Board’s interpretation of this supporting text would be that no more than 5% growth, or 10 dwellings, whichever is less, would be permitted in any individual settlement affected by this policy within the 20 year period covered by this plan (i.e. 2011-2031). This is very different from any individual proposal being allowed to provide 5%

growth or 10 dwellings.

However, the policy itself is not so explicit in clearly distinguishing between these two interpretations. This makes the policy ambiguous and open to misinterpretation.

Compliance with other policies

Policy RES4 explicitly states that development (under Policy RES4) must comply with the relevant criteria set out at Policy RES5. However, the Board is concerned that the policy does not explicitly state that development must comply with other policies. In particular, we are concerned that development under Policy RES4 is not explicitly required to comply with Policy RES12 (Affordable Housing).

The Board considers that affordable housing (in perpetuity) should be the main focus for housing provision in the Cotswolds AONB. As a minimum, all market-led housing development should be required to comply with Policy RES12, whereby housing developments of 6 or more dwellings in the Cotswolds AONB (and other Rural Designated Areas) should be required to provide 40% affordable housing on-site.

(Continue on a separate sheet /expand box if necessary)

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Board recommends that the wording of point (b) of Policy RES4 should be changed as follows:

- as a general rule no more than 5% growth or 10 dwellings, whichever is lesser, will be allowed in any individual settlement **during the plan period**.

The Board recommends that Policy RES4 should explicitly require development proposals to comply with Policy RES12 (Affordable Housing).

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

	No , I do not wish to participate in hearing session(s)	√	Yes , I wish to participate in hearing session(s)
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By participating in the hearing I will be able to expand on the points made above.

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Signature:



Date:

18/11/19