

The Planning Inspectorate

QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference

APP/U1620/C/22/3290133

Appeal By

MR S GORMAN

Site Address

Land at Severnside Farm
Walham
Gloucester
GL2 9NF

PART 1

1.a. Do you agree to the written representation procedure? Yes No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? Yes No

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes No

The location of all of individual plots which are part of the appeal are only viewable by entering the site known as Severnside Farm.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes No

Please describe:

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? Yes No

PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s) Yes No

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes No

5.a. Is the appeal site within a conservation area? Yes No

5.b. Is the appeal site adjacent to a conservation area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
PART 3			
6.a. Does the notice relate to building, engineering, mining or other operations?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
6.b. Is the area of the alleged breach different from the above?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
6.c. Does the alleged breach create any floor space?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Does the enforcement notice relate to a change of use of land to use for:			
7.a. the disposal of refuse or waste materials?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
7.b. the deposit of materials remaining after mineral extraction?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
7.c. the storage of minerals in the open?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
PART 4			
10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
11. Has any planning permission been granted previously in respect of the development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
13. Has a planning contravention notice been served? If YES, please send a copy of the Planning Contravention Notice and the reply A copy of the PCN and the reply: <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
14.a. the appeal site is within 67 METRES OF A TRUNK ROAD? If YES, please state which one.	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
A40			
14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.c. a STOP NOTICE has been served in addition to the enforcement notice?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.d. the appeal site is in or adjacent to or likely to affect a SSSI?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.e. any protected species are likely to be affected by the alleged development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.f. the appeal site is in a Green Belt or AONB?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

14.g. any part of the site is subject to a Tree Preservation Order?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.h. the appeal site is within 400m of an area of underground or surface mineral interest?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.i. the appeal site is within 250m of a waste landfill site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.j. does the development affect the setting of a listed building or ancient monument?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.k. has importation of waste materials been involved in the development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>

PART 5

15. Please provide a plan of any public rights of way affected by the site.

[see 'Questionnaire Documents' section](#)

16.a. Is the appeal site subject to an ARTICLE 4 Direction? Yes No

17. Have any development rights been restricted by means of a planning condition? Yes No

18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948? Yes No

19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid? Yes No

Environmental Impact Assessment - Schedule 1

20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? Yes No

Environmental Impact Assessment - Schedule 2

20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? Yes No

Environmental Impact Assessment - Environmental Statement (ES)

20.e. Has the appellant supplied an environmental statement? Yes No

PART 6

21.a. a copy of the letter with which you notified people about the appeal.

[see 'Questionnaire Documents' section](#)

21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us.

[see 'Questionnaire Documents' section](#)

the deadline you gave for their comments to be sent to us.

18/02/2022

21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.

21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.



see '[Questionnaire Documents](#)' section

Policies/Planning Guidance

22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.



List of policies

Chapter 14 NPPF, NPPG Flood Risk, JCS SN13 INF2, Gloucester City Plan E6

see '[Questionnaire Documents](#)' section

22.b. extracts of any relevant policies which have been 'saved' by way of a Direction.



22.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.



22.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.



22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;



22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;



22.g. your Authority's CIL charging schedule is being/has been examined;



22.h. your Authority's CIL charging schedule has been/is likely to be adopted.



22.i. any other relevant information or correspondence you consider we should know about.



PART 7

23. A true copy of the Enforcement Notice

see '[Questionnaire Documents](#)' section

24. The Enforcement Notice Plan (if applicable)

see '[Questionnaire Documents](#)' section

25. A list of those served with the Notice

see '[Questionnaire Documents](#)' section

26. Do you wish to attach your statement of case?

Yes No



LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.



LPA's reference

21/00014/ECOU

Completed by

Casey Derrett

On behalf of

Gloucester City Council

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Casey Derrett

Phone no (including dialling code)

01452 396222

Email

casey.derrett@gloucester.gov.uk

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/U1620/C/22/3290133

Appeal By MR S GORMAN

Site Address
Land at Severnside Farm
Walham
Gloucester
GL2 9NF

The documents listed below were uploaded with this form:

Relates to Section: PART 4

Document Description: 13. A copy of the Planning Contravention Notice (PCN) and the reply.

File name: Severnside Red line PCN Map.pdf

File name: PCN Gorman Severnside Farm PCN.docx

File name: Annex 1.pdf

File name: Annex 2.pdf

Relates to Section: PART 6

Document Description: 21.a. A copy of the letter with which you notified people about the appeal.

File name: Appeal APP.U1620.C.22.3290133 Notification Letter.docx

Relates to Section: PART 6

Document Description: 21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.

File name: Severnside Farm Appeal notification list.docx

Relates to Section: PART 6

Document Description: 22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.

File name: GCC City Plan 2019 - Front Cover.pdf

File name: E6.pdf

File name: INF2.pdf

File name: SD13.pdf

Relates to Section: PART 7

Document Description: 23. A true copy of the Enforcement Notice.

File name: Severnside Farm 6 caravans Enforcement Notice - Final Draft.docx

File name: Severnside Farm (2).pdf

Relates to Section: PART 7

Document Description: 24. The Enforcement Notice Plan.

File name: Severnside Farm (2).pdf

Relates to Section: PART 7

Document Description: 25. A list of those served with the Notice.

File name: List of those served with the notice.docx

The documents listed below are to follow by post:

Relates to Section: PART 5

Document Description: 15. A plan of any public rights of way affected by the site.

Relates to Section: PART 6
Document Description: 21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.

Completed by Not Set

Date 19/01/2022 14:52:56

LPA Gloucester City Council

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE — MATERIAL CHANGE OF USE

ISSUED BY: Gloucester City Council, North Warehouse, Gloucester GL1 9FW

To: Sean Gorman, [REDACTED]

THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A (1) of the above Act, at the land described below. They consider it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2.THE LAND TO WHICH THE NOTICE RELATES

Land at Severnside Farm, Walham, Gloucester GL2 9NF also known as New Farm, Longhorn Avenue, Gloucester GL1 2BZ, title number GR356602, as shown edged in red on the attached plan.

3.THE MATTERS THAT APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission, the unauthorised change of use of the land from agricultural land to residential pitches for caravans (both mobile and static), with sheds, fencing, septic tanks(s) pipework, utilities connections and any other associated residential paraphernalia.

4.REASONS FOR ISSUING THIS NOTICE

It appears to the council that the above breach of planning control has occurred within the last ten years. The council therefore considers it expedient to issue the notice for the following reasons:

- The area of land subject to the enforcement notice the Environment Agency flood maps for planning indicate that almost the entire site is within Flood Zone 3, an area with a high probability of flooding
- The Gloucestershire County Council SFRA (Strategic Flood Risk Assessment) Level 1 mapping, does distinguish between flood zone 3a and flood zone 3b, and indicates that the site is predominantly classified as functional floodplain (Flood Zone 3b).
- The static caravans which have been installed at the site are classified as a 'highly vulnerable' development in terms of flood risk, which is as evidenced in the NPPG, 'highly vulnerable' development should not be permitted in Flood Zone 3 (neither in 3a nor 3b).

The residential use of the static caravans creates a danger to those people residing in them due to the danger of flooding given the vulnerable nature of the development in Flood Zone 3

The Council does not consider that planning permission should be given because planning conditions could not overcome these objections to the development.

The following planning policies underpin this assessment:

National Planning Policy Framework

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance

Flood Risk and Coastal Change

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted Version December 2017)

Policy SD13 – Gypsies/Travellers and Travelling Show people
Policy INF2 – Flood Risk Management

Gloucester City Plan (Pre-submission version, 2019)

Policy E6 – Flooding, Sustainable drainage and wastewater

5. WHAT YOU ARE REQUIRED TO DO

The Council requires the steps specified below to be taken to remedy the unlawful use of the land by undertaking the following steps:

- Cease residential use of the site
- Remove any static caravans and associated residential paraphernalia from the site
- Remove all touring caravans and associated residential paraphernalia from the site
- Remove all sheds from the site
- Remove all the fencing that has been erected from around the site and remove from the site
- Remove the septic tank, pipelines and all other utility connections that have been installed to facilitate the use from the site.
- Make good the land after the removal of all caravans and materials

6. TIME FOR COMPLIANCE

12 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 6 January 2022 unless an appeal is made against it beforehand.

Dated: 02 December 2021

Signed: 

On behalf of Gloucester City Council, North Warehouse, The Docks, Gloucester GL1 2 EP
Nominated Officer: Casey Derrett
Telephone Number: (01452) 396222

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 7 of this notice.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds;

- (a) that, in respect of the breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should be reasonably be allowed.

Not all these grounds may be relevant to you.

If you appeal under Ground (a) of section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee to Gloucester City Council (made payable to 'Gloucester City Council'). Joint appellants need only pay once set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when making

your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

WHAT HAPPENS IF YOU DO NOT APPEAL

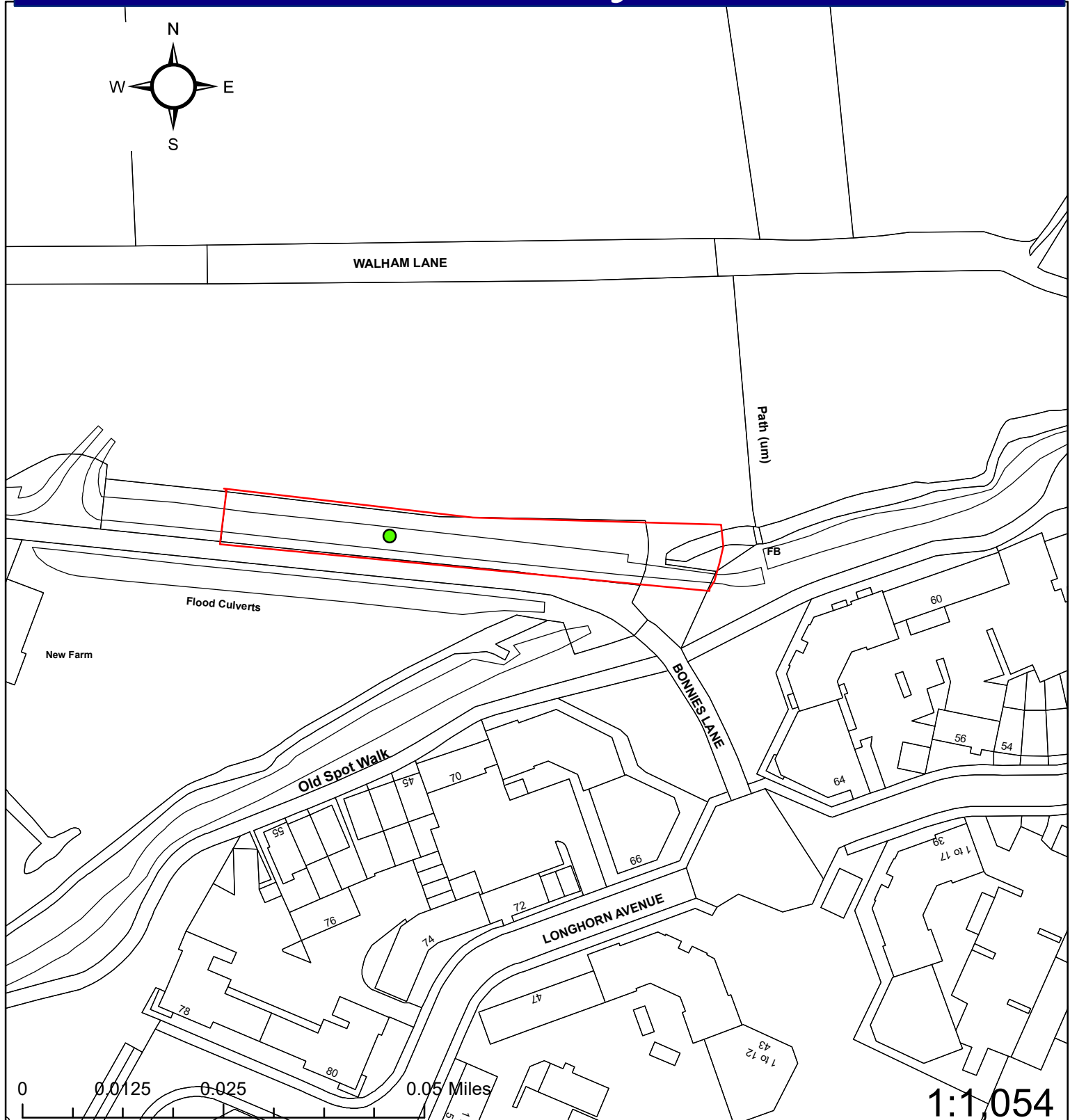
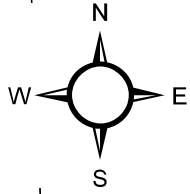
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of this notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

If you wish to make representation in person then please visit The Gateway, 92-96 Westgate Street, Gloucester, GL1 9FW for postal representations please send any correspondence to PO Box 3252, Gloucester GL1 2PF

Parties on whom the enforcement notice has been served:

- Occupiers [REDACTED]
- Mr Sean Gorman, [REDACTED]

Gloucester City Council



PLANNING ENFORCEMENT

- Land at Severnside Farm
Walham Lane
Gloucester
GL2 9NF

Date Created: 07/09/2021

Gloucester
City Council
Transforming Your City

Development Control
Gloucester City Council
PO Box 3252
Gloucester, GL1 9FW
www.gloucester.gov.uk

Planning Inspectorate ref No's: APP/U1620/C/22/3290133
Our ref No: 21/00014/ECOU
Appeal Start Date: 07 January 2022
17/01/2022

Dear Sir/Madam,

Notification of Appeal Against a Planning Enforcement Notice

Site Address: Land at Severnside Farm, Walham, Gloucester, GL2 9NF

I write to inform you that the Planning Inspectorate has received an appeal against a planning enforcement notice issued by the Council relating to the above address. The appeal will be dealt with by a written representation.

Alleged breach of planning control and the reason for issuing the enforcement notice

Without the benefit of planning permission, the unauthorised change of use of the land from agricultural land to residential pitches for caravans (both mobile and static), with sheds, fencing, septic tanks(s) pipework, utilities connections and any other associated residential paraphernalia.

It appears to the council that the above breach of planning control has occurred within the last ten years. The council therefore considers it expedient to issue the notice for the following reasons:

The area of land subject to the enforcement notice the Environment Agency flood maps for planning indicate that almost the entire site is within Flood Zone 3, an area with a high probability of flooding

The Gloucestershire County Council SFRA (Strategic Flood Risk Assessment) Level 1 mapping, does distinguish between flood zone 3a and flood zone 3b, and indicates that the site is predominantly classified as functional floodplain (Flood Zone 3b).

The static caravans which have been installed at the site are classified as a 'highly vulnerable' development in terms of flood risk, which is as evidenced in the NPPG, 'highly vulnerable' development should not be permitted in Flood Zone 3 (neither in 3a nor 3b).

The residential use of the static caravans creates a danger to those people residing in them due to the danger of flooding given the vulnerable nature of the development in Flood Zone 3

The appellant's grounds of appeal against the notice

The Appellant has appealed the enforcement notice on the following grounds:

- (a) That planning permission should be granted for what is alleged in the notice.
- (c) That there has not been a breach of planning control.
- (f) The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

(g) The time given to comply with the notice is too short.

Any representations on the appeal should be sent directly to the Planning Inspectorate at the following address:

Temple Quay House, 2 The Square, Bristol BS1 6PN,

Alternatively, you can make comments via the website at <https://acp.planninginspectorate.gov.uk>.

Please ensure that you include the Planning Inspectorate reference numbers **APP/U1620/C/22/3290133** in any correspondence.

Any representations must be received by **18 February 2022**. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned. The Planning Inspectorate will not acknowledge representations. They will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal(s).

Please note that any representations you submit to the planning inspectorate will be copied to the appellant and the City Council and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by **18 February 2022**.

The Planning Inspectorate's guidance booklet on taking part in planning enforcement appeal can be viewed [here](#).

The appeal documents are available for inspection on the link below:
www.gloucester.gov.uk/planningenforcement

The appeal decision will be published on the Planning Inspectorate's website
<https://www.gov.uk/appeal-planning-inspectorate>.

Yours faithfully

Casey Derrett
Planning Enforcement

Pre-Submission

Gloucester City Plan 2011 - 2031

**Regulation 19 of the Town and Country
Planning (Local Planning) (England)
Regulations 2012**

September 2019

Policy E6: Flooding, sustainable drainage, and wastewater

Development shall be safe from flooding and shall not lead to an increase in flood risk elsewhere. In accordance with the National Planning Policy Framework, flood risk betterment shall be sought through the development process.

Planning permission will not be granted for any development in the functional flood plain (Flood Zone 3b) except for development with ‘water compatible’ and ‘essential infrastructure’ flood risk vulnerability development classifications.

The sequential test (flood risk) and exception test will be evaluated in line with government planning guidance.

All development will be expected to incorporate Sustainable Drainage Systems (SuDS) to reduce surface water discharge rates and address water quality, unless it can be shown, to the satisfaction of the City Council, that this is not feasible.

The most up to date Environment Agency and Local Lead Flood Authority climate change guidance shall be used in the evaluation of fluvial flood risk and for the design of drainage / SuDS.

Development proposals shall facilitate watercourse restoration, exploiting opportunities to open culverts, naturalise river channels, and protect and improve the floodplain, buffer strips and adjacent terrestrial habitats and water quality, as well as the heritage value. Development proposals to impound and narrow waterways will be refused.

An 8 metre riparian buffer strip, measured from the top of bank to each side of the watercourse or the outside edge of any culverted watercourses where is necessary for the culvert to remain in situ, shall be kept free of development. As well as for flood risk reasons, this is to facilitate maintenance access and to act as a green corridor for ecological benefit.

Applicants shall demonstrate that all surface water discharge points have been selected in accordance with the principles laid out in within the SuDS/drainage hierarchy. That is, where possible, connections to the public sewerage systems, and in particular the combined sewer network, are to be avoided. Wherever possible, foul drainage from development shall connect to the mains public sewer.

Where necessary, financial contributions towards flood risk management infrastructure will be sought through the development process.

- 3.5.26 Proposals for new development must be in accordance with: the NPPF; Planning Policy Guidance; JCS Policy INF2; Gloucester’s Strategic Flood Risk Assessment Level 1 and Level 2; Gloucestershire County Council’s SuDS Design and Maintenance Guide; Gloucester City Council’s Sustainable Drainage Design and Adoption Guide, or any future iterations.

Flooding

- 3.5.27 Gloucester has been identified as a 'Flood Risk Area' by the Environment Agency following a preliminary flood risk assessment for river, sea and reservoir flooding, carried out to meet the requirements of the European Floods Directive (2007/60/EC) (transposed into the Flood Risk Regulations (2009)). Flood Risk Areas are where the risk of flooding is likely to be significant at a national scale for people, the economy or the environment (including cultural heritage). As such, it is particularly important that Gloucester has robust policy with respect to flooding, sustainable drainage, watercourses and wastewater. All of Gloucester's watercourses are considered to lack capacity during design rainfall events; any increase in surface water discharge from development sites therefore represents an increase in flood risk.
- 3.5.28 Proposals should have specific regard to the design principles outlined in the National Planning Practice Guidance, including a sequential approach to site layout, ensuring safe access is available for the lifetime of the development (i.e. incorporating climate change) and that it is supported by suitable flood warning and evacuation plans.

Sequential Test & Exception Test

- 3.5.29 The area of search for the flood risk sequential test shall generally be the whole of the Gloucester City - unless it can be demonstrated that there is a specific need in a specific location. The City Council's aspiration to redevelop a redundant brownfield site may be considered in the evaluation of the sequential test.
- 3.5.30 Sleeping accommodation shall not be permitted where the floor level is below the design flood level. For the purposes of the exception test, the design flood level is that with a return period of 1% (100 year probability) with the appropriate allowance for climate change.

Sustainable Drainage Systems (SuDS)

- 3.5.31 Gloucester City Council actively seeks blue-green infrastructure through the development process, to mitigate against flood risk, by building with nature.
- 3.5.32 All development proposals will be required to manage surface water through SuDS and reduce the existing discharge rate on previously developed sites. For brownfield sites, the post-development discharge rate shall be as close to the greenfield rate as possible and, as a minimum, at least 40% lower than the pre-development discharge rate. The 40% reduction is used across all districts in Gloucestershire and is cited in the Lead Local Flood Authority (LLFA) 'SuDS Design & Maintenance Guide'. This figure reflects a consensus view amongst district drainage officers, and the consultant engaged to write the SuDS guide, about what is 'reasonably practicable'. Additionally, the LLFA and districts have been successfully applying this standard to development since November 2015, thus demonstrating that it is a viable requirement. For greenfield sites, in the absence of long-term storage, flows shall be attenuated to QBar (mean annual flood). Where parts of a brownfield site do not have an existing on-site positive drainage system, these areas shall be treated as greenfield for the purposes of the surface water discharge rate calculations.
- 3.5.33 Above ground SuDS (for example attenuation basins and swales), offer significant benefits over below ground systems, including water quality, biodiversity and amenity, and shall be incorporated where practicable. Larger developments will be expected to incorporate SuDS

for source control (for example water butts and green roofs) and conveyance (for example swales), as well as for attenuation.

- 3.5.34 The design of SuDS shall be considered at the earliest possible stage. If an adequate level of SuDS cannot be provided on site, there will be a requirement for a contribution to off-site measures.
- 3.5.35 None of Gloucester's watercourses, currently assessed under the Water Framework Directive, have reached the targeted 'good' status. In order to achieve 'good' status by the target date of 2027, surface water discharge from developments must address water quality issues. The preferred option for addressing water quality is through the installation of SuDS, but where this is not practicable, demonstrably effective proprietary devices may be used. Development should address the water quality guidelines set out in the most up to date version of the CIRIA SuDS Manual (C753).

Climate Change

- 3.5.36 In calculating the attenuation volume requirements, the uplift on rainfall to allow for climate change shall be 40%, unless it can be demonstrated that the site is likely to revert to greenfield prior to 2070. It is expected that the Environment Agency climate change guidance will be updated in 2019/20 to incorporate the UK Climate Projections 2018 data (UKCP18). This is likely to increase the 40% requirement, and developments will be expected to adhere to the latest guidance, including any future upgrades to climate change guidance during the plan period.
- 3.5.37 For calculating the climate change uplift for river flows (i.e. to determine the design flood level for a development which influences the design of the development including floor levels, flow routes, floodplain compensation and safe access and egress arrangements), developers should refer to the latest Environment Agency climate change guidance. Developers are encouraged to assess the Upper End allowances (currently 70% for the Severn River Basin District based on 100 years lifetime of development). Major regeneration projects and infrastructure development are expected to be designed to this level.

Watercourses & culverts

- 3.5.38 Gloucester's waterways and watercourses are multifunctional assets. They provide transport and recreation corridors, green infrastructure, a series of diverse and important habitats, a unique backdrop for important heritage sites, landscapes, views, a backdrop for cultural and community activities, as well as drainage, flood and water management, and urban cooling functions.
- 3.5.39 Gloucester City Council supports the Environment Agency in terms of culvert improvement; culverts shall be improved in accordance with the following hierarchy of betterment options; (1) open the culvert (2) replace the culvert (3) leave the culvert in open space for future to open up. All the above options need to incorporate 8 metre buffer strips to allow for access. Each option will still require riparian owners to undertake their responsibilities with regards to maintenance and upkeep of the culvert. It will need to be demonstrated that options higher up the hierarchy are not practicable for them to be discounted. Applicants should contact the Environment Agency and the Lead Local Flood Authority at the earliest opportunity to understand the constraints and opportunities of culverted watercourses for

their proposals.

- 3.5.40 Development proposals shall not remove or interrupt the continuity of existing natural or manmade drainage features, unless agreed with the city Council. Where watercourses or dry ditches are present within a development site, these should be retained and, where possible, enhanced. Enhancement measures could include removing redundant structures, improving fish passage and restoring watercourses to more natural alignments by improving hydromorphology. All measures can contribute to achieving 'good' status as required under the Water Framework Directive. Access to drainage features for maintenance should be retained and ownership of land clearly defined as part of the site maintenance plan. The removal of natural drainage features may result in an increased need to connect to the public sewerage network, and therefore be contrary to the SuDS / drainage hierarchy.

Wastewater

- 3.5.41 The existing sewerage network is known to have areas with capacity issues and network constraints and in some cases improvements to the network may be required for new development to connect. Applicants should contact Severn Trent at the earliest opportunity to understand if improvements to the network are required.
- 3.5.42 Surface water run-off discharge points should be as high up the hierarchy of drainage options as possible; (1) into the ground (infiltration) (2) to a surface water body (3) to a highway drain (4) to another drainage system and (5) to a combined sewer.
- 3.5.43 The creation of an overall masterplan for the development will enable strategic infrastructure serving multiple developments to be designed appropriately, providing wider benefits and efficiencies that would not otherwise be possible. The masterplan should outline key milestones that need to be achieved for critical infrastructure. This will help to align programmes between different stakeholders.

Financial contributions towards flood risk management infrastructure

- 3.5.44 Where appropriate, in partnership with the Environment Agency and other flood risk management bodies, the Council will seek financial contributions towards flood risk management infrastructure. The advice within paragraph 56 of the NPPF relating to planning obligations shall be key to determining appropriateness. Such instances would be rare but could include cases where the safety of a development and/or the ability to access the development safely, relies upon flood defences, the Environment Agency's Flood Warning System, or other flood risk management infrastructure.
- 3.5.45 The Environment Agency has experience of working with developers and Councils in Gloucestershire to secure financial contributions in such cases. Money secured through such planning obligations can be used towards maintenance and improvements of flood defences, provision and upkeep of river gauges (which support the Flood Warning Service), and other flood risk management projects.

INF2 – FLOOD RISK MANAGEMENT

Background

- 5.3.1 Flooding is a significant issue in the JCS area, which covers parts of the Severn and Avon rivers as well as a large number of smaller watercourses. A considerable amount of the land in the west of the area is part of the functional floodplain. The Rivers Severn and Avon pose the greatest flood risk within Tewkesbury, particularly during periods of high flows at the place where the two watercourses meet. Nearly all the borough area drains into the Severn, with the exception of small areas in the far east of the borough which ultimately drain into the Thames. Flooding from surface water is also a problem as the draining of surface water is closely linked to main river levels, with the largely impermeable geology and gentle topography of the borough contributing to increased likelihood of surface water flooding.
- 5.3.2 The majority of flood risk in Gloucester City arises from the smaller river catchments. While the Severn is capable of coming out of its bank and flooding a large area, flood risk is reduced by the presence of defences. Nevertheless, the Severn may contribute to flooding as the effects of high flows in the smaller streams may be worsened by the elevated levels in the Severn, making it difficult for them to discharge. As part of its ongoing commitment to reducing flood risk within the county all participating councils will, subject to meeting other national and local policy objectives, support any development that contributes physically or financially to the delivery of any proposed flood alleviation plans or schemes that have a wider benefit to communities at risk within the Plan area.
- 5.3.3 Cheltenham Borough occupies a low-lying urban area of the lower Severn catchment. Of particular relevance is the River Chelt, which flows through the centre of Cheltenham and is regulated by a flood alleviation scheme. The high degree of urbanisation, coupled with the small size of the catchments and impermeable underlying rock, mean that the greatest flood risk in the area is from surface water overloading of the old drainage system, particularly during intense rainfall events.

Policy INF2: Flood Risk Management

- 1. Development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated.**
- 2. Minimising the risk of flooding and providing resilience to flooding, taking into account climate change, will be achieved by:**
 - i. Requiring new development to, where possible, contribute to a reduction in existing flood risk**
 - ii. Applying a sequential test for assessment of applications for development giving priority to land in Flood Zone 1, and, if no suitable land can be found in Flood Zone 1, applying the exception test**
 - iii. Requiring new development that could cause or exacerbate flooding to be subject to a flood risk assessment which conforms to national policy and incorporates the latest available updates to modelling and climate change data and historic data and information and guidance contained in the authorities' Strategic Flood Risk Assessments and Supplementary Planning Documents, in order to demonstrate it will be safe, without increasing flood risk elsewhere**
 - iv. Requiring new development to incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate in the view of the local authority to manage surface water drainage: to avoid any increase in discharge into the public sewer system; to ensure that flood risk is not increased on-site or elsewhere; and to protect the quality of the receiving watercourse and groundwater. Where possible, the authorities will promote the retrofitting of SuDs and encourage development proposals to reduce the overall flood risk through the design and layout of schemes which enhance natural forms of drainage. Developers will be required to fully fund such mitigation measures for the expected lifetime of the development including adequate provision for on-going maintenance.**
 - v. Working with key partners, including the Environment Agency and Gloucestershire County Council, to ensure that any risk of flooding from development proposals is appropriately mitigated and the natural environment is protected in all new development**

This policy contributes towards achieving Objective 6.

Explanation

5.3.4 The NPPF seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of high risk. Accordingly, in proposing strategic site allocations to meet demand for development, the JCS authorities have applied a sequential, risk-based approach to avoid, where possible, flood risk to people and property and to manage any residual risk, taking account of the impacts of climate change.

5.3.5 The Environment Agency regularly updates the 'Flood Map for Planning' showing areas at high (1 in 100 year), medium (1 in 1,000 year) and low (less than 1 in 1,000 year) risk of

flooding (these are Flood Zones 3, 2 and 1 respectively). To complement these maps, Gloucestershire County Council, the Lead Local Flood Authority (LLFA), prepared a SFRA Level 1 for the county (September 2008). This assessed all forms of flood risk: fluvial (rivers), tidal (sea), surface water, groundwater, sewers and impounded water bodies (reservoirs and canals), in the context of the situation at the time and taking into account the likely impacts of climate change in the future. Gloucestershire County Council also produces Surface Water Management Plans which seek to identify areas more vulnerable to surface water flooding and indicate measures to mitigate this, recognising that it is not economically viable to eliminate flooding altogether.

- 5.3.6 To provide more site-specific information, SFRA Level 2 reports were commissioned by the JCS authorities. These involved a more detailed review of flood hazard (flood probability, flood depth, flood velocity, rate of onset of flooding), taking into account the presence of flood risk management measures such as flood defences. In doing this, the JCS authorities have applied the definitions used in the Flood and Water Management Act 2010.
- 5.3.7 To ensure that flood information is up to date when taking planning decisions about flood risk, planning allocations will be required to ensure that the modelling and flood flows used to justify the flood zones set out in any application take account of updates and changes to the models used. Particular regard should be had to changes and updates to models relating to rainfall predictions and climate change data.
- 5.3.8 As an overarching principle, all new development should seek to provide an overall reduction in flood risk. The risk of flooding can be reduced by:
- Using a sequential approach to determining the suitability of land for development
 - Ensuring that all flood risk management infrastructure is maintained over a development's lifetime
 - Seeking to ensure that watercourses are left in open space and are well integrated into existing Green Infrastructure wherever possible
 - Careful site design, including reconfiguring ground levels or site access points, culvert improvements, channel restoration, the use of planting, and existing woods and trees to manage flood risk and incorporating SuDS. Suitable SuDS solutions will vary according to location, for example under-ground water storage tanks may not necessarily be suitable or desirable. Developers will need to think creatively about the most sustainable SuDS solutions, taking into account principles of good design and the effect of the scheme on the development as a whole and its surroundings. For more information see the LLFA guidance on SuDS
 - Where a Surface Water Management Plan shows the presence of pluvial flooding, the development will need to compensate for the pluvial flood volume lost by providing additional flow and storage capacity within the developments surface water drainage system and attenuation storage.
 - Ensuring that all flood management designs which form part of planning applications are fully implementable and free from legal or design impediments which are likely to affect their usefulness
 - Considering and acting on the cumulative impact of existing and new development, for example:
 - Ensuring that works to raise the highway levels where the highway is subject to fluvial flooding will only be permitted if provision is made at the same time to provide additional flood flow capacity under the highway to ensure no adverse impacts upstream.

This list is not exhaustive.

- 5.3.9 The cumulative impact of development of strategic scale will need to be considered as part of the site-specific development management process. This cumulative assessment is most appropriate at the sub-catchment scale, where development areas have the potential to influence downstream flows that could impact existing settlements, or permitted or allocated developments. The vulnerability of development from other sources of flooding will be considered as well as the effect of the new development on surface water run-off.
- 5.3.10 Construction that is resilient (rather than resistant) is favoured because it can be achieved more consistently and is less likely to encourage occupiers to remain in buildings that could be inundated by rapidly-rising water levels. Flood resistance and resilience measures should not be used to justify development in inappropriate locations, and in isolation are unlikely to make all types of development safe.
- 5.3.11 The JCS authorities will, in principle, support measures proposed by the Environment Agency and others to reduce flood risk, including increasing the quality/quantity of the floodplain, defending areas at risk of flooding, and restoring culverted watercourses back to open channels. This will help to reduce flood risk to counteract the increased threat of flooding through climate change, and provide environmental benefits.

Delivery

- 5.3.12 The NPPF sets out the requirement to adopt a sequential, risk- based approach to the location of development at risk of flood.
- 5.3.13 National Planning Policy Guidance (PPG) requires that, where necessary, the Exception Test should now be applied in the circumstances set out in the Flood Risk and Coastal Change section of that document.
- 5.3.14 In addition to the formal Sequential Test, the NPPF sets out the requirement for developers to apply the sequential approach to locating development within the site.
- 5.3.15 Developers should carefully follow guidance from the Environment Agency and Gloucestershire County Council, as well as that contained in the Development Plan, on the correct way to demonstrate that the exception and sequential tests have been properly applied.
- 5.3.16 Large-scale development should contribute to meeting with the objectives of the EU Water Framework Directive in line with the Severn River Basin Management Plan.
- 5.3.17 Developers should follow guidance from the LLFA when considering SuDS schemes. This can be found in its November 2015 publication 'Gloucestershire SuDS design and maintenance guide'

SD13 – GYPSIES, TRAVELLERS & TRAVELLING SHOWPEOPLE

Background

- 4.13.1** ‘Planning Policy for Traveller Sites’ (PPTS) was first published by the Government in March 2012 and aligned planning policy for traveller communities more closely with other forms of housing. It introduced, for example, the requirement for councils to demonstrate a five-year supply of pitches / plots against locally-assessed targets based on robust local evidence. A replacement to the original 2012 PPTS was first published on the 31 August 2015 by the Department of Communities and Local Government, which provides a new definition of Gypsies, Travellers and Travelling Showpeople for planning purposes. Under the new guidance only those people of nomadic habit of life, including those that have ceased to travel temporarily on grounds only of their own / their family or dependants educational or health needs or old age, are defined as Travellers in planning terms. For the purposes of establishing the need for sites and yards in light of the change to the definition and to identify the resulting needs of both travelling households and non-travelling households, an up to date Gypsy and Traveller Accommodation Assessment (GTAA) was completed in March 2017, replacing the Gloucestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) 2013. This update provides a robust and credible evidence base to inform plan making.
- 4.13.2** The JCS area has long-established Gypsy, Traveller and Travelling Showpeople communities. There are many reasons for this, including excellent road connections, proximity of land close to the urban areas for access to services and employment opportunities, and strong family ties. Tewkesbury Borough is home to the majority of communities within the JCS area. Policy SD13 sets out criteria to guide site allocations in District plans and to help determine planning applications for Gypsy, Traveller and Travelling Showpeople communities. The supporting text further details the number of pitches and plots, identified through the GTAA (2017), that are required between 2016 and 2031. Policy SD11 further provides a hook to ensure the needs of those members of the community who do not meet the planning definition are addressed through District plans. Site allocations to provide for this need will be considered through the District plans.



Policy SD13: Gypsies, Travellers and Travelling Showpeople

- 1. Existing permanent residential and transit Gypsy, Traveller and Travelling Showpeople sites will be protected from development to alternative uses**
- 2. Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria:**
 - i. Proposals on sites in areas of sensitive landscape will be considered in accordance with Policy SD6 (Landscape Policy) and Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty). In all other locations the proposal must not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and should be sensitively designed to mitigate any impact on its surroundings;**
 - ii. The site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network;**
 - iii. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable;**
 - iv. The site is situated in a suitable location in terms of access to local amenities, services and facilities, including schools, shops, health services, libraries and other community facilities;**
 - v. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site should also be large enough to enable vehicle movements, parking and servicing to take place, having regard to the number of pitches / plots on site, as well as enabling access for service and emergency vehicles, including circulation space along with residential amenity and play areas.**

This policy contributes towards achieving Objectives 5, 8 and 9.

Explanation

4.13.3 The Gloucestershire GTAA 2017 sets out the need for new pitches / plots resulting from existing traveller communities in Gloucestershire between a new base date of 2016 and the plan end date of 2031. The assessment shows that within the JCS area, there is a need for at least 83 pitches for Gypsies and Travellers, and 40 plots for Travelling Showpeople, regardless of their status under the planning definition.

The breakdown of needs for the different communities, and by those who meet the definition, those who do not and those where their status is unknown, is set out in Table C4.

Table C4		2016 - 2021				2021 - 2026				2026 - 31				
Gypsies and Travellers														
	TBC	GCC	CBC	Sub-Total	TBC	GCC	CBC	Sub-Total	TBC	GCC	CBC	Sub-Total	Total	
A. Travelling households	4	0	0	4	0	0	0	0	1	0	0	1	5	
B. Non-travelling households	14	1	0	15	5	0	0	5	6	1	0	7	27	
C. Not Known	25	0	2	27	11	0	0	11	12	0	1	13	51	
Sub-Total	43	1	2	46	16	0	0	16	19	1	1	21	83	
Travelling Showpeople														
A. Travelling households	18	6	0	24	2	1	0	3	2	1	0	3	30	
B. Non-travelling households	0	0	0	0	0	0	0	0	0	0	0	0	0	
C. Not Known	0	2	0	2	1	3	0	4	1	3	0	4	10	
Sub-Total	18	8	0	26	3	4	0	7	3	4	0	7	40	

4.13.4 The Housing Act 1985 requires Local Authorities to assess and plan for the needs of all communities residing in their areas. With this in mind, the JCS provides hooks for the District plans to consider site allocations for all members of the traveller community through a combination of Policies SD13 'Gypsies, Travellers and Travelling Showpeople' and SD11 'Housing Mix and Standards'. Furthermore, the affordable requirement for this community, identified as 'public' in the GTAA, along with other forms of affordable provision, will be addressed as part of the overall affordable housing requirement as set out in Policy SD12 'Affordable Housing'.

4.13.5 The GTTSAA 2013 stated that if transit pitches are considered necessary, a transit site of at least 10 pitches should be provided within Gloucestershire. Alternatively, the report recommended the use of a formal 'temporary toleration' policy, to meet the needs of Gypsies and Travellers moving through the County, without the need to establish a formal transit site, which can often be difficult to manage and maintain. Since the GTTSAA was published in 2013, two transit sites have been granted planning permission in Gloucestershire, one at Morton Valence in Stroud District for six pitches and one at Minsterworth for eight pitches; 14 transit pitches in total. The suggested need arising from the GTTSAA has therefore been exceeded. However, the 2017 GTTAA presents alternative options to further meet any future need in any event.

4.13.6 The nature of existing provision in Gloucestershire means that a very significant proportion of the needs arise in Tewkesbury Borough. However, PPTS sets out that where there are special or strict planning constraints across an area, local planning authorities should consider working together through the 'duty to cooperate' to provide for traveller needs, in order to provide more flexibility in the identification of sites, including the preparation of joint development plans. Further to this, the assessment confirms issues with the ability to bring forward sites for traveller communities in urban areas for reasons such as limited land availability and site viability. Depending on the availability of deliverable sites, it may also be necessary to work with other Gloucestershire authorities to address needs arising from their communities.

Delivery

4.13.7 The purpose of Policy SD13 is to provide a criteria-based policy to be used in the assessment of potential site allocations and planning applications. Supporting text sets out the accommodation needs of the community and that site allocations to provide for these needs will be considered through District plans.