



The Planning Inspectorate

Report to Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE GLOUCESTER CHELTENHAM AND
TEWKESBURY**

JOINT CORE STRATEGY

Document submitted for examination on 20 November 2014

Examination hearings held between 19 May 2015 and 21 July 2017

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Abbreviations used in this report

AONB	Area of Outstanding Natural Beauty
CBC	Cheltenham Borough Council
CIL	Community Infrastructure Levy
DCLG	Department for Communities and Local Government
DS7	Do Something 7
GB	Green Belt
GCC	Gloucester City Council
GHMA	Gloucestershire Housing Market Area
GTAA	Gypsy and Traveller Accommodation Assessment
HFR	Household Formation Rate
HIS	Housing Implementation Strategy
JCS	Joint Core Strategy
LEP	GFirst Local Enterprise Partnership
LGS	Local Green Space
LTP	Local Transport Plan
MM	Main Modification
MOD	Ministry of Defence
NMSS	Neil McDonald Strategic Solutions
NPPF	National Planning Policy Framework
OAHN	Objectively Assessed Housing Need
ONS	Office for National Statistics
PPG	Planning Practice Guidance
PPTS	Planning policy for traveller sites
SA	Sustainability Appraisal
SALA	Strategic Assessment of Land Availability
SELAA	Strategic Employment Land Availability Assessments
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIDP	Strategic Infrastructure Delivery Plan
SUE	Strategic Urban Extension
TBC	Tewksbury Borough Council
TIS	Transport Implementation Strategy

Non-Technical Summary

This report concludes that the Gloucester Cheltenham and Tewkesbury Joint Core Strategy (JCS) provides an appropriate basis for the planning of the JCS area up to 2031 providing a number of modifications are made to the Plan. The JCS Councils have specifically requested me to recommend any modifications necessary to enable the Plan to be adopted.

All of the modifications to address this were proposed by the Councils but, where necessary, I have amended the detailed wording. I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Expanding the vision and strategic objectives;
- Clarifying the spatial strategy;
- Stating the role and status of Neighbourhood Plans;
- Restating the housing requirement;
- Inserting housing trajectories and altering the approach to calculating annual requirements;
- Committing to early focused reviews of Gloucester's and Tewkesbury's housing supply;
- Amending affordable housing developer contributions;
- Including a requirement for older people's and students' housing;
- Changing the employment strategy;
- Recalculating retail need and committing to an immediate focused review of retail;
- Recalculating the needs of Gypsies, Travellers and Travelling Show-people and amending the strategy for land supply;
- Amending Green Belt policy and making changes to the sites that are to be removed from the green belt;
- Removing and adding strategic allocations;
- Making changes to sustainable development policies;
- Making changes to infrastructure policies;
- Amending the monitoring framework and inserting review mechanisms;
and
- Adding a list of superseded policies

Introduction

1. This report contains my assessment of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy (JCS) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework (NPPF) makes clear that, to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authorities have submitted what they consider to be a sound plan. The basis for my examination is the *Pre-Submission Document* dated June 2014, which is the same as the document published for consultation in June 2014. Whereas the Councils produced a *Submission Version* dated November 2014, this incorporated main modifications of the publication version, which require public consultation. As such consultation had not taken place, the November version could not form the basis of my examination. The Councils also submitted a *List of minor changes to the Submission Version of the JCS*, some of which actually amounted to main modifications that had not undergone public consultation. Therefore, I have dealt with these amendments in the same way as other main modifications.

Main Modifications

3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Councils requested that I should make any modifications needed to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that are necessary for soundness and legal compliance all relate to matters that were discussed at the examination hearings. Following these discussions, the Councils prepared a schedule of proposed main modifications and an integrated sustainability appraisal (SA) addendum dealing with these amendments, which incorporates Strategic Environmental Assessment, Habitats Regulations Assessment and Health and Equality Impact Assessment. Thereafter, the schedule and additional supporting evidence was the subject of public consultation for six weeks.
5. Following this consultation significant updated traffic evidence was published. Given its importance in underpinning the JCS, comments from examination participants were invited over a three week period. Thereafter, a focussed SA addendum was produced specifically dealing with traffic.
6. Due to the extent of the proposed modifications and the additional evidence received since the previous hearing session in July 2016, and taking account of the large numbers of representors who wished to be heard, main modification hearings were held in July 2017.

7. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of these amendments significantly alter the content of the modifications as published for consultation or undermine the participatory processes and SA that has been undertaken.

Policies Map

8. The Councils must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted Development Plan. When submitting a local plan for examination, the Councils are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the JCS Proposals Map Submission 2014 as set out in SUB 103b.
9. The policies map is not defined in statute as a Development Plan document and so I do not have the power to recommend main modifications to it. However, a number of the published proposed main modifications to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
10. These further changes to the policies map were published for consultation alongside the proposed main modifications under document reference MM02 entitled *Modified and New Maps*. In this report I identify any amendments that are needed to those further changes in the light of the consultation responses.
11. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Councils will need to update the adopted policies map to include all the changes proposed in *Modified and New Maps* and the further changes published alongside the proposed main modifications incorporating any necessary amendments identified in this report.

Assessment of Duty to Co-operate

12. Section s20(5)(c) of the 2004 Act requires me to consider whether the Councils complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. Section 33A requires constructive, active and ongoing engagement with neighbouring planning authorities and a variety of prescribed bodies on strategic matters in order to maximise the effectiveness of plan preparation.
13. Details of how the JCS authorities have met their duty to co-operate are set out in their *Duty to Cooperate Statement*. This sets out how the authorities have co-operated between themselves by setting up various levels of governance including a *Cross Boundary Programme Board*, and demonstrates engagement with other authorities and bodies.
14. It shows that regular, meaningful consultation on strategic issues has taken place with relevant bodies including the GFirst Local Enterprise Partnership

(LEP), Highways England, Gloucestershire County Council Highways Authority, the Environment Agency, Natural England, and Historic England. A number of Statements of Co-operation have also been agreed.

15. The JCS authorities have engaged in joint working with other Gloucestershire authorities in preparing a Strategic Housing Market Assessment (SHMA), Gypsy and Traveller Accommodation Assessments (GTAAAs), Strategic Flood Risk Assessments (SFRAs) and Strategic Infrastructure Delivery Plans (SIDP).
16. A Memorandum of Understanding has been signed by all Gloucestershire district authorities and Gloucestershire County Council, which sets out how the authorities worked together in preparing their local plans, and deals with cross border, strategic planning applications and strategic infrastructure. A separate Statement of Co-operation has been signed with Stroud district, which addresses the possibility of Stroud contributing to any identified unmet housing needs within the JCS area. Also, in furtherance of cross border relationships, both the Stroud and the South Worcestershire Local Plans make provision for considering the housing needs of the JCS authorities, and potentially assisting with supply, if required. Furthermore, a Planning Statement has been signed with Wychavon District Council in respect of a development at Mitton, to which I refer further below.
17. From the submitted evidence I conclude that the JCS authorities have fulfilled the legal requirements of the duty to co-operate by maximising the effectiveness of the plan-making process and undertaking constructive and active co-operation and engagement on an on-going basis with all relevant bodies and organisations as required by the Local Planning Regulations.

Assessment of Soundness

Preamble

18. The JCS examination has been long and controversial, attracting considerable interest and participation. Since the Plan's submission, substantial additional evidence has been submitted and round table discussions on various topics have taken place in an attempt to address outstanding issues and ensure proper participant consultation. In order to support the proposed main modifications, updated evidence including reports and surveys were published for consultation alongside the schedule of proposed main modifications.
19. Due to the complexity of the issues and the evolving nature of the evidence base, I produced a number of written notes and reports throughout the examination to keep matters on track and to more effectively manage progress. Amongst them were my Preliminary Findings of December 2015, an Interim Report of May 2016, a Note of Recommendations dated 25 July 2016 and a Retail Note of 26 July 2016, all of which I refer to below.

Main Issues

20. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified eleven main issues upon which the soundness of the Plan depends.

Issue 1 – Whether the vision and strategic objectives are sufficiently

comprehensive in addressing the key challenges of the area.

21. The Plan's vision and strategic objectives are based on key challenges within each Council's Sustainable Community Strategy, drawn together to reflect the JCS area as a whole. There are nine objectives, collated under three broad ambitions, incorporating the three dimensions of sustainable development. They have developed from a comprehensive evidence base and have evolved through several stages of consultation and SA, resulting in a positive and distinctive approach that identifies issues of local importance without repeating national policy. However, some gaps need to be filled to ensure the strategies are effective and properly reflect what the Plan is seeking to achieve.
22. In this regard, the wider Tewkesbury Town area, which is proposed for strategic growth, should be identified as a key location for housing and economic development (**MM001a**), and reference made to the proposed enhancement of Ashchurch for Tewkesbury railway station (**MM001b**). Furthermore, the intended capacity enhancements from extensive proposed improvements to Cheltenham Spa railway station which, amongst other things, should facilitate access to strategic allocations in the West and North West of Cheltenham, should feature in the vision (**MM001c**).
23. Gloucester City's regeneration programme should be referenced (**MM001**) and ongoing work at the Kings quarter updated (**MM002**). Text needs deleting, which no longer supports the new apportionment mechanism for housing (**MM003**), and the challenges to meeting development needs posed by the flood plain, AONB and Green Belt (GB), should be identified (**MM004**).
24. Moreover, strategic objective 1 should include the need to increase access to high speed broadband, thereby emphasising its importance for economic growth (**MM005**). Strategic objective 4 ought to refer to the review of Green Belt within the "Development Plan" rather than the "JCS" to reflect the fact that local changes to the GB might also be made in the forthcoming local plans (**MM006**). Further to the Written Ministerial Statement of 25 March 2015, strategic objective 6 should not refer to exceeding standards and this needs to be deleted (**MM006**).
25. Strategic objective 7 requires additional text and rewording to strengthen the ambition to improve opportunities for public and sustainable transport (**MM007**), and in order to ensure a wide choice of high quality homes, Strategic objective 8 needs to clarify that the Plan's housing provision is a minimum requirement, by adding the words "at least" (**MM007**). Strategic objective 9 requires additional text to emphasise the role of education, sport, leisure and public transport in promoting healthy communities.
26. Subject to these identified modifications, I am satisfied that the vision and strategic objectives provide balance and a positive framework for the Plan's administrative area.

Conclusion

27. Subject to the identified main modifications, I conclude that the Vision and Strategic Objectives are sufficiently comprehensive in addressing the key challenges of the area. Consequently, I find this part of the Plan to be sound.

Issue 2 – Whether the spatial strategy is the most appropriate for the JCS area.

Overall Approach

28. The JCS authorities intend to follow a two tier approach to land supply with strategic allocations being made in the JCS and local allocations being left to forthcoming District Plans.
29. Part 3 of the Plan sets out the spatial strategy for the JCS area, with Policy SP1 addressing the need for new development and Policy SP2 dealing with its distribution. However, the title of Part 3, being "Strategic Policies", fails to fully reflect its content and could be confusing, particularly as there are other strategic policies within the Plan. Therefore, for reasons of clarity and effectiveness, **MM008** is necessary, which changes the title to "The JCS Spatial Strategy".
30. The overall spatial approach has evolved from a number of spatial options for allocating strategic development land. These were considered in the *Spatial Options Topic Paper* and were subjected to SA, with the most sustainable option being found to be the creation of urban extensions to Cheltenham and Gloucester. In accordance with the evidence base, the spatial strategy focuses new growth mainly on Cheltenham and Gloucester with the aim of retaining their economic and social positions as strategically significant settlements in the sub-region and taking advantage of their existing infrastructure capacity.
31. Tewkesbury Town is constrained by the high risk of flooding from the rivers Severn and Avon, and urban extensions to the Town itself are not proposed. Nonetheless, there are significant parts of the wider Tewkesbury Town area, which appear sustainable and are not so constrained. In recognition of this, the JCS incorporates strategic allocations at Ashchurch on the eastern edge of Tewkesbury Town's wider urban area (although one of these sites is now to be withdrawn for reasons of deliverability¹).
32. The amended employment strategy, which is dealt with at Issue 4 below, concentrates growth along the M5 corridor and junctions 9 and 10. Junction 9 lies close to Tewkesbury Town and its wider built up area and, therefore, this strategy is likely to have direct economic growth consequences for Tewkesbury. Accordingly, the Plan should put greater emphasis on the development potential of the wider Tewkesbury Town urban area to reflect its sustainable location for both housing and its planned employment growth. The detail of how the Plan should be modified to address this is dealt with

¹ See Issue 8 on strategic allocations below

below under Issue 3 (Housing), Issue 4 (Employment) and Issue 8 (Strategic Allocations).

33. Besides the proposed development at Ashchurch, Tewkesbury's growth is focused on a hierarchy of rural service centres and service villages as set out in Table SP2c. However, during the examination, new evidence was submitted in the form of the 2015 *Settlement Audit Refresh* and, as a consequence Stoke Orchard is to be added as a service village. Furthermore, as Twigworth village will now have a strategic allocation adjacent to it, it should be removed from the list. These amendments are achieved by **MM030**.

Housing Apportionment

34. Gloucester is unable to make any land contribution towards the urban extensions and, therefore, the Gloucester urban extensions consist of land within Tewkesbury district, which lies on the urban edge of Gloucester. Cheltenham makes some contribution towards the urban extensions from land within Cheltenham district. The remainder of the urban extension land lies within Tewkesbury district on the urban edge of Cheltenham. Other strategic allocations lie within the wider Tewkesbury Town area, close to Ashchurch within Tewkesbury district.
35. The JCS was produced on the understanding that each authority would maintain its own five year housing land supply. The JCS Councils intended to apportion supply between the three authorities so that housing on the edge of Cheltenham contributed towards Gloucester's and Tewkesbury's needs, and housing on the edge of Gloucester contributed towards Tewkesbury's needs. However, the proposed methodologies for distributing supply from shared urban extensions as they were built out seemed over-complicated and uncertain, potentially leading to five year housing land supply issues between authorities. None of the methodologies presented appear effective and are, therefore, unjustified.
36. The primary reason for allocating urban extensions around Gloucester and Cheltenham is to meet the unmet needs of Gloucester and Cheltenham where that need arises. The proposed apportionment would not fulfil this aim and, therefore, is unjustified. The most logical and effective way forward is to simply allocate Gloucester's strategic allocations to Gloucester, Cheltenham's to Cheltenham, and those in the wider Tewkesbury Town/Ashchurch area to Tewkesbury. The JCS authorities have accepted this approach, which is reflected in **MM026**.
37. The redistribution of land supply in this way has had a consequential impact on the amount of land needed around the three main centres of Gloucester, Cheltenham and Tewkesbury. As a result, there is to be some re-balancing towards Gloucester and Tewkesbury, the detail of which is addressed by main

modifications considered below under Issue 3 (Housing), Issue 4 (Employment) and Issue 8 (Strategic Allocations). However, to reflect more general changes to the spatial strategy and to aid clarity, **MM022** and **MM024** are necessary for this part of the Plan to be sound.

Conclusion

38. Subject to the identified main modifications, I conclude that the spatial strategy is the most appropriate for the JCS area. On this basis, I find this part of the Plan to be sound.

Issue 3 – Whether the Plan's housing requirements are soundly based and whether sufficient provision is made for the supply of housing.

39. The JCS addresses housing supply and demand within Part 3 (Strategic Policies) under Policies SP1 (The Need for New Development) and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review).

Objectively Assessed Housing Need (OAHN)

40. The suggested housing need for the JCS area is set out within Policy SP1. However, the figures are based on outdated evidence and during the examination extensive new evidence was submitted to reflect the up-to-date position. Accordingly, a new assessment was carried out in order to obtain the most appropriate estimate of OAHN, resulting in different figures to the submitted JCS.
41. Assessing housing need is not an exact science and there is no single method of determining an appropriate figure. It is a matter of judgement based on an objective analysis of the submitted evidence. For the JCS authorities, the OAHN has been assessed in a separate document to the Strategic Housing Market Assessment (SHMA), although the two should be read together.
42. The suggested OAHN for the six Gloucestershire districts within the Gloucestershire housing market area (GHMA) is underpinned by two reports from Neil McDonald Strategic Solutions (NMSS). One covers the OAHN for Stroud, Forest of Dean and Cotswold, and the other covers the OAHN for the JCS administrative area. That for the JCS area indicates an OAHN of 30,500 dwellings.
43. Whilst ideally there should be a single OAHN assessment for the entire GHMA, the different timescales of the emerging plans are bound to lead to some divergences, as needs change over time. The starting point is for the JCS authorities and others to identify their own needs within their respective areas drawing upon a proportionate evidence base. An assessment of each authority's own OAHN, coupled with the duty to co-operate on unmet need, provides a satisfactory mechanism for overall co-ordination. In these

circumstances a general consistency of approach is the best that can be achieved and is justified.

44. However, after the publication of these OAHN reports the Department for Communities and Local Government (DCLG) published its 2012-based household projections with updated household formation rates (HFRs). Given that the Planning Practice Guidance (PPG) advises that the most recent projections should form the starting point for estimating OAHN, the OAHN for the JCS area was recalculated. This is consistent with Stroud, who had already done a similar recalculation.
45. Starting with the 2012 Office for National Statistics (ONS) population projections and DCLG's 2012-based household projections, and adjusting to reflect appropriate assumptions and judgements, NMSS re-assessed the OAHN for the GHMA in accordance with the NPPF and PPG. This resulted in a demographic figure for the JCS area of 31,830 dwellings. The overall figure was then segregated into districts resulting in demographic needs of 13,290 dwellings for Gloucester, 9,900 dwellings for Cheltenham and 8,640 dwellings for Tewkesbury. I have found no convincing evidence to reject the workings of NMSS and the resultant demographic figures.
46. Whilst these figures provide a crucial starting point, it is also necessary to consider the impact of economic growth forecasts and aspirations to ensure that there is sufficient housing to support the delivery of job growth. To align the quantity of homes with the Councils' revised economic strategy, I concluded in my Interim Report² that the OAHN should be economically led to accommodate the proposed 39,500 jobs target. This was a shift in strategy from the submitted Plan, whose OAHN was demographically led.
47. Having estimated the population needed at the end of the Plan period (2031) to provide the labour force implied by economic forecasts, the number of dwellings needed was estimated. Given the uncertainties of economic forecasts, a broad-brush approach to assessment is appropriate and, accordingly, it is reasonable to take the average number of required dwellings. With a range between 31,200 and 36,600, this results in an OAHN of 33,500 dwellings, an uplift of 1,670 dwellings on the demographic figure. The OAHN for the JCS area for the Plan period (2011-2031) is therefore 33,500 dwellings and the JCS needs to be modified accordingly for soundness.
48. More recent population projections were published in May 2016 (ONS 2014 sub-national Population Projections) and updated household projections were published in July 2016 (DCLG's 2014-based household projections). NMSS reviewed these statistics and found that they made no difference to the OAHN, due to it being employment led. I accept NMSS's evidence.

² EXAM 232, paragraph 7

49. In terms of apportioning the economic uplift between the three districts, account has been taken of the main economic growth area along the M5 corridor, which runs through the heart of the JCS area. In broad terms, the additional housing is distributed in accordance with the amount of employment land potential in each authority area and with the spatial strategy. This results in economically led OAHNs of 13,675 for Gloucester, 10,395 for Cheltenham and 9,425 for Tewkesbury.
50. To reflect these changes and to justify the strategic approach, amendments are necessary to the supporting text of Part 3, and new Tables SP1a (demographic OAHN) and SP1b (economic uplift OAHN) are inserted (**MM009-MM012** and **MM014, MM015, MM017**). However, this does not reflect the full housing requirement, which is dealt with below.

Housing Requirement

51. There is a substantial need for affordable housing within the JCS area, but the proportion of affordable housing that is deliverable through market housing schemes, will not meet this need. This is despite the economic uplift, and regardless of whether all strategic allocations and other housing development provide the required contributions of affordable housing (see affordable housing below). Furthermore, it is a real possibility that some strategic allocations will not deliver the affordable housing policy requirement. Although there are other possible sources of affordable housing, as set out in the *Affordable Housing Note*, these numbers are comparatively small and there is no certainty over how much will come forward.
52. The PPG states that an increase in the total housing figure included in a local plan should be considered where it could help deliver the required number of affordable homes. Consequently, to be consistent with sustainable development I consider that a reasonable uplift of 5% is necessary.
53. This would also have other delivery benefits. There are indications that the rate of housing development could result in actual supply falling below planned supply, thereby risking deliverability of the five year housing land supply. As shown in the latest housing trajectories much of the five year housing land supply is expected to come forward from the strategic allocations. However, these allocations have long lead-in times and completions could be delayed, thereby affecting the trajectories' rate of delivery. Increasing supply would give more certainty of delivery and provide choice and flexibility, enabling a positive response to rapid change.
54. I have considered the effect of a 5% uplift in the light of paragraph 14 of the NPPF, and whether the adverse impacts of meeting either the OAHN or the uplift would significantly and demonstrably outweigh the benefits, or whether

specific policies in the NPPF indicate that development should be restricted. In my judgement, whilst there will be adverse environmental impacts from development³, and I go on to consider later in the report whether exceptional circumstances exist to meet some of the housing need on GB land⁴, I have not found sufficient reason to justify a lower housing requirement figure. Whilst this may still leave a shortfall in affordable housing, there is a balance to achieve, and in view of the constraints to development within the JCS area and the limited availability of suitable sites, a greater uplift would be inappropriate.

55. For these reasons, it is necessary for a sound plan to increase the economically-led OAHN figure of 33,500 by 5% (1,675 dwellings), which results in a housing requirement of 35,175 dwellings. In order to boost significantly the supply of housing in accordance with national policy, this requirement should be expressed as a minimum figure. Splitting this 5% uplift between the three districts results in minimum housing requirements of 14,359 dwellings for Gloucester, 10,917 for Cheltenham and 9,899 for Tewkesbury.
56. Accordingly, changes are needed to Policy SP1 (*The Need for New Development*) and its supporting text along with the insertion of Table SP1b, which sets out the requirements. This is achieved by **MM010**, **MM012**, **MM013** and **MM017**.

Strategic Housing Market Assessment (SHMA)

57. The JCS housing provision is underpinned by a SHMA, as updated, covering the six GHMA districts (Gloucester, Cheltenham, Tewksbury, Stroud, Forest of Dean, Cotswold), which seeks to balance the various types of housing need, including affordable housing. However, the originally submitted SHMA was not fully in accordance with the NPPF and PPG and was based on outdated evidence. For example, certain population groups were not adequately considered, such as the institutional needs of the elderly and students, and the affordable housing need assessment took private rented sector supply into account, contrary to the PPG. Consequently, a further SHMA update was prepared during the examination, which re-assessed the scale and mix of various housing types and tenures in accordance with national policy. This new evidence underlines the need for some amendment to the Plan as follows.

Affordable Housing

58. During the course of the examination, the Government, through the Housing and Planning Act 2016, introduced a duty for local authorities to promote the supply of Starter Homes, which will be included in the definition of affordable housing. Whilst this part of the Act has not yet been brought into force, it is likely to be implemented during the Plan period. Therefore, in order to be effective, an amendment is necessary to update the Plan, making general

³ See Issue 8 on strategic allocations

⁴ See Issue 7 on GB

reference to this.

59. The need for affordable housing was reconsidered during the course of the examination and revised figures produced in the further SHMA update. This bases housing cost affordability on up to 35% of gross income. From this, the unconstrained affordable housing need across the JCS is calculated as 638 units per annum. I have found no convincing evidence to reject this figure and its underlying workings.
60. The SHMA then proceeds to reduce this figure by excluding single person households under 35 years who can afford shared accommodation but cannot afford a one bedroomed self-contained unit. This is because the benefits system only provides assistance for single person households under 35 years old to be housed in shared and not self-contained accommodation.
61. There is no basis in the NPPF or PPG for reducing affordable housing need on the basis of the workings of the benefits system. Consequently, in my judgement, the affordable housing need figure should remain at 638 units per annum and the JCS should reflect this figure as a target for affordable housing.
62. The delivery of most affordable housing is intended to be through market housing schemes. However, following the *West Berkshire* Court of Appeal judgement⁵, which upheld the Secretary of State's Written Ministerial Statement of 28 November 2014, the PPG indicates that affordable housing and tariff style contributions should not generally be sought from sites of 10 units or less, which have a maximum combined gross floor space of no more than 1,000sqm. There is no compelling evidence to justify a departure from this. Consequently, for consistency with national policy and guidance, Policy SD13 (*Affordable Housing*) needs to be amended so that sites of 10 residential units or less are not required to contribute affordable housing.
63. Viability is a key factor in considering the quantum of affordable housing that should be generated through market housing development. New viability evidence submitted during the examination demonstrates that viability across the JCS area and between different development types differs significantly. Therefore, to ensure its effectiveness, the JCS needs to be modified to reflect a more flexible approach. This is achieved by setting down varied requirements for affordable housing contributions, taking account of infrastructure challenges and differing land values, amongst other things.
64. For local sites in Cheltenham and Tewkesbury, a minimum contribution of 40% is to be sought, whilst in Gloucester, the minimum contribution is to be 20%. If a development is unable to deliver the full requirement, any reduced contribution will need to be supported by a viability assessment conforming to an agreed methodology. In the interests of transparency, such assessments will in all but exceptional cases be published.
65. It is recognised that strategic allocations present different viability considerations to other sites and each one will have its own deliverability and

⁵ SoS for Communities and Local Government v West Berkshire District Council [2016] EWCA Civ 441

viability challenges. Therefore, balancing the need to provide for infrastructure with affordable housing contributions, the evidence suggests that generally a minimum figure of 35% affordable housing is likely to be viable. Nonetheless, to maintain flexibility, it is necessary to modify the Plan to ensure detailed viability evidence is submitted with each planning application and to determine the appropriate balance between affordable housing and infrastructure needs.

66. In designated rural areas, as described under section 157 of the Housing Act 1985, local planning authorities may choose to set a lower threshold of 5 units or less. Where a lower threshold is applied, developments of between 6 and 10 units would be subject to affordable housing contributions in the form of commuted payments only. There are parts of the JCS area that fall within this rural designation typology and each JCS authority wishes to retain the ability to apply a lower threshold in their own district, where appropriate. This is a justified approach and consequently, in the interests of a clear plan it is necessary for the JCS to reference the ability of District Plans to provide the details of lower thresholds in certain circumstances.
67. In order to ensure that the JCS is sound, main modifications **MM069** to **MM071** to Policy SD13 and its supporting text are therefore necessary. Subject to these modifications the viability evidence leads to my conclusion that the Policy is justified.

Older People's Housing

68. In order to be effective and avoid confusion over five year housing land supply figures, the JCS must be clear on the housing types and numbers that are counted towards the OAHN and those that are institutional and are not. This is particularly important because extra-care housing can sometimes be used as an alternative to care homes, somewhat blurring the distinction.
69. The further SHMA update identifies the need for 1,456 C3 use retirement/sheltered market housing units and 1,011 C2 use extra-care units over the Plan period. For the JCS these form part of the OAHN and are absorbed in the OAHN figures.
70. The further SHMA update also identifies the need for 1,558 non-specified institutional class C2 bed spaces for the Plan period, which would usually be provided in care homes or nursing homes. These bed-spaces are to be provided over and above the OAHN.
71. I understand that many of these bed-spaces will have been permitted by the time the JCS is adopted and provision for the remainder will be made through the District Plans. To be effective and provide a basis for any further development within the District Plans, the JCS should be amended to set out this position. This is achieved by **MM070a**.

Students

72. In order to be competitive, Gloucestershire University requires sufficient accommodation for its students. The further SHMA update indicates that additional growth in student numbers is estimated to result in about 450 new

private dwellings in the private rented sector over the plan period, although this growth has largely been accounted for in the OAHN and, therefore, no additional provision is required. However, over and above the OAHN, the evidence suggests a need for 1,500 bed-spaces in campus accommodation.

73. Planning permission was granted in 2015 for the development of a student village at the Pittville campus in Cheltenham, and Gloucester City and the County Council are currently planning for the Gloucester campus and additional student accommodation. Therefore, I understand that many of the required bed-spaces will have already been permitted by the time the JCS is adopted and provision for the remainder will be made through the District Plans. To be effective and provide a basis for any further development within the District Plans, the JCS should be amended to set out this position. This is achieved by **MM035** and **MM067a**.

Housing types overall

74. Subject to the identified modifications, the JCS policies as a whole appropriately address the need for all types of housing. As a result the Plan is consistent with the NPPF regarding inclusive design and accessible environments.

Housing Land Supply

75. Housing land supply is dealt with in several places within the JCS, namely, the section on delivery within the supporting text of SP1, Policy SP2 on distribution and within the monitoring section. However, there is no Housing Implementation Strategy (HIS) or trajectories contrary to the requirements of paragraph 47 (4th bullet). This was rectified by the submission of a HIS during the examination, which is a living document, a version of which was published for consultation alongside the schedule of proposed main modifications.

Shortfall

76. Whilst the JCS authorities have sought to meet the full housing requirement for the Plan period, it is apparent from the HIS that insufficient sites can be identified at present for Gloucester and Tewkesbury. Overall, against the requirement of 35,175, there is currently a supply of 31,824 dwellings, leaving a shortfall of 3,351. However, there appear to be a number of possibilities for locating additional land and, therefore, focused reviews of Gloucester's and Tewkesbury's supply are proposed.
77. Gloucester's shortfall is 1,346 dwellings although it has sufficient housing land for the short to medium term and this allows adequate time to consider additional development options both within and outside the JCS area. It is therefore intended to explore opportunities within the urban area, as well as potential new Strategic Urban Extensions (SUEs) in Tewkesbury Borough and Stroud District, taking account of the JCS authorities' Memorandum of Agreement with Stroud.

78. Accordingly, there should be an early review of Gloucester's housing land supply to meet its needs in the latter part of the Plan period (see Issue 11 monitoring and review below). This would be in accordance with the *Dacorum* judgement⁶ and guidance in the PPG.
79. Tewkesbury's identified shortfall in its housing requirement is exacerbated by the withdrawal of its main housing land allocation at MOD Ashchurch (2,125 dwellings to 2031) after the Defence Infrastructure Organisation delayed the site's release. This shortfall is approximately 2,400 dwellings.
80. Although parts of the overall site will still be available during the Plan period, including Aston Fields, there are access constraints and issues over how a suitable design could be achieved whilst the army camp remained on site. Consequently, uncertainty over sustainable delivery would make allocation at this stage unsound. Nonetheless, other parts of the land in the control of the Defence Infrastructure Organisation are likely to become available in the future providing a deliverable solution, although timescales are currently unknown.
81. Whilst I previously suggested⁷ that a site at Fiddington might be a possibility for allocation, on the evidence now before me, this would not be justified at present. Nonetheless, it could possibly be allocated in whole or in part in the future. The problem with allocation now is that part of the site has the potential to locate off-line improvements to the A46 corridor, which could address significant traffic flow matters that are constraining growth in the area. Without capacity enhancements to the A46, future development around the Ashchurch area would be limited. Furthermore, there are implications for wider regional highways strategies including Highways England's South Midlands Route Strategy that highlights capacity and safety issues around the M5 Junction 9 and the A46 through Ashchurch. At this stage, given the importance of establishing the most appropriate traffic solution, deliverability and site capacity at Fiddington are uncertain.
82. The JCS authorities have indicated that there are other options in the Tewkesbury town and Ashchurch area which have not been put forward through the JCS process but which are within the Tewkesbury Strategic Assessment of Land Availability (SALA). However, more investigation and evidence gathering needs to be undertaken to establish whether these sites are sustainable options for allocation.
83. Tewkesbury has not had sufficient time to respond to the significant changes to its housing land supply resulting from MOD Ashchurch. Consequently, I consider that, rather than prolonging the JCS examination further, an immediate review of Tewkesbury's supply should take place upon adoption of this Plan to explore additional possibilities (see monitoring and review). This review should be informed by masterplanning of the Ashchurch area, part of which would assess housing delivery options including an access and transport strategy. This review has already started and consultants were commissioned in June 2017.
84. Furthermore, I understand that Tewkesbury Borough Council has submitted a

⁶ Grand Union Investments Ltd. v Dacorum Borough Council [2014] EWHC 1894 (Admin)

⁷ Interim Report EXAM 232 paragraphs 156-159

bid for the Homes and Communities Agency Capacity Fund to support the delivery of growth in this area and unlock housing sites both within and beyond the Plan period. This includes exploring the potential to bring forward land parcels on the MOD Ashchurch site and considering the impacts and opportunities of an off-line A46 route.

85. Outside the JCS area Wychavon District Council has agreed to contribute 500 dwellings to Tewkesbury's supply through a housing-led development at Mitton. Developers are currently preparing an outline planning application, which is scheduled for submission in October 2017.
86. Tewkesbury Borough Council on behalf of the JCS Councils and Wychavon District Council on behalf of the South Worcestershire Councils have signed a Planning Statement setting out the direction of travel for the delivery of this cross-boundary site. It also contains an in principle agreement to develop a more formal Memorandum of Agreement, if deemed necessary. Moreover, as part of any review of the South Worcestershire Development Plan, The Councils will co-operate in considering whether any longer term unmet need in Tewkesbury Borough could reasonably be delivered at Mitton.
87. Whilst development at Mitton may arguably conflict with the Bredon Parish Neighbourhood Plan, which was made on 26 July 2017, this does not necessarily prevent development at Mitton, although it is a material consideration. Having read the submitted legal opinions and in light of Tewkesbury's need for housing, I am not persuaded that the JCS approach or that of Wychavon District Council is unsound or unlawful. It is an appropriate outcome to a duty to co-operate matter.
88. Therefore, taking all considerations into account, I am satisfied that Tewkesbury's housing land supply position is sound subject to immediate review as provided for by **MM123c**. This is in accordance with *Dacorum* and national guidance.

Trajectories and charts

89. In accordance with **MMs124-128**, trajectories and charts will be added to the JCS showing estimated delivery against requirements. Sources of supply are shown to come from strategic allocations and the cross-boundary Mitton site in Wychavon, District Plan potential, commitments, existing allocations (within adopted local plans) and windfall development.
90. I am satisfied that the estimated supply from strategic sites is based on realistic assumptions on lead-in times, and build-out rates and that potential District Plan allocations are supported by robust, up to date SALAs. The windfall allowance is appropriate and reflects past provision, and a suitable lapse rate has been applied to non-allocated, small sites of up to four dwellings, which takes the number of extant, non-implemented permissions in a base year and calculates the number of permissions lapsing over the next five years to get an average.
91. In accordance with the NPPF, paragraph 47 (2nd bullet), the most appropriate buffers have been applied to the five year requirements for each authority,

resulting in 5% for Gloucester, and 20% for Cheltenham and Tewkesbury due their persistent under delivery. These housing land supply buffers have been applied to both the housing requirement and the plan period shortfalls.

92. Although a 20% buffer is appropriate for Tewkesbury at present, Tewkesbury's supply position has recently been improving and, overall, it does not have a shortfall since the start of the Plan period. However, the situation is different for Gloucester and Cheltenham, which have accumulated shortfalls since the start of the Plan period. In accordance with the *Liverpool* approach, these shortfalls have been spread over the remainder of the Plan period. Whilst the PPG favours *Sedgefield*, it supports *Liverpool* in appropriate circumstances. In this case the Councils' reasons for wishing to pursue *Liverpool* are its partial reliance on large strategic allocations, which require the provision of significant infrastructure prior to the completion of dwellings. Using *Liverpool* would allow time for these sites to come forward to help meet the shortfall and deliver on-going annual requirements. In these circumstances, I take the view that the *Liverpool* method is justified.
93. The conventional approach to deriving the annual housing requirement is to divide the total number of dwellings for the Plan period by its number of years' duration to obtain a fixed, average annual figure. However, there is no specific policy or guidance necessitating this methodology. In the interests of ensuring that the future growth of the area can be guided by the Development Plan, the JCS authorities consider that a stepped approach is necessary for Cheltenham Borough.
94. For Cheltenham, as the strategic sites will take time to deliver, providing significant numbers in the mid to latter stages of the Plan, I consider that a stepped approach is justified. Consequently, the housing requirement during the early stages of the Plan has been set at a level that allows the authority to demonstrate a low-risk five year supply from the anticipated adoption of the JCS, increasing to a more ambitious target for the latter half of the Plan period. It is, therefore, recommended that the requirements for Cheltenham Borough be set at 450 dwellings per annum from 2011/12 to 2021/22, with a stepped increase to 663 dwellings per annum from 2022/23 to 2030/31.
95. For Tewkesbury, delivery has been strong over the past four years and as of July 2017 there was an oversupply of 254 dwellings against the annualised housing requirement of 495 for the Plan period. This strong delivery is expected to continue over the coming years until about 2020/21, as committed development is delivered, potentially producing an oversupply in the order of 1,400 dwellings. Cumulatively, on the current evidence, Tewkesbury is able to meet its housing requirements until 2024/25, when delivery is estimated to drop substantially with a shortfall likely to occur in 2025/26.
96. A step down in Tewkesbury's housing requirement from 2024/25 was proposed in the main modifications consulted upon in Spring 2017 in order to

maintain a rolling 5 year supply. However, it is now considered that a review to allocate additional supply will be completed before this date, and Tewkesbury's identified supply would meet requirements until then, rendering a step down unnecessary. This timescale for review is an appropriate response and is preferable to a stepped approach.

Five year supply

97. The anticipated adoption of the Plan is within the 2017/18 monitoring year and, accordingly, the five year supply has been calculated for the period 1 April 2017 to 31 March 2022. Using the methodology set out above, Gloucester can demonstrate at least 5.8 years of housing land supply, Cheltenham 6.00 years and Tewkesbury 5.3 years. However, by the time of adoption, it is estimated that Tewkesbury's supply will have risen to 6.3 years with a 20% buffer applied. Given Tewkesbury's strong delivery record to date during the early Plan period, this buffer could drop to 5% in the future, rendering the 5 years supply even greater.

Main Modifications required

98. On the basis of the updated housing evidence and particularly the HIS, a range of main modifications are required for the Plan to be effective.
99. The section on delivery needs to reflect clearly the contribution of strategic allocations, and local allocations in the forthcoming District Plans. The role and status of Neighbourhood Plans, which are also part of the Development Plan, should be referenced to reflect their potential to identify local sites and policies for future neighbourhood growth. Also, in the interests of positive planning, the JCS should reflect the support the authorities intend to give to the neighbourhood planning process.
100. References to over-supply should be deleted and the table setting out the JCS area's housing requirement needs to be amended. Changes are needed to recognise the contribution Wychavon is making to Tewkesbury's supply and to indicate that each of the JCS authorities is committed to considering the requirements of other authorities both within and outside the GHMA.
101. These amendments are achieved by **MM018** and **MM019**.
102. Policy SP2 (*Distribution of New Development*) and its supporting text also requires substantial alteration. Consequently, it has been re-written to reflect the revised figures and to explain where the supply is now intended to come from.
103. For Gloucester City, it states that the JCS will make provision for at least 14,359 new homes. At least 13,287 dwellings are intended to be brought forward from within the Gloucester City administrative boundary including the Winnycroft strategic allocation, and from the SUEs at Innsworth and

Twigworth, South Churchdown and North Brockworth within Tewkesbury Borough, and sites covered by any Memoranda of Agreement.

104. For Cheltenham it states that the JCS will make provision for at least 10,996 new homes. These are intended to be brought forward from within the Cheltenham Borough administrative boundary and cross-boundary SUEs at North West Cheltenham and West Cheltenham, both of which are partly in Tewkesbury Borough, and commitments covered by any Memoranda of Agreement.
105. For Tewkesbury Borough, outside the SUEs to Gloucester and Cheltenham, the JCS will make provision for 9,899 new homes. At least 7,445 will be provided through existing commitments, development at Tewkesbury Town, Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement or similar. It is intended that the Tewkesbury Borough Plan and Neighbourhood Plans will allocate in the order of 1,860 new homes in Rural Service Centres and around 880 new homes in Service villages. However, these numbers are set out as absolutes in the Plan and more flexibility is required to allow for changing circumstances and to ensure effectiveness.
106. The unmet needs of Gloucester and Cheltenham, beyond their administrative boundaries, are only to be delivered on identified strategic allocations and any other sites with an agreed sharing mechanism through a Memorandum of Agreement. In order to allocate any additional SUEs, a review of the Plan would be necessary.
107. It also needs to be clearly stated that local allocations made through the District Plans would have to be in conformity with the JCS spatial strategy and any allocations made through Neighbourhood Plans would have to be in general conformity with the Plan's strategic policies. Reference should also be made to consideration being given to meeting need within another local authority where it is clearly established that need cannot be fully met within the JCS area.
108. Table SP2a (*Distribution of development in the JCS area*) is to be replaced by a new table and retitled "Sources of housing supply in the JCS area". This sets out the figures from the various general sources of supply for each authority, including the contribution from Wychavon District of 500 dwellings to help meet Tewkesbury's requirement.
109. Table SP2b (*Geographical location of strategic allocation sites*) is also replaced by a new table that is retitled "*Apportionment of Strategic Allocation Sites*". This lists the various allocations and the contribution each makes to the housing land supply and, together with figures for the district capacities, indicates the total supply of 31,824 dwellings against the requirement of 35,175.

110. Corresponding changes to the supporting text are also necessary, referencing updated SALAs, reflecting updated trajectories, explaining why the shortfalls in Gloucester and Tewkesbury have come about and how these shortfalls are to be addressed.
111. These amendments are appropriately dealt with by **MM020, MM021, MM023, MM027, MM028** and **MM029**.

Conclusion

112. Subject to the identified main modifications, the Plan's housing requirements are soundly based. Although the JCS is unable to provide sufficient, deliverable housing at the current time, it appears that there are credible options for identifying additional supply within the Plan period. Accordingly, by giving a policy commitment to undertake early focused reviews of Gloucester's and Tewkesbury's supplies, this part of the Plan is made sound.

Issue 4 – Whether the Plan is based on a robust, objective assessment of employment needs and provides sufficient opportunities for economic growth.

113. A core principle of the NPPF (within paragraph 17, 3rd bullet) is to proactively drive and support sustainable economic development by identifying and then meeting business needs, whilst responding positively to wider opportunities for growth. However, the submitted Plan did not sufficiently consider economic development needs and how they should be met and, moreover, its economic policies were underpinned by inadequate evidence.
114. Consequently, amendments are required to those policies which address the Plan's economic strategy, namely Strategic Policies SP1 (*The Need for New Development*) and SP2 (*Distribution of New Development*), and also Sustainable Development Policy SD2 (*Employment*), as well as Policy SA1 (*Strategic Allocations Policy*).
115. During the examination extensive new employment evidence was submitted and round table events held to discuss economic issues. This evidence includes past trends, an analysis of supply and demand (including loss of employment land) and the most recent economic forecasts, which were considered against local intelligence on industry growth to provide projected economic trends. As I previously indicated in my Interim Report⁸, this new evidence provides a robust basis for the recommended main modifications discussed below.
116. Of significance is the *Nathaniel Lichfield and Partners Employment Land Assessment Update* of October 2015, which indicates that the current lack of

⁸ EXAM 232 paragraph 29 & 30

employment land within the JCS area threatens the economy by undermining the ability of existing companies to expand and new firms to invest in the area. It therefore concludes that the JCS should target the creation of 39,500 new jobs (in place of the 28,000 new jobs in the Plan) and set a framework for the delivery of a minimum of 192ha of B-class employment land (in place of the 64.2ha of employment land in the Plan).

117. On the basis of the new evidence and in the interests of positive planning the Councils propose an amended economic strategy reflecting the above conclusions which, although aspirational, is nonetheless realistic. This incorporates a vision which promotes a vibrant, competitive economy with increased job opportunities, taking account of the LEP's Strategic Economic Plan and the proposed growth focussed on the M5 corridor and particularly Junctions 9 and 10.
118. Reference is also made to the task force that has been established for evidencing the case for upgrading Junction 10 to an all movements junction, which would support accelerated growth of the area's economy. Aligned to this is the notion of a Principal Urban Area within the County, based around the promotion and regeneration of key urban centres and the balancing of economic potential with housing provision in the JCS area as a whole.
119. The sources of employment land supply are to include a mix of high quality and well-located strategic sites, existing undeveloped available employment sites, and potential smaller sites in the urban and rural areas. Amendments to Strategic Policy SP2 are required to reflect the new strategy.
120. The strategic allocations are expected to deliver at least 84ha of B-class employment land and the District Plans 48ha which, together with existing capacity of 63ha, is intended to give about 195ha of B-class employment land. Together with non B-class employment land, the strategic allocations are now set to deliver in the order of 112ha of employment land and to reflect this, amendment is needed to the strategic allocations chapter and specifically Table SA1, which sets out indicative development capacities.
121. Using information from the SALAs, the JCS *Economic Update Note* of February 2016 assesses the potential additional B-class capacity for each district as 7ha in Gloucester City, 1ha in Cheltenham Borough and 40ha in Tewkesbury Borough. This land is proposed for local employment allocations in the District Plans, which are also intended to provide for start-ups and flexible workspaces.
122. Furthermore, in order to prevent the incremental loss of existing employment land to non-employment uses, it is reasonable for the three districts to wish to evaluate the implications of safeguarding district employment sites. Therefore,

to achieve this it is necessary to modify the JCS to enable District Plans to provide for change of use in certain defined circumstances only.

123. Accordingly, provision should be made within the JCS for setting employment policies in those District Plans. This approach should ensure an adequate supply of employment land and premises and give choice and flexibility to support the intended employment growth.
124. It is not clear from the employment chapter whether it covers retail as an employment type. As the intention is to deal with retail separately, to be effective, its content should be modified to make clear that retail and other "A" class uses are not included. The title to the chapter should also be amended to reflect this.
125. Policy SD2 states that employment related development will be supported at strategic allocations in line with Policy SA1. However, whilst this is generally intended to refer to B class uses (except where non B class uses would support residential and B class development) the Plan does not state this and is, therefore, ineffective and requires amendment.
126. Priority is to be given to key growth sectors and specific local sectors. It is also proposed that support be given to new and existing enterprises and suitable education and training facilities to develop work-place skills. Moreover, employment-generating farm diversification projects, the re-use of rural buildings and appropriate rural new build are to be encouraged. These are justified aims and objectives and, in order to be effective, Policy SD2 needs modification to reflect all of this and to identify the key growth sectors.
127. Cheltenham racecourse, Gloucestershire airport and Gloucestershire university are of significant economic importance to the JCS area and, in order to be sound, more support needs to be given to their development within the Plan. Modifications are recommended to address this in context by setting out the substantial contributions they make to the economy.
128. Despite the importance of tourism to the JCS area, little mention is made of it within the Plan. Therefore, to address this and to provide a supporting framework for appropriate tourist development, modifications are necessary to outline each district's strategies for promoting tourism.
129. Regeneration is a high priority for certain identified urban areas within Gloucester, Cheltenham and Tewkesbury and each of these districts has economic strategies to bring about development in these areas. However, the Plan makes no reference to them, rendering it ineffective in this regard. Consequently amendments are necessary to incorporate references to the relevant strategies, the documents within which they are contained, and the bodies involved, as appropriate, thereby ensuring the Plan's consistency with

these strategies and providing a framework for any regeneration policies that might be included within the forthcoming District Plans.

130. To maximise promotion of the economy, support is to be given to employment related development within other areas. However, not all intended types of location have been identified in the JCS. Consequently, to ensure its effectiveness, amendments are needed to express support for development at the following: allocations within the Development Plan; land in existing employment use; where there is a change of use on an appropriate scale from non-B class to B class; within Gloucester City, the Principal Urban Area of Cheltenham, or Tewkesbury Town; locations within or adjacent to existing employment areas; where it would allow expansion of existing businesses; and where it would support small to medium enterprises.
131. In order to incorporate all of the above into the JCS, amendments are required to Policies SP1, SP2, SD2 and SA1 along with changes to the supporting text and tables. This is achieved by **MM010, MM013, MM016, MM020, MM025, MM032 to MM036, and MM103.**

Conclusion

132. Subject to the identified main modifications, I conclude that the Plan is based on a robust, objective assessment of employment needs and provides sufficient opportunities for economic growth. On this basis, I find this part of the Plan to be sound.

Issue 5 – Whether the retail strategy properly addresses need and supply and complies with national policy.

133. The evidence underpinning Policy SD3 (*Retail*) and its supporting text was updated during the course of the examination with the production of a *JCS Retail Study Update*. This shows that, on a constant market share basis, a substantial unmet comparison goods need will arise for Cheltenham and Gloucester after 2021. Until then, it suggests that both centres will have sufficient supply, with the shortage becoming apparent thereafter.
134. However, with respect to Gloucester, two commitments have been counted in the comparison goods supply for the period up to 2021, which ought to be removed for reasons of deliverability. In considering this I have drawn an analogy with NPPF footnote 11 of paragraph 47, which gives direction on how to assess deliverable housing sites. Footnote 11 advises that, amongst other things, to be deliverable there must be a realistic prospect that housing will be delivered on the site within five years. It also states that sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years.
135. Whilst the commitment at Tesco Extra St. Oswalds has been subject to a technical start, and as a matter of fact has been implemented, the evidence

suggests that minimal work has been done and then only to keep the permission alive. It is common ground that the site is being marketed for sale and, therefore, it is highly unlikely that the scheme will progress. A common sense approach should be taken and, as there is little prospect of the Tesco permission being delivered in practice, it should be discounted.

136. With respect to the other commitment at the Interbrew site, the evidence suggests that Costco (the end user of the retail planning permission) has confirmed to Gloucester City Council that it no longer has an interest in proceeding. Marketing sales particulars and an e-mail from an interested party indicates that the site will be refurbished for existing uses. On this basis it appears highly unlikely that the retail planning permission will be delivered and, therefore, it should be discounted.

137. Subject to adjustments being made for the removal of the sales areas for the two identified commitments, working on a constant market share basis, I accept the figures in the *Retail Study Update* which, in the interests of positive planning, should be expressed in the Plan as minima and not caps. There is, however, an issue over whether the figures should be based on a constant market share basis. Nonetheless, I do not propose to deal with this in my report, as I am recommending an immediate review of retail policy for the reasons given below and it would be more appropriately addressed at that stage.

138. The NPPF at paragraph 23 (sixth bullet) requires suitable sites to be allocated to meet retail needs in full, and there is an identified need during the Plan period which, having discounted the identified commitments from the supply, is immediate. The JCS indicates that supply will be dealt with in the forthcoming District Plans. However, this takes no account of the strategic nature of the sites under consideration, which are for major developments of more than local importance. In accordance with the NPPF, paragraph 156 (second bullet), the JCS should make clear that it covers strategic retail allocations, whilst local allocations are to be left to the District Plans.

139. However, in view of the dearth of site evidence before me, the lack of any SA on retail sites, and the fact that no call for strategic retail sites has been made during the preparation of the JCS, I am not in a position to make strategic retail allocation recommendations. Waiting for this evidence would cause a significant delay to the JCS and would not be in the public interest. Therefore, considering the *Dacorum* judgement⁹, in order to resolve this soundness issue, a policy commitment should be made within the JCS to undertake an immediate review of retail policy.

140. Furthermore, contrary to paragraph 23 (third bullet) of the NPPF, town/city centre boundaries for Gloucester, Cheltenham, and Tewkesbury, which are centres with more than local impact, have not been defined. This is of

⁹ Grand Union Investments Ltd. v Dacorum Borough Council [2014] EWHC 1894 (Admin)

particular concern in relation to Gloucester, which has no extant local plan and, therefore, no existing defined town centre boundary.

141. The emerging Gloucester City Plan has a draft City Centre boundary for Gloucester, a Primary Shopping Area and Primary and Secondary Shopping Frontages and it is proposed that these all be incorporated into the JCS. The Policies map will require corresponding changes to ensure the soundness of this policy. These boundary designations will be included in the immediate review of retail policy, which will consider their justification in the light of forthcoming retail evidence.
142. With respect to Cheltenham and Tewkesbury, insufficient work has been carried out to identify updated town centre and shopping frontages although, there are relevant saved policies in both the existing Cheltenham and Tewkesbury local plans. Consequently, pending an immediate review of designations and their inclusion in the JCS, new retail development will be encouraged in accordance with the saved local plan policies. This should be explicitly set out in Policy SD3.
143. Other amendments to the supporting text of Policy SD3 are proposed to set out structural changes in the retail market due to internet shopping, and to explain regeneration strategies.
144. Modifications **MM037** to **MM043** address all of these matters.

Conclusion

145. Even with the identified main modifications, I conclude that there are shortcomings in the Plan's retail strategy. However, subject to an immediate review of Policy SD3, this strategy can be made sound, and in these circumstances the shortcomings are not fatal to the overall soundness of the Plan.

Issue 6 – Whether the Plan makes sufficient and appropriate provision for Gypsies, Travellers and Travelling Show-people.

146. The JCS identifies a strategic need for Gypsy and Traveller accommodation, based on now superseded national policy, and proposes that much of this be met on strategic housing sites. There has been considerable objection to this and little support. Following the publication of new national policy in *Planning policy for traveller sites (PPTS)*, August 2015, an updated GTAA dated March 2017 was prepared. This demonstrates a reduction in the need for Gypsy and Traveller pitches from 151 pitches to 83, due largely to temporary planning permissions having been made permanent and the evidence-based use of lower HFRs.

147. Taking the re-definition for planning purposes of Gypsies, Travellers and Travelling Showpeople in the PPTS, which excludes non-travelling households, the need for 83 pitches is shown to further reduce over the Plan period. There is a slight increase in the need for Travelling Show-people plots, mainly due to the large numbers of children on site who are likely to form their own households during the Plan period, with the GTAA (March 2017) identifying a need for 30 plots for those who meet the PPTS (2015) definition, and 10 plots for those whose status is not known; of which the GTAA identifies that 70% are likely to meet the definition.
148. The methodology behind this assessment incorporates a full demographic study of all occupied pitches, a comprehensive effort to undertake interviews with Gypsy and Traveller households, and consideration of the implications of the new national policy. I am satisfied that the GTAA provides a robust and credible evidence base and I accept its findings.
149. The previous 2013 GTAA stated that, if transit pitches were considered necessary, a transit site of at least 10 pitches should be provided in Gloucestershire or a temporary toleration policy be established for Gypsies and Travellers moving through the County. Since then, two transit sites have been granted planning permission in Gloucestershire creating 14 transit pitches in total. Consequently, this need has been met. However, the 2017 GTAA presents alternative options to further meet any future need in any event.
150. The evidence now demonstrates that for those Gypsies and Travellers that fall within the PPTS (2015) definition there is a five year land supply. For Travelling Showpeople there is confidence that the five years supply will be further addressed through local allocations in district level plans and windfall sites guided by Policy SD14. Although there is currently an unknown element to the need for both groups, the evidence is that 10% of Gypsy and Traveller and 70% of Travelling Showpeople households are likely to meet the PPTS (2015) definition. As such there is no longer a strategic requirement for Gypsy, Traveller or Travelling Showpeople sites and therefore no need to site pitches or plots at strategic allocations. Further site allocations will be explored through the district level plans. Consequently, to ensure appropriate and effective delivery, modifications to the Plan are recommended removing the requirement for strategic allocations.
151. Section 124 of the Housing and Planning Act 2016 broadens the duty on local authorities to consider the needs of the wider community who reside in caravans or houseboats. This includes people who are no longer classified as Gypsies, Travellers and Travelling Showpeople. Consequently, the JCS authorities should make provision for those people who fall outside the PPTS definition but who have a need to reside in caravans.

152. To address this, such provision, including culturally appropriate accommodation, is to be considered as part of the overall housing mix and will be dealt with through the forthcoming District Plans. This should ensure that needs are planned for in appropriate accommodation in line with DCLG's *Draft guidance to local housing authorities on the periodical review of housing needs: caravans and houseboats* (March 2016). Accordingly, I recommend modifications to Policy SD12 (*Housing Standards*).
153. Furthermore, as part of the mix of affordable housing provision, it is necessary to consider the affordable housing needs of Gypsies, Travellers and Travelling Showpeople. The affordable housing requirement of the travelling community, identified as "public" in the GTAA, will be addressed as part of the overall affordable housing requirement, as set out in Policy SD13 (*Affordable Housing*).
154. According to a *note* produced during the examination, namely *Viability and Impact of Gypsy and Traveller*, there appears to be sufficient headroom for residential sites to contribute to Gypsy and Traveller site provision. Therefore, taking account of the *West Berkshire* Court of Appeal judgement¹⁰ and the Written Ministerial Statement of 28 November 2014, a modification to chapter SD13 is justified for soundness. This would ensure that financial contributions from market housing development towards affordable Gypsy, Traveller and Travelling Showpeople pitches and/or plots are considered, as appropriate.
155. Furthermore, in seeking to maintain supply, existing permanent residential and transit sites are to be protected from alternative use development but do not need to be shown on the policies map.
156. To reflect this updated position and ensure the strategy is effective, modifications **MM072** to **MM077** to Policy SD14 (*Gypsies, Travellers and Travelling Showpeople*) and its supporting text are necessary. A corresponding amendment to the policies map will also be required to ensure the soundness of this policy. Similarly, modifications **MM067** to Policy SD12 (*Housing Mix and Standards*), and **MM0071** to the supporting text of Policy SD13 (*Affordable Housing*) are necessary.

Conclusion

157. Having regard to the public sector equality duty and article 8 of the European Convention of Human Rights, I am satisfied that, subject to the identified main modifications, the Plan makes sufficient and appropriate provision for Gypsies, Travellers and Travelling Show-people. Accordingly, I find this part of the Plan to be sound.

¹⁰ SoS for Communities and Local Government v West Berkshire District Council and Reading Borough Council, 11 May 2016, [2016] EWCA Civ 441

Issue 7 – Whether exceptional circumstances exist for the proposed removal of land from the Green Belt.

158. Policy SD6 (*Green Belt*) sets out the Plan's strategic direction for release of land from the GB, also for development within the GB and for GB protection.
159. The Gloucester/Cheltenham GB is one of the smallest in England and the large areas proposed for removal represent a significant proportion of its entirety. In accordance with paragraph 83 of the NPPF, GB boundaries should only be altered in exceptional circumstances.
160. The main purpose of GB designation between Gloucester and Cheltenham is to prevent the merger of Gloucester and Cheltenham, with other purposes being the prevention of urban sprawl and the preservation of open character. The purpose of a subsequent GB extension north of Cheltenham is to prevent the coalescence of Cheltenham with Bishop's Cleeve.
161. From the submitted evidence, and particularly *The Broad Locations Report*, it is clear that development opportunities are constrained in large parts of the JCS area by significant flood risks and potential impacts on The Cotswolds AONB, amongst other things. Following a sequential approach to sustainable site identification, it is apparent that there is insufficient deliverable/developable, non-GB land within the JCS area to meet its development needs. This is borne out by the Strategic Housing Land Availability Assessments (SHLAAs), Strategic Employment Land Availability Assessments (SELAAs) and SALAs.
162. The possibility of making contributions to the JCS area's housing land supply from cross-border sites in other local authority areas has also been explored under the duty to co-operate. However, apart from about 500 dwellings in Wychavon, no other sites are currently accessible to the JCS authorities. Discussions are continuing with Stroud and Wychavon and options will be assessed as part of the forthcoming housing land supply review for Gloucester and Tewkesbury. Nonetheless, without the use of GB land, there would be no prospect of meeting the housing requirement for the JCS area.
163. Therefore, taking full account of constraints and the outcomes of cross-border exploration, removal of land from the GB is needed, so far as is justified, to contribute to housing provision and the five year supply. In coming to this conclusion, I have considered paragraph 14 of the NPPF. For the GB releases identified below, I find that the adverse impacts of removing land from the GB would not significantly and demonstrably outweigh the benefits of contributing towards housing and other development needs. Nor are there policies within the NPPF that indicate that development on this land should be prevented in principle.

164. The JCS authorities relied on AMEC's 2011 GB assessment in carrying out their review of the GB and selection of strategic allocations. This report is the most up-to-date analysis of the area's GB and considers how strategic segments of the GB perform against the purposes of including land within the GB. I am satisfied that its methodology results in a robust evaluation.
165. I have also taken account of the 2007 AERC Report (covering Cheltenham administrative area only), which I find to be robust in its consideration of local, smaller GB segments.
166. From these reports and other submitted evidence, and for the reasons set out in my Preliminary Findings¹¹, Interim Report, and July 2016 Note of Recommendations, I have drawn the following conclusions.
167. There are exceptional circumstances for GB release at four of the five proposed strategic allocations within the GB. These are Innsworth (plus land at Longford), South Churchdown, Brockworth and North West Cheltenham. However, exceptional circumstances do not exist for GB release at the fifth proposed strategic allocation of North Churchdown¹².
168. North Churchdown would have contributed to Gloucester's housing supply and, as previously indicated, Gloucester is unable to meet its housing requirement for the full Plan period. Nonetheless, there are exceptional circumstances for land to be removed from the GB at Twigworth, which would contribute a greater level of housing supply to Gloucester than North Churchdown. Accordingly, Twigworth is recommended as an additional strategic allocation.
169. Part of identified land at West Cheltenham, which is proposed for GB release as safeguarded land in the Plan, is now recommended as an additional strategic allocation (see below). It is in a sustainable location and its release is justified for development.
170. To be effective, the JCS should state what strategic allocations are within the GB and make clear that the relevant land is to be released from the GB. It does not do this and, therefore, requires modification.
171. As regards potential future development needs, the Plan contains two areas of safeguarded land proposed for GB release at North West Cheltenham and West Cheltenham. This is in accordance with paragraphs 83 and 85 (3rd & 5th bullets) of the NPPF, which seek the endurance of reviewed GB boundaries for the long term beyond the Plan period and, where necessary, the identification of safeguarded land to meet future development needs.

¹¹ See particularly *Inspector's Preliminary Findings on Green Belt Release, Spatial Strategy and Strategic Allocations* (EXAM 146) paragraphs 67-120

¹² *Ibid* paragraphs 78-81

172. The North West Cheltenham safeguarded land cannot be allocated as a SUE at present for reasons of deliverability largely due to traffic issues, but has potential for future development. The West Cheltenham safeguarded land cannot currently be allocated as a SUE pending relocation of the Hayden Sewage Treatment Works by Severn Trent Water, due largely to odour emission issues. An area of GB around the works is identified in the Cheltenham and Tewkesbury Local Plans as a Development Exclusion Zone. The JCS will replace this designation with an odour monitoring zone where odour modelling will take place to demonstrate where development can occur. This should identify potential areas for future development.
173. Both the North West Cheltenham and West Cheltenham proposed areas of safeguarded land are in sustainable locations, although it should be made clear that any future development is to be well integrated and physically linked to Cheltenham as part of the SUEs. Exceptional circumstances exist for the release of these areas from the GB and their safeguarding is justified.
174. Additional land is recommended to be safeguarded at Twigworth, which is currently not identified within the Plan. This land is in a sustainable location, adjacent to the proposed Twigworth strategic allocation, and together these two areas provide strong and defensible GB boundaries in accordance with paragraph 85 (6th bullet) of the NPPF. Whilst there are currently deliverability issues, this area has the potential to contribute to Gloucester's housing supply later in the Plan period, although the JCS should make clear that development is to be well-integrated and physically linked to the urban area of Gloucester. Exceptional circumstances exist for the release of this land from the GB and its safeguarding is justified.
175. The Plan also identifies other, relatively small, local alterations to the GB boundary. Apart from releases at Shurdington, exceptional circumstances exist for the removal of all of these areas from the GB¹³. Whilst not identified in the Plan, the Policies Map also shows land being released from the GB within the AONB south east of Brockworth. It was agreed at the hearing sessions that exceptional circumstances do not exist for this release. Therefore, it is recommended that the Plan makes clear that this area is retained within the GB and that, to ensure the soundness of the GB strategy, a corresponding change is made to the Policies Map.
176. Two other relatively small areas are proposed for GB release, which are not identified within the Plan. One is located at Grovefield Way in the area of The Reddings where development is being built out. The other is in the area of the Old Gloucester Road and Arle Nurseries, which would provide a more appropriate GB boundary to the north of the West Cheltenham allocation and to the south of the North West Cheltenham allocation. Exceptional circumstances exist for both of these releases.

¹³ Ibid paragraphs 115-120

177. In addition to the extensive review of the GB underpinning the Plan, the JCS authorities wish to have the option of carrying out a limited review of the GB through their forthcoming District Plans. It is reasonable for limited alterations to be made to the GB boundary through the District Plans where this is justified by exceptional circumstances. However, the JCS does not provide the framework for this. Therefore, in order to be effective, SD6 requires modification so that the JCS provides reasonable flexibility to allow this process to take place.
178. The Plan designates Gloucestershire Airport, Cheltenham Racecourse, and waste management sites (allocated in the Gloucestershire Waste Core Strategy) as developed sites within the GB, where co-location of additional development that is essential to the use of these facilities could have wider benefits and, therefore, be justified. However, to provide more flexibility to the waste industry, existing waste management facilities operating in accordance with extant planning permissions should also be included in the designation but do not need to be shown on the policies map. Therefore, in the interests of effectiveness, it is necessary to modify the Plan to reflect this.
179. Also, the wording of Policy SD6 does not reflect the more positive approach to waste management development within the GB that is set out in the Waste Core Strategy. Therefore, in the interests of consistency and to ensure that the Waste Core Strategy is properly considered, SD6 should be modified to state that future waste development on allocated sites in the GB will be in accordance with the Development Plan (which includes the Waste Core Strategy), as well as national policy.
180. With respect to the Racecourse, in recognition of its national standing and importance to the local economy, there should be support for more racecourse related development. The Racecourse Policy Area, within which the JCS provides for appropriate development to take place, is too limited. Therefore, to be effective, the Racecourse Policy Area should be increased and the Policy modified to allow for a new hotel or conferencing facilities.
181. In order to reflect all the above, amendments are required to Policy SD6 and its supporting text. These are addressed by **MM050** to **MM055**. Corresponding changes are also to be made to the Policies Map to ensure the soundness of this Policy.

Conclusion

182. Subject to the main modifications identified, I conclude that exceptional circumstances exist for the proposed removal of land from the GB. Consequently, I find this part of the Plan to be sound.

Issue 8 – Whether the proposed strategic allocations are justified and whether they provide sufficient direction for proposed development.

183. The JCS strategic allocations are set out in Policy SA1 (*Strategic Allocations Policy*). In my Preliminary Findings, Interim Report and Note of Recommendations I addressed both the strategic sites within this Policy and

omission sites in some detail, and for the reasons given in those documents I draw the following conclusions.

184. The strategic allocations of Innsworth (A1), South Churchdown (A3), North Brockworth (A4), North West Cheltenham (A5), and Ashchurch (A9) are sound. However, the allocation at North West Cheltenham should ensure that a green buffer remains around Swindon village within which Local Green Space may be designated, the detailed boundaries of which are to be left to the forthcoming Cheltenham Local Plan. Whilst Ashchurch is allocated for employment uses in the JCS, outline planning permission was granted in March 2016 by the Secretary of State for retail-led development. Therefore, to be effective, modifications are needed to amend the use of this allocation to "employment generating" development, which would include retail.
185. The strategic allocations at North Churchdown (A4) and Leckhampton (A6) are unsound. However, a reduced local allocation could be made at Leckhampton in the forthcoming Cheltenham Local Plan, which should also designate Local Green Space within this area. Whilst I previously commented that an allocation in the order of 200 dwellings at Leckhampton might be reasonable, this was only an approximation and intended to indicate a scale below the strategic threshold for the JCS. The final figures should be based on a full assessment of the area to provide the evidence base to underpin an appropriate allocation.
186. Whereas I previously found the MOD site at Ashchurch (A8) to be sound, due to the Defence Infrastructure Organisation since deciding to retain the majority of the site for at least the next 10 years, the JCS authorities propose removing it from the Plan. I accept that, for reasons of deliverability, its allocation is no longer sound and it is appropriate to remove it.
187. The remaining capacity within the strategic allocations is insufficient to meet the housing and employment requirements for the JCS area. Therefore, the sites of Winnycroft, Twigworth and West Cheltenham are proposed as additional strategic allocations.
188. The majority of the site at Twigworth is located in Flood Zone 1. However, concerns have been raised about flooding, particularly pluvial flooding which present some challenges. Nonetheless, updated flood risk evidence commissioned by the JCS authorities indicates that proposed development of the site would not be unsafe and there are no flooding reasons that should prevent allocation. This was debated by the relevant experts and others at the modification hearings and, having considered all representations on the matter and undertaken visits to Twigworth, I am persuaded that flood risk can be made acceptable by appropriate mitigation measures at application stage.
189. With respect to heritage, although the JCS authorities' consultant has some concerns over the impacts of development at Winnycroft and Twigworth, these issues are not insurmountable and could be addressed at application stage. Consequently, heritage constraints do not prevent the sites being allocated.
190. Winnycroft now has the benefit of outline planning permission for 420 dwellings on part of the site and an application for up to 250 dwellings is being considered on the other part. Consequently, it should contribute to

Gloucester's five year housing land supply. There has been some debate over whether the allocation could be expanded to incorporate adjacent land which is being promoted by developers and would increase supply further. However, there are significant issues on this land that require further detailed assessment before it could be allocated, and it would be unreasonable to delay the JCS any further pending such investigations. Therefore, this additional land cannot be included in the JCS.

191. Since writing my Interim Report, the proposed area for the West Cheltenham strategic allocation has increased, using more of the previously proposed safeguarded land in order to uplift housing numbers from 500 to 1,100 dwellings and to provide a Cyber Business Park adjacent to GCHQ, which will be a dedicated facility of national importance. I am told that the proposed Cyber Business Park has been awarded £22 million of government Growth Deal funding, secured through the LEP and Department for Transport to accelerate its development and underpin highway infrastructure needs.
192. Although there is local concern over this allocation, having undertaken site visits and considered carefully all representations, I am satisfied that appropriate design and mitigation measures can overcome the issues. Furthermore, the increase in housing numbers will assist with the viability of re-locating the Hayden Treatment Works on the safeguarded land, for which Severn Trent Water is exploring options. As indicated previously, this site is in a sustainable location and, given Cheltenham's requirement for additional housing and employment land during the Plan period, its allocation is essential in meeting Cheltenham's development needs.
193. In summary, there are no overriding constraints that would prevent Twigworth, Winnycroft or West Cheltenham being allocated. Therefore, on this basis and for the reasons set out in my Interim Report and Note of Recommendations, I find these proposals to be sound.
194. As a result of these alterations in allocations, the quantity and location of housing and employment land supply has changed and, therefore, to be effective, the Plan needs to reflect this. Consequently, Table SA1, which sets out the housing and employment targets for each site, should be modified accordingly.
195. Policy SA1 and the indicative site layouts do not provide sufficient detail to give clarity to developers, local communities and other interested persons about the nature and scale of development and, therefore, do not conform to NPPF paragraph 157 (fifth bullet) and the PPG. Whilst the intention was to provide a comprehensive master-plan in addition to and separate from the JCS, it is inappropriate to defer important details to an un-examinable document.
196. Therefore, I recommend that, rather than having one general strategic allocations policy, each strategic allocation has its own specific policy setting out the key principles on what it is expected to deliver, along with revised indicative site layouts. An amended Policy SA1 is to remain, giving general direction to developers to ensure sustainable development with comprehensive infrastructure across the site and an appropriate transport strategy to support delivery. A comprehensive masterplan is required for the whole area of each

allocation. Nonetheless, to be effective, and to avoid potential unintended delivery consequences, (such as part of an allocation being stopped from coming forward due to masterplanning on another part being delayed), a modification is necessary to introduce flexibility into the policy.

197. To reflect all of the above, amendments are required to the strategic allocations chapter of the Plan. This is achieved by **MM101** to **MM120**, which also remove remaining references to the former strategic allocation A7 at Up Hatherley Way, South Cheltenham, which was taken out of the Plan at pre-submission stage. Corresponding changes to the Policies Map are also required to ensure the soundness of the policies.

Conclusion

198. Subject to the identified main modifications, I conclude that the proposed strategic allocations are justified and provide sufficient direction for proposed development. I therefore find this part of the Plan to be sound.

Issue 9 – Whether other Sustainable Development Policies are sufficiently comprehensive and justifiable.

199. Part 4 of the Plan contains the Sustainable Development Policies SD1 to SD15, some of which have been dealt with above (SD2, SD3, SD6, SD13 and SD14). Policies SD5 (*Design Requirements*) and SD7 (*Landscape*) are sound as written, the former making sufficient provision for inclusive design and accessible environments in accordance with the NPPF. Issue 9 addresses the remainder of the Sustainable Development Policies (SD1, SD4, SD8 to SD12 and SD15).

Policy SD1 (Presumption in Favour of Sustainable Development)

200. Policy SD1 simply reflects the NPPF. As it is no longer a requirement of Government to include such a policy in local plans, it is proposed to remove it. **MM031** does this.

Policy SD4 (Sustainable Design and Construction)

201. Policy SD4 requires amendments to comply with the Written Ministerial Statement of 25 March 2015 and the PPG relating to technical standards for new dwellings. Accordingly, references to exceeding national standards, zero carbon buildings, the Code for Sustainable Homes, BREEAM, and a 10% target reduction of carbon dioxide emissions from energy demand through on-site renewables, should all be removed. Furthermore, there ought not be any reference to forthcoming District Plans setting requirements in this regard.
202. Also, to ensure compliance with the Waste Hierarchy, National Planning Policy for Waste and the Gloucestershire Waste Core Strategy, the Policy should set out an expectation that all development incorporates the principles of waste reduction and re-use.
203. Pending the designation of Minerals Safeguarding Areas in the forthcoming Minerals Local Plan for Gloucestershire, the JCS should include a requirement

for a minerals assessment where development might sterilise mineral resources. The wording of the existing requirement should be modified in the interests of clarity and effectiveness.

204. **MM044** to **MM049** address these amendments.

Policy SD8 (The Cotswolds Area of Outstanding Natural Beauty)

205. Policy SD8 aims to protect the Cotswolds AONB. However, no mention is made of the potential impact of development "within the setting of" the AONB. Therefore, to ensure its coverage is comprehensive and justified, **MM056** is necessary to make reference to "setting".

Policy SD9 (Historic Environment)

206. Whereas Policy SD9 requires development proposals at strategic allocations to have regard to the *JCS Environment Assessment*, it does not explicitly require potential impacts on heritage assets and mitigation measures to be assessed. Therefore, to ensure it is effective, **MM057** inserts this requirement into Policy SD9.

Policy SD10 (Biodiversity and Geodiversity)

207. The provisions of Policy SD10 do not explicitly extend to preventing unacceptable impacts of development both within and surrounding designated sites. To be effective, this needs to be made clear in the Policy. Furthermore, to comply with paragraph 117 (2nd bullet) of the NPPF, the Policy should identify and map components of the local ecological networks. It is therefore proposed to incorporate the Gloucestershire Nature Map within the Plan to comply with National policy. These amendments are addressed by **MM058** to **MM060**.

Policy SD11 (Residential Development)

208. Policy SD11 guides new housing development to sustainable and accessible locations. However, to be effective it needs to clarify what housing locations it relates to, and amended policy wording is necessary to do this. Also, the reference to the evidence base for carrying out annual assessments of land availability needs to be updated to refer to the SALA rather than the SHLAA.

209. The supporting text in the Plan encourages proposals that bring empty space back into use. The proposed main modifications that were consulted upon in Spring 2017 erroneously removed this text. It has now been re-instated.

210. **MM061** to **MM064** deal with these amendments.

Policy SD12 (Housing Mix and Standards)

211. Policy SD12 is not consistent with the Written Ministerial Statement of 25 March 2015 on technical standards for new dwellings. This changes National policy so that it now requires minimum standards to be dictated by Building Regulations, although local plans have the option of incorporating tighter national standards in respect of access, water and space where there is evidence of local need and where viability is not compromised. The JCS does

not propose incorporating the national optional standards but provision is to be made for the forthcoming District Plans to re-visit this matter, if appropriate. This will allow flexibility when local circumstances are considered further. Accordingly, amendments are required to reflect the updated position.

212. With respect to housing mix, the Plan does not adequately address the needs for all types of housing and the different groups in the community, as set out in paragraphs 50 and 159 of the NPPF. To rectify this, reference should be made to the needs of the disabled, as well as the cultural needs of Gypsies, Travellers and Travelling Showpeople. Also, the reference to the evidence base for the housing mix should include the 2015 SHMA update. Subject to the required amendments, dealt with by **MM065a** to **MM068**, this Policy complies with national policy.

Policy SD15 Health and Environmental Quality

213. A health impact assessment is required by this Policy for proposed development at strategic allocations and other locations at the discretion of the local planning authority. However, to be justified, a more flexible approach is required. Therefore, it is proposed that such assessments be submitted "as appropriate" and that applications which may require health impact assessments be screened in the first instance to determine whether it is necessary for a full assessment to take place. These amendments are dealt with by **MM078** and **MM079**.

Conclusion

214. Subject to the identified main modifications, I conclude that these other Sustainable Development Policies are sound.

Issue 10 – Whether appropriate, evidence-based provisions for delivering suitable infrastructure have been made.

215. Part 5 of the Plan deals with the specific Infrastructure Policies identified as INF1 to INF8.

Policies INF1 (Access to the Transport Network) and INF2 (Safety and Efficiency of the Transport Network)

216. At the start of the examination there was very little transport evidence submitted to support the Plan and, given the extent of outstanding, controversial issues, this was a serious omission. To address this shortcoming, a JCS Transport Evidence Working Group was set up to produce the evidence necessary to underpin the JCS.
217. This Group consists of officers and their appointed consultants from Gloucestershire County Council, Highways England and the JCS authorities. It has now produced a comprehensive *Transport Evidence Base*, which sets out the relevant transport evidence for the JCS area, including an assessment of the strategic allocations and proposed mitigation packages.

218. Over the course of the examination the JCS authorities submitted several transport mitigation scenarios prepared by consultants to demonstrate how potential highway capacity and safety problems could be reduced. Until recently these scenarios were all based on the Central Severn Vale SATURN 2008 base year peak hour models, which were somewhat outdated.
219. An updated 2013 based Central Severn Vale SATURN model was therefore developed, which was validated in March 2017. This was used to test various modelled traffic scenarios to understand the cumulative impact of development including schemes completed since 2013, future committed schemes and the proposed strategic allocations.
220. Although the volume of traffic in the JCS area is set to significantly increase during the Plan period, the evidence suggests that JCS development will only account for a small proportion of this overall traffic growth. The updated modelling scenario *Do Something 7* (DS7) indicates that mitigation strategies could be developed to significantly reduce the cumulative impact of the growth envisaged by the JCS including the traffic impact of the strategic allocations.
221. These strategies are set out in the JCS authorities' Transport Implementation Strategy (TIS), which is a living document that sits alongside the JCS. It concludes that the DS7 scenario represents an effective and viable transport strategy to support delivery of the JCS. It demonstrates how additional trips from JCS development can be accommodated on the network, whilst ensuring the transport network is able to adequately function. This has involved balancing affordability, new infrastructure and travel choices with a key element being the greater use of alternatives to the car.
222. The TIS complements Gloucestershire County Council's *Local Transport Plan 2015-2031* (LTP), which is the key document for dealing with local transport network strategies in Gloucestershire. In order for the JCS to be effective, it should be in general conformity with the LTP. However, the LTP is a living document, which is updated and amended to reflect changing circumstances, and the JCS authorities have liaised closely with the County Council to minimise any discrepancies between the two documents. The LTP has already been reviewed to take account of the JCS and could respond further if appropriate.
223. SATURN does have limitations in that it is a strategic model and the DS7 proposals are high level. Furthermore, DS7 does not resolve all congestion issues across the JCS area. Nonetheless, more focussed modelling and mitigation design to deal with allocated development issues can be left to application stage.
224. Highways England are content that, from a strategic road network perspective, the JCS is sound and residual issues are not fundamental. Gloucestershire County Council, the local highways authority, is satisfied that the proposed planned growth in the JCS area can be safely accommodated on the local highway network without a cumulative severe impact, and that residual issues are not fundamental to the safe and efficient operation of the local transport network. Both indicate that residual issues are capable of resolution and can be dealt with through further detailed assessment and mitigation as sites come forward. I give considerable weight to the opinions of these bodies.

225. Also, a high level air quality study has provided a strategic overview of the potential air quality impacts that could result from the greater vehicle flows attributed to the scale of planned growth. This tests the DS7 scenario to 2031 and includes an assessment of potential cumulative impacts of the increased traffic on strategic travel corridors. In producing this document, the *Wealdon* judgement¹⁴ has been taken into account, which dealt with the approach to assessment of in-combination effects of vehicle emissions on protected habitats. Whilst more detailed air quality assessments will be required by Policy SD4 at application stage, this high level study does show that there would be no significant air quality issues that would prevent the SUEs being allocated.
226. I am now satisfied that the submitted evidence properly supports the JCS and that the TIS sufficiently resolves transport issues for allocation of the identified strategic sites to proceed.
227. The thrust of Policies INF 1 and 2 is to ensure that any traffic congestion that is likely to arise from development is mitigated to ensure that the highway can operate safely within its design capacity. However, having two policies gives rise to some duplication, which is unjustified. Therefore, modifications are necessary to amalgamate these provisions into one policy and to re-name it INF1 (Transport Network). Consequently, significant changes are required to the Policy wording to provide the required streamlining.
228. Furthermore, to ensure consistency with national policy, additional text is necessary to promote non-car use by ensuring that opportunities are taken for enhancing walking, cycling and public transport networks. The need for Transport Assessments has also been added to include cumulative impacts, and amendments made to allow for travel plans to be requested where appropriate.
229. Other changes to the supporting text are necessary to update the transport position and aid clarity. These include making the link with the TIS, Policy SA1 (*Strategic allocations*), and Policy SD5 (*Design Requirements*) with regard to masterplanning, design and layout when considering sustainable travel modes, providing further explanation of travel plans and the LTP, and directing developers to an infrastructure guide.
230. All these modifications are satisfactorily achieved by **MM080** to **MM083**.

INF3 (Flood Risk Management)

231. Flooding is a significant issue in the JCS area, which covers parts of the Severn and Avon rivers and a large number of smaller watercourses. Accordingly, the JCS is supported by Level 1 and Level 2 SFRAs, the latter of which includes site assessments for all sources of flood risk in the area (fluvial, pluvial, tidal, sewers and artificial sources) for sites with a proportion of land in Flood Zones 2 and/or 3. Appropriate methods are also discussed for reducing flood risk on site and sustainable drainage techniques, although the suitability of a particular development is left to a site specific Flood Risk Assessment at the application stage.

¹⁴ *Wealdon District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [EWHC 351] March 2017

232. The Level 2 SFRA demonstrates that for all but one of the sites (Twigworth) development on site can be located away from flood risk and designed to be safe from flood risk. For the remaining site, Twigworth, further detailed evidence indicates that, despite a greater flood risk in part of the site, there are no overriding flooding issues which would prevent its allocation for development. I consider all of this evidence to be robust and convincing and I accept its conclusions.
233. The JCS directs built development towards areas of low flood risk in accordance with the sequential test. However, to be effective, Policy INF3 and its supporting text should be amended to ensure that development in flood risk areas is subjected to a Flood Risk Assessment which, amongst other things, incorporates the latest available updates to modelling, so that the most up-to-date flood risk information is available to decision takers.
234. Although the evidence does not take full account of recent climate change guidance suggesting a new 70% fluvial allowance in place of the previous 20% allowance, the Environment Agency are satisfied that this could be dealt with at the planning application stage. Consequently, they have no soundness objections to the Plan.
235. Sustainable drainage schemes should also be properly considered at application stage and, to ensure consistency with national policy, the Plan's supporting text should direct developers to guidance from the Lead Local Flood Authority. For similar reasons, explanatory text requiring consideration of cumulative effects and the demonstration of deliverable flood risk management solutions is also required.
236. Finally, and more specifically, to ensure the effectiveness of ongoing flood defence work in Gloucester City, an amendment is proposed to refer to the co-ordinated approach that is required to development, particularly at key regeneration sites to realise wider flood benefits.
237. All these amendments are satisfactorily achieved by **MM084** to **MM087**.

INF4 (Green Infrastructure)

238. The JCS authorities have produced a Green Infrastructure Strategy based on an assessment of the area's environmental assets. The strategy identifies two key regional/sub-regional green infrastructure assets in the area, namely The Cotswolds AONB and the River Severn and its washlands. The River Severn area is being promoted as a Regional Park in recognition particularly of its special habitat qualities and its importance to the quiet enjoyment of the countryside. It is therefore necessary for the effectiveness of Policy INF4 that a change be made to its supporting text to make reference to the potential Regional Park.
239. Also, for reasons of effectiveness, the Policy should recognise that the growth proposed by the JCS will increase demands on green spaces and that this will require careful management and collaborative working with key stakeholders. Accordingly, an amendment is needed to insert additional supporting text to reflect this.
240. Furthermore, it is recommended that the North West Cheltenham SUE retains

a green buffer around Swindon Village. An amendment to the strategic allocations chapter of the Plan is necessary to reflect this, as mentioned under Issue 8. Reference to this green buffer and its intended allocation as Local Green Space in the forthcoming Cheltenham Local Plan should also be made in the supporting text of INF4 for reasons of effectiveness.

241. These changes are all properly dealt with by **MM088** and **MM089**.

INF5 (Social and Community Infrastructure)

242. INF5 makes provision for social and community infrastructure associated with proposed development. As its delivery will be influenced by existing social sustainability initiatives that the JCS and District Plans intend to take forwards, to be effective, reference to these initiatives should be made in the supporting text. Accordingly, **MM090** is necessary to reflect this.

INF6 (Renewable Energy and Low Carbon Energy Development)

243. Policy INF6 is a criteria based policy that supports appropriate renewable and low carbon energy development including wind turbines. However, the Written Ministerial Statement of 18 June 2015 indicates that planning permission should only be given to wind energy development where the site is identified in the Development Plan, amongst other things. The JCS authorities intend to address any such allocations through their District Plans. Consequently, to conform to national policy, INF6 requires amendment to remove wind turbines from its remit and to refer to potential allocations being made at district level.

244. The Policy's supporting text also refers to 10% on site renewable energy generation for new development. However, as referred to above for Policy SD4 in Issue 9, for consistency with the Written Ministerial Statement of 25 March 2015 and the PPG relating to technical standards for new dwellings, references to exceeding national standards should be removed.

245. These amendments are satisfactorily dealt with by **MM091**, **MM093** and **MM094**.

INF7 (Infrastructure Delivery)

246. The JCS does not make clear at least for the next five years what infrastructure is required to deliver the planned development as envisaged in the PPG. Furthermore, the SIDP identifies a funding gap of nearly £750 million during the Plan period with little indication being given of how it is intended to be met.

247. However, detailed, robust evidence from Ove ARUP, submitted during the examination for all the proposed allocations and the cross-border site at Mitton, adequately identifies priority infrastructure for at least the next five years and how it will be provided. This is reflected in the main modifications to the strategic allocations chapter in Part 6 of the Plan which, as amended, sets out satisfactorily the requirements for each allocated site.

248. New analysis of the funding gap by Ove ARUP demonstrates that the SIDP estimated costs at a high level and is an optimistic snapshot in time. When

the funding is broken down, the report says that the funding gap reduces to about £73 million for critical infrastructure, with the majority of projects and costs being within the "desirable" category. Moreover, it indicates that projects and associated costs have changed as time has progressed and schemes have evolved. The analysis shows that at least for the first five years, most infrastructure requirements are likely to be met by developers through planning obligations.

249. The evidence indicates that for most infrastructure a fully funded package of deliverable solutions has been agreed between service providers and promoters for at least the first five years of projected completions. Nonetheless, there is some uncertainty over certain critical infrastructure over the Plan period, due to a lack of information or discussions still ongoing between parties. However, I accept that infrastructure planning is an iterative process and there will be opportunities to address any outstanding issues as schemes advance. Whilst there is an expectation that issues will be resolved in the detailed master planning of sites, strategies are in place to minimise risks to delivery to an acceptable level. I find the Ove ARUP work to be robust and convincing and I accept its conclusions.
250. Some longer term transport schemes will depend on other sources of funding as identified in the TIS. Monies have also been secured for Gloucestershire through the third round of the government's Growth Deal in the sum of £29.13 million (with £26.5 million covering the JCS area), part of which will be used to ease traffic flow. Further investment is possible for motorway improvements through the Road Investment Strategy. Bidding for additional funding is ongoing.
251. On the basis of this evidence I am satisfied that there are reasonable prospects of at least the identified critical infrastructure coming forward over the first five years from adoption of the Plan.
252. To ensure that INF7 is in accordance with national policy in seeking to secure the delivery of appropriate and proportionate infrastructure, it should take account of the *National Infrastructure Delivery Plan 2016-2021*. To do this, a change should be made to its supporting text to reference and reflect this plan. Also, to ensure its effectiveness, amendments are necessary to clarify that development of all scales and types is covered, and to signpost developers to Gloucestershire County Council's *Local Developer Guide* for advice.
253. Furthermore, to be justified, alterations to the Policy are necessary to clarify that infrastructure will only be required that is necessary, directly related, and fairly and reasonably related to the scale and kind of development proposed. Amendments to the list of types of infrastructure that might be needed is also necessary in the interests of effectiveness.
254. These amendments are satisfactorily achieved by **MM095** to **MM098**.
- INF8 (Developer Contributions)*
255. Policy INF8 provides for developers to make direct arrangements for implementing infrastructure requirements or to make financial contributions. To ensure its effectiveness, the Policy should be modified to make clear that

financial contributions will be sought through section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy (CIL) under the Planning Act 2008.

256. Similarly, for non-policy compliant schemes, it is proposed that viability assessments be submitted which, if necessary, the JCS authorities will have independently appraised at the applicant's expense. Such assessments will usually be published in the interests of transparency.

257. These amendments are properly dealt with by **MM099** to **MM100**.

Conclusion on infrastructure

258. Subject to the identified modifications, I conclude that appropriate, evidence-based provisions for delivering suitable infrastructure have been made, and that this part of the Plan is sound.

Issue 11 – Whether the provisions for implementation, monitoring, review and ongoing co-operation are satisfactory.

Monitoring Framework

259. Part 7 of the Plan addresses the monitoring and review of JCS policies to assess the effectiveness of their implementation and delivery. It contains a monitoring framework with targets and monitoring indicators that are to be reviewed periodically. In general, this is a comprehensive tool although, to be effective, it requires amendment to reflect the modifications to the JCS and to remove indicators for which data sources are no longer available or are more appropriate for monitoring at District Plan level.

260. Furthermore, the supporting text requires amendment to demonstrate how the Plan is able to be flexible and responsive to change in accordance with national policy. It is therefore recommended that, if monitoring indicates that delivery problems are emerging or that circumstances are changing in other ways, the JCS authorities will consider implementing certain measures to bring forward development. These include the early release of safeguarded land, particularly if improvements to Junction 10 are forthcoming, and cross-boundary working with Stroud and Wychavon District Councils that might allow for further housing land supply. Also, to be effective, it needs to be clarified that monitoring outcomes will be reported through a single JCS Authority Monitoring Report.

261. All of these amendments are satisfactorily dealt with by **MM122** and **MM129** to **MM133**.

Housing Implementation Strategy and Trajectories

262. Amendments are necessary to refer to and set out information from the HIS in order to ensure that the Plan is clear and therefore effective. This includes explanations of what the JCS authorities intend to do should there be any barriers to delivering the development proposed by Policies SP1 and SP2 and how to respond to changing circumstances. There are calculations of the five

year supplies for each authority and charts and trajectories for market and affordable housing illustrating estimated delivery against requirements together with accompanying explanations. The expected delivery from each of the strategic allocations and Mitton in Wychavon is also set out in table format and contingencies put in place to respond to any significant under-delivery.

263. These changes are addressed by **MM121** and **MM124** to **MM128**.

Reviews

264. In order to ensure flexibility and effectiveness, the Plan needs amendment to include a housing supply review mechanism with a trigger for full or partial review. Solely for monitoring purposes, a 10% buffer is to be applied to the housing requirement of each JCS authority on an annual basis. If completions fall below 110% of an authority's supply trajectory then this acts as an early warning for the authorities to review and take corrective action. If strategic allocations cumulatively delivered less than 75% of their projected completions over three consecutive years, this would trigger the need to consider a partial or full JCS review. In this way the authorities would get early warning of a potential imminent housing shortfall so that corrective action could be taken.

265. Moreover, the six Gloucestershire district councils have been jointly working on a Gloucestershire devolution bid seeking to better align services and resources to jointly grow the economy. A Statement of Intent has been submitted to DCLG although it may be some time before it is taken forward in light of other government priorities. The Plan is intended to be reviewed within five years in accordance with the PPG and it is the wish of the JCS authorities that any full or partial review is aligned with those of other Gloucestershire authorities. This is reasonable. Therefore, amendments are necessary to reflect this in the interests of effectiveness.

266. The above changes are addressed in **MM123**.

267. As referred to above, in response to shortfalls in the Plan's provisions, a number of focussed reviews to the JCS will be necessary¹⁵. This accords with PPG guidance. Without these reviews the JCS would be unjustified and, therefore, unsound.

268. As Gloucester is unable to meet its housing requirement for the full Plan period, there should be an immediate review of Gloucester's housing supply following adoption of the JCS. This would allow consideration of options that become available both within and outside the JCS area and could include further development opportunities that are not currently deliverable.

269. The JCS authorities' Statement of Co-operation with Stroud District provides a tool for exploring the possibility of housing land supply in Stroud contributing to the JCS authorities' needs, where it is reasonable to do so and consistent with achieving sustainable development. Consequently, to achieve maximum co-ordination and to ensure that potential development sites are comprehensively explored using agreed site assessment criteria, it is recommended that the Gloucester housing supply review is undertaken in

¹⁵ As set out in more detail in the sections of this report on housing shortfall and retail

tandem with Stroud's Local Plan review, which is currently underway.

270. With regards to Tewkesbury, as already noted, its housing land supply position has significantly changed since submission, leaving it with a substantial shortfall, which can only properly be dealt with by a comprehensive assessment of the options, which will take time. Consequently, to avoid further delay in adoption of the JCS, an immediate review of the Plan is the most appropriate way forward to identify appropriate housing allocations.
271. The JCS authorities are committed to an immediate review of both Gloucester's and Tewkesbury's housing supply following adoption of the JCS. To address this, a new policy is proposed by **MM123c**, Policy REV1: (*Gloucester and Tewkesbury Housing Supply Review*), which is accompanied by explanatory text for Gloucester at **MM123a** and for Tewkesbury at **MM123b**.
272. With respect to retail, as set out under Issue 5 (Retail), a review of retail policy SD3 is required to make the Plan sound. This is to take place immediately upon adoption of the JCS and will take approximately two years to complete. **MM123** is recommended to deal with this.

Conclusion

273. Subject to the identified modifications, I conclude that the provisions for implementation, monitoring, review and ongoing co-operation are satisfactory and that this part of the Plan is sound.

Assessment of Legal Compliance

274. Regulation 8(5) of the Town and Country Planning (Local Planning)(England) Regulations 2012 requires local plans to identify any policies that it intends to supersede. The JCS does not do this and, therefore, **MM134**, **MM134a** and **MM134b** are necessary, which insert lists of superseded policies into the JCS for each authority.
275. Some participants raised concerns about the SA and particularly its consideration of alternative strategic sites. Whilst the SA was generally adequate, and appraised most reasonable alternatives for meeting the Plan's objectives, it rejected certain alternatives too early in the process for what appeared to be non-land use planning reasons. However, in accordance with *Cogent Land LLP v Rochford District Council*, this inadequacy has been cured by an additional SA report, which explains matters raised throughout the examination, as well as addressing relevant main modifications.
276. Issues were also raised in relation to climate change, particularly with respect to flooding. However, I am satisfied that the Plan contains policies designed to secure that the development and use of land in the JCS area contribute to the mitigation of, and adaptation to, climate change, thereby ensuring legal compliance with section 19(1A) of the Planning and Compulsory Purchase Act 2004.
277. Whilst there were some adverse comments from participants to the examination about the nature, adequacy and conduct of public consultation, the JCS authorities' consultation reports generally demonstrate adequate

consultation. Where additional consultation was considered constructive, round table discussions were set up during the examination process to capture participants' submissions. Consequently, there was no breach of the 2012 Regulations in this regard.

278. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that, subject to the identified main modifications, the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	At the time of submission the approved LDSs of each of the Councils were those adopted in April 2011 (GCC), November 2009 (CBC) and April 2013 (TBC) [SUB114]. Subsequent to submission, CBC and GCC each updated their LDS in January 2015 (GCC) and February 2015 (CBC) [EXAM23A & B]. The JCS is identified in each LDS with timing based on information available at the time and dependent on the progression of the JCS examination. The TBC LDS of April 2013 anticipated adoption of the JCS in December 2014, GCC LDS of January 2015 in October 2015 and the CBC LDS of February 2015 in Autumn 2015. Since the final examination hearing in July 2017 each of the Councils has approved a new LDS in October 2017 updating the timing. The JCS content is compliant with each of the Council's LDSs and compliant with the timing within the LDSs adopted by the Councils in October this year.
Statement of Community Involvement (SCI) and relevant regulations	At the time of submission the approved SCIs of each of the Councils were those adopted in July 2005 (GCC), July 2014 (CBC) and May 2013 (TBC) [SUB115]. Consultation on the JCS, including consultation on the post-submission proposed 'main modification' changes, complies with the SCIs' requirements, or with those of their corresponding predecessor documents as applicable.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations Assessment Report (May 2014) [SAPR114-119] concludes that the submission JCS would not have adverse effects, alone or in-combination, on the integrity of the identified European Sites. The Sustainability/Integrated Appraisal Addendum Report (October 2016) [Document MM003] concludes and sets out how the proposed modifications (as consulted upon) would not have adverse effects, alone or in-combination,

	on the integrity of the identified European Sites.
National Policy	The JCS complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The JCS complies with the Act and the Regulations, except in respect of identifying the policies that are superseded by it. That failure to comply is overcome by MM134, 134a & 134b.

Overall Conclusion and Recommendation

- 279. Whilst there are issues with the Plan, which cannot be immediately resolved, it is in the public interest to have an adopted Plan in place as soon as possible to reduce continuing ad-hoc, unplanned development. Rather than delaying matters further, the balance is in favour of finding the Plan sound now subject to an immediate partial review.**
- 280. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.**
- 281. The Councils have requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

Elizabeth C Ord

Inspector

This report is accompanied by the Appendix containing the Main Modifications