



Joint Core Strategy Team
Municipal Offices
Promenade
Cheltenham
Gloucestershire
GL50 9SA

Ref: v2

18 August 2014

Dear JCS team

Public consultation on the pre-submission version of the Joint Core Strategy

I object to the pre-submission version of the JCS on the grounds that it is

- a) not legally compliant, its preparation having paid insufficient regard to “national policies and advice contained in guidance issued by the Secretary of State” as it is required to by Section 19(2) of the Planning and Compulsory Purchase Act 2004.
 - a. It misinterprets the National Planning Policy Framework as an absolute direction towards development on the basis of the objectively assessed housing need instead of one which Paragraph 14 (& footnote 10) of the NPPF makes clear can allow for a housing requirement which qualifies the objectively assessed housing need through the application of the concept of sustainability (which was the novel element in the NPPF’s presumption in favour of sustainable development, not the presumption in favour of development itself) and of significant policies for the protection of the natural environment, green and open spaces contained in the NPPF¹ including recognition of ‘the intrinsic character and beauty of the countryside’ and the proper evaluation of adverse impacts that would significantly and demonstrably outweigh the benefits in key locations².

¹ Core planning principles (17), presumption against building on existing open spaces (74), protecting and enhancing valued landscapes (paragraph 109), recognising the wider benefits of ecosystem services (109), providing net gains in biodiversity (109), preventing new developments from contributing to unacceptable levels of air pollution (109), minimising effects on the natural environment (110), encouraging the use of brownfield land (111), protecting biodiversity, wildlife and landscape value (113, 114, 117, 118), reducing physical pollution (120, 124) and reducing light pollution (125).

² See Mr Justice Hickinbottom in *Gallagher Homes Limited & Lioncourt Homes Limited vs Solihull Metropolitan Borough Council* [2014] EWHC 1283 (Admin): “Housing Requirement: This is the figure which reflects, not only the assessed need for housing, but also any policy considerations that might require that figure to be manipulated to determine the actual housing target for an area. For example, built development in an area might be constrained by the extent of land which is the subject of policy protection, such as Green Belt or Areas of Outstanding Natural Beauty. Or it might be decided, as a matter of policy, to encourage or discourage particular migration reflected in demographic trends. Once these policy

- b. It fails to abide by NPPF policies which clearly aim to empower local people, for instance the first core planning principle in paragraph 17 and paragraph 155 which states that engagement and consultation with neighbourhoods, local organisations and businesses should be ‘early and meaningful’ and that a ‘collective vision’ has been achieved. The JCS preparation has repeatedly and wilfully misinterpreted the outcomes of public consultations, particularly in relation to urban extensions north-west and south of Cheltenham. For instance, a representative written comment, singled out in the 2011 consultation, read ‘Protect environmental designations and restrict urban sprawl’. The consultation report concluded: *‘Agree – The strategic development sites identified seek to safeguard other areas that are subject to statutory nature conservation or high levels of landscape sensitivity. Urban sprawl is restricted by providing development at several sites around the existing main centres in a plan led approach rather than in an unplanned manner. Plan led growth is not urban sprawl’*³ thus justifying the very urban extensions local people opposed. When objectors made the comments of which the quotation was representative and said they didn’t want urban sprawl, they were **not** supporting urban extensions. They clearly meant that they **didn’t** want Cheltenham spreading out unchecked into the countryside.
- c. In particular the JCS perversely disregards the Local Green Space designation policy in the National Planning Policy Framework (paragraphs 76 and 77) . The JCS preparation process has so far made it logically impossible to implement the LGS policy in the only location for which an application has been made in the JCS area, despite its consistency with past inspector’s judgements (in 1993, 2003 and 2005), the recent planning committee decision on 31 July 2014, the current, valid Cheltenham Local Plan (2nd review 2006), the only policies yet adopted in relation to the next Cheltenham Local Plan (Cheltenham Borough Council resolution on 9 April 2014) and the emerging Leckhampton with Warden Hill Neighbourhood Plan (represented by the LGS application and Neighbourhood Plan concept document of May 2013 produced by Leckhampton with Warden Hill Parish Council, one of our default local neighbourhood planning bodies under the Localism Act 2011). This has been done by relegating consideration of LGS status for Leckhampton to a subsequent Local Plan stage of the plan-making process which would take place after the JCS had already designated the entire area for development without considering LGS status, and by wrongly presenting the housing numbers allocated to this one area as ‘vital’ to the whole JCS when the policies referred to in 1. a. above can clearly be used to qualify the overall numbers given sufficient justification (such as a well-reasoned LGS designation in this one area).

b) Unsound, because it is not justified or fully consistent with national policy, in particular:

- a. The assessment of the objectively assessed housing need did not follow best practice, adopted a high-growth strategy without justification and in contradiction of repeated public consultations and was not well justified by evidence, as detailed in the considerable submission to this consultation by the Cheltenham Alliance.

considerations have been applied to the figure for full objectively assessed need for housing in an area, the result is a “policy on” figure for housing requirement.”

³ JCS: Response Report on Consultation (October 2011)

- b. The assessment of economic need for growth and the pro rata translation of this into jobs and therefore people is too crude, underestimating the value of the green setting of Cheltenham and its local environment, and its historic employment bias towards high-end jobs⁴ which deliver greater value for less net immigration.
- c. The sustainability analysis process was flawed, particularly in relation to the Leckhampton strategic allocation site for which key indicators were wrongly assessed or omitted altogether which would have changed the conclusions of the Sustainability Analysis and ruled out Leckhampton a strategic site within the JCS. For instance, the original sustainability analysis⁵ which informed the choice of broad locations and strategic allocations policies, asked of Leckhampton...

16.Green Space	Notes and commentary		Performance rating
16a Does the location provide the opportunity for access to the countryside and natural environment?	Yes/No		
16b Does the site contain strategic open green space?	Yes/No	Good green infrastructure along the brook lines.	
16c Will it ensure existing open spaces are protected and enhanced?	Yes/No	There is existing greenspace at Leckhampton which will need to be protected, development could offer opportunities to enhance greenspace	

No answers Yes or No. No 'Red' warning in the performance rating column. The answers of course should all have been Yes and the warnings should have been red. Leckhampton should have been ruled out as an unsustainable location, again consistent with all the various planning decisions, resolutions and policies cited in 1.c above.

In the most recent iteration of the SA – the JCS Sustainability (Integrated) Appraisal Report – Policy A6 for Leckhampton, which involves the loss of some 50 hectares of mixed agricultural land, ancient field patterns, lanes and hedgerows, rich in wildlife and biodiversity, is incredibly scored as *positive* for biodiversity, climate change, flooding, history (despite the virtual enclosing of a scheduled ancient monument by a housing estate) and transport. The loss of green space is now scored as a 'minor negative' despite a thirty year campaign to save this land involving thousands of people and only landscape is conceded as a major negative – recognising the importance of this site to views to and from the Cotswolds Area of Outstanding

⁴ District Profile: An Economic, Social and Environmental Summary Profile of Cheltenham (May 2010): 'The average gross weekly earnings of those working in Cheltenham are very high, with the district ranking in the top 20% of districts nationally. Average gross weekly earnings in Cheltenham are £504.80, compared with £439.74 in Gloucestershire and £456.12 nationally. Gross value added (GVA) per head in Cheltenham is high, with the area ranking in the top 40% of districts nationally. GVA per head in Cheltenham is £21,947.27, compared with £19,831.00 in Gloucestershire and £20,080.93 nationally.

⁵ JCS Sustainability Analysis, p118 of 171 in Appendix 1

Beauty but having no effect on its inclusion as a strategic site. This is clearly post-rationalisation of the earlier mistaken analysis and inclusion of Leckhampton and discredits the Sustainability Analysis methodology and quality.

- d. The JCS is inconsistent with the following NPPF policies:
- Presumption against building on existing open spaces (74)
 - Protection of green areas of particular importance to local communities (76, 77)
 - Protecting and enhancing valued landscapes (paragraph 109)
 - Recognising the wider benefits of ecosystem services (109)
 - Providing net gains in biodiversity (109)
 - Preventing new developments from contributing to unacceptable levels of air pollution (109)
 - Minimising effects on the natural environment (110)
 - Encouraging the use of brownfield land (111)
 - Protecting biodiversity, wildlife and landscape value (113, 114, 117, 118)
 - Reducing physical pollution (120, 124)
 - Reducing light pollution (125)
 - Meaningful engagement with neighbourhoods (155)

I would be more than happy to expand on any of these points for the JCS team or, in due course, for an inspector at examination.

Yours sincerely

Martin Horwood MP

Member of Parliament for Cheltenham