

## **SUMMARY OF THE THREE ENVIRONMENTAL REPORTS, JCS EVIDENCE BASE COVERING C6 STRATEGIC SITE**

**– Judicial Review with Sir David Holgate QC**

**29<sup>th</sup> Nov 2016**

I would be happier if those SA corrections on the source of the NPPF Local Green Space application was correctly attributed to Leckhampton and Warden Hill Parish Council and correctly referenced (para 23 (d), para 54 and 60 - Niamh has kindly promised to have that document available to the judge). The mix up on the Inspector's reports (para 33 and title above para 34) could be very misleading in trying to sell the post-permission interim report as pre-permission statements from the Inspector, so I am concerned here.

### **NOTES ON SA REDLINE para 122 bullet (f), just what are these three ENVIRONMENT REPORTS**

**The TBC planning were not given the opportunity to contrast these independent and comprehensive JCS environment reports with the REDROW Environmental Statement, nor were they referenced in the officer report.**

#### **1. EBLO 106 JCS Landscape and Visual Sensitivity (Oct 2012), section 6, p14-17, extract [E1]**

This has been discussed and an extract in the bundle and referenced by Inspector Ord in her Preliminary and Interim reports, the relevant map is in the bundle [E1].  
C6a – South Cheltenham (Leckhampton).

Within the eastern corner of the Broad Location the landscape value is high-medium sensitivity. This area has localised historic significance, high doorstep amenity value and is quite tranquil considering the proximity to the built form and the A46.

The area around Leckhampton displays unusual land use patterns with many small holdings, orchards and allotment/market gardens with good brookline and associated tree cover. This area displays a useful mosaic of habitat types making mitigation difficult with good connections to like habitat to the east, south and west and green infrastructure potential along brook lines.

#### **SEE MAP IN BUNDLE [E1]**

Landscape & Visual Sensitivity

Overall sensitivity rating; high - medium

Key considerations incorporated into the Landscape & Visual Sensitivity plans;

- Very prominent landform and field pattern to the south adjacent to the AONB which is vulnerable to change and is considered valuable landscape resource.
- Only a small area has limited intrinsic landscape value as previous character has already been lost.
- Primary key views from national trail/PROW's within the AONB to the south of the area from Hartley hill and Shurdington Hill.

**AND the report goes on to finish with two C6 Site Options, none has the density of development in the permission granted.**

## **2. E104 JCS Halcrow Strategic Flood Risk Assessment level 2, (Final July 2012), reference site T10, section 7**

Flood risk assessment, which relates to those missing JCS environmental documents in ground 4, redline para 122 (f)

### **REDROW Environmental Statement says ...**

3.1.9 The site falls within the catchment of the River Severn, albeit shown on the Environment Agency flood map as being located within Flood Zone 1 and thus not considered to be at significant risk of flooding.

### **So what does the JCS hydrological modelling about the site T10 ...**

12.3.15 The modelling undertaken as part of this Level 2 SFRA has demonstrated that within the modelled extents, there is a risk of fluvial flooding from both the Hatherley Brook and Ham Brook for the range of modelled events, affecting both Site C17 (located within Cheltenham Borough Council) and Site T10 (located within Tewkesbury Borough Council). Tables A.2 and A.3, Appendix A details the individual site assessments and presents specific recommendations for each site. **The following policy recommendations have been outlined for the sites assessed within the modelled area:**

- Within Site T10 Flood Zones 2 and 3 affect large parts of the site. However, a significant percentage of the site is located within Flood Zone 1 and therefore, provided the Sequential Test is passed, **this site may be developed sequentially, favouring the flood risk areas as open space and locating the most vulnerable elements of development furthest away from flood risk areas.**
- Within Site T10 the assessment has identified areas of surface water flooding and historic flooding that are wider than Flood Zones 2 and 3. These areas are primarily to the east of Shurdington Road, where fluvial flooding has been recorded adjacent to the unnamed drains between the north of the Ham Brook where water appears to back-up behind the road; and within the existing urban area of Leckhampton. **It is recommended that the identified flood risk areas should be treated as Flood Zone 3a with regard to the Sequential Test process, ideally remaining as areas of open space.** In the case of the historic flood risk areas to the east of Shurdington Road, water seems to impound behind the road; assessments of culvert capacity could be undertaken to determine if this risk could be alleviated, without increasing risk to downstream areas.

## **3. ENAT 100 JCS Greenbelt Assessment (Final, Sept. 2011)**

Again not reported to the TBC Planning Committee, but what was the content of the report relating to this site of White Cross/SD2 ...

- 5.4.5 Overall, the case for extension of the Green Belt is a limited one, with land immediately to the south of Cheltenham (south of Leckhampton, south-west of Farm Lane) having the strongest case. National Policy, in the form of PPG2 and emerging policy in the form of the Draft National Planning Policy Framework, does not make any reference to designating 'compensatory' Green Belt land and therefore any additions need to meet the purposes of including land in Green Belts and particularly the purpose of separation between Cheltenham and Gloucester. Apart from land south-west of Farm Lane, none of the other areas considered play a role in the separation of Cheltenham and Gloucester. Restraint policies other than Green Belt policies could be used to manage development in those areas where there is particular development pressure.

7.3.8 With regard to possible additions to the Green Belt, of the seven broad areas that were assessed, the land south of Leckhampton (south-west of Farm Lane) has potential to be added. National Policy, in the form of PPG2 does not make any reference to designating 'compensatory' Green Belt land and therefore any additions need to meet the purposes of including land in Green Belts and particularly the purpose of separation between Cheltenham and Gloucester. Apart from land south-west of Farm Lane, none of the other areas considered play a role in the separation of Cheltenham and Gloucester. The JCS team should give consideration to other policies that can be used to prevent development, such as areas of restraint policies, open countryside policies, and limiting opportunities through careful designation of settlement boundaries.

**These are not merit arguments in the additional text in SA para 122 bullet (f)**

(f) Importantly Members of the Planning Committee were not provided with evidence from the JCS Natural Environment and Broad Locations series reports, EBLO 106 JCS Landscape and Visual Sensitivity (Oct 2012), section 6, p14-17, extract [E1], ENAT 100 JCS Greenbelt Assessment (Final, Sept. 2011), sections (5.2.6) (5.4.5) and (7.3.8), and E104 JCS Halcrow Strategic Flood Risk Assessment level 2, (Final July 2012), reference site T10, section 7.

**The Planning Committee were being asked to give planning permission without being told of the content or existence of these important JCS Environment Reports within the JCS evidence base. These reports were informing the JCS and being used to affect by Inspector Ord at EiP. This supports Ashley's EIA ground 4 and is a failure of the officers in their duty to the Planning Committee, to pre-empt the JCS officers and the committee needs to consider the same evidence provided to the Inspector.**

Best Regards  
Ian