

BETWEEN:

R (oao LECKHAMPTON GREEN LAND ACTION GROUP LTD)

Appellant

and

TEWKESBURY BOROUGH COUNCIL

Respondent

and

(1) REDROW HOMES LTD

(2) MARTIN DAWN (LECKHAMPTON) LIMITED

Interested Parties

WITNESS STATEMENT OF IAN BICKERTON

I, Cllr Ian Bickerton CEng MIET, 3 Brizen Lane, Cheltenham, GL53 0NG, state as follows:

1. I make this statement in support of Leckhampton Green Land Act Group Ltd's ("LEGLAG") application to appeal Justice Holgate's Judgment and of the Defendant's decision to grant planning permission to the Interested Parties for the erection of 377 dwellings (the "Decision"), including access and associated infrastructure to the west of Farm Lane, Leckhampton (the "Land").
2. Insofar as the facts in this statement are within my knowledge, they are true. Insofar as the facts in this statement are not within my direct knowledge, they are true to the best of my knowledge and belief.

Background to my involvement with the Decision

3. I have held the position of chair of LEGLAG from April 2013 to present. I was elected to represent Leckhampton Ward on Cheltenham Borough Council from 2010 to 2014 and again in May 2016. I am also a member of the Parish Council for Leckhampton and Warden Hill, and chair the Neighbourhood Planning Forum for the Parish Council.
4. I have been closely following the planning application (14/00838/FUL), which led to the Judge Holgate's Judgment and the original Decision, in my role as a Cheltenham

Borough Councillor and Chair of the Parish Council Neighbourhood Planning. I have paid particular attention to the relevance of the Gloucester City, Cheltenham and Tewkesbury Joint Core Strategy (the “JCS”) through the planning process. The JCS has been subject to an Examination in Public since May 2015 with Inspector Ord (Bristol Government Inspectorate), through the course of which I have provided evidence on sustainability, housing numbers and strategic site allocation.

5. Accordingly, I am very familiar with the documents on which LEGLAG relies upon to support this application to the Court of Appeal. Judge Holgate has been critical of Inspector Ord’s work and the JCS process in reaching his judgment, this now requires us to open up the Appeal into the JCS Evidence Base used to inform the Inspector at the JCS Examination in Public with the Bristol Inspectorate. A daunting task given the hundreds of written statements and the volume of the examination library (c) [**] to try to understand why the Inspector’s peer reviewed Preliminary Findings Report [E579 – E605] differs from the recommendations made by TBC Planning Officers decision that no action should be taken on receipt of the Inspector’s findings.

These documents can be found in the Claimant’s Appeal Bundle:

- a) Statement of Facts and Grounds – 7th June 2016 A7 – A33
- b) Witness Statement of Derek Gott – 25th October 2016 C20-C27
- c) Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Examination Document Library, 20 November 2014 [new]
- d) JCS EBLO 106 Extract C6 South Cheltenham Landscape and Visual Sensitivity Report, section 6, p14-17 Oct. 2012 E1 (now we need the whole C6 extract)
- e) JCS ENAT 100 JCS Greenbelt Assessment (Final, Sept. 2011), sections (5.2.6), (5.4.5) and (7.3.8) [NEW]
- f) JCS E104 JCS Halcrow Strategic Flood Risk Assessment level 2, (Final July 2012), reference site T10 (SD2), section 7 [NEW]
- g) JCS Submission to public consultation on the Joint Core Strategy (JCS) Martin Horwood MP, Member of Parliament for Cheltenham, December 2013 [NEW]
- h) JCS Matter 8 Strategic Allocations, Site-A6-Leckhampton---Cllr Chris Nelson Cheltenham Borough Councillor for Leckhampton, Speaking Note(1) [new]
- i) JCS Matter-8-Statement---Site-A6-Leckhampton---Written-Statement---Alex-Chalk-MP(1) [new]
- j) Cheltenham Borough Council Objection Letter 1st Dec 2014 E2 – E7
- k) Cheltenham Borough Council Objection Letter 6th July 2015 E447 – E450
- l) Cheltenham Borough Council National Planning Case Unit Call-in Request from the Leader of the Council Letter 23rd Oct 2015 E560 – E561
- m) Cheltenham Alliance Letter of Objection – 9th Nov 2015 E568 – E577
- n) Local Green Space Postcards from the Public (400 plus received) formal application for NPPF LGS to the Council to support the Parish Council application of July 2013 and updated Dec 2015 June/July 2015 E445 - E446
- o) Alex Chalk MP letter requesting Planning Committee Review – 21st March 2016
- p) Inspector Ord’s Preliminary Findings on Green Belt Release, Spatial Strategy and Strategic Allocations, Bristol Inspectorate 16th Dec 2015 E579 – E605

- q) Site Location Map E833
- r) Leckhampton with Warden Hill Parish Council Neighbourhood Planning NPPF Concept Plan & Local Green Space Application July 2013 75pp - Court Bundle [NEW]

Authors: Parish Councillors Cllr. Dr Adrian Mears CBE, FInstP, Cllr. Viv Matthews
Neighbourhood Forum Members Mrs Margaret White, Dr Elizabeth Pimley PhD (Cam), CEnv, MIEEM,
Borough Councillor. Ian Bickerton CEng., MIET
National Planning Policy Framework & the Natural Choice Mr Martin Horwood MP
Leckhampton History Mr Eric Miller and Mr Terry Moore-Scott
Ecology, Wildlife & Habitat Dr Elizabeth Pimley PhD (Cam), CEnv, MIEEM, Prof Adrian Philips CBE, IUCN, WCPA, Mr Ray
Woolmore DipTP, MRTPI, FRGS
- s) Leckhampton with Warden Hill Parish Council Neighbourhood Planning Revised Local Green Space Application - Dec 2015 - [new] now we need the whole document, map extract was at [E838]
- t) Natural England consultee response, 7th Nov. 2014 [new]
- u) Natural England consultee response, 5th Aug. 2015 [new]
- v) Cotswold Conservation Board consultee response by email, not dated on TBC planning page [new]
- w) Cotswold Conservation Board consultee response, 15th June 2015 [new]
- x) NPCU Decision Letter and Clarification, 29th Feb 2016 [new]
- y) English Heritage consultee response, 11th Nov 2014 [new]
- z) Historic England consultee response, 16th Nov 2015 [E578]
- aa) Sports England consultee response, 7th Nov 2014 [new]

6. For the reasons as set out in this Witness Statement, the original Claimant's Statement of Facts and Grounds 1 & 4 and Skeleton Argument, I request the Court grant permission for LEGLAG's application for a review of the Justice Holgate's Judgment.

Chronology of Events, Background and Facts to the Case

7. The Neighbourhood Planning for Leckhampton and Warden Hill got underway in October 2011 with an exchange of emails between Leckhampton with Warden Hill and Shurdington Parish, Borough and County Councillors. The first meeting of the Parish Neighbourhood Forum was held at the Cheltenham Municipal Offices on the 30th April 2012 following the publication of the new National Planning Policy Framework (NPPF) in March. The Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury had just completed the first of three public consultations.
8. A series of Neighbourhood Planning meetings and joint work between Leckhampton with Warden Hill and Shurdington Parish Councils resulted in the submission of the Parish Concept Plan and Local Green Space application [E**]:
9. The NPPF Local Green Space application was revised in December 2015, please see the Leckhampton LGS Map of figure 1, this was a result of common ground work instigated by Inspector Ord at the Joint Core Strategy Examination in Public Sessions and Council/JCS Officers [**].

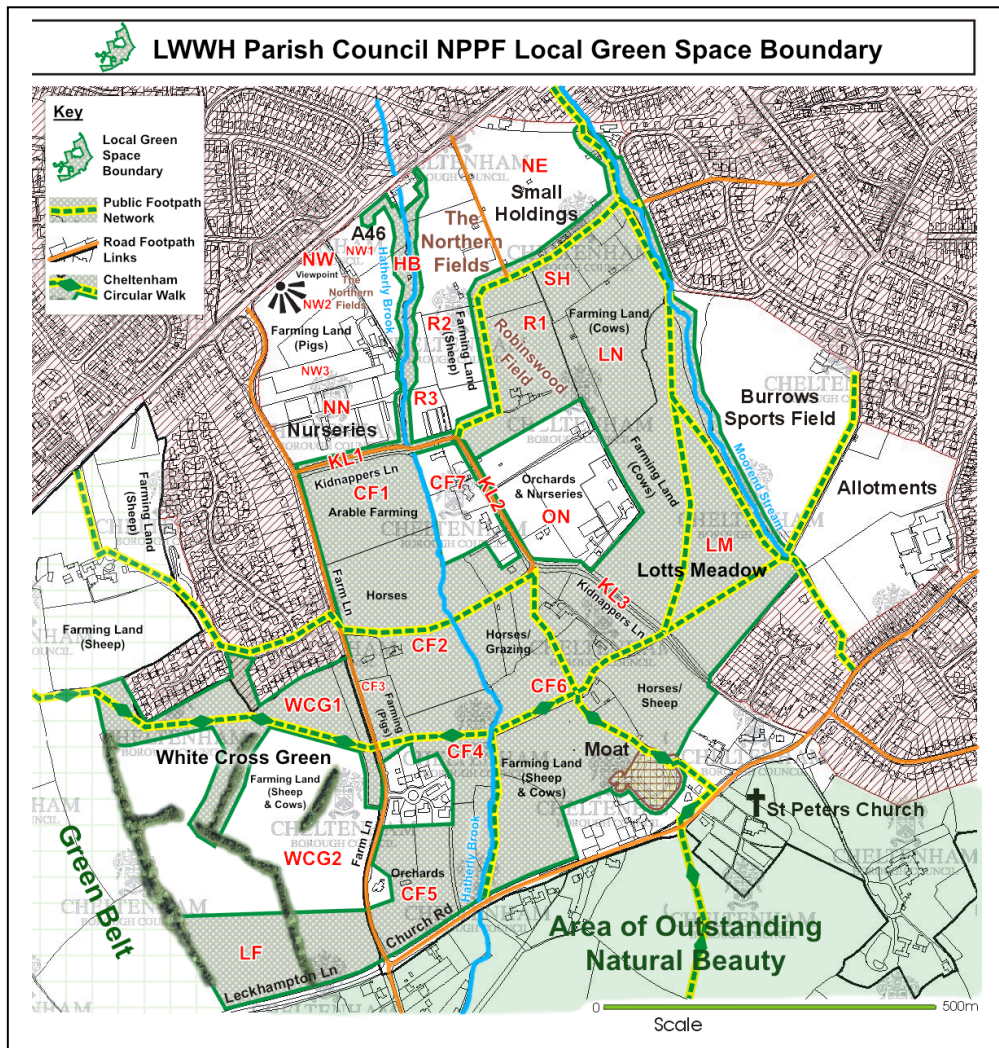


Figure 1 [E836] Leckhampton with Warden Hill Parish Council NPPF Local Green Space application revised December 2015, extract from the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Examination in Public Evidence Documents, EXAM 121A Community LGS Common Ground for the Inspector, and EXAM 121C Community LGS Submission, please note the challenged site location at White Cross (WCG1, WCG2 and LF). This Parish Council LGS Map for Leckhampton is current and has been subject to a great deal of scrutiny at the JCS EiP and undergone two separate public consultations, both Borough and Parish.

10. At this stage it is important to understand the location of the site and administration boundaries, please see figure 2. The TBC SD2 site of White Cross sits on the boundary between Cheltenham and Tewkesbury Boroughs; the site is on the Cheltenham side of the greenbelt and reasonably would require joint working between councils and was plan-led and being progressed as part of the larger JCS Strategic Site C6 – South Cheltenham.

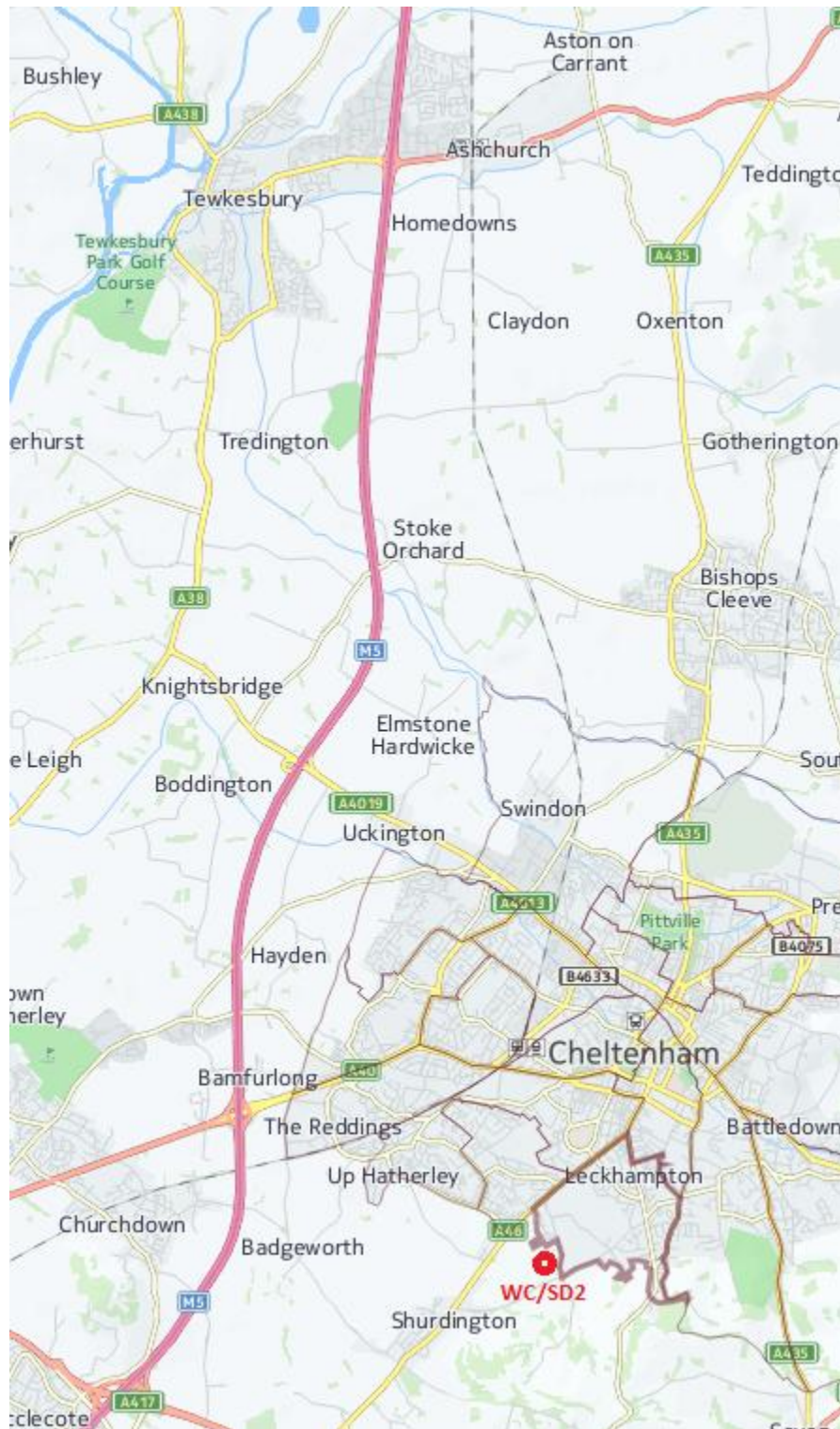


Figure 2 [E835] Location of White Cross/SD2 (14/00838/FUL) in geographical relation to Tewkesbury, Cheltenham and the villages of Leckhampton and Shurdington. Inspector Ord and JCS Officers consider this site to be an Urban Extension of Cheltenham.

11. Any development at this location will contribute to the Cheltenham housing allocation, this has been agreed by Inspector Ord and Cheltenham and Tewkesbury Councils at the JCS EiP sessions. The White Cross (14/00838/FUL) site is sensitive and highly valued landscape bounded by greenbelt to the southeast and the south by the Cotswold Area of Outstanding Natural Beauty.
12. The REDROW planning proposals of Figure 3 went out to public consultation in October 2014, outline development plans are shown below. The main concerns from the public were relating to the loss of local green space along the line of the main Leckhampton footpath (Cheltenham Circular Walk, area of WCG 1, of map 1) and the main site access onto Leckhampton Lane causing traffic congestion on Church Road, Leckhampton and Shurdington. As part of this consultation a public meeting was held at Leckhampton Primary School, this was attended by Tewkesbury Borough Council Officers. At that meeting officers made a commitment to look at the merits of Local Green Space at White Cross with reference to the Parish Council application and work jointly with Cheltenham Borough Council.

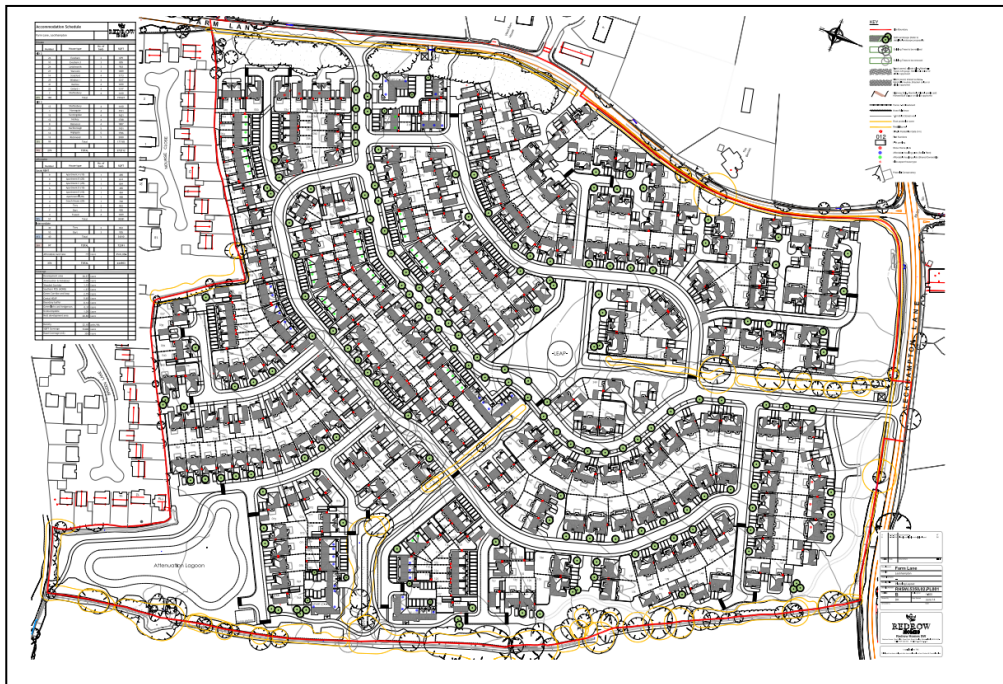


Figure 3 Original outline layout of the REDROW planning application, October 2014, the looped area at the bottom left is not a Local Area of Play, it is a balancing pond for drainage only, there are concerns over flood risk from the JCS Halcrow Flood Risk Assessment and the Parish Council.

13. Eight hundred and six letters/emails of objection were received from the public **(Judge Holgate reports 809 representations of which 742 were letters of objection of his judgment para 11, this is inferring there were letters of support, this is not as reported in the officer report to the TBC Planning Committee and needs verification)**, no correspondence was reported in support of the planning proposals in the officer report. The public objections were summarised to a single page of bullet points in the officer report [E489] to the TBC Planning Committee. It is of note that one of the bullet point summary is 'Contrary to NPPF', no detail was

provided. It is known that some of the objection letters made reference to the NPPF^[para 51] of urban extensions following the principles of Garden Cities, defined as being generous with green space and children's play amenity.

14. It was also reported that during the consultation an additional 400+ postcards regarding a formal NPPF application for White Cross Local Green Space (LGS) in relation to this planning application had been received by the TBC Planning Policy Section. The postcards gave support for the LwWH Parish Council Local Green Space designation on White Cross, concern regarding development generally, infrastructure capacity concerns, and desire to protect undeveloped land and for the retention of some open areas.
15. The most important statutory consultee was Cheltenham Borough Council (CBC), TBC's JCS Partner and the provider of services and infrastructure to residents of this urban extension to Cheltenham. The response of the 1st December 2014 to this proposed development was submitted by the Tracey Crews, Head of CBC Planning and endorsed by the leader of CBC [E2 – E7] ^{para 1}. Tracey Crews has many years experience in town planning and a key architect of the Joint Core Strategy since its inception. This was the first of three CBC letters to TBC Planning and the National Planning Policy Case Unit (NPCU) and together they contain critical evidence in this case, reference bundle [E560 – E561].
16. Given the importance of this CBC correspondence, some extracts are useful to set out the background prior to the publication of Inspector Ord's Preliminary Finding in December of 2015.
17. In the first CBC objection letter [E2 – E7] (6pp) many important points are made which relate to the *'principle of development'* and the *'ability to deliver a comprehensive wider development strategy for the area'*. *'The application is of particular interest to the Council given it directly abuts our administrative boundary and, should the application be successful, the residents of the new scheme will predominantly look to Cheltenham for work, leisure, services and facilities'*.
 - In the first part of letter [E2 – E7] CBC Planning refer to agreed JCS policy SA1, that the *"allocation aims to ensure that proposals are brought forward as part of a comprehensive scheme of development. However, the current application does not include all of the land within the submission JCS allocation for this location (A6)";*
 - Policy SA1 (3) requires that, *"proposals must be accompanied by a comprehensive masterplan for the strategic allocation. This should demonstrate how new development will integrate with and complement its surroundings in an appropriate manner."*;
 - *Cheltenham Borough is of the view that the development proposed is a piecemeal scheme and fails to demonstrate its contribution to comprehensive master planning of the strategic allocation proposed by the submission JCS;*

- *In conclusion, Cheltenham Borough Council support in principle the location of this proposal for strategic development as set out in the Submission JCS. However, the Borough Council considers that the scheme has failed to demonstrate how the development proposed fits appropriately within a wider master plan for the area and that if this site is progressed in isolation that it will not prejudice the sustainable development of the remaining part of the strategic allocation proposed by the JCS.*
- *Cheltenham Borough has concerns over the landscape and visual impact of the proposal with regard to the AONB, the density of the proposed development and the lack of information as to how the scheme will contribute to the economic role of sustainable development by ensuring that development requirements are co-ordinated, including the provision of infrastructure.*
- *It is the Council's view that whether the applicant relies on the adopted 2006 Tewkesbury Borough Council's SD2 allocation policy, or the emerging allocation in the JCS policy SA1 plan A6 strategic allocation in support of the development; there is an undeniable requirement within both of these for the development to be carried out comprehensively to integrate well with the rest of the South Cheltenham Leckhampton area proposals.*

18. This series of CBC letters of planning objections are primary evidence for ground 4 on which Judge Holgate understated in his judgment. The request from CBC Planning for masterplanning to deliver sustainable and comprehensive development to South Cheltenham (A6) under the JCS is justified, and required to be genuinely plan-led as directed by the NPPF in the first core planning principle ^[NPPF para 17]. CBC are very concerned over piecemeal development with TBC taking this application outside the Joint Core Strategy.
19. It has been very difficult to summarise these objection letters from CBC Planning and many other points are made on the difficulties of development of South Cheltenham without plan-led masterplanning. The officer report to the planning committee managed to summarise the CBC response to one paragraph.
20. *Cheltenham Borough Council (CBC) - Support in principle the location of this proposal for strategic development as set out in the Submission JCS. However, the Borough Council considers that the scheme has failed to demonstrate how the development proposed fits appropriately within a wider master plan for the area and that if this site is progressed in isolation that it will not prejudice the sustainable development of the remaining part of the strategic allocation proposed by the JCS. CBC has concerns over the landscape and visual impact of the proposal with regard to the AONB, the density of the proposed development and the lack of information as to how the scheme will contribute to the economic role of sustainable development by ensuring that development requirements are co-ordinated, including the provision of infrastructure.*
21. A central question remains, would CBC Planning have maintained the support in principle to the location of the site after publication of Inspector Ord's Preliminary Findings Report [E579 – E605, Leckhampton at E587 para's 47 to 66], another

government Inspector finding the site unsound, and lending support to CBC's concerns on landscape, visual impact, density, transport and lack of masterplanning. As a minimum TBC Planning should have re-consulted on this south Cheltenham site with their partner JCS council and returned the application to the planning committee to consider the unsoundness judgement and the merits of Local Green Space made by Inspector Ord. Judge Holgate fails to consider these aspects of following correct planning procedure in this case and the implication of removing this site from the masterplanning under the final stage of the JCS.

22. As was stated by David Wolfe at the hearing, the benefits of development are not being offset by the disbenefits which had been brought to the attention of Inspector Ord in her Preliminary findings.
23. TBC Planning Department made reference to a saved policy (SH1 and renamed subsequently to SD2, we know the area as White Cross from medieval times) from the 2003 TBC Local Plan. TBC Planning Officers failed to report to the Planning Committee was that Inspector Travers had recommended this site to be deleted from the plan (JCS EXAM 144C). The Inspector stated of policy SH1, 'I do not consider that the proposal is an urban extension in any sense other than perhaps an administrative one'.

Inspector Travers states her reservations on landscape, *'in addition, the site forms part of a swathe of open land that sweeps down from the Cotswolds to pass between Cheltenham and Gloucester and it provides a link between the AONB and the Vale of Gloucester. Development of the site would form an incongruous promontory in this open area, eroding the link and cutting off the rural land to the east of Farm Lane from the tract of countryside to the west'.*

24. The recommendation to remove the site from the adopted Tewkesbury Local Plan to 2011 was not taken up, it is interesting to look at the form of words in the adopted TBC Plan on SH1/SD2. The adopted 2006 Tewkesbury Borough Local Plan to 2011 (JCS EiP SUB105) however also makes it clear in the Housing section introduction (at p21) that this site of SH1/SD2 should not be developed in isolation:

"PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT OF THE SD2 SITE PRIOR TO ITS IDENTIFICATION AS AN APPROPRIATE LOCATION FOR STRATEGIC DEVELOPMENT THROUGH THE RSS PROCESS."

(Capital letters are used for emphasis in the original planning document)

And in the Reasoned Justification of p22.

"If the SD2 site is identified as part of a sustainable urban extension through the Green Belt review process then a process of joint working with Cheltenham Borough will be entered into in order to develop an appropriate comprehensive mixed development scheme for the area."

25. Judge Holgate correctly established the requirement for the greenbelt review on the Farm Lane Policy SH1/SD2, but not the significance of the joint working with Cheltenham Borough Council and the result of the greenbelt review were not examined. This planning approval was moving away from a plan-led approach and reliant on the JCS allocation and the hope that the Cheltenham Borough side could

provide all the services and infrastructure as CBC Planning stated in their letter [E2 – E7] ^[para1], for work, leisure, services and facilities. It is important to understand that in moving ahead of the JCS with this piecemeal approach that developer contributions from the Community Infrastructure Levy (CIL) were not going to be generated from this site, this is to the disadvantage to the South Cheltenham Wards of Leckhampton and Warden Hill.

Revised Planning Application – June 2015

26. In the summer of 2015 REDROW and TBC Planning published a revised planning proposal with an increased AONB buffer strip to one side of the site, housing numbers were maintained with increased density.

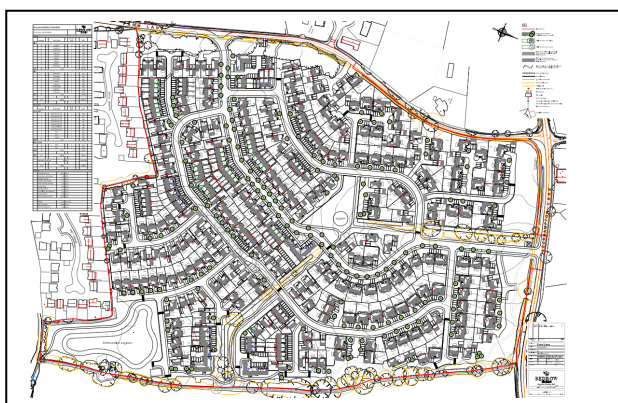


Figure 4 Original outline layout of the REDROW planning application, October 2014



Figure 5 Revised outline layout of the REDROW planning application, June 2015, note the wider buffer strip to the Cotswold AONB

27. Again, it is important to understand the concerns from Cheltenham Borough Council and again stress that this is a urban extension to Cheltenham Town and CBC will provide the services and facilities. At this point there was real concern that this planning application might get approved ahead of the JCS and without waiting for the Inspector's promised preliminary report.
28. In the second CBC objection letter [E447 - \$450, 4pp] dated 6th July 2015, again this was endorsed by the Leader of the Council. CBC reiterated that whilst the council did not object to the principle of development at this location *it does object to development being brought forward in a piecemeal way, failing to adequately demonstrate its contribution to comprehensive master planning of the strategic allocation proposed by the submission JCS* ^[E447 - \$450 para 2]. *This requirement for comprehensive planning and development of the strategic allocation was a key reason for Cheltenham Borough Council's refusal of outline permission for 650 dwellings (13/01605/OUT) on the 31st of July 2014* ^[E447 - \$450 para 2].
29. These statements highlight the importance of masterplanning and maintaining a NPPF compliant plan-led approach in Cheltenham Borough Council's submission. CBC make the direct request to TBC planning officers to convey their objections to

the planning committee, this request was disregarded and only a very brief summary was provided in the officer report ^[E487, eight lines starting at bottom of page].

'Having reviewed the revised scheme the Borough Council would wish to add to the comments submitted in our previous correspondence to you dated 1st December 2014. I would be grateful if you could bring both this letter and our previous letter to the attention of the applicants and the Planning Committee of Tewkesbury Borough Council and take into account in your consideration of the scheme' ^[E447 - \$450 para 3].

30. CBC maintain their objections on NPPF compliance, Landscape/AONB setting and on masterplanning (all these relate to ground 4, masterplanning and non plan-led). *Whilst there have been amendments to the scheme, including a reduction in the land take to the sensitive south of the site, the proposals are far from acceptable and do not fit well with the masterplan suggested at earlier stages of our consideration of this area. The result of the masterplan presented is that the built form continues too far towards the AONB. There appears to be no cohesion between the layout subject to application 14/00838/FUL and that proposed in the appealed proposal within CBC's boundary, application 13/01605/OUT* ^[E447- 450 para4 Master Planning].
31. There are new important points raised on NPPF compliance and again this reflects back to the lack of masterplanning where Judge Holgate fails to see the significance and impact on the wider scheme for South Cheltenham (A6/C6).

[E447- 450 sub-section on Master Planning]

Internal landscape is weak, and does not match the more sensitive approach being proposed in the appealed scheme.

The NPPF has established a strong basis for sustainable development which involves

"...seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including...

- achieving net gains for nature;*
- Replacing poor design with better design;*
- Improving the conditions in which people live...;*
- Widening the choice of high quality homes."*

The NPPF states that the Government attaches "great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Elsewhere, NPPF requires developments to function well, create a sense of place, respond to local character, be safe and be visually attractive.

In terms of designing and building places to live these statements mean that the planning system should be creating places which are pleasant to live in and which make a positive contribution to the quality of the local built and natural environment.

Looking at the scheme, parts of the site (particularly the less dense south) will meet some of these objectives (the buildings may be pleasant to live in and have a pleasant outlook), but not all of them. However the northern part of the site will not deliver a “better place for people to live” and has some serious shortcomings. In its worst parts, the site will function badly.

32. CBC support a reduction in housing density and more green space consideration this needed more work from the planning committee and important background to Inspector Ord’s Preliminary Finding later that year.

Without a reduction in density and the inclusion of more open green spaces, the setting of the AONB would be adversely affected. This would not be in accord with Paragraph 115 of the NPPF or Policy SD8: The Cotswolds Area of Outstanding Natural Beauty (AONB) of the submission Joint Core Strategy (JCS) ^[E447- 450 Landscape and AONB Setting].

Given the sensitive nature of this site, abutting the Cotswold AONB, it requires a more comprehensive green infrastructure strategy – one which can be secured in perpetuity and is reflective of a comprehensive masterplan for the wider strategic allocation as proposed by the JCS. Policies of note within the Submission JCS are SD7: Landscape and INF4: Green Infrastructure ^[E447- 450 Landscape: Green Infrastructure].

The landscape design should have regard for the landscape character of the area – in this case Settled Unwooded Vale transitioning to Cotswold AONB Escarpment. With the landscape character as a starting point a design should be developed around a green infrastructure network which complements the landscape character. This would inevitably lead to a reduction in density of built form ^[E447- 450 Landscape: Green Infrastructure].

33. CBC in Conclusion on the revised plans, ‘Cheltenham Borough Council following review of the revised plans remain as set out in our letter dated 1 December 2014’ ^[E447- 450 Conclusion] and reiterates the core evidence for ground 4, in that the council, ‘considers that the scheme has failed to demonstrate how the development proposed fits appropriately within a wider master plan for the area and that if this site is progressed in isolation that it will not prejudice the sustainable development of the remaining part of the strategic allocation proposed by the JCS’ ^[E447- 450 Conclusion].

It is the Council’s view that whether the applicant relies on the adopted 2006 Tewkesbury Borough Council’s SD2 allocation policy, or the emerging allocation in the JCS policy SA1 (plan A6 strategic allocation) in support of the development; there is an undeniable requirement within both of these for the development to be carried out comprehensively to integrate well with the rest of the South Cheltenham Leckhampton area proposals ^[E447- 450 Conclusion].

Response from other important Consultees on the revised plans

The revised plans of figure 5 were discussed in detail at the High Court hearing and reported by Judge Holgate at para 12 of his judgment. These are discussed here because they relate to the original grounds 1 and 4 of the case, the response to Inspector Ord's Preliminary Report and the need for a plan-led approach under the JCS.

34. Judge Holgate reported at para 12 that, *'the new layout proposed a significant increase in the size of the landscape buffer in the southern part of the site. TBC undertook further consultation, as a result of which it is clear that English Heritage, Natural England and the CCB ceased to object to the proposal'*. This statement needs to be examined; it is worth bearing in mind that these consultees can only recommend they do not have a veto on planning proposals regardless of the sensitivity of the site.
35. Firstly Natural England (NE), in their response letter of the 5th August from Mr Eric Steer (Senior Adviser) on the amended scheme, under the section on the Cotswolds Area of Outstanding Natural Beauty (ANOB), NE noted the changes to the ANOB buffer strip illustrated in figures 1 and 2, and made no further comment. They did defer to the Cotswold ANOB Conservation Board on the impact to the AONB and advised TBC Planning to seek advice from the Cotswold ANOB Conservation Board. In the following section on, 'other advice' NE stated, *'we would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:*
- *local sites (biodiversity and geodiversity)*
 - *local landscape character*
 - *local or national biodiversity priority habitats and species.*

These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application'.

Natural England go on to make important considerations on Protected Species and Biodiversity, these were particularly important to this site containing ancient hedgerows dating back to the schedule accompanying the 1778 Act of Inclosure for Leckhampton.

36. Turning attention to the Cotswold ANOB Conservation Board, an email dated 15 June 2015 from Andrew Lord (Planning & Landscape Officer), on the amended plans. The CCB, *'in particular supports the re-introduction of the "buffer" land to the south of the development,* and recommended that this be *secured by planning condition.*

The CCB concluded ^[** final para], and importantly they maintained their objection, supporting the Cheltenham Borough Council view, 'the Board does also

acknowledge the comments of other third parties which considers this development to be too dense and too urban. Any attempts by the Council at further reducing density, improving the “greening” of the site, and reflecting the urban edge characteristics of the area (in addition to the buffer land to the south) would all be supported by the Board as this will in turn assist in reducing the impact on the setting of the AONB’.

37. Judge Holgate misinterpreted the detail of both the Natural England and Cotswold AONB Conservation Board responses to the amended plans of figure 5. Whilst it is correct that CCB accepted the larger green buffer to the south of the site, their concerns about reducing density, improving the greening of the site and reflecting the urban edge characteristics of the area all remain unaddressed. The CCB stated clearly in their final correspondence their *‘support of other consultees’* in *‘reducing density, improving the “greening” of the site, and reflecting the urban edge characteristics of the area’*.
38. Judge Holgate also referenced the English Heritage submissions in paragraph 12 of his Judgment; on the 11th November 2014 they provided important advice and concern over the heritage assets. It was noted, *‘that the application lies in a landscape that includes a number of designated heritage assets, including a Scheduled Monument and building Listed at grades II* and II that are located within 1km of the application site ... the application may therefore result in changes to the assets noted above that may cause substantial harm to the significance of the assets (NPPF para 132 – 134)’*. English Heritage stated that after close examination of the developers Environmental Statement that insufficient evidence was provided to understand the impact and listed three designated heritage assets and other omissions. *‘We are therefore concerned that the effects of the proposals to the historic environment have apparently not been subject to a comprehensive and robust assessment that accords with relevant guidance’*. They concluded with what looks like a standard recommendation, *‘we would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice ... it is not necessary for us to be consulted again’*.
39. The Historic England (formerly English Heritage) response to the amended plans was that they did not wish to offer any substantial comments on this occasion. *‘The information now supplied satisfies the requirements as set out in the NPPF and the conclusions now supplied by the consultants are agreed with’*. No detail is given as to what additional information was provided but the final recommendation was unchanged from their first letter and highlighted in bold stated, *‘the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice’*. One question remains, were Historic England informed of the Archeological Survey results, the important findings of two Iron Age Roundhouses and Roman remains on the North Eastern part of the site.
40. Sports England where also consulted on this planning application, in their 7th November 2014 letter they assessed the application against the National Planning Policy Framework (NPPF) in terms of *‘provision of facilities and opportunities for sport in order to meet the needs of local communities’*, they quote the NPPF requirement in their letter [**]. This is providing evidence on the need for Local Green

Space and is important background evidence for ground 1 and the correct handling of the Parish Council LGS/LAP application on White Cross after publication of Inspector Ord's Preliminary Report. Sports England report, *'no formal provision is made for sport on this site, nor any contribution towards the provision of sports facilities off-site'. Therefore, it is not possible to conclude that the proposed development accords with paragraph 70 of the NPPF or Objective 3 of the Sports England Land Use Policy Statement. In the light of the above and the lack of evidence of any other exceptional circumstances Sports England objects to the proposal'*. They requested, *'to be notified if this application was going to be presented to a Planning Committee and notified in advance of any committee agendas, reports and committee dates'*. This Sports England letter is important background to the decision by TBC officers not to refer the delegated permit back to the planning committee after Inspector Ord had recognized the merits of Local Green Space at Leckhampton in the JCS Preliminary Findings report [E579 – E605, Leckhampton LGS E589 para's 61 to 66]. A follow-up letter dated the 4th August 2015 reiterates Sports England concerns that the revised layout does not address the previous concerns and maintains their objection to the planning proposals.

41. At this point our local MPs got involved, the TBC Planning Officers had on the 21st September 2015, recommended a delegated permit for the REDROW planning application disregarding the joint working request of CBC, premature to the JCS and against the evidence. Our MPs foresaw a second TBC policy falling from the Joint Core Strategy, with site SD2 as presented providing little or no infrastructure, and resulting in unsustainable development; a poor result for present and future residents of Cheltenham. Alex Chalk MP and Laurence Robertson MP wrote a joint letter to the National Planning Policy Unit (NPCU) to request a call-in of this planning proposal. Having heard and read the evidence at the JCS they were in full agreement with Cheltenham Borough Council and the Parish Councils and wanted more independence on this important planning decision. Alex Chalk MP, a barrister himself with fourteen years experience specialising in counter-terrorism, homicide and serious fraud cases, and has direct experience in local planning having been chair of a Hammersmith & Fulham Planning Committee for four years when he himself was a local councillor.
42. Our MPs put forward a compelling case for keeping South Cheltenham under the JCS and merit argument for Local Green Space for masterplanning [^{**}] which is relevant to ground 1 and 4 of the case. Again, as did CBC, the case was made for local plan making, *'the land under consideration is within the area administered by TBC but impacts primarily on residents within Cheltenham, hence this joint request'* [^{**} para 2]. *'The application there has 'significant effect beyond [TBC's] immediate locality'. It also gives rise to 'substantial cross-boundary' controversy, this is underscored by the fact that the SD2 application cannot sensibly be viewed in isolation'* [^{**} para 6&7].
43. Laurence Roberston MP and Alex Chalk MP discussed the lack of infrastructure in their NPCU letter, *'it would be artificial to consider the SD2 matter in isolation comes from the fact that this scheme does not contain any infrastructure provision, by way of schools, medical facilities, business or retail space. All such provision is contained within the adjacent Bovis Miller application. In other words, considering the SD2 application in isolation is highly artificial. More serious still, if permission were to be*

granted for the SD2 application but refused for the Bovis Miller site, the resulting development would be isolated and lacking in essential services’. ^[** para 8]

44. *There is currently an outstanding LGS application (submitted by a local parish council and supported by over 1,500 local residents) which is yet to be adjudicated upon and which relates to green space covered by both the Bovis Homes and the SD2 sites.* ^[** para 14]. In conclusion, *‘higher level perspective is necessary to ensure the national plan-making process is not undermined and the adverse impacts of granting permission prematurely do not significantly and demonstrably outweigh the benefits. Not to do so risks developing this strategic site in piecemeal fashion, without sufficient regard to the need for Local Green Space and comprehensive master planning’* ^[** para 15]. This provides support to CBC Planning views and forms another important piece of the background prior to Inspector Ord’s Preliminary Report.
45. Laurence Robertson MP has followed the Joint Core Strategy from the beginning and has always been concerned over housing numbers allocated to greenfield/greenbelt sites being promoted above town and city regeneration. Laurence is a very experienced MP, has also been involved with shaping the NPPF, and how national policy translates to housing delivery and sustainability. It greatly troubled South Cheltenham residents when he made statements about planning officers not having to declare interests and lack of transparency in local planning in a House of Commons NPPF debate.

National Planning Policy Framework, Westminster Hall at 12:00 am on 5th March 2015. Hansard source (Citation: HC Deb, 5 March 2015, c376WH) - Laurence Robertson MP *‘The people who can make decisions on planning are planning officers—not just councillors, but planning officers—and yet, as I understand it, there is no requirement for them to register their outside interests or indeed their family’s outside interests. I will not mention names now, but I have concerns about certain cases and there should be some consistency in this sector, because planning officers directly make decisions on planning. They may not be decisions about 500 houses on a field, but planning officers make certain decisions, and yet there is no transparency about them. There should also be a requirement—I do not think there is one currently—that whenever planning officers meet developers those meetings should be carefully minuted. Again, that is so that we can have transparency and so that people can have confidence in the planning system, because at the moment, despite the Government’s best efforts and best intentions, I do not think there is that confidence in the system for a number of reasons, which I have covered.’*

46. There was a growing sense of something untoward about how this site was being progressed by Tewkesbury Borough Council. TBC Planning should have been handling this planning application by the book and due-diligence following the events of March 2007 when a Gloucestershire Councillor was banned from holding office. Tewkesbury Councillor Sean Connors, who was arrested and bailed on suspicion of money laundering and corruption ([\[1\]](#),[\[2\]](#) and [\[3\]](#)) in March 2007, had links to Ron Martin, Southend United Chairman and the company Martin Dawn owners of the land at White Cross/SD2. Curiously TBC have consistently made development at Leckhampton a JCS redline, TBC are very protective of their little patch of Leckhampton even though housing here would be supplying the needs of

Cheltenham, it is a Cheltenham urban extension as all previous Inspectors have recognised. Taking the White Cross site outside the Joint Core Strategy at this time, with the subsequent loss of the Community Infrastructure Levy makes little planning sense and harms the residents of South Cheltenham.

47. On the 23rd October 2015 Cheltenham Borough Council debated this White Cross/SD2 planning permission granted by TBC Planning. The Council, *did object to development being brought forward in a piecemeal way, failing to adequately demonstrate its contribution to comprehensive master planning of the strategic allocation proposed by the submission JCS*, ^[** para 2]. It was reported to full council that, *'the Head of Planning of Cheltenham Borough Council emailed the case officer and Chair of Tewkesbury Planning Committee, reinforcing the concerns set out by Cheltenham Borough Council and highlighting a specific request from a local action group (LegLag) in regards to the amenity space and provision of local area of play within the site'* ^[** para 4].
48. The following motion received unanimous cross party support by CBC Full Council to support the joint request to the NPCU for a call-in by Alex Chalk MP and Laurence Robertson MP and delivery of comprehensive master planning. *'This Council requests the Leader of the Council to write urgently to the National Planning Casework Unit in support of the SD2 Call-In request in relation to Tewkesbury Borough Council Planning decision 14/00838/FUL consistent with the original letter of objection to this application sent by the Borough Council on the 6th July 2015'*.
49. The National Planning Case Unit (NPCU) declined to call in the White Cross planning application, in a telephone conversation with Mike Hale it was pointed out to me that budgetary constraints often play a part in these decisions. I was reminded of two recent appeals within the JCS districts and there has been a reduction in the number of applications being taken to appeal. TBC, incorrectly, took this decision to be an endorsement by the NPCU and the Secretary of State of the granting of planning permission on White Cross. It is worth looking at the short NPCU decision letter and follow on correspondence to clarify the basis for the decision ^[**].
- 'The Secretary of State has carefully considered this case against call-in policy, as set out in the Written Ministerial Statement by Nick Boles on 26 October 2012. The policy makes it clear that the power to call in a case will only be used very selectively'* ^[** para 2]. *The Government is committed to give more power to councils and communities to make their own decisions on planning issues, and believes planning decisions should be made at the local level wherever possible* ^[** para 3].
50. The statement from the NPCU on localism should have been enough to persuade TBC Planning of the merits of joint working with Cheltenham Borough Council and Leckhampton with Warden Hill Parish and Shurdington Parish Councils. The Secretary of State and the NPCU state the importance of community involvement in planning decisions. It was clear to Cheltenham Borough Council that the JCS EiP was the vehicle for this vital community involvement and for compliance with the NPPF core principle of plan-led masterplanning of South Cheltenham.

51. In further email correspondence with the NPCU (Appendix B) it was confirmed that the non call-in decision was not an endorsement of the granting of planning permission by PBC. Mr Mike Hale, a Senior Planning Casework Officer states in reply, '*sustainability and many other are planning merit considerations are not considered by the Secretary of State in the way you describe below when it comes to consideration of whether he should intervene. These matters would be examined in detail by him in the event that there was a public inquiry*'^{Appendix B]}. The decision by the NPCU not to call-in this planning decision should not have been used by Mr Dawson to set aside the unsound finding and Local Green Space merits in Inspector Ord's December 2015 JCS Preliminary Finding Report.
52. This then sets the background to this planning application and the ongoing Examination in Public (EiP) of the Joint Core Strategy by Inspector Ord. My objective is to demonstrate that granting planning permission on White Cross before the Inspector's Preliminary Report was already finely balanced in weighing the harms to the benefits made out by the statutory consultees, sustainability and the evidence. TBC Planners relied heavily on the lack of a Tewkesbury five year land supply ^[NPPF para 46 & 49] and secondly the Farm Lane allocation in both a saved policy (SD2) in the existing adopted TBC plan and as a strategic site in the emerging JCS. The JCS was nearing completion with the promise of increased land supply across all three districts. The TBC SD2 policy was recommended by Inspector Travers to be deleted ⁽²³⁾ and also clearly constrained by the sensible requirement of joint working with Cheltenham Borough Council given that this Farm Lane site is an urban extension of Cheltenham and part of Leckhampton ⁽²⁴⁾. It is worth noting that the TBC Planning Committee when granting a delegated permission on White Cross had another 21 applications on the agenda, given that this site was a major urban extension it did deserve more consideration, CBC would have devoted the entire sitting to this decision.

Inspector Ord's JCS Preliminary Finding – December 2015 [E579 – 605]

53. Inspector Ord has reviewed the Cheltenham C6 strategic site under the EiP, her recommendations are informed by the comprehensive JCS Evidence Base and oral evidence from many organisations including council officers. There were three important environment reports covering the wider area which included the TBC administered area of White Cross/SD2.

These are the JCS Natural Environment and Broad Locations series reports and relevant sections:

- 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 (SD2), section 7

54. Inspector Ord had convened five sessions on Leckhampton and made three formal visits to the area including Leckhampton Hill. Additional common ground work was

requested from the Parish Council on their NPPF Local Green Space application. Cheltenham completed the first public consultation on their local plan in the summer of 2016, Local Green Space was included and CP107 is the designation given to a small Local Area of Play (LAP) which is on the TBC administered White Cross/SD2 area. This important green space amenity has not been given consideration by Tewkesbury Borough Council in granting planning permission ahead of the completion of the JCS and C6/A6 Masterplanning, reference paragraph 112 entitled Leckhampton below.

55. Inspector Ord raised some important points on the Leckhampton allocation and requested additional work on Leckhampton, this was **highlighted** in the original text; please see below, para's 56, 59 and 66.

Judge Holgate criticised Inspector Ord for not considering the OAHN prior to site work, the inspector is not silent on the OAN (para 12), the council officers had presented the OAN evidence at EiP on many sessions and many reports in the EXAM database. There was a rebalancing of housing from Cheltenham to Gloucester and Tewkesbury (para 4), this reduced the demand at Cheltenham for strategic sites and working from the OAN evidence presented, the spacial strategy was also found sound at para 4.

Para 12 refers to the Cambridge Consultants Exam 119-OAN Update Report, Cambridge Centre for Housing and Planning Research. The OAN is discussed para 12 to 21, it is clear that OAN was evidenced based at this stage, this was accepted by Inspector Ord.

56. If we look at the duties of the Inspector, this extract is taken from the Procedural Practice in the Examination of Local Plans:
- *Inspectors will identify any fundamental concerns at the earliest possible stage in the examination and will seek to work with the local planning authority to clarify and address these;*
 - *He/she will be proactive from the time of appointment in order to ascertain if there are problems with the plan which can be identified at an early stage;*
 - *All Inspectors' reports will be subject to peer review before issue in order to achieve the highest possible level of consistency;*
 - *If the Inspector forms an early view that the submitted plan may have serious shortcomings that indicate unsoundness, the Inspector will raise them with the LPA at this early stage.*
57. Inspector Ord was meeting her duty and responsibilities in her Preliminary Report [EXAM 146], warning Tewkesbury Borough Council of unsoundness at this early stage on policy Farm Lane/SD2 in Leckhampton. Her finding at para 8 was that LGS was '*justified in principle*' at Leckhampton. The basis for this finding is then explained in subsequent paragraphs: para 61 deals with the Councils' request to Inspector Ord to advise on the soundness of LGS; paragraph 62 to 64 provides the rationale for the finding of soundness; and finally paragraph 65 assesses the merits of designation of

the Leckhampton LGS. Her report concludes at paragraph 66 *“NPPF criteria are met and LGS designation is justified”*. Judge Holgate fails to appreciate the significance of the Inspector’s statements on LGS, and in particular the importance in paragraph 66 calling for additional work, *“Further input from relevant developers and Leckhampton with Warden Hill Parish Council, limited to indicative areas, is invited at the forthcoming hearings”*.

58. It was Inspector Ord's duty to the three councils to report unsoundness at an early stage and make those LGS recommendations as requested to avoid poor planning decisions being made in haste predicated on JCS allocation and/or TBC five year supply. The OAHN was considered in her **peer reviewed** report and the rebalancing of housing recommended was a sensible approach to achieve OAHN in all three districts. The OAHN work was more detailed in the Interim report which gave exact numbers in each district and demonstrated that Cheltenham even with the town’s constraints was meeting the OAHN in full to 2031. It is worth noting, the amount of work completed by the three councils in the preparation of the Joint Core Strategy original submission, three public consultations, hundreds of evidence documents and nearly a year in examination by the Bristol Inspectorate; this was not as Judge Holgate portrays as the beginning of a process and the JCS was not silent on the housing needs of Gloucester City, Cheltenham and Tewkesbury.

59. Table 1 EXAM 146 - Inspector’s Preliminary Findings on Green Belt Release Spatial Strategy and Strategic Allocations, December 2015

Report extract relating to Leckhampton, original paragraph numbering and highlighting as published, references are to the JCS evidence documents listed at the end of the table.

<i>7. Turning to non-GB allocations, I have reservations about parts of the Leckhampton site. The two allocations at Ashchurch, I find to be sound.</i>
<i>8. In terms of the designation of Local Green Space (LGS), I find that this is justified in principle at both the Leckhampton site and the North West Cheltenham site.</i>
Leckhampton (A6)
<i>47. The third non-GB allocation is at Leckhampton on the south western edge of Cheltenham, located partly in Cheltenham and partly in Tewksbury. It is proposed as an urban extension to Cheltenham, contributing 1,124 dwellings towards Cheltenham’s housing supply⁴¹. The site lies reasonably close to Cheltenham town centre and is partly enclosed by existing development.</i>
<i>48. Although that part of the site which lies to the south-west of Farm Lane (within Tewkesbury Borough) was considered by the AMEC GB Assessment to have potential to be added to the GB⁴², the report stopped short of recommending its inclusion. The AERC GB Review of Cheltenham^[43] found that the Cheltenham part of the site did not score highly against defined GB purposes.</i>
<i>49. The Strategic Allocations Report^[44] and Landscape Report^[45] indicate that its overall landscape sensitivity is high to medium, and that whilst the site lies generally</i>

within flood-zone 1, there are small areas which fall within flood-zone 2.

50. *A section of the site's southern boundary lies adjacent to the AONB and some areas of the site are very sensitive to development. In the SA it 10 scored major negative against the landscape sustainability objective, meaning that it is assessed as having a problematical sustainability effect, with mitigation likely to be difficult and/or expensive[46]. It is the only strategic allocation to have scored a negative effect above minor against any objective.*

51. *The Landscape Report indicates that a large part of the allocation, (including land to the south west of Farm Lane) falls within the highest category of landscape and visual sensitivity. One of the key considerations in the Report is that the site has a **"very prominent landform and field pattern to the south adjacent to the AONB which is vulnerable to change and is considered a valuable landscape resource"** [47].*

52. *I have reservations about the soundness of developing that part of the proposed allocation which is highly sensitive and which, from my site visit, I noted to be in clear view from within the AONB and other public recreational areas.*

53. *A number of heritage assets also require careful consideration, including the moated site at Church Farm, the Rectory, Leckhampton Farmhouse and Barn, the Olde England Cottage, the Moat Cottage and Church Farm[48]. The Historic Environment Assessment states that **"there are major heritage concerns to development"** due to the high contribution the area makes to the setting of designated buildings and the high potential for archaeological remains of medium regional significance[49]. Development should be avoided that could have a significant impact on these assets unless appropriate mitigation were demonstrated.*

54. *The section south west of Farm Lane, within Tewkesbury's boundaries, is an existing allocation within the Tewkesbury Borough Plan. However, the Inspector examining the Tewkesbury Borough Plan had reservations about developing this area and recommended its deletion as an allocation [50]. This recommendation was not taken forward by the Council.*

55. *Tewkesbury Borough Council has recently resolved to grant planning permission for 377 dwellings on the Farm Lane site⁵¹, despite objections from Cheltenham Borough Council [52] and seemingly without integrated master-planning for the whole site.*

56. *Whilst these dwellings are intended to contribute to Cheltenham's housing supply, it is unclear how this will work in practice, as there is no mechanism in place to achieve this at present and, as the main reason for the resolution seems to be Tewkesbury's lack of a five year housing supply. **The JCS authorities are invited to provide further explanation.***

57. *I have reservations about developing this area of high landscape and visual sensitivity, adjacent to the AONB and GB. I understand that the application is now with the National Planning Unit following a request for a call in [53].*

58. The Cheltenham part of the allocation is proposed for 764 dwellings with no employment land⁵⁴. An outline planning application for residential development of up to 650 dwellings and a mixed use local centre is currently the subject of an appeal and a decision from the Secretary of State is pending. However, it is not known how this will be decided and my preliminary findings have not been influenced by this appeal. I understand that another application for additional development is expected [55].

59. In summary, balancing the harms and benefits of this site⁵⁶, in my judgement some residential development is justified on the Cheltenham part of the site. Nonetheless, this should not be on those areas that have high landscape and visual sensitivity. With this proviso, I am minded to find that the Cheltenham part of the allocation is sound. **Submissions are invited from the JCS authorities only on what capacity is justified on this site in view of my comments.**

60. On the other hand, for reasons of landscape sensitivity, I am not minded to find the Tewkesbury part of the allocation sound. However, this finding may be overtaken by events, depending on the results of the call in request.

61. Leckhampton with Warden Hill Parish Council has proposed the designation of LGS within the strategic allocation. Both the Parish Council and the JCS authorities have requested that I make a finding on the soundness of such a designation [57]. Therefore, LGS designation should only be made on areas of this site which are inappropriate for development.

62. The NPPF states that local communities should be able to identify green areas of particular importance to them for designation through local or neighbourhood plans, which is consistent with the planning of sustainable development.

63. The criteria for designation, as set out in the NPPF⁵⁸, are that the green space is in reasonably close proximity to the community it serves, it should be demonstrably special to the community and hold particular local significance, and it should be local in character and not be an extensive tract of land.

64. What is an extensive tract of land is largely a matter of judgement and will depend on the circumstances of each designation. However, I consider the original area put forward by the Parish Council, as referred to in the Local Green Space Study Report [59], to be too large (54 hectares) and to conflict in part with areas that are justified for development. Nonetheless, there is scope for designation within the allocation.

65. Turning to the merits of designation, the proposed LGS lies close to the local community, and is well supported by local people⁶⁰. Following public consultation, a range of reasons was submitted in support of the designation. Amongst other things, these relate to the beauty and interest of views, the importance of the network of footpaths for dog walkers and others, opportunities for all year round exercise such as jogging, enjoyment of the historic buildings, hedgerows and trees, and the area's overall tranquillity [61].

66. In my judgement, the evidence suggests that the NPPF criteria are met and

LGS designation is justified. The JSC authorities are requested to consider indicative areas for LGS designation based on two scenarios:
1) development not proceeding on the Farm Lane site;
2) development proceeding on the Farm Lane site. Further input from relevant developers and Leckhampton with Warden Hill Parish Council, limited to indicative areas, is invited at the forthcoming hearings. Detailed boundaries are best left for either the Cheltenham Borough Plan or the forthcoming Neighbourhood Plan.

REFERENCES

- 37 EXAM130, page 45
- 38 EBLO 102, October 2013, pages 91-94
- 39 EBLO 106, October 2012, pages 58-59
- 40 See Exam 87 for summary
- 41 EXAM 130, page 45
- 42 ENAT 100-AMEC Green Belt Assessment, September 2011, page 55, paragraph 7.3.8
- 43 EXAM 81, see Fig C: Ranked Scoring of Areas Against Green Belt Purposes
- 44 EBLO 102, October 2013, pages 72-74
- 45 EBLO 106, October 2012, pages 14-15
- 46 SAPR 100, page 100; SASUB 100, page 101
- 47 EBLO 106, October 2012, page 15
- 48 ENAT 107-Historic Environment Assessment, March 2014, page 75
- 49 ENAT 107, page 76, paragraphs 10.4.2 and 10.4.3
- 50 EXAM 144C, see particularly paragraphs 2.25.15 and 2.25.17
- 51 EXAM 127-Farm Lane Application; EXAM 144A Tewkesbury Borough Council planning committee minutes
- 52 EXAM 121A, Annex C
- 53 EXAM 144B
- 54 Councils' Matter 8 written statement, answer to question 137
- 55 JCS Statement Matter 8: Strategic Allocations, answer to question 148, page 30
- 56 See summary of benefits in EXAM 87

JCS ENVIRONMENT REPORTS, EBLO 106, E104 and ENAT 100

60. There are three important references in the JCS evidence base, these give some explanation as to why Inspector Ord is coming to different conclusions to TBC Officers on the soundness of this White Cross site in Leckhampton. It also demonstrates the importance of the NPPF first core planning principle of a plan-led approach, masterplanning and making good use of the evidence available as recommended by Natural England^[**]. The TBC planning Committee members were not given the opportunity to contrast these independent and comprehensive JCS environment reports with the REDROW Environmental Statement, nor were these reports referenced in the officer report.

Judge Holgate has been critical of Inspector Ord in his Judgment, the Inspectorate and the NPPF Plan-Led approach, this is the reason for reviewing specific JCS evidence documents, Inspector Ord's approach and the basis of her findings.

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

This report has been referenced by Inspector Ord in the Bristol Inspectorate Preliminary and Interim reports, the relevant map is in the bundle [E1]. C6 – South Cheltenham (Leckhampton). Within the eastern corner of the Broad Location the landscape value is high-medium sensitivity. This area has local 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.[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.

The report concludes the South Cheltenham section with two C6 Site Options, none has the density of development in the permission granted. Judge Holgate failed to see the significance of Inspector Ord tapping into the JCS Evidence Base, use of these independent reports in making her recommendations.

62. **E104 JCS Halcrow Strategic Flood Risk Assessment level 2, (Final July 2012), reference site T10, section 7.** REDROW's Environmental Statement says at paragraph 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, paragraph 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.

63. ENAT 100 JCS Greenbelt Assessment (Final, Sept. 2011)

Another key JCS report, this is the part of the report relating to the White Cross/SD2, here are the two important extracts:

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.

64. To summarise, Members of the Planning Committee were not provided with a summary of these important independent evidence reports 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 grant 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 plan making and being used to effect by Inspector Ord at EiP. This would only be acceptable if TBC Planning responded to Inspector Ord's Preliminary Findings Report, unfortunately they did not and relied on the NPCU decision^(46,47 & 48) not to call-in this planning application. There was misunderstanding from the TBC Officers that the NPCU had looked at the detailed evidence, including the site sustainability and the balance of harm against the benefits [please see the NPCU correspondence at Appendix B].

65. An important statement was made on the commitment to a plan-led approach in the officer report to the TBC Planning Committee^[extract below] and refers to the larger JCS Strategic Site and how it ensures the site can be '*developed in a comprehensive manner*', and the masterplanning to be informed by the Joint Core Strategy. The Planning Committee were advised the JCS allocation and lack of a Tewkesbury five year supply were the main drivers for an early planning approval, this forms a critical background to subsequent events after publication of the Inspectors Preliminary Findings in December of 2015.

(extract from the TBC Officers report to the Planning Committee)

18.1 ... Policy SD2 which supports proposals for a comprehensive scheme that makes appropriate contributions toward community facilities, education, infrastructure, recreational open space, pedestrian and cycle access, public transport provision and a landscaping scheme. Furthermore, Policy SD2 states that permission would not be granted prior to the site's identification as an appropriate location for strategic development through the RSS process (now superseded by the JCS process). This site comprises part of the proposed urban extension to the south of Cheltenham (A6). [JCS] Policy SA1 seeks to ensure that such sites are developed in a comprehensive manner to ensure that the development will integrate with and complement its surroundings in an appropriate manner.

Hearing notes taken on the Day – 29th November 2016

66. The Judicial Review hearing with the honourable Judge Holgate was held on Tuesday, 29th November on the Farm Lane (REDROW 377), Leckhampton, at the Bristol Judicial Centre. The LEGLAG Legal Team presented the case on four grounds led by David Wolfe QC.

On the day of the Hearing I was surprised at how Inspector Ord's JCS Preliminary and Interim Findings were presented to Judge Holgate. The opposing Barristers were critical of both reports and the JCS process, there was unfortunately some misinformation presented to the court, these are the issues I consider to be most worrying:

67. Judge Holgate's attention was drawn to a statement in the Interim Report para 112, that Inspector Ord had reviewed the REDROW planning application documents (EXAM 150 - 150J), that this did not contain a planning layout showing the buffer

strip to the south of the site and that the Inspector had only seen the mandatory application form, that is the tickbox planning application form. This was in error, EXAM 150B contains the planning layout at full scale, a more detailed version of Figure 5, Inspector Ord references all eleven documents, EXAM150 to 150J.

68. It was stated that in the Inspector's Preliminary Report the OAHN was not considered before moving onto strategic site assessment, this is plainly untrue, Judge Holgate considered this to be non compliant with the NPPF. OAHN was covered in detail at the EiP, it should be borne in mind that the Inspector was conducting an examination of the three councils plan and evidence, please reference EHO 101 to 121, OAHN at EHO 111 & 115.
69. The adopted TBC 2006 plan (EXAM-144C) was referenced, it was suggested that the gate to bring forward site SD2 was dependent only on a greenbelt assessment, this was carried out by AMEC⁽⁶⁰⁾ and no areas of Leckhampton were considered for additional greenbelt under the JCS, again untrue on two counts. There was another constraint, the joint working with Cheltenham Borough Council and the AMEC report did state the potential for greenbelt to added at White Cross, the best candidate in the whole three districts of the JCS.
70. It was stated that the REDROW Environmental Statement trumped the JCS independent Environmental Reports & Analysis in a plan-led approach to inform Inspector Ord's Preliminary and Interim Reports, this is very subjective and prejudicial. Inspector Ord places reasonable weight to the JCS Environmental Reports EBLO 106, ENAT 100, ENAT 104, see JCS Environmental Reports section above^(57 to 62) [**];
71. In the Inspector's Interim Report para 113 they did correctly point out an error in the reporting of the Cotswold Conservation Board (CCB), this was caused by confusion over comments on the increased buffer strip of Figure 4 and 5 on the south of the site and not the whole area. However the CCB letter^(34 to 37) was recommending change and clearly constitutes an objection and supported other consultees for less density and a 'greening' of the site [**].
72. The misinformation at paragraph 67 to Judge Holgate needed to be corrected but this was not possible, points at paragraphs 68 to 70 need review, the point at paragraph 71 is correct but needs context, I will seek clarification from the Bristol Inspectorate and taking advice from our legal team on the correct approach that can be made to the Court of Appeal. It was not possible to inform Judge Holgate at the hearing or subsequently with the concern of being seen as unreasonable.

Historical background to Local Green Space on White Cross

73. A Town & Village Green application on the area of White Cross was submitted to the Gloucester County Council in August 2011, this received the maximum score from County Officers in all four selection and assessment criteria in respect to both public benefit and evidence submitted. The area of White Cross was also considered the BEST candidate for additional greenbelt by AMEC in their JCS greenbelt review covering all three districts of Cheltenham, Tewkesbury & Gloucester.

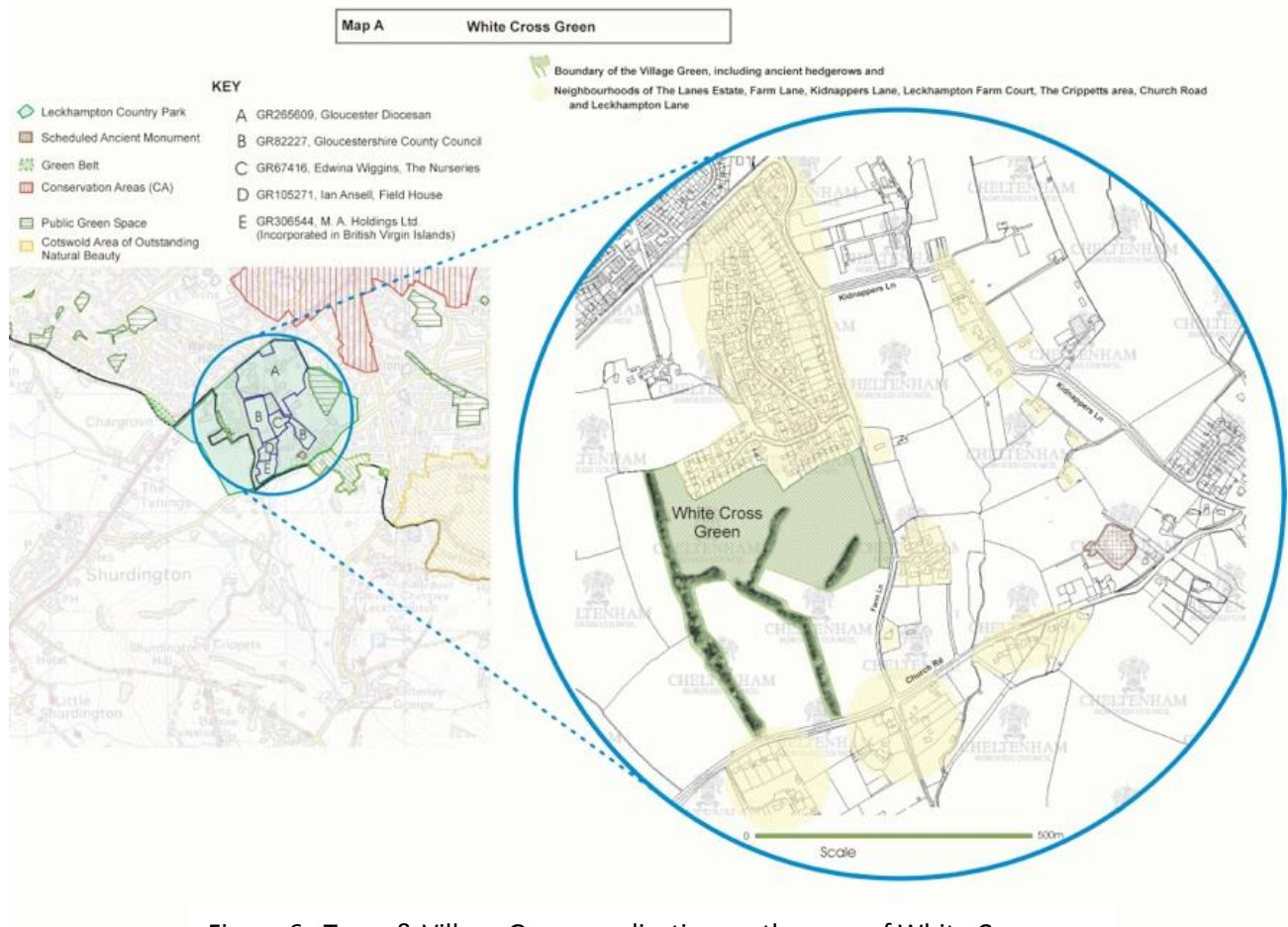


Figure 6 Town & Village Green application on the area of White Cross was submitted to the Gloucester County Council in August 2011

CONCLUSIONS

74. It was not unreasonable to suggest that Inspector Ord's Preliminary Findings of the unsoundness of this site and for the merits of Local Green Space at Leckhampton could have tipped the balance and caused the TBC Planning Committee to revise their decision to a **hold** on granting permission pending further progression of the JCS. Given the background, that a NPPF compliant Local Green Space application had not been processed by the council, CBC's strong objections^(17 to 21 and 28 to 33) and request to return this site to master planning under the JCS. The TBC Planning Committee had made their original planning decision on the 29th September 2015 based primarily on a Tewkesbury Borough housing allocation and lack of a five year supply^[NPPF para 14], both were removed in Inspector Ord's Preliminary Findings Report, December 2015.
75. This is not about a dispute or difference of opinion between a government inspector and a borough council as Judge Holgate describes^[**], the three JCS councils requested of the Inspector to look at the soundness of sites and the merits of Local Green Space particularly at Swindon Village and Leckhampton. Our ground 1 is not about the planning merits of development at this location, this ground focuses on officers simply returning a planning application to the planning committee for reconsideration due to two separate matters. Firstly, an unsoundness judgement based on landscape sensitivity and here the Inspector also quotes the Historic Environment Assessment, *'there are major heritage concerns to development'*. Secondly, the important recommendations which Inspector Ord had made on Local Green Space requested by the JCS councils at the Examination in Public.
76. An important consideration here is the Parish Council's NPPF Local Green Space application dated July 2013 and updated at EiP as part of the common ground work in December 2015 had not been processed by Tewkesbury Borough Council prior to granting planning permission. The play space (LAP) for the children is vital infrastructure in any scheme. The green area of White Cross, approximately 3 acres in area along the line of the Cheltenham Circular Walk (main Leckhampton /Up Hatherley footpath) which has been so well supported by the public in both the parish neighbourhood plan consultation and the separate Cheltenham Borough Council consultation ^[**] needs to be considered for the wider area and masterplanning under the Cheltenham Local Plan and Parish Neighbourhood plan as recommended by Inspector Ord.
77. The Parish Council views Local Green Space and housing development as two completely separate matters and essential that they are guided by emerging Joint Core Strategy. Inspector Ord and Clark have brought a degree of clarification to the overall A6/C6 South Cheltenham site and direction to the important masterplanning requested by Cheltenham Borough Council. The White Cross Local Area of Play would be a wonderful park area, modest in size at 3 to 4 acres, this includes the important heritage site where two Iron Age Roundhouses have been found in the archeological surveys and contains a small section of ancient hedgerow where the Children build their dens and the starlings roost in their thousands. Judge Holgate has failed to see the significance of the Parish Council Local Green Space application and the localism driving this Neighbourhood Planning. This is supported by Cheltenham Borough Council and let's be clear again, this site is a Cheltenham allocation albeit for some unfathomable reason Tewkesbury Borough Council made this development a JCS redline. However, it has now been agreed by Tewkesbury

Borough Council at the JCS EiP with Inspector Ord that this site is an urban extension of Cheltenham, it is a Cheltenham allocation and it would be Cheltenham providing all the services.

78. I believe the grounds for appeal are strong on both Local Green Space and the need for plan-led masterplanning on this cross boundary site, Cheltenham Borough Council need to have an input on the balance of harm to benefits. We request the Court of Appeal to consider bringing this site of White Cross back under the JCS masterplanning for the correct processing and consideration of LGS (WG1 is part of a wider Parish Council LGS application, and supported in Inspector Ord's Preliminary & Interim Report, and CBC's CP107 LGS public consultation). This LGS application has gone out to two public consultations as directed by the NPPF, both Parish and Borough and received tremendous public support, this is in the JCS evidence base and has had two dedicated EiP sessions.
79. We do not expect to match the standards of John Hughes, the last British Winner of an Olympic Medal for Town Planning in the 1932 Los Angeles games, we simply seek to follow the core NPPF planning principles. That said, the JCS has won an award, commended by the Royal Town Planning Institute in 2015. The latest amendments to the plan recommended by Inspector Ord is receiving near unanimous support from Cheltenham and Gloucester City Councils and please note Leckhampton has been removed as a Strategic Site and Cheltenham is meeting the town's OAHN requirement in full to 2031. We ask the Court to return this application to a plan-led process as directed by the NPPF and for consideration of local green space on the area of White Cross.

This statements made are verifiable with all references provided and I will make myself available to the Court of Appeal for any cross examination.

This statement is true to the best of my knowledge and belief.

Signed:



Dated: 8th March 2017

Cllr Ian Bickerton CEng
Cheltenham Borough Councillor for Leckhampton Ward
Parish Councillor, Leckhampton Warden Hill Parish Council
Chair of Neighbourhood Planning
Chair of LEGLAG /Friends of Leckhampton

REFERENCES

[1] Leckhampton with Warden Hill Parish Council Neighbourhood Planning NPPF Concept Plan & Local Green Space Application July 2013 75pp - [Published here](#)

*Authors: Parish Councillors Cllr. Dr Adrian Mears CBE, FInstP, Cllr. Viv Matthews
Neighbourhood Forum Members Mrs Margaret White, Dr Elizabeth Pimley PhD (Cam), CEnv,
MIEEM, Cllr. Ian Bickerton CEng., MIET
National Planning Policy Framework & the Natural Choice Mr Martin Horwood MP
Leckhampton History Mr Eric Miller and Mr Terry Moore-Scott*

[2] Warden Hill perspective on the Neighbourhood Plan for Leckhampton with Warden Hill Parish (v0.1) Nov 2015 *Authors Parish Councillors Angela Swales and Anne Regan.*

[3] Leckhampton with Warden Hill Parish Council Neighbourhood Planning Revised Local Green Space Application - Dec 2015. [Leckhampton Fields LGS application minus Appendices 4-11.pdf](#)

[4] Office for National Statistics – 2011 Census

[5] Cheltenham Partnership - Connecting Warden Hill survey 2014

[6] Warden Hill residents' responses to LWWHPC Neighbourhood Plan Public Consultation July 2015

Joint Core Strategy References informing the Neighbourhood Plan ([published here](#))

EXAM 121 LWWHPC Priorities for the Leckhampton fields green space

EXAM 121 A Community LGS common ground for the Inspector

EXAM 121 B K.Pollock Leckhampton LGS advice

EXAM 121 C Community LGS Submission

EXAM 232 Inspector's Interim Report – 31st May 2016

EXAM 146 Inspector's Preliminary Findings on Green Belt Release Spatial Strategy and Strategic Allocations

EXAM146A JCS Response to the inspectors preliminary findings

ENAT100 Green Belt Review (Sept 2011)

ENAT101 Habitats regulations assessment – screenings report (Dec 2011)

ENAT102 Landscape Characterisation Assessment & Sensitivity Analysis (Sep 2013)

ENAT 103 Strategic Flood Risk Assessment (SFRA) Level 1 - Halcrow, December 2007

Cheltenham Borough

b.1) CBC_Flood_Warning_Zones_Mapping

b.2) CBC_Flood_Zone_Mapping

b.3) CBC_Geology_Mapping

b.4) CBC_Historic_Flooding_Mapping

b.5) cheltenham_borough_council_level_1_sfra

b.6) Climate_Change_Mapping

b.7) SFRA_Appendices

b.8) Watercourse_Mapping

ENAT104 Strategic Flood Risk Assessment (SFRA) Level 2 Halcrow (Oct 2011)

a) Assessments

b) SUDS Maps

c) Flood Hazard Maps

d) Blockages Maps

e) Flood Extent Maps

ENAT106 Ecological Survey Work (Cheltenham 2010, 2011, 2012; Gloucester 2006, 2010; Tewkesbury 2009, 2010, 2011)

ENAT107 Joint Core Strategy Historic Environment Assessment (Mar 2014) ECUS
ENAT108 Green Infrastructure Strategy (Jun 2014)
ENAT109 JCS Strategic Air Quality Study (Phase 1) (Jun 2014) Atkins
EXAM 91 LEGLAG letter to TBC re. Redrow Homes application 15/07/15
EXAM 94 Officer report on Bovis and Miller Homes Leckhampton planning application 17/07/15
EXAM 94A Officer update report on Bovis & Miller Homes Leckhampton planning application 17/07/15
EXAM 98A Leckhampton ASV Route 21/07/15
EXAM 98B Leckhampton site visit recommendations 21/07/15
EXAM 252 RPS for Bovis Miller – Response to Leckhampton Query 18/07/16
EXAM 252A Ken Pollock Response to Leckhampton Transport Query 20/07/16
EXAM 252B Leckhampton with Warden Hill PC response to Leckhampton Transport Query 20/07/16
EXAM 252C LEGLAG Response to Leckhampton Transport Query 20/07/16
EXAM 81 AERC Green Belt Review 2007
EXAM 107 Natural England greenspace guidance June 2010

Appendix A – Correspondence with TBC Planning requesting planning application 14/00838/FUL be returned to the Planning Committee and the JCS for review and consideration of Local Green Space or Area of Play

Dear Cllr Bickerton

Thank you for your email in relation to Inspector Ord's Preliminary Findings Report and application 14/00838/FUL in relation to Redrow Farm Lane. As you are probably aware Inspector Ord has been considering further information on the JCS but as you will also be aware the Secretary of State has already considered whether to call in the application to which you refer and with the knowledge of both the Council's resolution to grant planning permission and the Inspector's Preliminary Findings, he has confirmed that he would not be calling the application in.

Therefore the Council's resolution remains unaffected.

Yours sincerely

Mike Dawson
Chief Executive

From: Ian (Bitworks - Cheltenham) [mailto:Ian@bitworks-engineering.co.uk]

Sent: 11 March 2016 16:17

To: Paul Skelton; potluck@blueyonder.co.uk; alex@alexchalk.com; laurence.robertson.mp@parliament.uk; Tracey.Crews@cheltenham.gov.uk; Charlieandsue77@aol.com; r.j.lloyd@btinternet.com; adrian_mears@yahoo.co.uk; margaretstephensonwhite11@gmail.com; Joan Desmond; Julie Wood; Chief Exec; Rachel North; cllr.steve.jordan@cheltenham.gov.uk; joandderek.sobey@btinternet.com

Subject: Re: 14/00838/FUL - Redrow land to the west of Farm Lane

Dear Mr Dawson, Ms Rachel North and Ms Julie Wood,

Have extracted the relevant paragraphs from Inspector Ord's December 2015 Preliminary Findings Report, can we all agree this is a very detailed assessment of the Leckhampton Strategic Site, the Inspector made two site visits and knows the area well and the development history. In the report Inspector Ord raised some important points on the Leckhampton allocation and requested a small amount of additional work, this was **highlighted** in the original text, please see below, para's 56, 59 and 66.

Please could you tell me if the Inspector's comments and questions have been considered by Tewkesbury Borough Council, and if so, the status of this additional work, for example, has any input been made to the Inspector ahead of the final April EiP session covering the site allocation and the need for Local Green Space/LAP?

We truly believe a sustainable development outcome is possible for Leckhampton, to achieve this goal we need the joint working of TBC and CBC under the JCS Framework, we request TBC to come back to the table and complete the JCS sustainability work for Leckhampton.

Best Regards

Cllr Ian Bickerton

Leckhampton with Warden hill Parish Council

Mr M Dawson
Chief Executive
Tewkesbury Borough Council
Council Offices
Gloucester Road
Tewkesbury
GL20 5TT

4 Brizen Lane
Leckhampton
Cheltenham
GL53 0NG.

13th April 2016

Dear Mr Dawson,

Redrow Development Application 14/00838/FUL

We are writing to ask you to consider deferring the granting of planning permission for the Redrow development of land west of Farm Lane Leckhampton at least until Inspector Ord has had an opportunity to firm up her EiP Preliminary Findings, as she has indicated she will in May when she issues her Interim Report.

As Executive lead of the JCS process you will be aware that since TBC Planning Committee granted the Redrow application a Delegated Permit (on 29 Sept 2015) Inspector Ord has twice issued statements, including in her Preliminary Findings in December, that she was minded to find the inclusion of the TBC site (formerly known as SD2) within the south Cheltenham Strategic Allocation **unsound**. Inspector Ord reiterated her view that "SD2" is unsound at the EiP Session on April 6th during which Strategic Site Allocations, Omission/Alternative Sites and Local Green Space issues were discussed. At the same hearing, the Inspector said that it was her view that JCS Allocations should be rebalanced away from Cheltenham towards Tewkesbury & Gloucester and identified those alternative sites which could facilitate this rebalancing. (NB. The Inspector said that Cheltenham has a surplus supply of more than 900).

Although the recent call-in request was referred back for a "local decision", you must recognise that the site in question is part of an urban extension for Cheltenham and that the specific Redrow proposals have been opposed by people **"local" to the site**, including Cheltenham Borough Council, Parish Councils, and many individuals (c. 800) living in the Leckhampton area who have no say in the political process underpinning TBC. A decision taken for this site by TBC alone cannot be described as a true local decision.

We think that deferral of the final decision on this application, for only a matter of weeks until Inspector Ord has firms up her stated position, would deliver a more equitable outcome through the JCS process (i.e. a collaborative arrangement between CBC, TBC and GCC).

In any event, we find it difficult to understand how you could sanction TBC approval of this application **knowing** that Inspector Ord continues to indicate that the allocation is unsound. Such a stance would reveal an inconsistency between your roles of TBC CEO and Executive Lead for the JCS Authorities.

We urge you to delay this decision to allow for the issue of the EiP Interim Report in May to maintain the credibility of the JCS joint working.

We shall be grateful for your comments on the points we have raised. In particular, **why** are TBC currently insisting they will not wait for Inspector Ord's Interim Report?

Yours sincerely

Mr D & Mrs J Gott

Appendix B – Correspondence with National Planning Case Unit, exploring the basis on the non call-in decision on 14/00838/FUL

From: Mike Hale <Mike.Hale2@communities.gsi.gov.uk>

Date: 18 April 2016 at 09:27:28 BST

To: Margaret White <margaretstephensonwhite11@gmail.com>

Subject: RE: Tewkesbury's Decision to grant planning permission to REDROW at site SD2 (TBC planning application 14/00838/FUL)

Dear Margaret,

I should explain that sustainability and many other are planning merit considerations are not considered by the Secretary of State in the way you describe below when it comes to consideration of whether he should intervene. These matters would be examined in detail by him in the event that there was a public inquiry.

I would be happy to discuss this with you.

Regards,
Mike

Mike Hale | Senior Planning Casework Officer | National Planning Casework Unit | Department for Communities and Local Government | ☎ 0303 44 45374 | 📧 mike.hale2@communities.gsi.gov.uk | ✉ 5 St Philip's Place, Colmore Row, Birmingham B3 2PW |

For NPCU General Enquiries: ☎ 0303 444 8050 | 📧 npcu@communities.gsi.gov.uk

From: Margaret White [<mailto:margaretstephensonwhite11@gmail.com>]

Sent: 14 April 2016 16:43

To: Mike Hale

Subject: Fwd: Tewkesbury's Decision to grant planning permission to REDROW at site SD2 (TBC planning application 14/00838/FUL)

Dear Mike,

I ask your forbearance in following up my colleague's Kit Braunholtz email of today, there is one important aspect which needs to be particularly emphasized with regard to the planning approval of this proposed development.

We think that the SoS did not consider all aspects of the sustainability of the planning application and this was stated in the final paragraph of Brandon Lewis' letter. Please may we ask you what sustainability work was done at the NPCU to reach their decision. Would they, for example, have deferred to Inspector Ord in her EiP role, who has studied the area, made site visits etc. and read dozens of evidence documents on Leckhampton, supplied by the Councils and other organisations.

The Developers used the SofS evidence to inform Inspector Ord at the EiP in Cheltenham on Wednesday of last week, stating that the, *'SofS/NPCU had looked at the detailed sustainability and this included the landscape sensitivity'*.

We would welcome having your clarification on this.

Best regards,
Margaret White
Secretary - LEGLAG