



Joint Council's Response to the Applicants Updated Funding Statement

The Joint Councils [JC's] reiterate their support for the purpose of the Order and concur with the Applicant that works enabled by the Order will assist to unlock the development of additional housing in the Strategic Site Allocations and Safeguarded Land.

Our position remains as set out in the JC's Planning Statement submitted to the ExA at Deadline 4 [REP4-048b] and attached for ease of reference.

In summary, the main points from the JC's Planning Statement and comments on the Applicant's Updated Funding Statement [REP6-005] and the Funding Technical Note [REP4-043] are that:

1. The three tests in Regulation 122[2] of the Community Infrastructure Levy [CIL] Regulations 2010 are solely for the LPA to determine. This determination includes whether or not the LPA are satisfied and whether it would be appropriate for a contribution to be made, after taking account other requirements, representations from the various consultees including GCC as Local Highway Authority, and any impact on the viability of the Scheme.
2. CIL Funding determinations are a decision for the CIL Joint Committee in keeping with the CIL Regulations and the CIL Prioritisation Framework.
3. The JC's do not intend to bring forward an Supplementary Planning Document [SPD] in respect of the relevant sites, as they are presently progressing a joint Strategic Local Plan [SLP], this would be a more robust approach to future financial obligations relating to the points picked up in the funding statement.

Funding Shortfall generally

The Updated Funding Statement sets out how the Applicant considers the funding shortfall will be apportioned which includes [in summary];

- updated policy in the emerging Local Plan,
- agreements for developer contributions [para 4.1.2],
- use of s106 contributions [paras 3.2] including retrospectively [para 3.2.7],
- CIL Funds [paras 3.3 & 4.1.2],
- UK Infrastructure Bank [UKIB] in the event that s106 contributions are not available [para 4.1.4], use of s106 funds to "repay any drawdowns" on the UKIB loan [para 4.1.7],
- use of GCC reserves and reallocation of GCC resources.



At this time the JC's are unable to confirm the s106 contributions referenced or £17m of CIL funding will be available.

S106 Contributions:

The JC's do not consider s106 contributions would meet the Regulation 122 tests in a retrospective situation. In accordance with Regulation 122 of the CIL Regulations 2010, any s106 contributions sought by the Councils must additionally be;

- (i) necessary to make the development acceptable in planning terms;
- (ii) directly related to the development; and
- (iii) [fairly and reasonably related in scale and kind to the development. s106 contributions are to mitigate the LPA assessed harm of a development proposal and such assessment occurs at the time of determination of the application.

The three tests in Reg.122[2] of the CIL Regulations 2010 are solely for the LPA to determine. This determination includes whether or not the LPA is satisfied it would be appropriate for a contribution to be made, after taking account other requirements, representations from the various consultees including GCC as Local Highway Authority, and any impact on the viability of the Scheme.

Where there is a lack of funding to cope with effects of development due to an increased wider population projection and not the effects of a development in isolation then those issues merit further consideration outside of s106 contributions which are limited to consideration of each development at the particular time and for the Applicant to consider.

It would be helpful to see a copy of the Cabinet/ Full Council in principle decision for the UKIB loan, including how the conditions of the loan are to be met and loan payments fulfilled, so we can test any implications more fully in respect of future planning decisions.

CIL Funding

The JC's consider there is a possibility the CIL Joint Committee will make some CIL funds available, however, there is not a reasonable prospect that the whole £17m of CIL funds would be available due to the infrastructure demands that far exceed the funds available. CIL funding determinations are a decision for the CIL Joint



Committee and must be determined in accordance with the CIL Regulations 2010 and the CIL Prioritisation Framework. The first allocations are likely to be made at the next meeting of the CIL Joint Committee on 30th January 2025. At the inaugural meeting of the Committee on 12th November 2024, committee members agreed that all parties with items on the CIL Infrastructure List should prioritise submissions to make maximum use of the funds available.



PLANNING STATEMENT

[Submitted at Deadline 4]

1. DEVELOPMENT PLAN & RELEVANT POLICY DOCUMENTS

Joint Core Strategy:

The Joint Core Strategy [JCS] 2011 -2031 was adopted [December 2017] by Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council [the Councils], and forms part of the Development Plan.

The JCS sets out the Councils' long-term vision, objectives and strategic policies for shaping and, locations for new development up to 2031. The JCS includes the quantum of new homes, jobs, supporting infrastructure, and a strategy to deliver development in a managed and resilient way, whilst protecting the natural and built environment.

Housing development will be enabled [subject to planning] at sites allocated through the Development Plan, which include Strategic Allocations and allocations in district and neighbourhood plans. The Strategic Allocations are listed in Table SA1 and delineated on Plans A1-A7 of the JCS. The JCS identifies two additional sites defined as safeguarded land which may be required for development beyond the development plan period the trigger for land release is the review of the development plan and any subsequent strategic allocations through that review.

- <https://strategiclocalplan.org/adopted-jcs/>

Golden Valley Supplementary Planning Document – A Garden Community Development and Home of Cyber Central UK [July 2020]:

The Golden Valley supplementary planning document [SPD], adopted 28 July 2020 by Cheltenham Borough Council and Tewkesbury Borough Council, provides a broad masterplan and development principles. The SPD area is located west of Cheltenham and includes the M5 corridor between Junctions 10 and 11, extending from the A4019 in the north to Pheasant Lane in the south. The SPD includes the JCS Strategic Allocation site 'A7 West Cheltenham' and the future safeguarded land 'Hayden Sewage Treatment Works', Policy SD5 of the JCS.

- https://www.cheltenham.gov.uk/downloads/file/8188/golden_valley_spd/

Emerging Strategic and Local Plan:

The Councils are presently progressing a joint Strategic and Local Plan [SLP], which will provide an overarching planning strategy and cross-boundary strategic policies within a single development plan. The SLP will replace the JCS and three district local plans of Cheltenham, Gloucester and Tewkesbury. A regulation 18 consultation was undertaken 6 January to 13

March 2024, the councils have set out a further Regulation 18 consultation in their Local Development Schemes for Spring 2025 with Regulation 19 following winter 2026 submission to the Inspectorate key milestone is April 2026.

- <https://strategiclocalplan.org/wp-content/uploads/2023/12/SLP-Consultation-Document-Reg-18-1.pdf>
- https://www.cheltenham.gov.uk/downloads/file/9720/cheltenham_borough_local_development_scheme

2. COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULES

Tewkesbury Borough Council, Cheltenham Borough Council and Gloucester City Council are each Community Infrastructure Levy [CIL] charging authorities and required to prepare separate CIL Charging Schedules. Viability and infrastructure evidence was prepared jointly to support the Councils' Charging Schedules and appropriately address cross-boundary infrastructure issues.

In January 2024 the Councils resolved to establish a CIL Joint Committee to collaboratively make allocations and monitor the expenditure of pooled CIL funds [Tewkesbury Borough Council's Report to the Executive Committee is appended to this note for ease of reference]. The CIL infrastructure list and the Joint Committee CIL allocation policy was approved first quarter 2024. The first CIL Joint Committee meeting will take place in Autumn 2024.

- <https://tewkesbury.gov.uk/wp-content/uploads/2022/Planning/Community%20Infrastructure%20Levy/Charging%20schedules/Tewkesbury%20Borough%20Council%20charging%20schedule.pdf>
- https://www.cheltenham.gov.uk/downloads/file/6604/cbc_community_infrastructure_levy_charging_schedule

3. S106 AGREEMENT ALLOCATION POLICIES AND TIMEFRAMES

Policy INF7 of the JCS deals with the Councils' collection of s106 contributions and CIL monies from developers. The Policy states that arrangements for financial contributions towards the provision of infrastructure required as a consequence of development will be negotiated with developers before the grant of planning permission, and that financial contributions will be sought through the s106 and CIL mechanisms as appropriate.

The Policy continues to state that where, having regard to the provision of on- and/or off-site infrastructure, there is a concern relating to the viability of the development, an independent viability assessment will be required to accompany the planning application.

In accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, any s106 contributions sought by the Councils must additionally be [i] necessary to make the development acceptable in planning terms; [ii] directly related to the development; and [iii] fairly and reasonably related in scale and kind to the development.

A summary of the live planning applications affecting the JCS site allocations, together with details of any approved s106 obligations, was provided as part of the Joint Councils' Deadline 3 submission in response to ExQ1 Q.5.0.15 [REP3-067, REP3-068 and REP3-069].

- <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010063/TR010063-000845-Joint%20Councils%20-%20Responses%20to%20ExQ1%202.pdf>
- <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010063/TR010063-000843-Joint%20Councils%20-%20Responses%20to%20ExQ1.pdf>
- <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010063/TR010063-000844-Joint%20Councils%20-%20Responses%20to%20ExQ1%201.pdf>