

# Branchout & Market Branchout & M

In this FINAL edition

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Cover Image Aerial view of Exeter

Since its inception in 1978, this edition will be the last edition of Branchout. Future news and blogs will be shared on www.rtpi.org.uk/southwest

Branchout was put together by

#### **Editor Harry Quartermain**

RTPI Junior Vice Chair

#### **Charlotte Daborn**

RTPI South West Regional Coordinator plus the support of many RTPI volunteers

If you would like to prepare an article or provide feedback on what you would like to see in future blogs, please contact **southwest@rtpi.org.uk** 

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It is with great sadness to inform fellow RTPI members of the passing of Linda Townsend, one of Gloucestershire County Council's Senior Planning Officers in Planning Development Management. Linda left us in July of this year following a brave six-month battle with cancer.

The County Council were privileged to have Linda as one of its senior planners for just over 14 years. However, her considerable knowledge, skills, and experience stretched back to the 1980's. Linda's career was primarily within local government in various technical and managerial roles across seven local authorities. Linda worked in a number of RTPI regions including the North-East, North West, South East and South West. Linda also worked in planning liaison for the Environment Agency. For a time, Linda was an active contributor in her 'home' branch of the Yorkshire RTPI.

Linda's unwavering commitment and conscientiousness, and unrivalled professional dedication and integrity made her one of Gloucestershire's most respected planners. Although Linda was so much more than her exemplar work attributes. Linda brought an

energy and colour to the county's planning team, with a youthful curiousness, inquiring mind, and keenness to explore innovation and progressive practice. A true team player, Linda was kind-hearted and considerate, and developed many personal friendships from her working life.

Whilst Linda had settled in Gloucestershire, she was unquestionably - Yorkshire born and bred. Her fellow 'Yorkies' would no doubt be proud of her fierce independence; straight forward, straight talking nature; and exquisite dry sense of humour.

What an absolute pleasure it has been to have worked with and known such a thoroughly nice colleague and an exceptional role model of public service in the field of town planning. Linda will be deeply missed.



### What does 'material change of use' mean in 2024?

he concept of material change of use ("MCU") is one of the many grey areas of planning law, which leads to questions of interpretation being considered by the Courts. This year the Courts have considered a range of issues relating to the implementation of planning permissions and breaches of planning control involving MCUs. This article explores a number of these which will be of relevance to local planning authorities, planning consultants and developers.

## Is operational development ancillary to or separate from a material change of use?

In Secretary of State for Levelling Up, Housing and Communities v Caldwell and another [2024] EWCA Civ 467, the Court of Appeal clarified the scope of the Murfitt principle. Murfitt v Secretary of State for the Environment and East Cambridgeshire District Council (1980) 40 P&CR 254 established that an enforcement notice can require the removal of operational development when a material change of use is enforced against, even where the operational development may be immune from enforcement action. In Caldwell, the Court of Appeal held that it does not apply where the operational development is the source of, or fundamental to, the change of use and is a separate development in its own right.

To put this in context, the construction of a new dwelling on an undeveloped site amounted to operational development. Although the operational development would lead to a change in the use of the land, that did not mean the ten year time limit for enforcement action under s.171B(3) applied. The statutory time limit of four years for operational development instead applied under s.171B(1).

The practical implications of Caldwell are less significant for breaches which involve operations which substantially completed or where the MCU occurred after April 2024, as the Levelling Up and Regeneration Act 2023 extended the period for enforcement action for operational development and the change of use to a single dwelling from four to ten years, the same as a MCU.

## What is the planning unit for the purpose of a MCU?

In another Court of Appeal judgment, London Borough of Richmond Upon Thames v R (Ariyo) [2024] EWCA Civ 960, the key topic of contention was whether the reference to 'the ground floor' in a MCU permission included the garden. Lewison LJ argued that the permission made express reference to the plans identifying the garden, and it was ancillary to the hardware shop, and therefore the garden was included. A different interpretation would be inconsistent with the principle that changes of use are judged by reference to the 'planning unit' being 'the whole of an area in single occupation used for a main purpose which other purposes are ancillary' with reference to Burdle. Moylan LJ dissented, contesting the 'ancillary status' of the garden and noting that where the ancillary use is determined by its primary use, the former can amount to development where the use has intensified.

The judgment outlines the importance of clarity and consistency in identifying the red line area for a MCU.

## Is actual use required to implement a planning permission for a MCU?

This year, my colleagues, Gary Soloman, Patrick Robinson and Emily Kell-Rowan acted for Isle of Anglesey County Council in Jones v Isle of Anglesey County Council [2024] EWHC 2582 (Admin). At the core of this case was the question of how relevant the 'actual use' of a building is when determining if a MCU has occurred. The facts were unique and involved a hybrid planning permission that required a MCU of an estate building from a cricket clubhouse to a visitor centre. Whilst the MCU was implemented prior to the COVID-19 national lockdown, the question was whether 'actual use' could occur, and was necessary for the MCU to have taken place as restrictions in place in Wales meant it would be unlawful for visitor centres to be open for public use once lockdown restrictions had been enforced. The High Court confirmed that 'actual use' is not a necessary prerequisite for determining change of use, instead, the physical state of the building and the intended or attempted use of the building should be considered. LJ Mould referred to Impey, which suggests change of use can occur before the premises are used in the ordinary and accepted sense of the word. The effect of this judgment is to confirm that 'actual use' is not necessary to demonstrate a MCU has occurred.



## What is required to commence a MCU for the purposes of Community Infrastructure Levy (CIL)?

It is worth noting that a different approach to commencement of MCUs is taken for the purposes of the CIL regime which is considerably less flexible in the interpretation of its implementation as it is essentially a tax regime. This was highlighted in an appeal decision from April 2024 against a demand notice issued by East Suffolk Council (appeal reference: APP/X3540/L/23/3331027). The Inspector set out that the CIL regime does not require commencement to be intentional, it is only concerned with whether it has commenced as a matter of fact. Additionally, the Inspector stated that the Courts have held that a MCU can only occur when the building in question is constructed or adapted for use as a dwellinghouse, with facilities for day-to-day use.

If you have any queries about material changes of use, please do not hesitate to contact Cathryn Tracey, a director in Burges Salmon's Planning and Compulsory Purchase team, who has extensive experience advising on securing consents and enforcement concerns.



## Harnessing Al in Planning: Opportunities & Potential Pitfalls

ound decision-making is the bedrock of the planning system. Whether it's determining an individual consent or crafting policy designations, decisions are made by humans, grounded in expert evidence. However, as planning increasingly leans on data-driven predictions, questions about the validity and transparency of such decisions are emerging.

In this article, we look at the types of Artificial Intelligence (AI) commonly used in the planning process, how they work, where the opportunities and risks of use are, and what you can do about these risks.

#### What are the main types of AI used in planning?

The two main types of AI most commonly being used in planning and urban development are Large Language Models (LLMs) and Predictive AI.

#### Large Language Models (LLMs)

LLMs are designed to process and generate human-like text. They attempt to understand and produce language and summarise information. These models can analyse vast amounts of text, such as policy documents, research papers, and community feedback, to identify key themes and insights. For planners, LLMs can streamline tasks like drafting policy reports, summarising stakeholder consultations, or generating plain-language explanations of complex planning rules.

#### **Predictive Al**

Predictive AI, on the other hand, focuses on analysing historical data to forecast future trends and outcomes. It uses techniques like regression analysis, clustering, and time-series modeling to make predictions. In urban planning, Predictive AI can forecast population growth, estimate the impact of proposed developments, or model traffic patterns. It provides data-driven insights that support evidence-based decision-making, helping planners anticipate challenges and allocate resources effectively.



While the impact of LLMs is relatively new, use of Predictive AI could be seen as an evolution of the type of modelling that has underpinned traffic and climate assessment for years. However, the increased complexity of the computer modelling involved in this kind of analysis, along with an increased awareness of the potential risks involved with data-borne biases, has led some to call into question the validity of data-driven decision taking.

#### Large Language Models: efficiency vs. risk

LLMs have the potential to offer significant resourcesaving potential for local authorities. For planning officers, who frequently face high workloads and tight deadlines, LLMs can streamline laborious or repetitive tasks, freeing up valuable time for other critical matters.

Public consultations can generate extensive volumes of feedback, including written submissions, survey responses, and meeting transcripts. LLMs can analyse these large datasets quickly and efficiently, identifying key themes, sentiments, and recurring concerns.



This capability significantly reduces the burden on planning or community consultation teams, allowing them to focus on interpreting findings and engaging with stakeholders rather than spending days or weeks sorting through submissions.

At a time when quality planning officers are hard to come by, you can see why this might be attractive. For resource-constrained local authorities, the adoption of LLMs represents an opportunity to enhance productivity, reduce delays, and improve the overall effectiveness of public consultations, ensuring better outcomes for communities with fewer administrative burdens.

Although the technology and accuracy of LLMs is continuously improving, there is still some level of risk. With public consultations, one single public submission letter that raises a previously un-answered material planning consideration is more significant than 1,000 generic letters of objection.

Unignored, that objection could well be enough to result in a legal challenge and even in the decision being quashed. For this reason, some level of expert human in the loop is still valuable. Unless the LPA is certain that all the nuances of all the submissions have been given the "due consideration" required by law, there remains a risk that the cost of a Judicial Review could easily eclipse the cost savings offered by the Al.

In short, it might pay to remember that even if an LLM has written the text, the human author and their employer are still legally responsible for the content.



## Predictive Al: Who's making the call and based on what evidence?

While machines making planning judgments remains a distant prospect, data-driven predictions are increasingly shaping planning processes. These predictions influence decisions about future needs and impacts, but the growing reliance on algorithmic outputs raises important questions about transparency, accountability, and trust.

This issue is particularly acute as people become more aware of the importance of the type and quality of data on which algorithms are trained, including a growing awareness of inherent behavioural or data biases (through inclusion or omission) in historic data.

In the realm of electronic databases, a common law presumption exists that computer records are correct. However, when these data are used within opaque models—so-called "black-box" algorithms - their application and the rationale behind their outputs can become impossible to explain. This opacity has already cast doubt on the validity of some data-driven decisions, with the recent post office scandal as the most prominent example.

The risks associated with black-box algorithms grow as reliance on them increases. These issues have been noted not only by the Science, Innovation and Technology Committee, who recently recommended stronger testing of Al algorithms, but also by the Nolan Committee, who have raised concerns about how the use of Al aligns with the seven 'Nolan Principles' of public life.

In response to these challenges, new guidance is being developed by the Greater London Assembly (GLA), advised by Dr Sue Chadwick of top law firm Pinsent Masons, and with input from a range of industry experts to create a governance framework for opaque algorithms.

The guidance specifically addresses the use of Predictive AI and opaque algorithms in planning processes. This document, designed as a dynamic and evolving resource, provides practical signposts to authoritative guidance on AI, AI assurance, and data ethics.

The guidance is intended for local authorities and private sector organisations using AI to support planning processes, whether through in-house models

or commercially acquired software. Its primary aim is to foster transparency, mitigate risks, and establish a community of good practice for algorithmic decisionmaking in planning.

The guidance framework focuses on five key areas to address these challenges:

- 1 Transparency: Ensuring clear disclosure of algorithmic methods, following the ICO/Turing guidance.
- 2 Risk Assessment: Identifying potential compliance issues with GDPR, equality duties, and human rights standards.
- 3 Mitigation Strategies: Using government Al assurance guidance to manage risks during and after implementation.
- 4 Accuracy and Monitoring: Testing for accuracy, maintaining human oversight, and recording interventions to ensure accountability.
- 5 Public Records: Documenting algorithmic use in government transparency templates to maintain public trust.

This new guidance stands within a relative void in government legislation or guidance on the use of Al in planning. The Planning Inspectorate recently released guidance on the use of Al in casework, which included the requirement to:

- Clearly label where you have used Al in the body
  of the content that Al has created or altered, and
  clearly state that Al has been used in that content
  in any references to it elsewhere in your
  documentation.
- Tell us whether any images or video of people, property, objects or places have been created or altered using AI.
- Tell us whether any images or video using Al has changed, augmented, or removed parts of the original image or video, and identify which parts of the image or video has been changed (such as adding or removing buildings or infrastructure within an image).
- Tell us the date that you used the Al.
- Declare your responsibility for the factual accuracy of the content.
- Declare your use of Al is responsible and lawful.

 Declare that you have appropriate permissions to disclose and share any personal information and that its use complies with data protection and copyright legislation.

While some of these requirements seem sensible at first glance, others are practically difficult to fully adhere to, and demonstrate a lack of complete understanding about the scope, capabilities, and availability of Al in everyday computer software (e.g. Microsoft Co-Pilot).

#### The responsible use of AI in urban planning

The adoption of AI is coming in with the tide. Standing in the way to prevent or prohibit the use of AI entirely is going to be futile in the long run. Instead what we need is clear guidance on the potential pitfalls of the technology so that people can use it correctly, and not rely too blindly on generated text or predictive recommendations.

#### Dr. Chadwick notes:

'We're all waking up to the opportunities and risks of using emerging technologies; this is a great opportunity to maximise the potential for AI to improve planning, but with sound ethical guardrails'

For planning, Al presents a pivotal opportunity to modernise processes, enhance decision-making, and achieve more sustainable urban outcomes. However, these benefits can only be realised through robust governance that ensures fairness, accountability, and transparency.

To co-opt a phrase: the Al advises; the humans decide (and retain legal responsibility for that decision).

By embracing a governance-first approach, planning professionals can harness AI as a transformative tool, while safeguarding public trust and maintaining a commitment to equitable and sustainable development. This balance will ensure that AI serves as a valuable ally in shaping the future of urban spaces.

**Author:** Harry Quartermain, Head of Research at LandTech

"An initial draft of this article was authored using ChatGPT 3.5. It was subsequently edited and expanded by a human. Me."



## Spotlight on Exeter: Building a Future-Proof, Sustainable City

xeter is a city that is not just planning for the future but actively shaping it. As one of the fastest-growing cities in the UK, the challenges of growth have been embraced with a bold vision: creating an inclusive, healthy, and sustainable city by 2040.

Central to this ambition are the Liveable Exeter Placemaking Charter and the Liveable Water Lane Supplementary Planning Document (SPD), which together provide a framework for the transformation of Exeter's urban landscape while preserving its unique heritage.



Aerial view of Exeter

#### A Commitment to Excellence in Placemaking

The Liveable Exeter Placemaking Charter reflects Exeter City Council's pledge to uphold the highest standards in design, sustainability, and community engagement.

Launched to support the city's strategic growth, the Charter aims to ensure that every new development contributes positively to the city's character and environmental goals.

It brings together a coalition of stakeholdersdevelopers, community groups, and local authoritiesworking towards a shared commitment to design excellence.



At the heart of the Charter is a collaborative spirit. By fostering a culture of continuous improvement, the Charter sets out clear expectations for high-quality urban spaces that respect Exeter's history while preparing for a sustainable future.

It encourages developers to integrate sustainability at every stage, from zero-carbon building designs to public spaces that enhance community wellbeing. This holistic approach supports Exeter's Vision 2040, where prosperity is inclusive, opportunities are shared, and the city's natural and cultural heritage is preserved for future generations.

## **Liveable Water Lane: A Model for Urban Regeneration**

One of the most ambitious projects under the Liveable Exeter initiative is the proposed transformation of the Water Lane area. Situated alongside the picturesque River Exe and the historic Exeter Ship Canal, Water Lane presents a unique opportunity to shape a vibrant, low-car neighbourhood that blends urban living with natural beauty.

The Liveable Water Lane SPD outlines a comprehensive framework to guide this redevelopment, prioritising active travel, sustainable building practices, and community cohesion.

The SPD sets out a vision of a neighbourhood where residents can walk or cycle to local amenities, enjoy green spaces, and access the waterfront for leisure activities. Plans include energy-efficient construction, renewable energy solutions, and measures to support biodiversity and enhance the area's riverside setting. With its focus on high-quality design and placespecific planning, the SPD aims to ensure that future developments respect the area's industrial heritage while delivering modern amenities like a new primary school, community spaces, and green infrastructure. Cllr Naima Allcock, Exeter City Council's Lead Councillor for City Development, says: "Water Lane is an incredibly important development in a sensitive area which will create much-needed new homes and important community amenities including a new primary school.



Residents and businesses have been fully consulted on all aspects of the plans and success on this site will set the tone for the sustainable redevelopment and the creation of thriving new communities in other parts of Exeter."



Diagram showing an example of what the Neighbourhood Centre could look like and the uses it could include.

Neighbourhood centre diagram









#### **Collaborative Successes and Future Challenges**

Both the Placemaking Charter and the Water Lane SPD highlight the importance of early and meaningful engagement with local communities. Residents, businesses, and other stakeholders have actively contributed to shaping the vision for Water Lane, ensuring it reflects community needs and aspirations. However, achieving this vision is not without its challenges. For example, addressing concerns about preserving local character and managing environmental constraints requires careful planning and consultation. Balancing ambitious sustainability goals with practical considerations, such as cost and technical feasibility, is also key.

The SPD provides a strategic framework to tackle these challenges head-on, guiding efforts to achieve zero-carbon construction, promote active travel, and deliver a high-quality, integrated neighbourhood. By working closely with developers, environmental agencies, and community representatives, Exeter City Council is ensuring that these plans are robust and achievable.

As Exeter continues to evolve, the lessons from these efforts will inform the city's approach to other strategic sites within the Liveable Exeter programme. The aim is to replicate the successes of Water Lane across Exeter's eight new neighbourhoods, ensuring that sustainable principles are embedded in every new development.

#### Cllr Allcock added:

"The Liveable Exeter programme will transform Exeter and our dedicated team at the City Council is working closely with partners and stakeholders to ensure that we can deliver it.

"At the heart of it is the creation of sustainable new communities that protect and enhance our environment and ensure that quality of life for residents is central. It is an incredibly exciting programme that will enhance the reputation of our rapidly growing city as one of the most popular locations to live in the UK."



#### **Building a Legacy of Sustainability**

Through initiatives like the Placemaking Charter and the Water Lane SPD, Exeter City Council is redefining what it means to be a liveable city in the 21st century.

By focusing on quality, sustainability, and inclusivity, Exeter aims to ensure that its growth contributes to the wellbeing of its residents while addressing the challenges of climate change.

Developers, community members, and all who are passionate about Exeter's future are invited to join in this endeavour.

The goal is to create a city that not only meets the needs of today but also lays the foundation for a resilient, thriving Exeter for generations to come.









**Author:** Roger Clotworthy (he/him) Head of City Development Exeter City Council







## CASE STUDY: Award Winning Cornwall Council DPD

he Atlantic's winter weather events often land forcefully and first in Cornwall, leading to dramatic and dangerous events, even during times of extended drought. It is inescapable that the climate and biodiversity crises are two of the grand challenges of our time, alongside addressing housing, health and social concerns.

When Cornwall Council declared a climate emergency in 2019 one of the first actions identified was through planning. However, what could be done that would make a difference?

Whilst planning guidance has a lot to say about climate and biodiversity, navigating the planning maze to create substantive change can be challenging.

Our local plan was developed in 2015, when renewable energy and carbon targets had only just been swept off the table via Written Ministerial Statement. Climate change, although a generally well understood problem was certainly given far less airtime than housing numbers. It seems anomalous that a local plan adopted as recently as 2016 barely mentions, let alone confronts, climate change.

Looking back now, even late 2019 - when we commenced the Climate Change DPD - feels like a very different era. We worked side by side in an office, held traditional consultation events and weren't really sure what could be done. Within a very short time we would be living through a pandemic, working out of spare rooms and kitchens and saving literally millions of miles of commuting and travelling between meetings. As we all stayed at home the impacts of our lives on the environment became increasingly clear. As reports started to confirm the seriousness and acceleration of climate change, the document became a Climate Emergency DPD alongside efforts across the whole council to change our path and build on carbon reduction from our new ways of living and working.

We started the process with an open mind and allowed conversations with statutory bodies and stakeholders to direct us. Shortly before the first lockdown we undertook a 'soft scoping' consultation to start articulating policy context and content. This identified

key drivers important to our residents and businesses, including tackling serious and rising levels of fuel poverty, car dependence, nature depletion and barriers to renewable energy. It also built the foundations of a truly participatory process that drew in skills from colleagues across the council, agencies and organisations like the South West Energy Hub.

Councillors' support for the document was clear, indeed they challenged us to go further - particularly on energy efficiency and renewables - and made clear they considered the ecological emergency very much as important as and intertwined with the climate emergency. This enabled early adoption of a voluntary biodiversity net gain requirement for Cornwall in March 2020, standing us in good stead to continue to national mandating.

Meanwhile, our flagship policy work tackled a striking and significant shortfall in Building Regulations in achieving net zero development. Continuing to build to Part L alone would result in new homes having to be retrofitted at great expense and effort within only a relatively short time of being constructed. We worked closely with the South West Energy Hub and shared resource with other councils to help inform other plans. The hard work and tenacity involved resulted in a successful challenge to the hegemony of the WMS and importantly will help to stem the increasing incidence of fuel poverty in Cornwall.

We also took some calculated risks in introducing other changes, including the development of a canopy requirement to support the Forest for Cornwall, continuing early delivery of BNG, setting a coastal vulnerability zone and promoting one planet development.





The pandemic presented rather obvious challenges - we could no longer meet people face to face and this disappointed some stakeholders. However, the move to virtual working overcame rurality and distances; facilitating close working between a wide range of people and organisations, briefings for residents and reaching more voices. We also engaged our developers, agents and promoters to make sure that we understood their challenges and motivations. Developer forum sessions tested viability and deliverability of our energy efficiency and green infrastructure standards, whilst direct wind energy sector engagement via Regen identified the best way to promote and secure renewables.

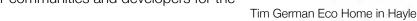
The Policy Team's collaborative working across the Council and beyond really helped to build enthusiasm and positivity for the plan. Whilst there continued to be concerns about impacts on delivery of homes there was recognition that the triple bottom line needed to be maintained. The most strident objections even sought to increase the standards and actions of the plan.

Our Examination in Public was held, somewhat appropriately, in record heat in July 2021 whilst protests took place outside about the slow pace of change to national and local policy. The examination process was incredibly constructive, and we were amazed to only be faced by a single developer challenging the policies of the document.

Of course, a successful examination is never the end of the journey. Equal effort was needed post examination to ready our communities and developers for the step changes. Big ticket policies such as net zero required new development management tools, targeted training and lateral thinking like working with Builders Merchants to make sure that everyone was prepared. We have also introduced a bespoke post to help deliver the energy standards. Clarity has been key, alongside a strong vision of what needs to be done and why. This has been fostered through continuous engagement and guidance sessions. As practical experience of delivering continues we have enhanced our guidance and support to make sure that delivering our policies in full is as straight forward as possible. We have been truly impressed how quickly our case officers, validation teams and applicants have got to grips with the new requirements and together established our new norms.

We were absolutely delighted to win 'Best Plan' and 'Best in Region' against some stiff competition in the South West RTPI Awards for Planning Excellence this year. We are also very pleased to have also been recognised nationally in the Awards. However, we very much see our DPD as a 'dress rehearsal' for our next local plan. The most important outcome for us is demonstrating what is possible as well as supporting other authorities and planners to continue to innovate to address climate change and ecological loss.

**Author:** Robert Lacey, Planning Policy Manager at Cornwall Council









esigned by architect Sir John Rennie and constructed between 1825 and 1831, Royal William Yard (RWY) is steeped in history.

Considered to be one of the most important groups of historic military buildings in Britain, it is also the largest collection of Grade 1 listed military buildings in Europe.

The restoration of the RWY, a waterfront site, has been an ongoing project for several years In 2004 Urban Splash (US) began working with SWRDA and, with the support of Plymouth City Council started to see RWY come alive with mixed use.

Grade 1 Listed Melville (53,000 sqft) was completed June 2022. Phase 1 is approximately 2/3rds of the building and includes: boutique cinema, ground floor restaurants, offices and coworking spaces which includes a gym and café that can be used by the wider community.

The Core Strategy (2007) first identified RWY for mixeduse regeneration, and Melville itself was first allocated (2007) through an Area Action Plan. A policy for RWY identified the Melville building for a hotel. In 2019, the Plymouth and South West Devon Joint Local Plan (PSWDJLP) allocated Melville for mixed-use development, including hotel (more on this later) and complementary uses to the RWY.

Commended for a Successful

Economy & winner for

Heritage & Culture categories

at the National RTPI Awards

The Development Management planning input for this project goes back to 2013. This included 6 preapplications, 3 major planning application consents including a s73, 4 LB applications and 23 condition applications for 52 conditions.

The waterfront is one of Plymouths Growth Areas. Tourism and leisure are priorities for the City and a priority for the Local Economic Strategy. RWY is also allocated as a cultural quarter which means it is strategically important for the economy of the city.





© Urban Splash

The provision of a cinema in this building at heart of RWY supports its viability and vitality. As RWY is on a peninsula, there is a need to proactively bring visitors to the area to support the leisure uses, such as café and restaurants. The cinema use has helped to support this through increased footfall and dwell time. Securing the long-term viability is essential to maintain the Optimum Viable Uses (OVU) of various Grade 1 Listed Buildings. The office and coworking space enhance the vibrancy of the area and this scheme managed to secure high quality office development contrary to the normal market conditions for Plymouth.

Prior to its completion, Melville was used for various pop up uses such as markets and art festivals which helped to get the public into the building. The accessibility of the building is considered particularly significant given that RWY was agated waterfront site for over 150 years and access to the waterfront at RWY is now a community asset.

A cinema wasn't always part of the plan. Following 2 major consents for a hotel, one with a specific operator (2013) and one as a mixed-use scheme (2016), and years of attempts to secure a hotel operator working with the Councils Economic Development team, it was finally concluded that a hotel would not be viable.



This resulted in a departure S73 application to remove the hotel use. Concurrently to this, US had secured a boutique cinema operator which also formed part of the S73 application. A consent had also taken place in another part of the RWY to convert a building to boutique B&B accommodation. There was a need to carefully balance securing the use of the building, the loss of the hotel, the provision of accommodation elsewhere in RWY and the benefits of bringing a cinema to the building.

The structure of the 2016 consent took an innovative and flexible approach in terms of the details required for a Full planning application, effectively conditioning a large amount of detail regarding the proposed uses. This meant that there was the ability for US to adapt the layout and quantum of uses to reflect market change, which ultimately proved essential due to the economic impacts of the pandemic.

Melville is on the Heritage at Risk Register and finding a solution to secure the OVU was a key consideration. It was important that there were regular liaison with Historic England (HE) throughout the planning process. HE were key partners in the development of this scheme. They took a pragmatic approach and advocated for the scheme, awarding grant monies to support its delivery.

The need for accessibility has been carefully balanced with the heritage of the building, for example, existing steps have been retained, but lifts have been introduced to allow for disabled access to the building for the first time and a number of sills were dropped at ground floor level to allow access.

Melville represented a change of conservation approach. Previous phases which benefited from significant grant monies were subject to a more comprehensive repair strategy. The repair strategy for Melville proposed a light touch approach to the refurbishment to maintain the buildings historic patina and finishes. This has resulted in a more authentic scheme with more of the original fabric on display. For RWY as a whole, there was a conservation plan created at an early stage which has helped to steer the ongoing development, including Melville.

This project demonstrated a long-term partnership approach for the widerregeneration of RWY which has continued through to Melville. Gillespie yunnie architects (GYA) was appointed by Urban Splash at a very early stage and have developed a comprehensive understanding of the site and acting as advocates for its success. This has allowed collaboration and trust between the LPA, GYA, US and Historic England. This was essential to support its delivery.



This project is an exceptional example of a genuinely plan-led scheme resulting in a high-quality, sustainable mixed-use project.

## The project won Excellence in planning for Heritage and Culture, and the judges said:

"This project is an exceptional example of a genuinely plan-led scheme resulting in a high-quality, sustainable mixed-use project. It demonstrates strong leadership and highlights how excellent partnership working is significant to its success. The sustainability-led approach to creating this state of-the-art building has resulted in an impressive space for all to enjoy, promoting heritage and culture in its highest form."

This project was commended in planning for a successful economy at the RTPI planning awards and described it "as an interesting regeneration project with many challenges. This scheme shows the value of adapting heritage buildings in a way that serves existing and future generations."

Melville is one of only 2 buildings left to complete at RWY, and Phase 1 represents a significant milestone in the completion of one of Plymouths most significant regeneration projects.

**Author:** Katherine Graham, Strategic Developments Manager





## CASE STUDY: Transforming Gloucester with Kings Quarter and Greyfriars Quarter

loucester, as a post-industrial city, has experienced significant change and regeneration over the last three decades; most significantly perhaps, the Docks has been reimagined into a successful and regionally important mixed-use residential, commercial, retail, and leisure destination. More recently though, attention has turned to the city centre. In total, Gloucester has 6 current/recent strategically significant developments around the city centre split between Kings Quarter and Greyfriars Quarter. In combination they are transforming Gloucester again:

#### **Kings Quarter**

Although the past few years have seen cranes fill Gloucester's skyline, few projects in the city match the scale and ambition of the King's Quarter. A bold and ambitious regeneration scheme that replaced dilapidated brutalist buildings not fit for purpose. Although the project had been originally discussed in one form or another since the early 2000's it wasn't until 2016 that it became the £107m scheme that we recognise today.

#### **Transport Hub**

The first part of the project was creating a new, modern Transport Hub that would revolutionise travel links in and out of the city. As one of the first buildings you see exiting the train station or arriving on buses, it set the scene for the rest of the project.

#### The Forum

Overlooking the Transport Hub is the Forum, which is by far the most significant and impressive part of the development. Centered at the heart of King's Quarter, the multi-building complex is over 400,000 sqft and will be home to the city's first boutique hotel. The IHG Hilton Group will manage the 131-bedroom hotel, situated perfectly by the city's road and rail links. The development also offers Gloucester's first grade-A office space of almost 100,000 sqft that overlooks the rest of the city and a world-renowned cathedral. A complex and challenging construction process, in an area of great archeological sensitivity, the building's green credential aligns with the city's net zero targets, as it will be carbon neutral in operation. The Green



wall on the southwest side of the building holds over 48,000 individual plants and captures the same amount of carbon as 32 trees. Although different parts of this development will be completed at various times, the official opening ceremony is anticipated in late Summer 2025.

#### **Whitefriars Apartments**

Visible from the hotel rooftop bar are the new premium Whitefriars Apartments, which were completed at the start of 2023. 19 high-spec dwellings were built and sold by the City Council. This development won the South-West Residential Property Awards, Small Residential Development of the Year 2024 award, and was well received, with the majority being sold within a year. The development also has a large roof garden furthering Gloucester green ambition, and supports wider efforts to bring more people back into the city centre to live, as well as work and play.

#### **Kings Square**

An early part of the project led by the City Council is Kings Square, a centre-piece public square which ties the rest of the scheme together, and into the city. The design of the public realm seating that surrounds the square is influenced by the Severn Bore and built from hard-wearing granite. Completed in 2022, the centre of the square hosts fountains and coloured lights that bring energy to public events held there.

#### City Campus

Across King's Square is the University of Gloucestershire City Campus, which is under construction. The former 235,000sqft Debenhams building has been refurbished, meticulously restoring much of its original Art Deco charm. Another



challenging construction process, with archeology again a key sensitivity, once the campus opens in Autumn 2025 it will attract several thousand new students to the city. Importantly, the campus is a mixed-use interface between the university and the city, with the public library, café, and a wellbeing centre also housed within the building.

#### **Greyfriars Quarter**

Although in its infancy, the Greyfriars Quarter Project will be the latest major project to transform Gloucester. The bold new vision for a vibrant garden quarter in the heart of the city proposed by Gloucester City Council can now go ahead with the government announcement that Gloucester will receive an £11 million boost.

The Greyfriars Quarter will see a complete revamp of the area around the Eastgate Shopping Centre, complementing the massive multi-million-pound regeneration across the city. The proposals will see part of the shopping centre, including the market hall, given an upgrade and repurposed with spaces set aside for community activities, a new market and foodhall, as well as a park and gardens, all set within the grounds of the remains 13th century Greyfriars monastery.

The market hall will be relocated to another part of the shopping centre, with a contemporary new design that would open onto a landscaped courtyard garden. While the current market would be refurbished to house a multi-purpose performance space for dance, music, fitness, community and leisure events. The plan also includes a proposal to create serviced apartments, providing a unique place to stay and the creation of flexible workspaces within the refurbished 18th-century house adjacent to the friary.

External view of Gloucester Monastery





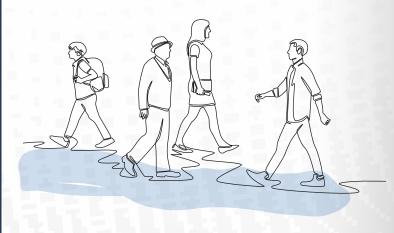
#### **Delivering change**

Economically, Gloucester, like many former industrial historic cities, is a challenging place to build large capital projects. The city's rich history and former industrial heritage make for interesting museum visits and varied architecture, but also expensive archaeological and decontamination costs with brownfield remediation. Addressing the market failure of high remediation costs and relatively low land values has been an ongoing battle that has required significant government intervention. Often, this has involved the City Council leading the way, for example with the King's Quarter projects. However, Central Government has also been involved; Gloucester was awarded £20m in LUF Round One, which, although not pivotal, significantly improved the business cases for the mixed-use Forum scheme, and University of Gloucestershire 'City Campus' development in the city centre. The Greyfriars Quarter project, however, has long been an aspiration of the city and would not be viable in its current form without the LUF Round Three award of £11m.

#### **Outcomes**

Although the physical construction outputs are the most apparent sign of ambition and investments in the city, the outcomes will determine whether the projects succeed. The City Council's ambition is that the Forum will act as an anchor project, attracting companies and investment into the city and creating significant opportunities for Gloucester residents. The premium hotel offer will allow people to stay in the city for business or to experience the rich cultural offerings. The site of the nascent Greyfriars Quarter project has experienced some anti-social behavior, leading to a negative reputation. Our proposed scheme is designed to increase footfall and design out crime, which will bring a key walking route back into use in the city, allowing for the centre to have a more natural wayfinding flow. These projects evidence what can be achieved with a proactive and interventionist local authority and which, with the backing of the wider public and private sectors, will deliver generational change for the city.

**Author:** Craig Cassely, Economic Growth Officer Gloucester City Councill



Below photos: University of Gloucestershire City Campus and King's Square





## Cotswold District Council's review of its Local Plan housing

he five year anniversary of the adoption of a local plan or spatial development strategy is a critical deadline. Some readers will be familiar with NPPF (2023) paragraphs 33 and 74, which require policies in local plans and spatial development strategies to be reviewed within five years of the adoption date of a plan to assess whether they need updating. Local planning authorities are also required to maintain a five year housing land supply, which should be measured against their housing requirement set out in adopted strategic policies where the policies are less than five years old. However, where the strategic policies are more than five years old, the five year supply should instead be measured against the authority's local housing need, calculated using the standard method set out in national planning guidance. This is unless the strategic policies have been reviewed and are found to not require updating.

In August 2023, Cotswold District Council (CDC) published a Review of its adopted Local Plan housing requirement. This found that a 429 dwelling increase to the District's local housing need was not a significant change and that the adopted housing requirement did not require updating, which resulted in its continued use for calculating the District's five year housing land supply. Since this work was undertaken, the December 2024 NPPF has been published, within which the government has clarified how this definition should be calculated.

Matthew Britton from Cotswold District Council's Planning Policy and Infrastructure team explains the various complexities and considerations that are required to determine whether an adopted Local Plan housing requirement requires updating and whether a LPA's local housing need has changed significantly, as well as some of the key learning points from their Review.

## The five year anniversary of the adoption of a housing requirement

The five year anniversary of the adoption of CDC's Local Plan was 3 August 2023. We had worked through the implications of paras. 33 and 74 on our five year supply long before this anniversary. Despite having maintained a five year housing land supply for many years; having consistently been amongst the top authorities in the country for our Housing Delivery Test score; and our housing land supply being set to deliver around 115% of our adopted housing requirement, we found ourselves in a bizarre situation where, overnight, our five year housing land supply was set to drop from over 7 years to under 4 years. It was therefore really important to review the housing requirement to understand whether it actually required updating.

#### Lack of guidance

We were expecting the long awaited NPPF update to be published in spring 2023. Frustratingly, this was not forthcoming. If it had been delivered as proposed, it would have meant that such a comprehensive and time consuming review of the housing requirement could have been avoided, as the proposed policies would have clarified how past oversupply from previous years could be factored into the five year supply calculation from five years after the adoption of a local plan. However, we couldn't rely on draft policies that may or may not find their way into the final NPPF, so we had to press on regardless.

We quickly found there are virtually no national policies or guidance on how to review a housing requirement. We also did an extensive search of case law or appeal decisions where this issue may have been discussed but also drew a blank. We found the PAS guidance for reviewing strategic policies to be a useful starting point but it didn't cover CDC's individual circumstances. So some trail blazing was therefore required!



#### The importance of monitoring data

Before getting into the intricacies of the Review, we want to emphasise the importance of having accurate monitoring data. Of course, a balance has to be struck between the resources spent gathering data and the benefit the data brings but having solid and reliable evidence is so important for policy writing and exercises such as this. We annually update our Residential Land Monitoring Statistics and Housing Land Supply Reports, which provide data on housing completions, planning permissions, progress with site allocations, the windfall supply and so on. This evidence provided a solid foundation on which to base the review of the housing requirement.

We're also always looking for ways that we can improve our monitoring. One thing we discovered through this piece of work is that our five year supply, up to this point, has included dwellings (C3 use class) only. However, the housing supply that counts towards delivering the standard methodology need figure includes both dwellings and homes released to the market from communal accommodation developments (C2 use class), as calculated using the Housing Delivery Test measurement rule book. We therefore updated our monitoring data to reflect this.

#### Reviewing the housing requirement

It is important to say from the outset that there is no single correct way of reviewing strategic policies. Whichever approach is taken, however, has to be justified with proportionate evidence and must come to a reasonable conclusion.

The review of the housing requirement can be broken down into two parts. Firstly, national policy and guidance require various matters to be taken into account when converting a housing need figure into a housing requirement. We therefore considered each of these in turn to understand whether the requirement should be higher or lower to, for example, deliver more affordable housing or to protect the District's areas or assets of particular importance. Bear in mind that there is an important distinction to make here – the review does not have to set a 'new' housing requirement and can instead focus on whether the adopted housing requirement requires updating.



Aerial image of Tetbury, which is the second largest settlement in Cotswold District and is entirely within the Cotswolds National Landscape.



Map showing the key constraints in Cotswold and the district's 17 Principal Settlements.

The second part is testing whether the applicable local housing need has changed significantly. While the 2024 version of the NPPF may provide a new policy to define this, at the time that this work was undertaken this issue threw up all sorts of questions. How do you define a significant change? Does it refer to an absolute number of homes or the percentage increase / decrease of the housing need? What number or percentage is deemed to be significant? What is the local housing need? Is the original local housing need the adopted housing requirement or the need figure that the adopted housing requirement was based upon? Over what time period does the change apply to? Suffice to say, national policy and guidance provide little clarity on any of these issues, so we decided the best approach was to test several different scenarios.

#### A helping hand

We also realised early on that reviewing the housing requirement would be a very technical exercise and, given the importance, we contacted a consultant for some help. This wasn't a conventional arrangement where a consultant did a bespoke piece of work for us. Instead, we did as much as we could ourselves and asked the consultant to check over our work and add anything that we'd missed, as well as lead on areas we needed help with. We were really pleased with how this joint-working arrangement panned out, as it made the most of in-house skills and knowledge, reduced the project cost and it allowed the consultant to add value with their knowledge and experience, which ultimately made for a better end result. The consultant also produced a complementary note on whether the housing need figure for Cotswold has changed 'significantly', which was necessary at the time due to the lack of national guidance on this matter.

#### The findings

The Review found that, for various reasons, our adopted Local Plan minimum housing requirement of 8,400 dwellings did not require updating. The Council's (Class C3) housing land supply is on course to deliver close to 9,700 dwellings over the 20-year plan period and nearly 10,000 dwellings if homes released to the market from (Class C2) communal accommodation developments are counted in.

The assessment of whether the applicable housing need had changed significantly found that there were various ways of assessing this but none of them represented a significant change. We concluded that the most applicable local housing need figures to test the change were: i) the need figure that was used to inform the adopted Local Plan policies (8,665 dwellings) and ii) a combination of the adopted housing requirement from the beginning of the Local Plan period up to the five year anniversary of the adoption of the Local Plan, added to the standard methodology need figure from the five year anniversary of the adoption of the Local Plan to the end of the plan period (9,094 dwellings). The need had increased by 429 dwellings (4.6%), which was not considered to be a significant change.

#### Legal and PINS advice

Sometimes, you need the confidence of wearing both a belt and braces to avoid any unfortunate incidents from happening. With this logic at the forefront of our mind, we took Counsel advice to ensure our approach was robust. This proved to be invaluable and helped us to identify and address some potential shortcomings in the evidence.

We also arranged an advisory meeting with a PINS Inspector to gauge whether our approach was sound. This is something that all councils are recommended to do at various stages of plan production and is a free service offered by PINS to help ensure Local Plans remain on track. We've done this a couple of times now and we very much recommend it. In this instance, the Inspector confirmed that our approach provides proportionate evidence and that our conclusion is robust and reasonable.

Well-received by Council Members, the public, Development Management case officers and applicants



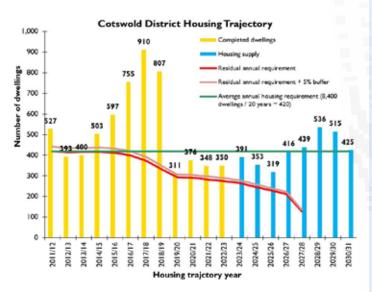
and Housing Land Supply Report.

Cotswold District Local Plan (2011-31) housing trajectory.



This is unashamedly a technical piece of work and one of the difficulties all planners face with any technical report is explaining it to members of the public, Council Members and businesses. It's therefore heartening for us to hear that our review of the housing requirement has been met with various praise, including from Simon Firkins, the Managing Director of SF Planning, in his Linkedin article on the Review.

"CDC have identified in advance that there would be an issue to address. They have then taken the time and trouble to carefully go through the process, seeking to robustly justify their position. This is proper 'Forward Planning'... We find this most refreshing. If only all LPAs could adopt the same approach it would make much of our work a great deal easier!"



#### **Summary**

In summary, we won't hide away from the fact that reviewing the housing requirement has been a complicated and difficult exercise and it has come with a financial a cost. It's also unfortunate that having now completed this exercise, the situation may change again when the long awaited NPPF update is published. Furthermore, the standard methodology housing need figure is already updated around March each year when new housing affordability data is published, which also brings the risk of the situation changing overnight. We're also expecting a revised standard methodology to accompany the NPPF update. Suffice to say, it's really difficult to produce a development plan when there is so much uncertainty and when the goalposts are continually changing. Most local authorities want to get on and deliver the 'planled' system that we are supposed to work under, but the seemingly annual revisions to the NPPF, with more updates planned in 2025, make this difficult - both politically and procedurally. We have no choice though but to keep the situation under review and to adapt.

Author: Matthew Britton, Interim Head of Planning Policy and Infrastructure at Cotswold District Council

High quality new homes, built from the local Cotswold stone.





### An Interview with Award Winning Jozie Bannister

RTPI South West Young Planner of the Year 2024 and commended in the National RTPI Awards for Planning Excellence 2024.

#### What led you to become a planner?

I've been aware of Planning since I was a child, following a planning application my parents made. From the age of about 7, I knew I wanted to do a degree in Law.

It was in my second year of that Law degree that I covered Planning as part of an Environmental Law module and first saw it as a potential career. I had a few options lined up for after my degree, a place on the Planning MSc at Plymouth University being one of them. It was two weeks' work experience at Taunton Deane Borough Council that sealed the deal; and that's where it all began.



My role at Devonshire Homes is key to what we do, and I really enjoy the challenges and responsibility that come with that. Without planning permissions, we can't build the great houses we have a reputation for.

I love being part of the whole process: from walking the site initially, to opening the front door of the show home, and seeing each house we build become home to our customers; who are a huge part of the communities we create.

Knowing that we provide much-needed homes is part of what keeps me passionate about what I do, but it's also about the people. I work alongside some fantastic colleagues, both the private and public sectors. Forging positive working relationships, and seeing the benefit of this in the final result, is something I find really rewarding. Housebuilding really is a team sport!

## Who has inspired you in your life? And who do you get inspiration from now?

I am fortunate to have many inspiring people in my life and have been encouraged to be ambitious and work hard from a young age, which my family are very much responsible for. I am constantly surrounded by people I look up to, both at work and in my personal life, which helps to keep me motivated and offers constantly evolving goals to keep striving towards.

## Which project has given you the most satisfaction, and why?

Since starting with Devonshire Homes, I have been involved in, and led on, the planning side of a number of fantastic projects. The one that gives me the most satisfaction is a community building that we're currently constructing in Ilfracombe, North Devon.

The building was approved as part of a large housing allocation, of which we're building 347 new dwellings and delivering two sports pitches alongside a MUGA. However, not long ago it looked like the building would never come forward due to a lack of funding.

After securing HIF funding, we set to work on designing a building that could best serve the people of Ilfracombe, and worked with the Council on this every step of the way. With a seemingly impossible build completion deadline, and a number of hurdles along the way that have threatened this project, its success is owed to the efforts of the Council, Homes England, and of course the team at Devonshire Homes.



new sports pitches and a community hall with a kitchen area that will be available for hire and enjoyed by the wider community. It's incredibly rewarding to now see it coming out of the ground and on track to be completed by the deadline.

## Thinking about planning as a career and a profession, what would you like to be different? What would you change?

It's not a battlefield, but it does feel like it's perceived as one, and that's something I'd love to change. Planning isn't a platform to play the private and public sectors off against one another but it's a view that, frustratingly, does get fuelled, often by those outside the industry. I'm lucky to have experienced some great collaboration with Officers as well as Town and Parish Councils, this should be normal, as it leads to better outcomes for all, and makes for a much more pleasant planning experience.

## How can we best inspire the next generation of planners to come forward?

We've got to make sure people know what planning is and show them how good the outcomes can be. I don't know of many people who have joined the profession and not stuck with it, which says a lot in itself.

It's an incredibly rewarding industry to work in where we can make a genuine and tangible difference to the built environment and the communities we work in. Planning needs to be put on the radar in schools so children can be inspired from a young age and can understand the full range of roles the industry has to offer as it really is quite varied.

#### What's next for you?

I feel very lucky to have found myself in a role that keeps me fulfilled and challenged so I'm hoping to stay where I am and progress my career with Devonshire Homes.

Pictured top with the 2024/25 Regional Committee. Below left with 2024 President Lindsey Richards, right with Regional Coordinator Charlotte Daborn



### A tribute to Mike Oakley

After a milestone 50 years of volunteering for the Branch and also being a part of Branchout since its conception, Mike is standing down as a volunteer.

Suzanne D'Arcy, a long standing member of the Regional Activities Committee and was Regional Chair in 2018 writes:

"In a day that many of us thought would never happen, Mike Oakley is leaving the RTPI SW. For me, Mike is to the SW RAC what the ravens are to the Tower of London. An ever present presence who has likely remembered more about the region than most of us will never know.

Mike joined the committee in 1975, before quite a few of the current committee were even born (sorry to get that in Mike!) and here we are 50 years later, he is leaving us to finally enjoy being retired and enjoy life closer to family. Mike has done pretty much every job on the RMB, he was Branch Chair in 1982, National Council representative between 1983 and 1988 and spent 17 years over 3 stints with his red pen out as Branch Secretary. He also spent 19 years as a passionate champion of the SW Awards, touring the district looking at the best our region has to offer.

He has also been active at national level too. Directly elected to the National Council in 1989/90 and was the Professional Practice Board Chair the same years. He has had 2 stints on the Nations and Region Panel and 5 years on Conduct and Discipline. Given Mike's fondness for procedure, I would not have wanted to be on the other side of him on that panel!

But his story is much more than just a list of achievements. How many of us would be spending their retirement years championing their profession for the benefit of those coming along after them? Mike is still coming along to CPD events to keep up with what is going on in the region and enjoys a debate on the matters of the day.

On a very personal note, I am going to miss my train buddy for the trips down to Taunton for the RAC meetings. Mike is always had stories to tell and never short of an opinion, so these trips have always be a pleasure and I will miss them very much.

Mike, you will leave a massive hole in the SW region that will be really tough for us to fill. Enjoy your RTPI retirement and if you miss us too much, at least you have your complete collection of Branchouts to remember a very fond 50 years."

#### A CELEBRATION OF



Originally instigated in June 1978 to help connect members of the branch and stimulate interest in engaging with local activities...Branchout has grown and adapted over the years.













#### WE:

**Shared news** from the two partnership universities (UWE and Plymouth), summaries of dissertations, research and celebrated student success with the awarding of RTPI prizes

**Our Young Planners** groups have reported on their activities, shared their opinion pieces and also given a YP view on local projects.

**Celebrated** the annual RTPI South West Awards for Planning Excellence and published case studies on award winning entries.

**Reported** on the important role of Planning Aid England and updated on project work in the region.

**Placed a spotlight** on our Local Authorities and consultancies to report on their area, local development and any other planning news they had.

We published obituaries on past members and took the opportunity to celebrate their contributions to planning.

Numerous case studies on interesting projects in the region

Interest pieces such as dementia, inclusivity, joint local planning, planning in Africa, Archeology, Biodiversity, coastal changes, digital planning, design codes, neighbourhood planning, Gypsy and Travellers, housing, Hinckley Point, mental health, mineral planning, prisons, Raynsford Review, renewables, transport modelling, rural planning and much more.

Celebrated the RTPI Centenary back in 2014.

Provided legal updates

**Celebrated members,** fellowships, retirements, outstanding service awards

With trends changing to where members can access the latest planning information, readership of Branchout has declined in recent years. The Regional Management Board have decided to cease its production and focus on regular online blogs which will be shared via the E-New emails to members.

RTPI South West has a digital archive of Branchout all the way back to edition 1. If you would like any copies, please contact **southwest@rtpi.org.uk**