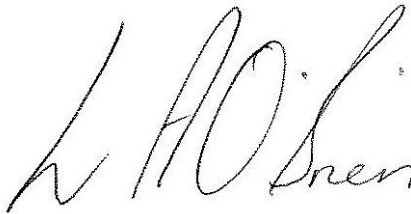


9 April 2018

Committee	Council
Date	Tuesday, 17 April 2018
Time of Meeting	6:00 pm
Venue	Council Chamber

ALL MEMBERS OF THE COUNCIL ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

- 3. MINUTES**

1 - 16

To approve the Minutes of the meeting held on 20 February 2018.



4. ANNOUNCEMENTS

1. When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. To receive any announcements from the Chair of the Meeting and/or the Chief Executive.

5. ITEMS FROM MEMBERS OF THE PUBLIC

- a) To receive any questions, deputations or petitions submitted under Council Rule of Procedure.12.

(The deadline for public participation submissions for this meeting is 11 April 2018).

- b) To receive any petitions submitted under the Council's Petitions Scheme.

6. MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

To receive any questions submitted under Rule of Procedure 13. Any items received will be circulated on 17 April 2018.

(Any questions must be submitted in writing to Democratic Services by, not later than, 10.00am on the working day immediately preceding the date of the meeting).

7. APPOINTMENT OF CIVIC HEADS**(a) Mayor**

In view of the current Mayor-Elect having withdrawn from taking the position of Mayor due to health concerns, the Council is asked to appoint the Deputy Mayor-Elect for 2018/19, Councillor Ruth Hatton, as Mayor-Elect for the forthcoming Municipal Year.

(b) Deputy Mayor

To receive nominations for the appointment of Deputy Mayor for the ensuing Municipal Year.

8. LEAD MEMBER PRESENTATION - LEAD MEMBER FOR BUILT ENVIRONMENT

To receive a presentation from the Lead Member for Built Environment, Councillor Elaine MacTiernan.

9. RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

The Council is asked to consider and determine recommendations of a policy nature arising from the Executive Committee as follows:-

(a) Public Space Protection Order - Dog Fouling

17 - 26

At its meeting on 14 March 2018 the Executive Committee considered the implementation of a Public Spaces Protection Order under S59 of the Anti-Social Behaviour, Crime and Policing Act 2014 and the introduction of fixed penalty notice fines for all controls contained in the Order and it was **RECOMMENDED TO COUNCIL**:

1. That a Public Spaces Protection Order be implemented under S.59 of the Antisocial Behaviour, Crime and Policing Act 2014 as set out at Appendix A to the report.
2. That Fixed Penalty Notice fines of £100 be introduced for all controls contained in the Public Spaces Protection Order.

10. TWYNING NEIGHBOURHOOD DEVELOPMENT PLAN

27 - 98

To consider making the Twynning Neighbourhood Development Plan part of the Development Plan for Tewkesbury Borough; and to delegate to the Head of Development Services, in agreement with the Parish Council acting as the Qualifying Body, the correction of any minor errors such as spelling, grammar, typographical or formatting errors that do not affect the substantive content of the plan.

11. SEVERN VALE HOUSING MERGER

99 - 109

To consider the implications of the proposal for the merger of Severn Vale Housing Society with Bromford/Merlin Housing Society and to agree an effective process to proceed whilst ensuring the Council's interests are protected.

12. LEADER OF THE COUNCIL - STATE OF THE BOROUGH PRESENTATION

To receive a 'State of the Borough' presentation from the Leader of the Council, Councillor Dave Waters.

13. SEPARATE BUSINESS

The Chairman will move the adoption of the following resolution:

That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

14. SEPARATE RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

The Council is asked to consider and determine separate recommendations of a policy nature arising from the Executive Committee as follows:-

(a) Review of Development Services

110 - 188

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

At its meeting on 14 March 2018 the Executive Committee considered the outcomes from the review of Development Services and made a recommendation to Council regarding the service restructure proposals and associated action plan.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Mayor will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 20 February 2018 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor H A E Turbyfield
Councillor T A Spencer

and Councillors:

R E Allen, P W Awford, K J Berry, R A Bird, R Bishop, G F Blackwell, G J Bocking, K J Cromwell, D M M Davies, J E Day, M Dean, R D East, A J Evans, J H Evetts, D T Foyle, R Furolo, R E Garnham, P A Godwin, M A Gore, J Greening, R M Hatton, S E Hillier-Richardson, A Hollaway, E J MacTiernan, J R Mason, H C McLain, A S Reece, V D Smith, P E Stokes, P D Surman, M G Sztymiak, D J Waters, M J Williams and P N Workman

CL.75 APOLOGIES FOR ABSENCE

75.1 Apologies for absence were received from Councillors B C J Hesketh and R J E Vines.

CL.76 DECLARATIONS OF INTEREST

76.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

76.2 There were no declarations of interest made on this occasion.

CL.77 MINUTES

77.1 The Minutes of the meeting held on 23 January 2018, copies of which had been circulated, were approved as a correct record and signed by the Mayor, subject to the following amendments:

- Minute No. 68.2 – bullet point 3 – ‘...which had reduced the applications from ~~2,000~~ **2,200** to ~~260~~ **2,000**’.
- Minute No. 68.2 – bullet point 12 – ‘...approach to improving health and was funded by the ~~County Council~~ **Clinical Commissioning Group**’.

CL.78 ANNOUNCEMENTS

78.1 The evacuation procedure, as set out on the Agenda, was advised to those present.

78.2 The Deputy Mayor expressed his thanks to the Council which, in his absence at the previous meeting, had nominated him as Mayor for 2018/19. He indicated that the nomination meant a lot to him and his wife and they looked forward to their Mayoral year.

CL.79 ITEMS FROM MEMBERS OF THE PUBLIC

79.1 There were no items from members of the public on this occasion.

CL.80 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

80.1 There were no Member questions on this occasion.

CL.81 LEAD MEMBER PRESENTATION

81.1 The Mayor invited the Lead Member for Organisational Development, Councillor Gill Blackwell, to make her presentation to the Council.

81.2 The presentation covered the following main points:

- Portfolio Remit – Business Transformation; Performance Management; Human Resources (HR) and Organisational Development; Overview and Scrutiny; and Health and Safety. Business transformation and performance management were about delivery whereas the rest of the portfolio areas were about supporting delivery. Overview and Scrutiny ensured there was challenge, accountability and transparency in how the Council did things; HR and organisational development ensured the Council had the right people, in the right place, at the right time to achieve its aims in a changing and complex world; and health and safety ensured everything the Council did was undertaken in a safe manner with an additional focus on staff wellbeing. The responsibility for this rested with both Members and Officers and, through the remit of the portfolio, the Lead Member gained assurance where necessary that the right frameworks, processes and monitoring arrangements were in place.
- Business Transformation – the programme, introduced in 2014, was overseen by the Transform Working Group. It looked at innovative and creative solutions and offered a strategic approach which was supported by five themes; partnerships, assets, technology, people and culture and commercialism. The programme had made significant savings of approximately £3 million to date. The Working Group saw Members and senior Officers working together to bridge the budget deficit which meant looking at things differently and creatively while, at the same time, delivering a balanced budget and Medium Term Financial Strategy. The business transformation programme was currently in its fourth year and it was fully expected that its success would continue – some of those successes included the commercial property investment strategy, the new garden waste system and the public service centre refurbishment. The range of projects on the programme cut across all Lead Member portfolios and, as the Lead Member for transformation, she was more than satisfied that the Council had the tools and ambition to build on its previous success and ensure that whatever it did was 'better for customers, better for business'.

- Performance Management – this monitored the Council Plan, service plans and staff appraisals. There was a robust regime for monitoring the Council's priorities. Similar to transformation, performance was cross-cutting as it affected each portfolio and each service. It was important that Members could act as a critical friend when it was identified that something was not performing as it should. There were a lot of actions within the Council Plan some of which were more complex than others but, overall, performance was something to be proud of and delivered value for money services. In terms of service performance, each service produced a high level service plan which was presented at Executive Committee and the actions within them formed part of the Lead Member briefings. Three services were currently under review, or about to commence the review process; Revenues and Benefits, Planning and Environmental Health. The Management Team had now enforced completion of staff appraisals which it was anticipated would ensure staff had the right tools to do their jobs and understand their roles in conjunction with the priorities of the Council.
- Overview and Scrutiny – Officers and Members were committed to ensuring maximum value of the Committee was achieved. The Committee had a varied work programme which covered key strategy monitoring such as Economic Development and Tourism and Housing and Homelessness; key action plans such as enviro-crimes and planning enforcement; and the performance of Ubico, and the Council generally, through the monitoring of the Council Plan. In addition, the Committee was just embarking on a scrutiny review of the recent water outages experienced in the Borough; this would fulfil the criteria within the Committee's Terms of Reference for it to be a Committee for the community.
- HR and Organisational Development – the Council was operating in challenging times and trying to do more for less so it was essential the workforce had the skills and competencies necessary to implement those new ways of working whether it be digitally or commercially. The Council had a committed and motivated workforce and working practices - such as flexible working, all staff working on one floor and having pride in their work - and their public service ethos helped towards this. Organisationally, across the board there was a good working relationship between Officers and Members which created a culture of 'getting things done'. There were numerous supporting mechanisms in place for staff development, whether that be the appraisal scheme, corporate training budget, flexible working, team meetings or the empowerment to think creatively. The HR team was currently working on a Workforce Development Strategy which would encapsulate this along with an action plan for further improvements. A new HR system would soon be implemented which would make life easier for the HR team as well as managers.
- Health and Safety – quarterly meetings of the Keep Safe, Stay Healthy Working Group were held and these were attended by the Lead Member. This was a corporate group which was represented by all services and received reports which covered all activities relating to the Council's health and safety environment; this included ensuring adequate monitoring arrangements for key contracts such as Ubico and the leisure centre as well as internal processes such as completion of risk assessments, workstation assessments and policy related issues. The group also focussed on staff wellbeing and, in 2017, the Council had sought accreditation through the Workforce Wellbeing Charter which was an opportunity for employers to demonstrate their commitment to the health and wellbeing of their workforce. In terms of health and safety, the Council had been accredited as 'excellent' and similarly was accredited as 'excellent' for its absence

management arrangements – overall it was scored highly across all categories and was awarded charter status. Even with this in mind, improvements were also made where necessary e.g. a new occupational road risk policy had been introduced.

81.3 The Mayor thanked the Lead Member for her informative presentation and invited Member questions. In response, a Member queried what the current trend was in terms of sickness absence levels amongst staff. The Chief Executive advised that the rates did go up and down quite a lot. The Overview and Scrutiny Committee considered the figures on a quarterly basis and challenged Officers on them. One of the main issues for the Council was its size and the way that long-term sickness absence affected the figures; there were currently a number of staff off on long-term sickness absence so the figures were slightly increased. The Council had good HR procedures in place to ensure it supported staff and managed absences effectively but, as part of its review of performance information, the Overview and Scrutiny Committee would shortly be undertaking a review of the sickness absence policy to see if it could be improved. With regard to the reference within the presentation that the Council had purchased a new HR system, a Member questioned how this would help staff. In response, he was advised that the system was not yet live but, when it was, it would streamline the HR processes and enable staff to self-serve in a more effective way which would be helpful to the HR team as well as making the systems more efficient.

81.4 Accordingly, it was

RESOLVED That the Lead Member Presentation be **NOTED**.

CL.82 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

2018/19 Budget

- 82.1 At its meeting on 31 January 2018, the Executive Committee had considered a report which set out the proposed budget for 2018/19. The Executive Committee had recommended approval of a net budget of £8,732,790; a Band D Council Tax of £114.36, an increase of £5.00 per annum; the use of New Homes Bonus, as proposed in Paragraph 3.5; the Capital Programme, as proposed in Appendix A to the report; the Capital Prudential Indicators, as proposed in Appendix B to the report; the annual Minimum Revenue Provision (MRP) statement, as contained in Appendix B to the report; the 2018/19 Treasury Management Strategy, as proposed in Appendix C to the report; the 2018/19 Flexible Use of Capital Receipts Strategy, as proposed in Appendix D to the report; and that the Council's involvement in a 100% Retained Business Rates Pilot in Gloucestershire for 2018/19, as detailed in Appendix E to the report, be noted.
- 82.2 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 16-54.
- 82.3 The recommendation from the Executive Committee was proposed by the Chair of the Committee and seconded by the Lead Member for Finance and Asset Management.
- 82.4 During the discussion which ensued, a Member questioned how much money was in the Council's planning reserve and whether that included the costs gained from appeals; why Ubico's costs had increased; and how much One Legal's case management system would cost the Council in total. In response, the Head of Finance and Asset Management explained that he was unsure what was currently left in the reserve but would update the Member following the meeting – any costs that were gained from appeals went straight back into the reserve. In terms of Ubico, the pay offer had had a significant impact on the costs of employees but, in

addition, when the Council had looked at the budgets for Ubico, Officers had identified that it needed a longer season for garden waste and that it should have a budget in place for agency staff – it was those increased costs which had affected the budget and were the reason further money was required. It was not anticipated that costs would increase further over the year. In respect of One Legal, the Head of Finance and Asset Management confirmed that the total cost for the case management system was £240,000 but this was payable between Tewkesbury Borough, Cheltenham Borough and Gloucester City Councils so the payment was £80,000 each. As Tewkesbury Borough was the host Council for One Legal, it incurred all of the expenditure and reclaimed it from the other parties which was the reason the whole £240,000 was in the budget.

82.5 Referring to the proposed Council Tax levels, a Member questioned whether it would raise £169,295. She also queried whether the revenue reserve was currently £4.427 million. In response, the Head of Finance and Asset Management confirmed the amount to be raised through Council Tax and that the revenue reserve balance identified in the report was correct as at the time of writing; the exact balance would have changed slightly now but he would advise the Member of the amount following the meeting. The Member expressed the view that, with approximately £4 million in reserves, the Council should not be asking residents to pay more for their Council Tax in a time when finances were already a struggle and wages were not keeping up with inflation. She noted that the County Council was increasing its share of the Council Tax, to make greater contributions to social care, as was the Office of the Police and Crime Commissioner, and she felt the Borough Council should not add to that.

82.6 Having considered the comments made, and, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on the proposal was recorded as follows:

For	Against	Abstain	Absent
R E Allen	Mrs S E Hillier- Richardson		B C J Hesketh
P W Awford	M G Sztymiak		R J E Vines
K J Berry	P N Workman		
R A Bird			
R Bishop			
G F Blackwell			
G J Bocking			
K J Cromwell			
D M M Davies			
J E Day			
M Dean			
R D East			
A J Evans			

J H Evetts
D T Foyle
R Furolo
R E Garnham
P A Godwin
M A Gore
J Greening
R M Hatton
A Hollaway
E J MacTiernan
J R Mason
H C McLain
A S Reece
V D Smith
T A Spencer
P E Stokes
P D Surman
H A E Turbyfield
D J Waters
M J Williams

82.7 Accordingly, it was

- RESOLVED**
1. That a net budget of £8,732,790 be **APPROVED**.
 2. That a Band D Council Tax of £114.36, an increase of £5.00 per annum, be **APPROVED**.
 3. That the use of New Homes Bonus, as proposed in Paragraph 3.5 of the report, be **APPROVED**.
 4. That the Capital Programme, as proposed in Appendix A to the report, be **APPROVED**.
 5. That the Capital Prudential Indicators, as proposed in Appendix B to the report, be **APPROVED**.
 6. That the annual Minimum Revenue Provision (MRP) statement, as contained in Appendix B to the report, be **APPROVED**.

7. That the 2018/19 Treasury Management Strategy, as proposed in Appendix C to the report, be **APPROVED**.
8. That the 2018/19 Flexible Use of Capital Receipts Strategy, as proposed in Appendix D to the report, be **APPROVED**.
9. That the Council's involvement in a 100% Retained Business Rates Pilot in Gloucestershire for 2018/19, as detailed in Appendix E to the report, be **NOTED**.

Council Tax - Empty Homes Premium

- 82.8 At its meeting on 31 January 2018, the Executive Committee considered a report which set out the introduction of a proposed Council Tax - Empty Homes Premium. The Executive Committee had recommended to Council that a premium of 50% be implemented from 1 April 2018 in respect of properties that had been unoccupied and substantially unfurnished for more than two years; and that the detailed governance arrangements be implemented in consultation with the Lead Member.
- 82.9 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 55-58.
- 82.10 The recommendation from the Executive Committee was proposed by the Chair of the Committee and seconded by the Lead Member for Finance and Asset Management.
- 82.11 During the discussion which ensued, a Member questioned whether someone would have to pay the premium if they were purchasing a property that had been empty for two years and which would need to remain empty for a further period before they could move in. In response, the Deputy Chief Executive confirmed there would be some discretion open to the Council and that type of example was something that could be decided in consultation with the Lead Member as recommended by the Executive Committee. There followed a discussion about what was meant by the phrase 'substantially unfurnished'. Members felt this was a rather 'woolly' term and, in response, the Deputy Chief Executive indicated that this was something upon which Officers would have to use their discretion as there was no definition for what was meant by a property being substantially unfurnished. However, the Council used fully trained assessors who would take into account all of the facts and evidence before making a decision as to whether or not the premium should be applied. In view of the fact that this appeared to be a subjective issue, a Member questioned whether there was a right of appeal. In response, the Deputy Chief Executive indicated that, as with any new policy, it would be subject to procedures and he would undertake to check what the appeals procedure might be. It was intended that a mailshot would be sent to any properties which would be affected by the premium to ensure the owners/landlords etc. were aware of the change.
- 82.12 Accordingly, it was
- RESOLVED** That, from 1 April 2018, a Council Tax Empty Homes Premium of 50% be implemented in respect of properties that have been unoccupied and substantially unfurnished for more than two years; and that the detailed governance arrangements be implemented in consultation with the Lead Member.

Flood and Water Management Supplementary Planning Document Adoption

- 82.13 At its meeting on 31 January 2018, the Executive Committee considered the Flood and Water Management Supplementary Planning Document following consultation. The Executive Committee had recommended to Council that it be adopted.
- 82.14 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 59-136.
- 82.15 The recommendation from the Executive Committee was proposed by the Chair of the Committee and seconded by the Lead Member for Finance and Asset Management.
- 82.16 During the discussion which ensued, a number of Members thanked Officers for the work that had gone into the document. They felt it was long awaited and that, if adopted, it would be extremely helpful going forward. Whilst he was of the view that it was a good document, a Member questioned whether surface water drainage could be considered and monitored carefully throughout the construction phase as well as prior to the commencement of a scheme. In response, the Lead Member, and Chair of the Flood Risk Management Group, indicated that she felt this would be a sensible addition. In offering clarification, the Borough Solicitor advised that this could be included in addition to the document as an aspiration/reminder but it could not be an additional requirement within the document unless it was sent back out for consultation. Members generally agreed that the document should be adopted as soon as possible and therefore flagging the issue up as an aspiration was the correct way forward. One Member expressed the view that it was a fantastic document and he would like to see the other five Districts in Gloucestershire adopting something similar. He indicated that a lot of the background work had been undertaken by people who had been flooded previously and he suggested that all Members read the document in detail as it provided good guidance on development in and around the flood plain.
- 82.17 A Member queried what happened after a development had been passed to a management company and whether the Council had any powers to monitor or enforce once the transfer had taken place. In response, the Deputy Chief Executive referred to Page No. 115, Paragraph 6.15.1, and explained that the Supplementary Planning Document would be part of the planning process; the powers in relation to planning and environmental health provided a suite of measures that could be taken into account when management issues regarding Sustainable Drainage Systems (SuDS) arose. In response to a query regarding road surface levels, the Deputy Chief Executive indicated that it would be possible to flag up as an aspiration that, when integrating the street network with SUDS, the level of the road in connection with the housing should be taken into account.
- 82.18 Accordingly, it was
- RESOLVED**
1. That the Flood and Water Management Supplementary Planning Document, as attached at Appendix 1 to the report, be **ADOPTED**.
 2. That authority be delegated to the Head of Development Services to make any necessary minor amendments to the Supplementary Planning Document, as considered appropriate, prior to it being published.

3. That it be flagged up as an aspiration/reminder that surface water drainage should be considered and monitored carefully throughout the construction phase, as well as prior to the commencement of a scheme; and that, when integrating the street network with SUDS, the level of the road in connection with the housing should be taken into account.

CL.83 HOUSING INFRASTRUCTURE FUND, ASHCHURCH

- 83.1 The report of the Deputy Chief Executive, circulated at Pages No. 137-145, set out information about funding which had been awarded to the Council from the Housing Infrastructure Fund (HIF). Members were asked to note the award of the funding to support the delivery of a bridge over the railway at Ashchurch to facilitate housing delivery; to note that Officers would continue to work to develop a delivery project in relation to the bridge and related development, in discussion with the relevant stakeholders including Network Rail, Gloucestershire County Council, landowners and developers; and to delegate authority to the Executive Committee to make all necessary decisions with regard to the government funding and to receive further status reports as the project progressed.
- 83.2 Members were advised that the HIF had been launched by the government in July 2017 to support housing delivery through the funding of vital physical infrastructure e.g. roads and bridges, with the opportunity to unlock 100,000 homes nationally. The fund was split into two key areas: forward funding – for larger schemes up to £250 million; and marginal funding – schemes up to £10 million. To support the delivery of the Joint Core Strategy (JCS) housing numbers, Tewkesbury Borough Council had entered a number of bids including a marginal funding bid to help deliver a bridge over the railway line at Ashchurch to support the development of the wider Ashchurch area. A further bid under the forward funding section, for the M5 J9 improvements and A46 off-line, had also been submitted but the results of that had not yet been announced. The award of the bid was for £8,132,465 and was based on unlocking development potential in the area for the delivery of 826 homes. This had been a highly competitive process and it was to be commended that the bid which Officers had put together had won the funding.
- 83.3 As part of the evidence gathering for the development strategy, transport planning modelling had taken place and this had reviewed various options of how housing growth could be delivered within the area. This work had tested the concept of a new bridge over the railway and the outputs indicated that, without such a new access point, development capacity would be severely restricted. At this stage it was not known where the bridge would go; the bid had not required specifics in terms of details or location so there was now a lot of work to do to deliver by 2021. Initial discussions had taken place with Network Rail which was supportive of the project, not least because it had a preference to close or alter the existing Northway level crossing due to safety concerns. Further conversations would need to be undertaken with Network Rail and other partners such as the Local Enterprise Partnership, Highways England, County Highways etc. in order to progress the project. In summary, the Deputy Chief Executive indicated that there were many unknowns at this stage and a detailed project brief would be required but the main purpose of the report currently before the Council was to make Members aware that the funding had been received. The Executive Committee would receive a report setting out how the project would work and to approve the setting up of a Working Group to take it forward. Any decisions required would be submitted to the Council except those delegated to the Executive Committee. In addition, the J9 Area Member Reference Panel would receive regular progress

updates and a detailed communications plan would be put together so that all parties involved were kept fully apprised of the project.

- 83.4 In proposing the recommendation on the paper, a Member expressed the view that the Council had been lucky to win the bid which gave it a fantastic opportunity that it might not otherwise have had. It was understood that the details were currently fairly sparse in what would happen moving forward but the most important thing would be the full involvement of Members throughout the process and he felt the proposal before the Council was the most appropriate and effective way to continue. He also felt that delegation to the Executive Committee, with updates to the J9 Area Member Reference Panel, would ensure Members were fully informed. In seconding the proposal, a Member felt it was great to see the government investing in the Borough in this way and he thanked Officers for the hard work that had gone into the bid at very short notice. He felt it was a great achievement and asked Members to get behind the project so that Officers could move on and start to deliver.
- 83.5 During the discussion which ensued, a Member expressed the view that, whilst it was great to see the Council winning a bid for such an amount of money, he questioned what would happen to the surrounding roads. In response, the Deputy Chief Executive explained that the project for which the HIF money had been won was not a substitute for the larger issues on the A46. Another Member questioned whether the Council would still be robust with developers and landowners to ensure they continued to contribute towards Section 106 and Community Infrastructure Levy as they still had obligations which they must adhere to. In response, the Deputy Chief Executive confirmed that the Council would continue to be robust in that respect. In response to a further query regarding consultation, the Deputy Chief Executive confirmed that there would be a number of strands coming out of the project and a large part of that would be the communications strategy which residents would be integral to.
- 83.6 Referring to the fact that the funding was to ensure vital physical infrastructure was in place to unlock the development at Ashchurch, a Member expressed particular concern about the link road between Twigworth and Innsworth and questioned whether development in that area would need to be put on hold until the vital physical infrastructure was in place. In response, the Deputy Chief Executive explained that the funding bid being discussed at the current meeting was purely for Ashchurch; the funding bids for Twigworth and Innsworth were completely separate. In addition, Members were advised that, at the same time as the bid for HIF monies had been made, a second bid had been submitted for the Innsworth/Twigworth link road but this had not been successful; the Council had been advised that further information on that funding process may be provided in the Chancellor's Autumn Statement. The Deputy Chief Executive undertook to discuss the Member's particular concerns in that regard following the meeting.
- 83.7 Concern was expressed that the details of the funding seemed to imply the Council would need to have built the bridge by 2021 and it was considered this was extremely soon given the work which needed to be done to get to that point. In response, the Deputy Chief Executive indicated that 2021 was the date given by the government but he needed to have a conversation with the Homes and Communities Agency to understand exactly what was expected at that point. At this stage he was assuming the project would need to be delivered by 2021; it was a complex issue and there may be room for manoeuvre but at this stage he was unsure.

83.8 A Member indicated that, ever since he had seen the first press release about the funding he had thought it was good that the Council was able to attract that kind of money from the government; however, now that he understood the funding was linked to a bridge over the railway line he was unsure how that would unlock housing. He was of the view that, wherever a bridge was built in that area, it would cause traffic chaos in Northway. He felt there was no way it would work unless the funding was instead used for a link to the A46 to try and solve some of the issues which were already experienced on that road. Accordingly, he proposed, and it was seconded, that the Council note the funding award of £8,132,465 to support a link to the A46 for facilitating housing delivery; that Officers continue to work to develop a delivery project in relation to the link to the A46 and related development, in discussion with the relevant stakeholders including Network Rail, Gloucestershire County Council, landowners and developers; and to delegate authority to the Executive Committee to make all necessary decisions with regard to the government funding of £8,132,465 and to receive further status reports as the project progresses. In response, the Deputy Chief Executive advised that the HIF funding was specifically to provide an infrastructure connection to unlock the site for development and therefore its purpose was not up for discussion/amendment. He also reminded Members that the funding was not meant to provide infrastructure which would be a substitute for an A46 offline solution – no one would suggest this was a perfect solution to the traffic issues in the area on its own but it would go some way in helping enable the development which was planned. The Chief Executive indicated that, in effect, the proposal would refuse the funding that the Council had been offered. The seconder of the motion expressed his disappointment that the Council would not be able to change the way the funding was spent as it seemed ludicrous to build a bridge that would serve only to cause more traffic chaos. In response, the Deputy Chief Executive reiterated that indicative modelling had been undertaken as part of the bid and that had suggested there was capacity to free up some of the development sites in the area with a bridge; this was the reason the funding had been awarded. Officers were fully aware of the traffic issues on the A46 but this particular bid was not seeking to address that. A Member expressed concern that the Council seemed to be on the verge of giving the funding back and he felt that would be a huge mistake; he was of the view that the funding was there and should be used. In addition, another Member indicated that the A46 Partnership was looking for an off-line solution to the problems with the A46 so this was not something to be addressed with the HIF money currently under discussion. He also pointed out that the bridge could not be built by the Borough Council alone and that it would need all of its partners to work with it. He felt the conversations needed to be had with stakeholders before Officers would know whether it was possible to build the bridge and its cost; if it was found to be unfeasible then Officers would have to look at the issue again but the work needed to be done in the first instance to understand if there were issues and what they were.

83.9 Following advice from the Borough Solicitor, the proposer of the motion indicated that, as it was not possible to change what the funding was for, he would instead propose that recommendations 1 and 2 on the report be noted and that 3 be amended “that the Council go back to the government with a request that the funding be reviewed and that the grant be reassigned so that it could be used to support a link to the A46”. Upon being seconded, and voted upon, the proposal was lost. Accordingly, the recommendation on the papers, duly proposed and seconded, was put to the vote and it was

RESOLVED 1. That the funding award of £8,132,465 to support the delivery of a bridge over the railway at Ashchurch to facilitate housing delivery be **NOTED**.

2. That Officers continue to work to develop a delivery project in relation to the bridge and related development, in discussion with the relevant stakeholders including Network Rail, Gloucestershire County Council, landowners and developers.
3. That authority be delegated to the Executive Committee to make all necessary decisions with regard to the government funding of £8,132,465 and to receive further status reports as the project progressed.

CL.84 COUNCIL TAX 2018/19

- 84.1 Having agreed the Council's 2018/19 budget earlier in the meeting, attention was drawn to a report, circulated separately, which asked Members to approve and set a Council Tax requirement for 2018/19.
- 84.2 In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting was recorded as follows:

For	Against	Abstain	Absent
R E Allen	M G Sztymiak		B C J Hesketh
P W Awford			Mrs S E Hillier- Richardson
K J Berry			R J E Vines
R A Bird			
R Bishop			
G F Blackwell			
G J Bocking			
K J Cromwell			
D M M Davies			
J E Day			
M Dean			
R D East			
A J Evans			
J H Evetts			
D T Foyle			
R Furolo			
R E Garnham			

P A Godwin

M A Gore

J Greening

R M Hatton

A Hollaway

E J MacTiernan

J R Mason

H C McLain

A S Reece

V D Smith

T A Spencer

P E Stokes

P D Surman

H A E Turbyfield

D J Waters

M J Williams

P N Workman

84.3 Accordingly, it was

RESOLVED

1. That it be **NOTED** that, on 1 December 2017, the Council calculated:
 - a) the Council Tax Base 2018/19 for the whole Council area as £33,858.60 (Item T in the formula in section 31B of the Local Government Finance Act 1992, as amended (the "Act")) and,
 - b) for dwellings in those parts of its area to which a Parish precept relates as attached to the report at Appendix C.
2. That the Council Tax requirement calculated for the Council's own purposes for 2018/19 (excluding Parish precepts) is £3,872,070.
3. That the following amounts be calculated for the year 2018/19 in accordance with Sections 30 to 36 of the Act:
 - a. £40,979,732 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils;
 - b. £35,169,300 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;

- c. £5,810,432 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act);
 - d. £171.61 being the amount at 3(c) above (Item R), all divided by Item T(1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
 - e. £1,938,362 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Appendix C to the report);
 - f. £114.36 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T(1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
 - g. the amounts stated in Column 5 (Band D Parish/Town and Borough b)) of Appendix B to the report are given by adding to the amount at 3(f) above the amounts of special items relating to dwellings in those parts of the Council's area specified in Column 1 of Appendix B in accordance with Section 34(3) of the Act. For completeness the table shows all areas; and
 - h. the amount set out in Appendix B to the report given by multiplying the amounts at 3(g) above by the number which, in proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular Valuation Band divided by the number which, in that proportion, is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different Valuation Bands.
4. That it be **NOTED** that, for the year 2018/19, Gloucestershire County Council and the Office of the Police and Crime Commissioner for Gloucestershire have stated the following amounts in precepts issued to the Borough Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands	Gloucestershire County Council £			Office of the Police and Crime Commissioner for Gloucestershire £
	ASC	General	Total	
A	45.39	776.08	821.47	150.99
B	52.95	905.44	958.39	176.16
C	60.52	1,034.78	1,095.30	201.32
D	68.08	1,164.13	1,232.21	226.49
E	83.21	1,422.82	1,506.03	276.82
F	98.34	1,681.52	1,779.86	327.15
G	113.47	1,940.21	2,053.68	377.48
H	136.16	2,328.26	2,464.42	452.98

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts, set out in Appendix B to the report, as the amounts of Council Tax for the year 2018/2019 for each of the categories of dwellings shown in Schedule 3.
6. The Council has determined that its relevant basic amount of Council Tax for 2018/19 is not excessive in accordance with principles approved under Section 52ZB of the Local Government Finance Act 1992. As the billing authority, the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2018/19 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK of the Local Government Finance Act 1992.
7. In respect of properties within Class A and Class B, as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (furnished chargeable dwellings that are not the sole or main residence of an individual), the discount provided by Section 11A of the Local Government Finance Act 1992 shall be reduced to zero.
8. In respect of properties within Class C, as defined by the Council (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (a property that is unoccupied and substantially unfurnished), the discount provided by Section 11A of the said Act shall be 100% for a period of one month then 25% for the following five months.
9. In respect of properties within Class D, as defined by the Council (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (chargeable dwellings that are vacant and undergoing major repair work to render them habitable), the discount provided by Section 11A of the said Act shall be subject to a discount of 25% for a maximum period of 12 months.

CL.85 SEPARATE BUSINESS

85.1 The Chair proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

CL.86 SEPARATE MINUTES

86.1 The separate Minutes of the meeting held on 23 January 2018, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

The meeting closed at 7:55 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	14 March 2018
Subject:	Public Space Protection Order – Dog Fouling
Report of:	Gordon Buchanan, Environmental Health Manager
Corporate Lead:	Peter Tonge, Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Three

Executive Summary:

To replace the current enforcement activity carried out under The Dogs (Fouling of Land Act) 1996 with a Public Spaces Protection Order (PSPO) providing authorised officers with more effective enforcement methods to deal with dog fouling.

Recommendation:

- 1. That a Public Spaces Protection Order be implemented under s.59 of the Antisocial Behaviour, Crime and Policing Act 2014 as set out at Appendix A.**
- 2. That Fixed Penalty Notice fines of £100 be introduced for all controls contained in the Public Spaces Protection Order.**

Reasons for Recommendation:

The Antisocial Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create Public Spaces Protection Orders where they are satisfied that activities carried out in a public place:-

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality.
- is, or is likely to be, persistent or continuing in nature.
- is, or is likely to be unreasonable.
- justify the restrictions imposed.

The Council currently controls dog fouling through provisions of The Dogs (Fouling of Land) Act 1996. That legislation has since been repealed, and the dog fouling provisions became part of the Clean Neighbourhoods and Environment Act 2005. This has also since been replaced by “Dog Control Orders” which are now made under the Anti-Social Behaviour, Crime and Policing Act 2014 forming part of a PSPO.

Introducing a PSPO has two main advantages over the current approach, namely:

- It allows for the fixed penalty fine, for failing to clean up after the dog under an individual’s control, to be increased from £50 to £100 creating a greater deterrent.
- It allows for the introduction of a second offence of failing to have readily available a suitable means of picking up any faeces deposited by a dog, under an individual’s control in any area open to the public across Tewkesbury Borough.

Resource Implications:

Officers currently have the power to issue fixed penalty notices relating to Dog Fouling, identifying the person responsible however, is often difficult. A great deal of officer resource can be taken up investigating complaints and identifying those responsible. Introducing the requirement that a person in control of a dog must have immediate access to a means of removing dog faeces from land would allow officer resource to be more efficiently directed at areas badly affected by dog fouling.

A publicity campaign informing the public about the introduction and penalties for non-compliance with the PSPO will be undertaken prior to robust enforcement activity.

In addition to all officers in the Environmental Health Team being authorised and trained to issue fixed penalties notices, other officers across the Council whose roll takes them into communities where they may witness these types of offences will also be authorised. Neighbourhood policing has advised that they wish to work closely with the Council regarding enviro-crime and antisocial behaviour. In this regard discussions will be had regarding the benefits of the PSCO's being authorised and able to issue fixed penalty notices.

Areas that are particularly badly affected by dog fouling will be patrolled this will impact on resources, however this impact will be minimised through the extensive authorisation of Council Officers as described above and joint working with the Police.

Legal Implications:

Fixed Penalty Notices will be issued offering the opportunity to discharge liability to conviction where necessary. Prosecutions under the PSPO may be carried out in situations where this is proportionate and in the public interest. All enforcement will be undertaken in line with the Environmental Health Enforcement Policy.

Risk Management Implications:

The main risk would be public acceptance of the introduction of a PSPO. In this regard a consultation exercise was carried out from August 2017 to January 2018. Those believing introduction of a PSPO would not help address the dog fouling problem were 18% compared with 57% who believed it would help and 25% who did not know.

Performance Management Follow-up:

If adopted, the fixed penalties will become part of the enviro-crime toolkit and will be included in the enviro-crime action plan, the progress of which is reported to Overview and Scrutiny Committee.

Environmental Implications:

Representing a greater deterrent with increased fixed penalties and offering a more proactive means of tackling dog fouling the introduction of this PSPO should lead to a reduction in dog fouling affected land across the Borough.

1.0 INTRODUCTION AND BACKGROUND

1.1 The issue of land affected by dog fouling is a constant source of frustration and anger to residents. It represents not only a source of odour and contamination that can get on shoes and clothes and be dragged into houses, but also a significant public health concern with the faecal matter containing a range of pathogens. Of particular note being toxocara canis which can cause blindness.

- 1.2 Identifying those that fail to pick up after the dog under their control is, by its nature, generally very difficult and resource intensive.
- 1.3 The Council currently has the power to issue £50 fixed penalty notices to those who fail to pick up after a dog under their control when it fouls on land open to the public. The particular land that is currently relevant is defined in the "Tewkesbury Borough Council, Designation of Land Order No 1 (and Revocation of Designation of Land Order No 1 1988) Order 2001, which came into force on 21 July 2003.
- 1.4 The Dogs (Fouling of Land) Act 1996 was partially repealed by the Clean Neighbourhoods and Environment Act 2005, which introduced Dog Control Orders. These allowed Councils to extend controls on dogs beyond the failure to remove dog faeces. Councils however had to adopt and introduce dog control orders. Where they did adopt the original legislation no longer applied, where they did not adopt the broader powers, as was the case with Tewkesbury Borough Council, the original legislation remained relevant and enforceable.
- 1.5 The Antisocial Behaviour, Crime and Policing Act 2014 replaced the aforementioned Dog Control Orders requiring them to be reviewed and revised and reinstated where appropriate as Public Space Protection Orders (PSPOs). Equally Councils which had not introduced Dog Control Orders could introduce Public Space Control Orders to more broadly control antisocial behaviour associated with dogs.
- 1.6 Prior to the implementation of enforcement action a publicity / education campaign will be undertaken so that the public are aware of the implications of the PSPO and the associated penalties. Following this, robust enforcement action will be undertaken along with the relevant media communications.

2.0 PROPOSED POLICY AMENDMENTS

- 2.1 The Council will introduce a Public Space Protection Order across Tewkesbury Borough with two specific provisions relating to controlling dog fouling. Those provisions being:
- it is an offence not to remove dog faeces from land which the public have access to; and
 - it is an offence not to produce, on request, a suitable means of removing dog faeces from land.
- 2.2 The PSPO will cover any place to which the public, or any section of the public, has access for payment or otherwise, as of right or by virtue of express or implied permission (s 74(1) of the Act). This means that the controls will apply to all land in Tewkesbury Borough open to the air including agricultural land.
- 2.3 The controls will not apply to assistance dogs used by the blind or by persons who lack the physical ability to comply with the requirements of the PSPO.
- 2.4 The PSPO will expire after 3 years, at which point a full review of the controls in place will be carried out and, if necessary, amendments will be made or the Order will be extended for a further 3 years.
- 2.5 The Dogs (Fouling of Land) Act 1996 and associated By-Laws will cease to have effect.

3.0 CONSULTATION

- 3.1 A public consultation was carried for 12 weeks (as required under the legislation) from 14 August 2017 until 6 November 2017. Details of the consultation are contained in Appendices 1 and 2 attached to this report. A summary of the responses to the consultation is contained in Appendix 3.

3.2 Prior to adoption of the PSPO, it is a requirement that the Chief Officer of Police and the Police and Crime Commissioner be consulted. Subject to approval of this report, the Chief Officer and Police and Crime Commissioner will be consulted. Given the nature of the proposed Order it is not anticipated that there will be any changes to it as a result of this consultation. Should there be any significant changes then these will be brought back to Executive Committee.

4.0 RELEVANT COUNCIL POLICIES/STRATEGIES

4.1 Environmental Health Enforcement Policy.
Enviro-Crime Action Plan.

5.0 RELEVANT GOVERNMENT POLICIES

5.1 None.

6.0 RESOURCE IMPLICATIONS (HUMAN/PROPERTY)

6.1 An estimated £800 is proposed to be used in a publicity campaign.

7.0 SUSTAINABILITY IMPLICATIONS (SOCIAL/COMMUNITY SAFETY/CULTURAL/ECONOMIC/ ENVIRONMENT)

7.1 The aim of the Public Space Protection Order is to improve the environment.

Background Papers: Enviro-Crime Action Plan.

Anti-Social Behaviour, Crime and Policing Act 2014: Anti-Social Behaviour Powers - Statutory Guidance for Frontline Professionals.

Contact Officer: Gordon Buchanan, Environmental Health Manager

Tel: 01684 272167 Email: licensing@teWKesbury.gov.uk

Appendices:

1. Public Space Protection Order Consultation.
2. PSPO Area Map Consultation.
3. Consultation Summary.

Appendix 1 Public Spaces Protection Order - Consultation

Public Spaces Protection Order Consultation – Dog fouling

Under the Antisocial Behaviour, Crime and Policing Act 2014 the Council has the power to make a Public Spaces Protection Order to help protect the community.

Tewkesbury Borough Council would like to make an order to address the problem of dog fouling. The order will impose the following requirements on public land across the whole of the borough.

- A person in control of a dog must ensure that dog faeces are removed from the land forthwith.
- A person in control of a dog must ensure that they have means available to clear up dog faeces.
- A person in control of a dog must ensure that dog faeces are disposed of in an appropriate receptacle.

The order will be enforced by officers from the Council and failure to comply with the order may result in a fixed penalty fine of up to £100 or prosecution.

It is envisaged that the enforcement options which are available in connection with the order will help consolidate the powers available to the Council to tackle dog fouling and improve the Council's approach to dealing with this important issue.

The purpose of this consultation is to seek your views and opinion on the proposed order. Therefore we would be very grateful if you would complete this short survey. The results of the survey will help the Council to decide whether or not the proposed order should be approved.

The consultation period will be open for 12 weeks from 14th August 2017 until the 6th November 2017.

Proposed Order

Tewkesbury Borough Council



Anti-Social Behaviour Crime and Policing Act 2014 Public Spaces Protection Order

Tewkesbury Borough Council ("The Council") hereby makes the following order.

Preliminary

The Council in making this order is satisfied that the failure to remove dog faeces forthwith and incorrect disposal of dog faeces, bagged or otherwise, is a behaviour which is prevalent within Tewkesbury Borough and has a detrimental effect on the quality of life of those in the locality. The Council is also satisfied that the effect, or likely effect of the behaviour is, or is likely to be of a persistent or continuing nature, is unreasonable, and justifies the restrictions imposed by this notice.

General Provisions

1. This order shall apply to all land, which is open to the air, within the administrative boundary of Tewkesbury Borough Council (as shown within the red boundary on the attached plan) and to which the public have a right or entitlement to access, whether paid or unpaid.
2. It is an offence for a person, in the absence of a reasonable excuse, to fail to comply with this order. A person found to be in breach of this order may be liable to a fixed penalty notice of up to £100 or on summary conviction a fine, not exceeding level 3, on the standard scale.

Dog Fouling

3. If a dog defecates at any time on land to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith.

Means to pick up dog faeces

4. A person in charge of a dog on land to which this order applies must have available an appropriate means to pick up dog faeces produced by that dog.

Disposal of dog faeces

5. Dog fouling which takes place on land to which this order applies must be disposed of in an appropriate receptacle. An appropriate receptacle is a purpose provided general waste bin or dog waste bin.

Exemptions

6. The requirements imposed by this order shall not apply to:

- i. A person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or.
- ii. A person who has a physical or mental disability which prevents them from being able to comply with this order.

This order shall come into on..... for a period of 3 years from the date of this order unless extended by further orders made under the Council's statutory powers.

Given under the common seal of Tewkesbury Borough Council on the

..... day of.....2017.

hereby affixed in the presence of:

Peter J Tonge
Head of Community Services.

Public Space Protection Order Consultation Survey

Tewkesbury Borough Council

Q1. In what capacity are you completing this questionnaire? (please tick all that apply)

- A permanent resident within Tewkesbury Borough
- A business owner within Tewkesbury Borough
- A regular visitor to Tewkesbury Borough
- An occasional visitor to Tewkesbury Borough.

Q2. Do you think that dog fouling is a persistent problem in your community/neighbourhood?

- Yes
- No
- Don't know

Q3. Have you ever witnessed a person in control of a dog fail to remove dog faeces, within Tewkesbury Borough ?

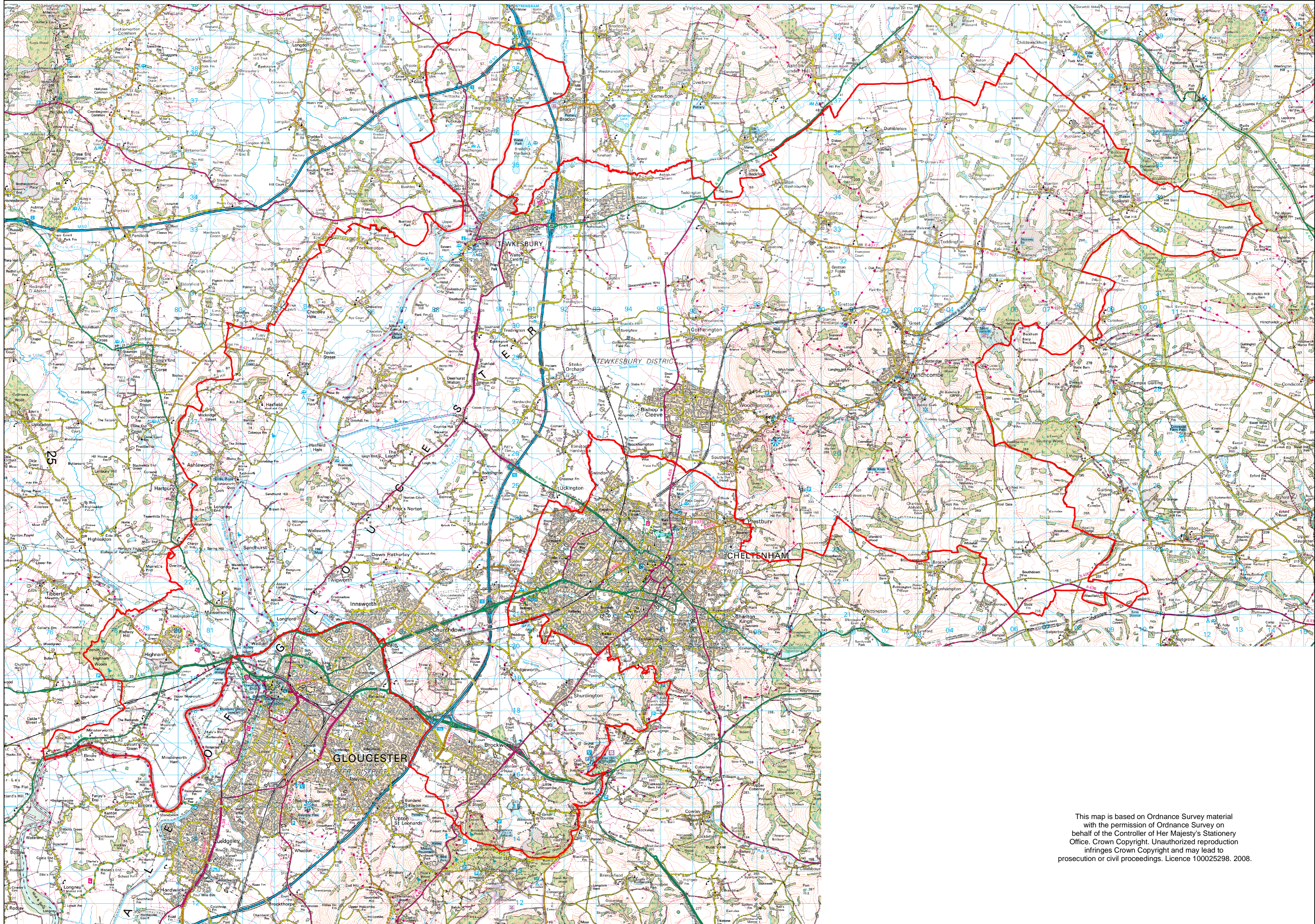
- Yes
- No

Q4. Do you think that regulating dog fouling with the use of a borough wide public space protection order will help address the problem of dog fouling within Tewkesbury Borough?

- Yes
- No
- Don't know.

Q5. Please let us know about any additional comments you may wish to make regarding the proposed order.

- Comments



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Appendix 3 Summary of Public Space Protection Order

Total Number of Responses: 510

Q1. In what capacity are you completing this questionnaire? (please tick all that apply)

- A permanent resident within Tewkesbury Borough - **433 (84.9%)**
- A business owner within Tewkesbury Borough - **6 (1.1%)**
- A regular visitor to Tewkesbury Borough - **32 (6.3%)**
- An occasional visitor to Tewkesbury Borough. - **21 (4.1%)**

There were also those responded stating they feel within more than one group:

- A resident within Tewkesbury Borough, A business owner within Tewkesbury Borough – **13 (2.5%)**
- A resident within Tewkesbury Borough, A regular visitor to Tewkesbury Borough – **3 (0.6%)**

Two did not respond to this question

Q2. Do you think that dog fouling is a persistent problem in your community/neighbourhood?

- Yes - **376 (73.3%)**
- No - **76 (14.9%)**
- Don't know - **28 (5.4%)**

Didn't Answer: **30 (5.8%)**

Q3. Have you ever witnessed a person in control of a dog fail to remove dog faeces, within Tewkesbury Borough ?

- Yes – **334 (65.5%)**
- No – **176 (34.5%)**

Q4. Do you think that regulating dog fouling with the use of a borough wide public space protection order will help address the problem of dog fouling within Tewkesbury Borough?

- Yes – **290 (56.8%)**
- No - **91 (17.8%)**
- Don't know – **125 (24.5%)**

* 4 didn't answer this question

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	18 April 2018
Subject:	To decide whether the 'Twyning Neighbourhood Development Plan' should be made part of the Development Plan for Tewkesbury Borough following the positive outcome in the referendum held on Thursday 1 March 2018.
Report of:	Matt Barker, Planning Policy Manager
Corporate Lead:	Annette Roberts, Head of Development Services
Lead Member:	Lead Member for Built Environment
Number of Appendices:	Two

Executive Summary:

Following the resolution of Executive Committee on 3 January 2018 a referendum relating to the adoption of the 'Twyning Neighbourhood Development Plan' was held on Thursday 1 March 2018. The question, as required by Regulation 3 of the Neighbourhood Planning (Referendums) Regulations 2012 (as amended) which was asked in the Referendum was:

"Do you want Tewkesbury Borough Council to use the neighbourhood plan for [Name of Town or Parish Neighbourhood Planning Area] to help it decide planning applications in the neighbourhood area?"

The results were as follows:

Neighbourhood Plan Referendum for Twyning

Yes = 514 (95.9%)

No = 22 (4.1%)

Turnout = 48.06%

All Neighbourhood Development Plans are required to gain a simple majority of those voting in favour at referendum in order to be 'made' (adopted) by the Local Planning Authority. If the plan receives a positive result then the Local Planning Authority has a legal duty to bring the plan into force unless they/we believe it would breach, or be otherwise incompatible with, EU or human rights obligations.

Recommendation:

- 1. That the Council RESOLVES that the 'Twyning Neighbourhood Development Plan' is made part of the Development Plan for Tewkesbury Borough; and**
- 2. To delegate to the Head of Development Services, in agreement with the Parish Council acting as the Qualifying Body, the correction of any minor errors such as spelling, grammar, typographical or formatting errors that do not affect the substantive content of the plans.**

Reasons for Recommendation:

1. The Twyning Neighbourhood Development Plan exceeded the required majority of 50% plus one vote cast in the referendum held on 1 March 2018.
2. The Twyning Neighbourhood Development Plan is considered compatible with European Union obligations and Human Rights conventions as required by section 38A (6) of the Planning and Compulsory Purchase Act 2004 (as amended).
3. Under section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) we therefore have a legal duty to 'make' the Twyning Neighbourhood Development Plan.
4. The proposed delegation to the Head of Development Services, in agreement with the Qualifying Body, to undertake the correction of minor errors that do not affect the substantive content of the plan will allow any final corrections in production to be made to the policy document.

Resource Implications:

There are no additional resource implications arising from the adoption of the Twyning Neighbourhood Development Plan.

Legal Implications:

Whilst Neighbourhood Planning is not a legal requirement for Towns, Parishes and other communities, it is a right which they can choose to exercise. Once exercised Local Planning Authorities have a duty to support them and undertake elements of the work under the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 as amended (2015) and associated legislation.

In this case, following a positive referendum result there is a legal duty, under section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended), to 'make' a Neighbourhood Development Plan, providing we do not consider it incompatible with any European Union obligations or Human Rights conventions (within the meaning of the Human Rights Act 1998). In this regard the resolution to send the Twyning Neighbourhood Development Plan to referendum on 1 March 2018 determined that this was not the case and therefore there is a duty, under The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, to 'make the plan within 8 weeks from the date of the referendum.

Risk Management Implications:

As a legal requirement to bring the Twyning Neighbourhood Development Plan into force, within the 8 week timescale required by The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, failure to adopt it would lead to costs associated with any legal challenge.

Performance Management Follow-up:

The Twyning Neighbourhood Development Plan, once adopted, will form part of the Development Plan for the Borough and will be used when determining planning applications within the respective designated Neighbourhood Planning Area of Twyning parish. The implementation of the plan will be monitored by the Parish Council in its role of Qualifying Body, in this case Twyning Parish Council. It is the intention that by monitoring the plan the Qualifying Body will be able to identify where changes may need to be made in a future plan.

Environmental Implications:

The implications for biodiversity, habitats, energy usage, waste and recycling or protected species have been considered by the Qualifying Body as required by the Environmental Assessment of Plans and Programmes Regulations 2004 and the Conservation of Habitats and Species Regulations 2010.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Twyning Neighbourhood Area was designated by resolution of the Council's Executive Committee on 8 January 2014.
- 1.2** A submission version of the Twyning Neighbourhood Development Plan (TNDP) was accepted by the Council on 21 June 2017, under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.3** Following submission of the TNDP to the local authority, Tewkesbury Borough Council publicised the Plan and supporting documents and invited representations during the consultation period 26 June 2017 to 4 August 2017.
- 1.4** The Council, with the agreement of the Qualifying Body, appointed Ms Liz Beth BA (Hons) MA Dip Design in the Built Environment MRTPI as independent examiner of the TNDP.
- 1.5** The Examination concluded on 16 November 2017 with the submission of the Examiner's Report recommending that the TNDP, once modified, should proceed to a referendum.
- 1.6** The examiner also recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the plan relates.
- 1.8** Having considered the examiner's recommendations and reasons for them, Tewkesbury Borough Council, in consultation with the Qualifying Body, decided on 3 January 2018, at Executive Committee:
- That the Twyning Neighbourhood Development Plan, modified according to the Examiners recommended amendments, is formally approved to progress to Community Referendum, ascribed by Regulation 18 of the Neighbourhood Planning (General) Regulations 2012, as amended.
- 1.9** On 1 March 2018 the TNDP exceeded the required majority of 50% plus one vote cast in the referendum.

2.0 NEXT STEPS

- 2.1** The Council is required to publish a statement setting out its decision and the reason for making it.
- 2.2** Once 'made' the TNDP will form part of the statutory Development Plan for the Borough and will be used to assist in determining planning applications within the relevant designated Neighbourhood Area. The National Planning Policy Framework (NPPF), in Paragraph 198, states that: "Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted."

2.3 As soon as possible after the Council has resolved to make the plan the Council must publish the plan, details of when and where it can be inspected and notify any person who has asked to be notified that it has been 'made' and where and when it can be inspected.

3.0 OTHER OPTIONS CONSIDERED

3.1 No other options have been considered as the development of Neighbourhood Development Plans is a statutory process.

4.0 CONSULTATION

4.1 Consultation has been undertaken in order to legally comply with the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended). In addition to public engagement throughout the process of preparing a Neighbourhood Development Plan the Regulations require two statutory six week periods of consultation:

Under Regulation 14 the Qualifying Body is required to consult on the proposed Plan prior to submission to the LPA.

Under Regulation 16 the LPA is required to consult on Plan proposals submitted prior to Independent Examination.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Tewkesbury Borough Council Plan 2016 – 2020

Priority: Housing.

Objective – Increase the supply of housing across the borough to support growth and meet the needs of our communities.

Priority: Economic development.

Objective – Identify and deliver employment land within the borough.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 The National Planning Policy Framework (2012) Paragraphs 183 – 185.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 See above.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and, in non-parished authority areas, neighbourhood forums can use neighbourhood planning to set planning policies to ensure that communities get the right types of development for their area within the overarching framework set by the local plan.

- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1** The neighbourhood planning process requires evidence of involvement by hard to reach groups. This is a matter that the relevant, qualifying body preparing the Plan has addressed and reported on to the Independent Examiner in their 'Consultation Statement', which is a requirement for examination alongside a 'Basic Conditions Statement' and 'Plan Proposal' which is submitted to us, as LPA, according to Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, as amended.
- 10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 10.1** Decision to delegate to the Executive Committee the defining of a Neighbourhood Area – 29 January 2013.
- 10.2** Decision to delegate to the Executive Committee the authorisation for Neighbourhood Development Plans to go to Community Referendum – 20 September 2016.

Background Papers: None.

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Appendices: A. Twyning Neighbourhood Development Plan.
B. Twyning Neighbourhood Development Plan Referendum – Declaration of Result of Poll.

Twyning Parish Neighbourhood Development Plan 2011-2031

January 2018

Safeguarding the quality of
life in Twyning...



Every successful individual knows that his or her achievement depends on a community of persons working together.

Paul Ryan

Contents

	Page
Foreword	4
1. Neighbourhood Plan background	10
2. How the NDP was prepared	12
3. Structure of the Plan	14
4. Community objectives	16
5. Strategy	18
6. Neighbourhood Plan	20
7. General development policies	23
8. Housing growth	35
9. Local facilities	43
10. The local economy	45
11. Transport	49
12. Landscape and environment	52
13. Sports and recreation	55
14. Monitoring and delivery	56
15. Glossary and further evidential papers	57
16. Definitions	58
<u>Appendices</u>	60
A. <u>Twyning Development Boundary</u>	
B. <u>Important public views in the Parish</u>	
C. <u>Areas identified as being of particular interest for nature conservation</u>	
D. <u>Sports, recreation and amenity spaces</u>	
E. <u>Sites designated for residential development</u>	

Foreword

The Localism Act (2011) introduced Neighbourhood Planning into the hierarchy of spatial planning in England, giving local communities the right to shape future development at a local level. The Twyning Neighbourhood Development Plan (TNDP) must be in line with higher level planning policy, namely the 2012 National Planning Policy Framework (NPPF) and the adopted development plan that at present comprises the saved policies of the Tewkesbury Borough Local Plan to 2011. (adopted 2006) (TBLP)

In January 2014 Twyning Parish Council (TPC) was successful with its application to Tewkesbury Borough Council (TBC) to designate the Parish of Twyning as a Neighbourhood area.

The NDP reflects extensive consultations with the people of Twyning and others with an interest in the Parish, and the consideration that their views have been given. Community-wide comments, observations and concerns about Twyning Parish's future have been brought together with census information, strategic and statistical evidence into a 'living promise' that mirrors the community's desire to make Twyning Parish a better place to live and work, both now and in the future.

The NDP has been produced by a Neighbourhood Planning Steering Group including Parish Council members and community volunteers. Professional advice has been provided by Gloucester Rural Community Council (GRCC), TBC and Hunter Page Planning Ltd. (HPP).

Having undergone a 6-week period of public consultation, the Steering Group considered the representations made in producing the Submission (Regulation 15) version of the TNDP.

Tewkesbury Borough Council took the TNDP through a further statutory consultation stage before the plan was examined by an independent examiner who recommended that with amendments it could go forward to Referendum. The Amendments recommended by the examiner were considered by Tewkesbury Borough Council, prior to the Community Referendum. In a Referendum, if over 50% of those who vote recommend approval it can be 'made' (or adopted) by the Local Planning Authority (LPA), in this case Tewkesbury Borough Council.

Once adopted, the Twyning NDP forms part of the development plan for the designated Neighbourhood Area, which includes the Local Plan, the Waste Core Strategy and the

Paragraph 184 notes:

'Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.'

Minerals Local Plan. The development plan is the starting point for deciding where development should be located and what standards are required.

Paragraph 184 of the Framework makes clear that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan.

In addition, Paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 outlines that Neighbourhood Plans must meet a set of basic conditions if it is to proceed to referendum. One of the basic conditions stipulates that Neighbourhood Plans must be in general conformity with the strategic policies contained in the development plan.

Once adopted, the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the emerging Tewkesbury Borough Plan 2011 – 2031 (TBP) will form part of the development plan for Tewkesbury Borough. This Neighbourhood Plan has been informed by both the emerging JCS and the emerging TBP.

This Neighbourhood Plan is in general conformity with the strategic policies contained within the saved policies of the TBLP to 2011 (adopted 2006) which was the adopted development plan for the majority of its preparation. Whilst there was no policy requirement, at the time of preparation, to include emerging plans, this plan has been informed by them and once those emerging plans are adopted, the Twyning Neighbourhood Plan will need to be reviewed* to ensure it continues to be in general conformity with strategic policies contained within both parts of the new development plan.

*See glossary.
A review policy is proposed in the Neighbourhood Planning Bill

Introduction

The NDP aims to make Twyning Parish a better place to be, now and for future generations. It covers a 20-year time period from 2011 – 2031 and is in line with the JCS which was emerging during its preparation and the emerging TBP. Once adopted the Plan will be the subject of annual monitoring of its implementation by the Parish Council.

The NDP process enables communities to better shape their local area by informing how development takes place, influencing the type, quality, location and impact of that development, ensuring that change brings with it local benefit.

Neighbourhood Planning in general now provides an opportunity for local communities to have a real say over local decision making, to achieve its long-standing goals through the planning system and address the challenges facing the future vitality of the Parish. There is a considerable local appetite to seize that opportunity and shape Twyning Parish to meet its future needs.

The NDP is based on extensive research and influenced by robust engagement with the local community.



What is important is family,
friends, giving back to your
community and finding
meaning in life.

Adrian Grenier

Location

The Parish of Twyning is situated in the most northerly part of Gloucestershire and is some 4 miles north of Tewkesbury. The Parish is large and is comprised of the settlements of Twyning and Twyning Green (known hereafter as Twyning Village), Church End, Shuthonger, Stratford Bridge, Hill End, Whirly Grove, Showborough and Puckrup. The landscape of the Parish is characterised by the translation of the word Twyning as 'the place between'. The Parish lies between the River Severn and River Avon and connects the Cotswold escarpment of Bredon Hill to the east and the Malvern Hills to the west. It has the unique landscape designation 'Twyning Hills' and is additionally characterised as having riverside meadows and commons.



Designated Neighbourhood area



ParishOnline

Date Created: 8-5-2015 | Map Centre (Easting/Northing): 389470 / 236507 | Scale: 1:29811 | © Crown copyright and database right. All rights reserved (00009999) 2015 © Contains Ordnance Survey Data : Crown copyright and database right 2015

Parish history

Around the year A.D. 740, already established and with a name, it was known as Tweoneaum; an 11th century charter records that in A.D. 814 it was called Bituinaeum; the Doomesday Book refers to it as Tvening; by 1777 it was known as Twinning but during the next two centuries it finally settled on the present form, Twyning. This is a contraction of the old English folk name derived from the original Bituinaeum, and means 'the folk living in the land between the rivers Severn and Avon'.

The original nucleus of the present community was an isolated mission lying in Gloucestershire as a possession of Winchcombe Abbey. The 1793 ordnance map records 'Abbots Court' or farm and 'Chad Well' both in the vicinity of Church End, Twyning, confirming the existence of the first community whose church was (and still is) dedicated to St Mary Magdalene. The pre-Reformation building was much restored in 1868 but conserves its perpendicular font, Norman Arch and south doorways; the tower too is perpendicular, and there is a 1575 alabaster tomb.

It is believed that in about 1348 in an effort to escape the Black Death, the settlement of Twyning Village was established. With a proper sense of the practical, the civic, commercial and agricultural growth of the village developed around Twyning Village, taking advantage of a fordable point in the Avon, near the confluence of a tributary, the River Fleet. The 'Deeds and Papers of Miss Hopton' recorded, in 1663, the existence of a means of transport across the Avon, with the description 'a ferry called Twyning's Fleet'.

A cursory study of some place names on the ordnance map suggests a widespread Parish, roughly pear-shaped, within its river boundaries. At the top lies Stratford Bridge (Stretforde in 1182), 'the ford on the Roman road'. This refers to the old road from Worcester to Tewkesbury across 'Ripple Brook'; it was also a salt-way of some importance. Lower down are more historic but familiar names, such as Puckrup, 'the goblin-haunted farmstead', the very same Puck of Shakespeare's 'Midsummer Nights Dream' and of Kipling's 'Puck of Pook's Hill'.

Twyning Parish profile*

Some 1560 people live in the Parish in 650 households, comprising 399 detached and 187 semi-detached houses, the remainder being terraced, flats or caravan style accommodation. At 58.4% the detached housing stock is significantly higher than the County Authority or the national average.

At 67% the figure of 783 economically active residents is slightly below the national average while 33% (385) are economically inactive. This figure reflects a higher than national average of residents who are retired.

*Statistics Source: Census 2011

1. Neighbourhood Plan background

The Neighbourhood Development Plan is a new type of planning document. It is part of the Government's new approach to planning, which aims to give local people more say about what goes on in their area. This is set out in the Localism Act that came into force in April 2011. Although the Government's intention is for local people to decide what goes on in their area, the Localism Act sets out some important requirements. One of these is that all Neighbourhood Plans must be in general conformity with higher level planning policy, namely the NPPF and the adopted Local Plan.

The NPPF embraces the 'presumption in favour of sustainable development' taking account of three critical roles:

- 1 an economic role, contributing to a strong, responsive, competitive economy;
- 2 a social role, supporting vibrant and healthy communities
- 3 an environmental role, protecting and enhancing our natural, built and historic environment.

The NPPF also recognises twelve core planning principles. Summarising, they are:

- 1 led by local plans which set out a vision for the future of the area;
- 2 enhance and improve the places where people live;
- 3 drive sustainable development;
- 4 secure a high quality of design and a good standard of amenity;
- 5 protect the diversity of different areas;
- 6 support the transition to a low-carbon future;
- 7 help conserve and enhance the natural environment;
- 8 encourage the re-use of land;
- 9 promote mixed use developments;
- 10 conserve heritage assets;
- 11 make full use of public transport, walking and cycling;
- 12 improve health, social and cultural wellbeing.

The NDP is designed to embrace these principles and roles of sustainable development and the twelve core planning principles, in so far as they can be applied to the Parish of Twynning.

**Emerging
Cheltenham,
Gloucester and
Tewkesbury Joint
Core Strategy**

The Plan is written having regard to the JCS, which contains a range of strategic policies relevant to the Neighbourhood Plan. The JCS in Policy SP2 identifies certain villages that are considered suitable to sustain further development. Twyning Village is one of those to be identified as a Service Village and is therefore expected to contribute towards meeting the housing needs of the Borough. The Draft Tewkesbury Borough Plan (February 2015) provided an indicative requirement of 75 dwellings for the village.

It is recognised that the figure of 75 dwellings is not a ceiling but takes account of the JCS Policy SP2 figures in determining the level of provision required. This Plan seeks to make housing provision that would exceed that number of dwellings.

The NDP is designed to be in general conformity with policies of the development plan, in so far as they can be applied to the Parish of Twyning. Once adopted, policies in the NDP will take precedence over existing non-strategic policies in the development plan for where they apply to the specific area covered by the NDP.

Paragraph 185 of the Framework states that

'...once a Neighbourhood Plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a Neighbourhood Plan is in preparation.'

**Emerging Tewkesbury
Borough Plan**

The NDP has regard to the emerging TBP being prepared and its evidence base, which covers the entirety of Tewkesbury Borough. This Plan, once formally adopted, will provide locally specific policies and site designations to complement the strategic direction provided in the JCS. The reviewed Local Plan will be called the Tewkesbury Borough Plan and will set out important issues for the Borough, including rural allocations for housing and policies to guide decision taking on planning applications, such as employment, the countryside and town centres.

'This NDP will need to be reviewed once the TBP has been adopted'.

Please see the Tewkesbury Borough Plan at:

www.tewkesbury.gov.uk/boroughplan

2. How the NDP was prepared

Residents and members of TPC, working as part of a Neighbourhood Planning Steering Group, have prepared the Twyning NDP. Support has been forthcoming from GRCC, TBC and HPP. The process has involved a number of key steps detailed below:

Raising awareness

In October 2013, following consultation on the JCS and the awareness that a new TLP was being prepared, a steering group was formed to discuss the creation and scope of the Neighbourhood Plan process. In the same month, the intention to form a steering group was announced in the Village Bulletin and parishioners were encouraged to join. Since October 2013 the community has been kept well informed about progress on the emerging NDP and how residents, employees and the owners/managers of businesses in the Parish could engage with the Plan process.

Twyning Neighbourhood Area designation

The NDP area was formally designated by TBC On the 8th January 2014 (see designated Neighbourhood Area map on page 8). The evidence and policies in the Plan predominantly concern Twyning Village, however there is a significant area with agricultural land uses as well as several smaller settlements including Puckrup and Church End.

Timetable of consultation and evidence gathering

During March and April 2014 a series of public meetings for residents and owners/managers of businesses were held to test support for a NDP, gather opinion on objectives and recruit members. Following this the Neighbourhood Plan website was established. A survey was conducted and the views of Twyning Primary School students, local businesses and the weekly Luncheon Club were sought. Updated information and progress reports were made public in further issues of the Parish Bulletin. The draft vision and objectives were formed and a major consultation exercise took place during the Annual Parish Fete.

By the end of December 2014 some 496 questionnaires had been returned,...

Throughout November 2014 a comprehensive survey was conducted when a 14 page questionnaire was delivered to every household in the Parish. The questionnaire evolved with the assistance of the GRCC and HPP.

By the end of December 2014, 496 questionnaires had been returned, 286 on paper, the rest online*. The results of the exercise were published in January 2015 in the Parish Bulletin and on the Parish NDP website which now includes a NDP forum section.

Over two weekends at the end of February and the beginning of March 2015, public consultations were organised in order to rank sites with potential for further development.

*Percentage figures quoted in the NDP are calculated from the 496 base figure.

Vision and Objectives

Through analysis of the findings of the consultation exercises and local evidence, the Steering Group drafted a Vision and Objectives document for inclusion in the NDP.

Draft Plan creation

Throughout the latter half of 2014 and early 2015 the Vision and Objectives proposals, responses to community engagement exercises and local evidence were used to develop the draft NDP. Consultants HPP were appointed to support this process.

From submission to adoption

The draft Neighbourhood Plan along with the Basic Conditions Statement, Consultation Statement and Environmental Statement were formally submitted to Tewkesbury Borough Council, as Local Planning Authority on 20th June 2017. A second round of consultation was undertaken by the LPA, on behalf of the Independent Examiner, from 26th June 2017 to 4th August 2017. The independent examiner checked that the plan meets the required basic standards and recommended changes to address any issues that would then allow the plan to go forward to a Referendum, in her final report received on 16th November 2017. The Borough Council are then required to organise a referendum provided the plan meets the basic conditions and complies with the required legislation, which ensures that the community has the final say on whether the Plan comes into force. People living in the Neighbourhood Area who are registered to vote in local elections are entitled to vote in the referendum. If more than 50% of people voting in the referendum support the plan, then the LPA must bring it into force.

3. Structure of the Plan

The Neighbourhood Plan sets out:

- The vision for the future of Twyning Parish
- The objectives of the Plan
- The Neighbourhood Plan policies.

Community Vision

The Community Vision for Twyning Parish was developed from a [Community Consultation event](#) and [questionnaire surveys](#) involving all parishioners and businesses in the Parish between February and October 2014. Two broad themes emerged: maintaining the character of the Parish and developing a sustainable community.

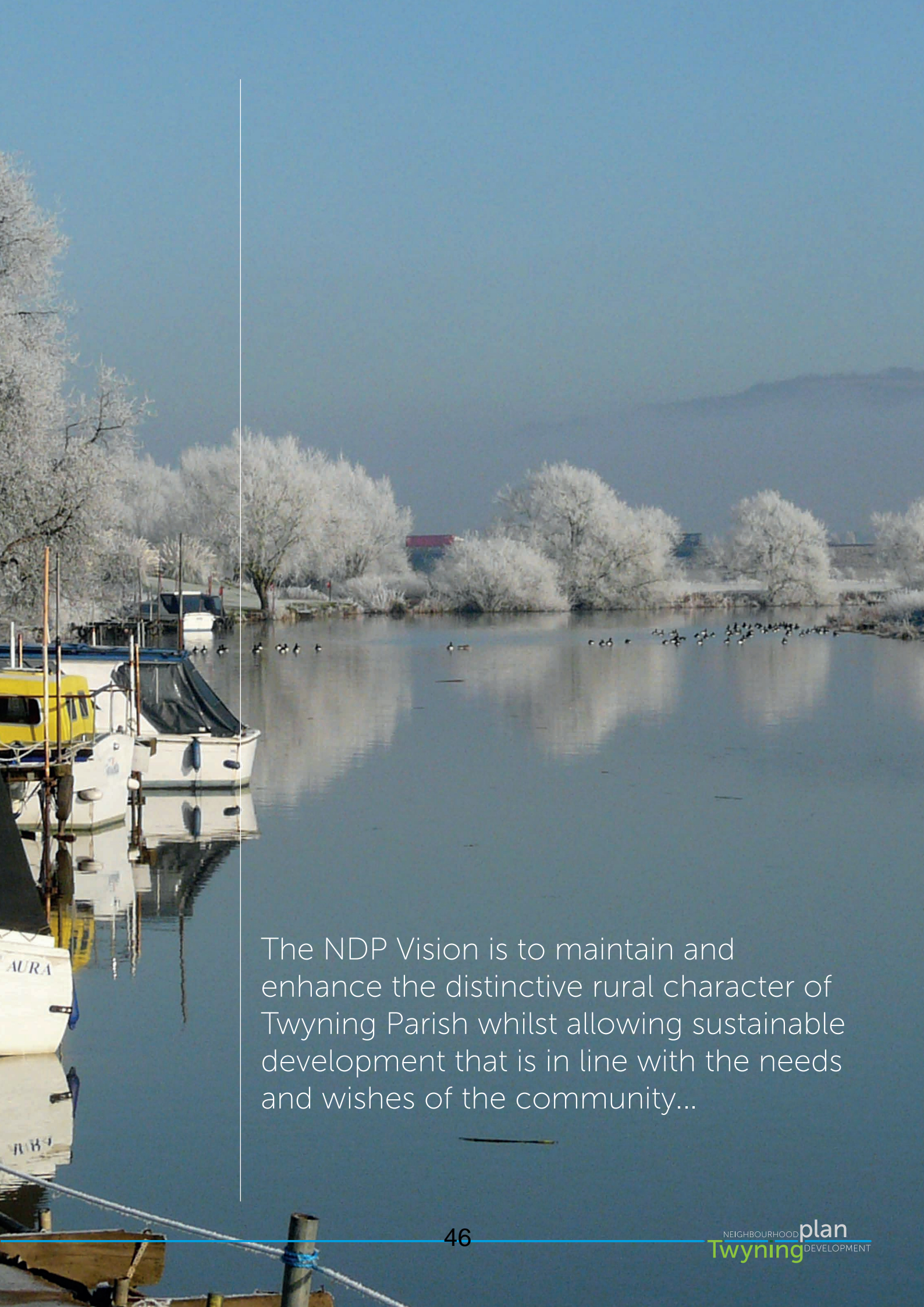
The Neighbourhood Plan Vision for Twyning

The NDP Vision is to maintain and enhance the distinctive rural character of Twyning Parish, whilst allowing sustainable development that is in line with the needs and wishes of the community.

The Plan will do this by:

- Delivery of a housing growth strategy tailored to the needs and context of Twyning
- Supporting sensitive development that protects and enriches the landscape and built setting
- Sustaining excellent local facilities for existing and new residents
- Strengthening and supporting economic activity
- Supporting development that maintains and enhances the vibrancy and vitality of Twyning Village;
- Seeking ongoing improvements to transport, to utility infrastructure and to digital connectivity
- Prioritising local distinctiveness in every element of change and growth
- Protecting green space, the landscape and support nature conservation; and
- Involving local people on an ongoing basis in the process of plan making.

The NDP Vision is to maintain and enhance the distinctive rural character of Twyning Parish.



The NDP Vision is to maintain and enhance the distinctive rural character of Twynning Parish whilst allowing sustainable development that is in line with the needs and wishes of the community...

4. Community objectives

Maintaining the character of Twynning Parish

Twynning Parish is where:

A rural character and sense of 'community' has been maintained. The overwhelming view of local people is that the strengths of Twynning lie in a strong sense of community and an identity as a rural Parish. The overall vision for the NDP is to conserve this rural character evident in its settlements.

A rural Parish whose appearance has been preserved by the managed integration of new housing built to high standards of design. Twynning Parish has a wide range of listed buildings (heritage assets) that together create a distinctive rural setting. Although the main village of Twynning Village will grow, this rural and attractive character should be conserved for the benefit of residents and visitors alike.

A rural community that actively responds to environmental issues and seeks to protect and enhance its countryside landscape, wildlife habitats and biodiversity. In consultation events, the Community has expressed its commitment to landscape, nature conservation and protection of its local green open spaces. Residents have a close relationship with the open countryside: most live within 5 minutes' walk of the surrounding open countryside.

A rural Parish where current through-traffic and parking issues have been a cause for concern. The Community has expressed a clear wish to remain free of urban and suburban traffic management infrastructure. Nevertheless, increasing traffic volumes through and within Twynning Village pose significant problems, including the parking of cars. The Community supports management methods suited to a rural village that may combat these problems, as well as developments that promote public transport, walking and cycling, rather than use of the car.

... the Community has expressed its commitment to landscape, nature conservation and protection of its local green open spaces.



Developing a sustainable community

A rural community containing an integrated mix of people by age, gender, ethnicity, religion, sexual orientation and disability. Twyning Parish's strong sense of community rests on the successful integration of people with a wide range of personal characteristics. There is a low crime rate, a high participation rate in community events and a range of volunteer groups that provide care within the community. The community is committed to sustaining and developing these features.

It is the Plan's objective to encourage a mix of appropriate village uses to support and enhance the vibrancy of Twyning village centre.

A rural Parish, where the community recognises that some growth in its stock of housing is needed to take account of population growth. A mixture of housing types would maintain the broad age range of the community, whilst a phased expansion of new housing would maintain the strong sense of community.

A rural community whose varied educational, recreational, leisure and retail needs are met by a range of sustainable services and facilities. There is a need to ensure the sustainability of a range of different services, including shopping, recreation, leisure, health and education, through adaptation and development.

A rural community, that plays its part in reducing and mitigating environmental degradation and climate change. The community will seek to minimise traffic flows within Twyning Village, and retain and enhance wildlife habitats and corridors.



People living in Twyning Parish appreciate the special qualities the Parish possesses.

5. Strategy

Twyning Village will be prioritised as a thriving centre for local services and community infrastructure. Sustaining local businesses and improving local facilities is a key priority. Local community facilities will be supported.

Housing growth is to be accommodated in a sensitive way and the strategy for housing growth is explained later in this Plan.

A small number of in-fill houses could be accommodated within the development boundary which may provide new affordable housing opportunities. This can also help meet the housing number set out in the JCS for Gloucester, Cheltenham and Tewkesbury along with the Emerging TBP.

Important public views are to be protected in and out of the Parish. (Important views are shown on the map [Appendix B](#).) The NDP is also positive about new employment development of an appropriate scale taking place within the Parish.

Improved walking and cycling connections are promoted as an early action, with a priority given to the Twyning Village to Tewkesbury Avon riverside walk.


To achieve this, a thoughtful and innovative approach is required, with residents, landowners and developers taking a continuing interest in the future of Twyning Parish.

This is the approach adopted in the NDP and on the basis of this, Twyning Parish will look to engage positively with the statutory planning process to guide future development.

People living in Twyning Parish appreciate the special qualities the Parish possesses. It is a great place to live, and in accommodating housing growth, it will be vital that the qualities that make the Parish so successful are protected. Current residents accept that more people will want to come and live in Twyning Parish and this is important to any thriving and evolving community.

This NDP is not anti-development and the Community understands the need to accommodate housing growth. But there is great concern that new development in Twyning Parish could erode the very qualities that make the Parish special if it is not carefully managed in terms of its location and design. This next layer of growth for the Parish must create developments of quality which contribute to the character of the Parish and which provide local benefits. It must be more than an exercise in meeting housing supply 'numbers' by the addition of characterless estates on the rural fringes of the settlements more typical of suburban developments.

The objective, therefore, is to enable the provision of a choice of new homes to meet the needs of all sections of the community in a manner that respects the character of Twyning Parish.



It is a great place to live, and in accommodating housing growth, it will be vital that the qualities that make Twyning Parish so successful, are protected.

6. Neighbourhood Plan

Maintaining the character of Twyning Parish

All policies have been framed in the context of the NPPF and the saved policies of the TBLP and have regard to the emerging JCS and TBP.

Meeting Twyning Parish's social, economic and environmental needs

The following set of policies has been developed to manage the future development of Twyning Parish in order to achieve the vision, objectives and strategy of the NDP. Once 'made' the NDP will become part of the statutory development plan. This carries legal weight that the decision-taker needs to accord with unless material considerations indicate otherwise.

To reflect the results of the consultation events undertaken during the NDP preparation and evidence of local issues and characteristics, the policies are separated into six themes – General Development, Housing, Local Economy, Landscape and Environment, Local Facilities and Transport.

To aid interpretation for decision makers and applicants, each policy is accompanied by supporting text setting out the context for the theme and the local community's views on that subject. All policies have been framed in the context of the NPPF and TBLP and have regard to the JCS and emerging TBP.

Whilst the NDP is first and foremost a land-use document, the local community identified a number of issues falling outside of the planning system's remit during consultation events.

The Emerging JCS has designated Twyning Village as a service village. To accord with that designation, this Plan identifies a Development Boundary. The Boundary is included on the proposals map: 'Twyning Development Boundary' at Appendix A.

This follows from early consultation on the NDP that indicated that the Twyning Parish community favours modest scale developments at Twyning Village. The community is also conscious that enabling smaller scale development across the Parish may be necessary in exceptional circumstances.



...consultation on the NDP...
indicated that the Twyning Parish
community favours modest scale
developments at Twyning Village.

**Neighbourhood Plan
Policies**

	Page
GD1 Development outside the development boundary	23
GD2 Development within the development boundary	24
GD3 Development principles	26
GD4 Landscape and bio-diversity	29
GD5 Provision for vehicles	30
GD6 Effects on nearby occupants	31
GD7 Water resources, quality and flood risk	31
GD8 Lighting	34
GD9 Street paraphernalia	34
H1 Housing – designated sites	37
H2 Housing standards, design and mix	39
H3 Affordable housing	40
H4 Residential extensions	41
H5 Mobile homes	42
LF1 Infrastructure	44
E1 Principles of employment development	47
E2 Working from home	48
E3 Broadband	48
TP1 Traffic	50
TP2 Access	51
ENV1 Nature conservation areas	54
ENV2 Countryside between Twyning Village and Church End	54
ENV3 Sport, recreation and amenity value	55

7. General development policies

Twyning Parish is recognised for its rural character and development seamlessly blending into the surrounding landscape. Unlike Twyning Village, the majority of the settlements in the Parish lack services, facilities, public transport and access to local jobs.

Consequently, these are not considered to be sustainable locations for development; therefore Development Boundaries have not been defined around them.

Policy GD1 – New Housing Development in the open countryside

Proposals for new housing outside the development boundary, and not on sites designated for residential development, in the open countryside will be supported if they meet one or more of the following criteria and comply with all other policies in the development plan:

- a) Replacement dwellings;
- b) Rural exception housing to meet an identified Parish need in accordance with Tewkesbury Borough Council policy;
- c) Agricultural and forestry dwellings;
- d) Where proposals would involve the re-use or conversion of an existing building and accords with the relevant development principles set out at Policy GD3; or
- e) The future Local Plan for Tewkesbury identifies an additional need for further housing in Twyning as a service village beyond the sites designated for residential development in this plan and the defined development boundary.

Outside of the development boundary, and away from the sites designated for residential development, new housing development in the open countryside will be strictly controlled, subject to any additional housing requirement being identified for Twyning Parish through the preparation of the Tewkesbury Borough Plan.

This policy seeks to focus development within the development boundary, on sites designated for residential development and in the open countryside only when meeting the requirements of Policy GD1.

It is about providing flexibility through future plan making if the need arises and prevents speculative development outside of the village.

The Development Boundary has been reviewed using the following criteria:

- It include sites where new development has been built, is under construction or has permission but was outside the existing development boundary;
- It follows physical features and boundaries for clarity.

Definition of Rural exception sites taken from NPPF Annex 2

Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Definition of the Plan Making Policy:

A development plan document adopted under the Planning and Compulsory Purchase Act 2004.

Policy GD2 – Development within the defined Development Boundary of Twyning Village

Development within the defined development boundary, as indicated in Appendix A, will be supported where it is consistent with other policies in the development plan. Infill development will be supported where it is consistent with the principles of sustainable development, and does not cause significant harm and respects existing patterns of development, such as open spaces that contribute to the key characteristics of the village.

There was unanimous agreement in the NDP consultation results that the rural character of the village is important. 80% of respondents either agreed or strongly agreed that the level of new development should be small scale. In this context, small scale is defined as limited in density to that of the surrounding area.

Infill plots constitute land within existing built-up areas. However, if the rural character* of Twyning is to be retained, not all open spaces will be suitable for development. Infill plots typically relate to a street frontage, and to adjacent buildings and gardens. Each infill plot has a unique characteristic and when assessing proposals for development that fall within the defined development boundary, consideration will be given to ensure development does not undermine the appearance of the village centre and those aspects that define its unique rural character.

In accordance with other policies within this Plan, proposals will be expected to relate well to the topography and geography of a site and to acknowledge the pattern of historical use of that site. New buildings should respect important public views in and out of streets and settlements. The aim should also be to create new views and juxtapositions of elements that add to the variety and texture of the setting. Proposals for infill developments must respect their surroundings. High quality design, relevant to context, is the most important factor, and a contemporary solution that provides modern spaces, while at the same time considers the scale, materials, grain and elevational rhythm of its context may provide a better solution. Today's high-quality buildings are tomorrow's heritage.

For the purposes of this Plan, in the case of residential development Infill Development is defined as:

- a) Development which fills a restricted gap in the continuity of existing buildings where the site has existing building curtilages, normally residential, adjoining on at least two sides; and,

* See Landscape Character Assessment document in evidence.

- b) development of the site itself as a complete scheme and not the first stage of a larger development;

This section also establishes development principles in relation to landscape and biodiversity, residential amenity and infrastructure.

Background

Work has taken place over the years to define the shape and direction of future development as exemplified in the [Twyning Parish Appraisal](#) of 1991 and in the work that was undertaken to devise a Parish Plan that sadly failed to mature into a working document.

Twyning Parish contains a large number of trees that have preservation orders and it is important that their amenity value is not lost. All new developments as well as incorporating new tree planting and landscaping schemes, should be designed to safeguard existing trees.

Twyning Parish is off the mains gas network and most homes are heated by fuel oil or LPG gas. It is essential that all communities take action in their local area wherever possible, to tackle the national and global issue of climate change. In this context it is therefore essential that steps be taken to encourage developments that are more energy efficient and make use of opportunities to use green sources of energy wherever possible.

Community feedback

Consultation on the emerging NDP revealed the following general issues that have informed the objectives of the NDP. General development considerations that have been identified by the community are a need to:

- Protect and enhance the natural environment. 98% agreed.
- Retain the clear identities of settlements. 92% agreed.
- Take measure to avoid spoiling the rural and riverside views. 97% agreed.
- Provide easy and ready access to the countryside. 98% agreed.
- Development must not have an adverse effect on environmentally sensitive landscape and habitat. 96% agreed.

Development principles

The Parish and its settlements have distinctive surroundings and character. This should set a precedent for all new development to follow to be successfully accommodated into the Parish. Standard urban design will not be acceptable. The nature of existing development in Twyning Village will influence the form of any new development – good quality design is an important principle at higher level planning policy. Policy GD3 will establish these issues.

Policy GD3 – Development principles

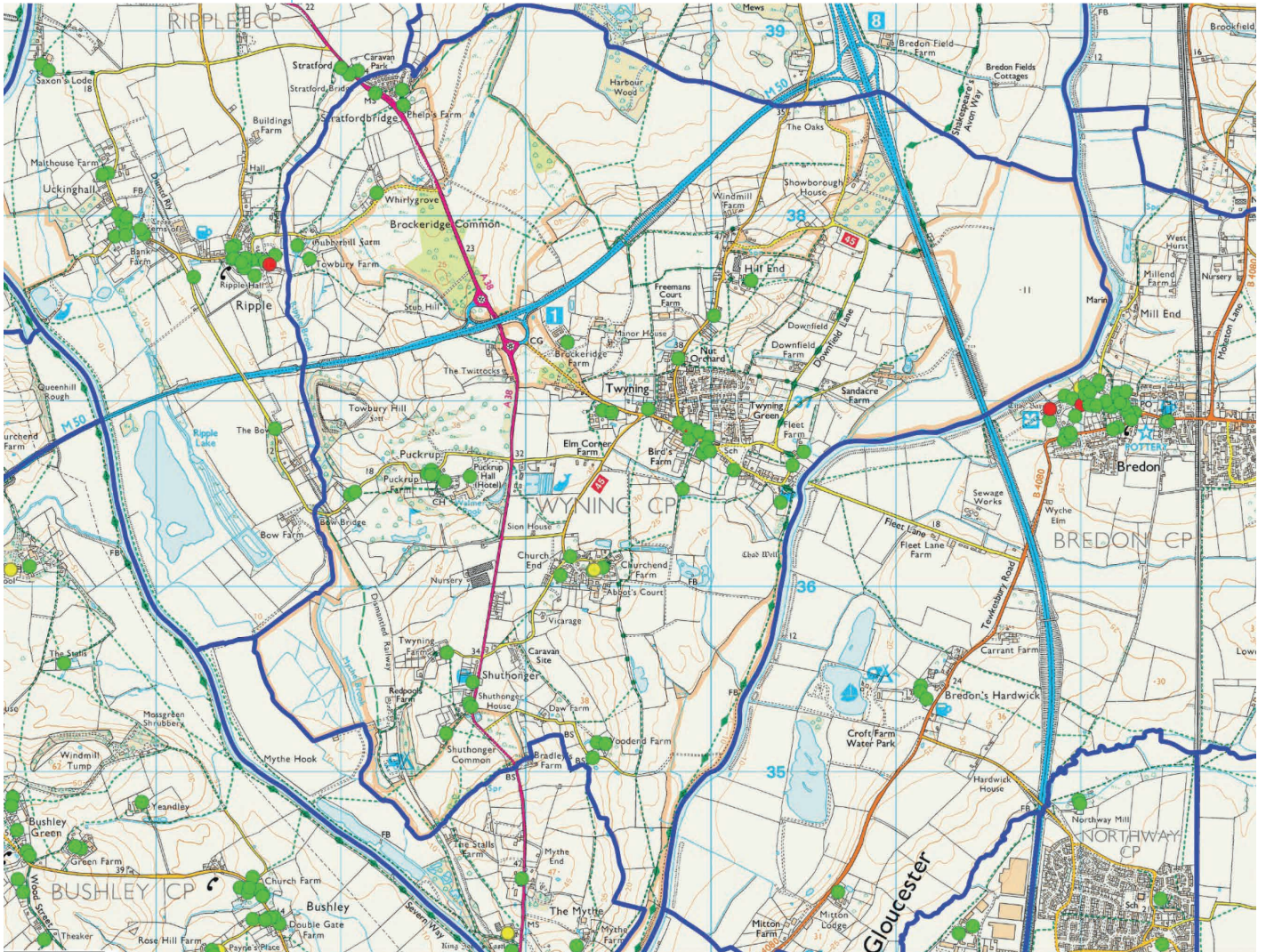
New dwellings shall respect the local character and historic and natural assets of the surrounding area. Development that, through good design and use of suitable materials, reinforces local distinctiveness and a strong sense of place, will be supported. New development will be assessed having regard to the following criteria:

1. New development should reflect the historical growth that has shaped the distinctive character of Twyning Parish respecting the pattern of development, its grain, density and materials within the immediate area;
2. New buildings should not dominate or overwhelm the street scene in terms of their height, scale and massing;
3. New buildings, or extensions to existing buildings, shall be sited where they will respect the established development pattern of the area including any defined building line within the street;
4. Development that incorporates locally distinctive features will be supported.
5. The height, size and design of extensions to existing buildings, and the materials used shall be in keeping with the scale, character and appearance of the locality and its wider setting. Extensions to existing buildings which form part of a group, such as a terrace row or where there is a regular pattern to a group of detached buildings, shall respect the appearance of that group of buildings, for example, porches, roof pitches, chimneys, windows and dormer windows;
6. Existing boundary treatments of an area shall be retained and, where feasible, enhanced. In all developments, boundary materials and treatments shall be compatible with, and respectful of, the rural character and appearance of the locality;
7. Development shall take every opportunity to incorporate features that improve its environmental performance thereby reducing carbon emissions.

The landscape within the Parish has the unique character designation of Twyning Hills and Riverside Meadows. Its ancient ridge and furrow fields are a feature of the landscape. These areas contribute to local distinctiveness and the retention of their character is a key element in achieving sustainable development.

Whilst agriculture remains the principal land use in the Parish, the character of the local landscape is also defined by several smaller settlements each of which contain an impressive number of listed buildings, shown on next page.

These range from barns and houses to dovecotes, pigsties, gates and walls. A large part of Church End is designated as a conservation area, dominated by the Parish church. It is essential that these historic assets are protected.



Listed buildings

- Civil Administration Area
- Grade I
- Grade II
- Grade II*



Please see the appendices section to view this map at a larger size



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**Policy GD4 –
Landscape and
bio-diversity**

All new development shall respect the local landscape character, natural and ecological assets of the locality. Where possible development should take every opportunity, through design and suitable landscaping, to reinforce local distinctiveness and enhance the bio-diversity of the Parish. New development will be assessed having regard to the following criteria:

1. Development shall respect the local landscape quality and ensure that important public views are maintained wherever possible (See [Appendix B](#)). Development shall be of a height, massing and appearance that does not adversely affect important public views;
2. Features that are visually, ecologically or biologically important, or historically or culturally significant, shall be retained unless there are overriding reasons for their removal;
3. Where appropriate, proposals for new development shall be accompanied by a landscape strategy which will identify existing landscape features and set out measures to be taken to safeguard, and where appropriate enhance, existing trees, hedgerows and other landscape features. Development shall seek to retain and manage existing woodland areas, in-field trees, boundary trees and hedgerows. Removal of such features will be resisted;
4. Development will normally be expected to protect and enhance existing ecological corridors and landscape features for their biodiversity value. New development should avoid causing harm to the network of local ecological features such as watercourses, ponds, hedgerows and tree lines. If resulting harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, then permission will not be granted;
5. New roads associated with all new development shall incorporate grass verges where appropriate in order to maintain the rural character of the Parish and to provide wildlife habitat;
6. New development proposals likely to affect important public views will be expected to be supported by impact assessments and scaled drawings setting out how the development meets the above policy objectives. The level of detail contained within such assessments shall be commensurate with the scale of development proposed.

Provision for vehicles

Parking is an issue regularly raised as a concern within the community; both in terms of the limited availability of on-street car parking and the nuisance caused by inconsiderate car parking. The provision of adequate parking for both residents and visitors, particularly in Twyning Village, within any new development is therefore essential. It is also important to ensure that new developments do not have a negative impact on existing parking arrangements.

Each development proposal will come with its own parking needs. Those needs will vary in light of the type, mix and use proposed, the accessibility of the development, the availability of and opportunities for public transport and local car ownership levels. Public transport services are limited at Twyning and car ownership levels are high. It is not the aim of the NDP to set a local parking standard, instead new dwelling proposals should be accompanied by an assessment of parking needs that are informed by the issues above.

In the context of Policy GD5, this means that spaces should be provided within the development at a level informed by an assessment of parking provision and that overspill parking onto the public highway is to be avoided.

Policy GD5 also seeks to prevent large expanses of hard surfaces in prominent and sensitive locations to help meet the vision and objectives of the plan. Smaller areas and subdivision of parking areas are considered within the context of Twyning Parish to normally cater for no more than two or three vehicles each.

Policy GD5 – Provision for vehicles

Where possible new residential and business developments should include off-street parking. Car parking and new roads shall be achieved in a way that does not detract from the character and appearance of the area. Parking provided within the residential curtilage of a residential dwelling should be to the side of dwellings and behind the building line, where possible. The requirements of the motor vehicle will not be the overriding criteria when considering the design and layout of new developments. Car parking areas should be sub-divided into smaller areas and be appropriately landscaped.

Dwelling development proposals should be accompanied by an assessment of parking needs, and car parking spaces should be provided within the development at a level informed by that assessment.

Effect on nearby occupants

The effect of a development on the amenity of any residents or occupiers of adjacent land who may be affected is a material planning consideration. Residents' amenity can be harmed in a number of ways, but they all involve the disruption of their daily life in one way or another. Harm is likely to arise from a development which would lead to an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or have an overbearing effect.

The residents of Twynning Parish currently enjoy a good level of residential amenity, therefore the community seeks to restrict development which would have an adverse impact on these factors, which would help meet the overriding objectives of sustainable development.

Policy GD6 – Effect on neighbouring properties

Development proposals will need to demonstrate that they will not lead to unacceptable levels of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or have an overbearing effect on neighbouring properties.

Infrastructure capacity

New development will have some impact on the existing, and the need for new, infrastructure, services and amenities. Sometimes these impacts can be detrimental and so developers must expect to contribute towards the cost of providing additional infrastructure. Support will be given to developments that do not cause adverse impacts on specific infrastructure.

Policy GD7 – Water resources, quality and flood risk

New development will be required to incorporate Sustainable Drainage Measures (SuDs) in accordance with the most up to date version of the CIRIA SuDs Manual or any other industry best practice guidance superseding or replacing that document. This should be informed by specific catchment and ground characteristics, and will require the early consideration of a wide range of issues relating to the management, long term adoption and maintenance of SuDs. Irrespective of the need for development proposals to be accompanied by a Flood Risk Assessment, a Drainage Assessment will be expected to be undertaken and submitted with all applications for built development in order to demonstrate how surface water will be managed to prevent the potential impact of flooding to and from the site.

Development proposals will need to demonstrate that they will not lead to an adverse impact on the foul water drainage infrastructure, sewage treatment systems and surface water drainage infrastructure. Planning permission will not be granted to any development that would be likely to lead to an adverse impact on the foul water drainage infrastructure or surface water drainage infrastructure.

Applications and proposals that relate specifically to reducing the risk of flooding (e.g. defence/alleviation work, retro-fitting of existing development, off site detention / retention basins for catchment wide interventions) will be supported.



For developments in areas with known surface water flooding issues, appropriate mitigation and construction methods will be required.

Twynning floods, 2007

**Policy GD7 –
Water resources,
quality and flood risk
(continued)**

For developments in areas with known surface water flooding issues, appropriate mitigation and construction methods will be required. New development in areas with known ground and surface water flooding issues will seek to provide betterment in flood storage and to remove obstructions to flood flow routes where appropriate. Development will need to demonstrate:

1. Conservation and enhancement of the ecological flood storage value of the water environment, including watercourse corridors;
2. The opening up of, where appropriate and where safe and practicable, any culverted watercourse to provide infrastructure which benefits the whole community;
3. Improvements to water efficiency through incorporating appropriate water conservation techniques including rainwater harvesting and grey water recycling;
4. Use of the natural environment, including woods and trees, to deliver sustainable water issue solutions.

Parts of Twyning Parish sit on an Environment Agency designated Secondary A Aquifer in an area of Gloucestershire that is hydraulically sensitive. In order to capture the nature of the risk, the Parish Council commissioned a Hydrological Appraisal that is presented in the NDP evidence ([Enzygo Flood and Hydrology Report](#)). It is essential that all new developments address this issue in detail, the requirements for which are identified in this policy.

Sustainable water issue solutions in an area with a high water table include the planting of trees and woodland. Excess water and potential flooding will be alleviated due to the trees' need for considerable volumes of water, particularly in their mature state.

Light pollution

Obtrusive lighting can be both an environmental and intrusive visual nuisance arising predominantly from glare and light spillage. Light pollution in the countryside can lead to a suburban feel, losing the sense of distinctiveness associated with the countryside. The neighbourhood development plan seeks to ensure that light pollution is kept to a minimum and includes a policy which aims to achieve this.

Street lighting and lighting on buildings

Twyning Parish currently sits as a rural community in the heart of the Tewkesbury Borough countryside. The overriding vision for Twyning Parish is to maintain the character of the area. Unsuitable levels of street lighting and lighting associated with individual buildings would have an adverse impact on the character of the Parish currently enjoyed by the community and as such requires some consideration for general development proposals.

Policy GD8 – Lighting

Development that would create an unacceptable level of light pollution will not be supported. Exceptional circumstances for reasons of safety will require clear and evidenced justification.

Flood lighting outside of residential areas will not normally be permitted. Within residential areas, external lighting will be expected to be minimised as far as safety and security requirements allow.

All new development proposals with significant external lighting proposals should provide technical details of that scheme such that its impact on light pollution can be properly assessed.

Street paraphernalia

The Twyning Parish community has identified the desire to retain the character of the Parish. It is considered that street paraphernalia of prominence can have a serious adverse impact on the character of this rural area, detracting from the important visual surroundings already in place.

Policy GD9 – Street paraphernalia

New developments, and associated infrastructure are encouraged to minimise the visual impact of street signage and other roadside paraphernalia so that they are appropriate to the rural setting of the parish and do not result in an adverse impact upon the character and appearance of the locality.

8. Housing growth

Background

The best communities have developed through incremental growth that harmonises with the existing character of their setting and buildings.

There are currently 658* dwellings and 110 residential caravans in the Parish of Twyning. 470 are located in Twyning Village whilst the remainder are spread around the Parish in smaller settlements including Hill End, Church End, Shuthonger, Stratford Bridge, Whirly Grove, Showborough and Puckrup.

This NDP has been prepared, taking into account the latest figures from the Objectively Assessed Housing Need (OAHN) for Tewkesbury Borough, which sits within the context of the Gloucestershire housing market area. Derived from the Interim Report on the JCS by the Planning Inspector, the housing requirement for Tewkesbury is set at 9899 and brings the new OAHN figure for the period 2011-2031 to 35,175. It is against this figure that the 5-year housing land supply is calculated. Consequently, it is on that basis that the Neighbourhood Plan's housing needs have been considered.

For the purposes of providing sufficient homes the JCS Policy SP2 sets out a spatial strategy to delivering housing that primarily seeks to concentrate new development in and around the existing urban areas of Cheltenham and Gloucester and elsewhere in Tewkesbury Borough, following a hierarchical approach to allocating housing by identifying Tewkesbury Town, Rural Service Centres and Service Villages as locations for lower levels of housing development. Twyning is a settlement that has been identified in the JCS as a Service Village. Together these Service Village settlements are expected to accommodate 880 homes over the planning period. This figure has been derived through a consideration of historic housing delivery across the rural parts of the Borough along with an uplift to provide flexibility and a boost to housing supply.

As a Service Village, it is accepted that Twyning needs to provide for a share of the need for new homes that the JCS identifies and which is likely to be confirmed within the emerging TBP. An indicative housing disaggregation process has been undertaken by TBC. The methodology followed the requirements in the emerging JCS (Policy SP2) and derived figures for each Service Village proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester. The further requirement under JCS Policy SP2 to be taken into account relates to environmental, economic and social considerations.

With the above in mind, the Borough Council's Rural Settlements evidence paper, submitted to the JCS Examination, identifies an 'indicative disaggregated requirement' of 75 dwellings attributed to Twyning to be delivered between 2011 -2031.

In the opinion of the NDP Steering Group the best communities have developed through incremental growth that harmonises with the existing character of their setting and buildings. It is essential that this continues to be the case in Twyning Parish. The supply of new homes in Twyning Village and the wider Parish must be realised in accordance with the distinctive features, scale and grain of the local area. Housing sites must be carefully considered and will only be acceptable where they reflect these principles and are consistent with the NDP taken as a whole.

*2011 census

At a public consultation the public were asked to prioritise a number of sites that were, in the main, consistent with those identified in the TBC Strategic Housing Land Availability Assessment.

The community recognises that housing development can sometimes bring wider benefits, such as the redevelopment of brownfield sites, securing the on-going use of a building and providing much needed affordable homes.

Community feedback

Consultation on the emerging NDP revealed the following key points in relation to housing that the policy seeks to address:

- A variety of building styles to add to the character of the Parish. 89% agreed.
- Be limited to 10 new homes over the next 20 years. 12% agreed.
- Be limited to 11-30 new homes over the next 20 years. 34% agreed.
- Be limited to 31-60 new homes over the next 20 years. 34% agreed.
- Housing needs to be met by one large scheme. 88% disagreed.



Housing policies

Policy H1 – Housing Site Designations

To support the sustainable development of Twyning Village as a Service Village up to 2031, two sites are designated for residential development as shown on the proposals map at [Appendix E](#). Those sites are referenced:

Site A – Land adjacent to caravan park. Indicative capacity: 22 dwellings.

Site B – Land South of Bockeridge Road. Indicative capacity: 58 dwellings.

The sites have been identified following extensive community consultation and these parcels have been identified on the basis of their deliverability; i.e. permission having already been granted. It should, perhaps, be noted that the purpose of identifying them as development sites in this NDP is to ensure that completions materialise under the current permissions.

In addition, Policy GD2 of this plan is permissive of organic growth by way of infill development within the defined development boundary shown on the proposals map at [Appendix A](#) of this Plan. There has also been a net increase of 4 new dwellings within the Parish since 2011 and further developments are either underway or in the planning process.

Policies GD2 and H1 will together ensure that the emerging TBP housing requirement for Twyning is met. By exceeding the indicative strategic housing requirement and ensuring the flexibility to respond to changes required as a result of the adoption of both the JCS and TBP in the future, this plan demonstrates it has been 'positively prepared'.

...the village is required to make provision for the indicative requirement of at least 75 dwellings during the planning period to 2031.



Policy H2 – Housing standards, design and mix

Residential development or redevelopment will be supported, if all of the following criteria and other development plan policies are met:

1. Where development is of an appropriate size it includes a mix of housing in terms of dwelling size, type and tenure;
2. Proposals for new dwellings, where appropriate, will be expected to provide a statement, setting out how the development meets the objectively identified housing needs. In addition such development will be supported by a landscape design statement that sets out how the proposed development responds to its landscape setting. The level of detail contained within supporting statements shall be commensurate with the scale of development proposed;
3. Appropriate areas of open space around dwellings are provided to each property, so as to ensure reasonable privacy, daylight, and adequate private outdoor living space. Where other types of residential accommodation are proposed, an appropriate level of amenity space to serve the scheme as a whole is provided.

**Policy H3 –
Affordable housing**

Affordability remains a key housing issue for Twyning Parish and there is a compelling case to meet local targets for affordable housing provision. There is a requirement to provide a proportion of affordable units on-site, with provision of both intermediate and affordable rent. The affordable units will be provided for those individuals in housing need in accordance with the TBC housing allocation policy with priority being given to those with a local connection to the Parish of Twyning.

In order to meet objectively identified housing needs, an element of affordable housing will be sought as part of any housing scheme in accordance with the requirements of TBC's adopted development plan policies. Where possible affordable housing should provide for a mix that reflects local housing need, and be fully integrated and evenly distributed throughout the development of which it forms a part.

Affordable housing where appropriate will be subject to a planning obligation to ensure that:

when homes are allocated, priority is given to people with a local connection to Twyning Parish (currently living, working or with close family ties to the Parish).

Policy H4 – Residential extensions

The Plan seeks to enable residential extensions through good design solutions which will be encouraged where they contribute to the character and visual interest of a building or townscape. Inappropriate designs such as large over-dominant extensions which are out of character with its surroundings will be discouraged.

Applications for the extension of residential properties, and for the erection of outbuildings incidental to the enjoyment of the dwelling, will be supported provided all the following criteria are met:

1. The height, size and design of the extension, or outbuilding and the materials used are in keeping with the scale, character and appearance of the dwelling to be extended and its wider setting;
2. Important gaps and spaces which contribute to the character and appearance of the locality;
3. Properties where extensions or outbuildings are proposed will be supported where enhanced property/ies meets the requirements for parking and supports the principle of Policy GD5.

Tourism contributes to the Twynning Parish economy created predominantly by a large caravan community.

The plan expects existing residential mobile homes to represent an important element of the overall housing stock within the district. However, in planning terms, when assessing whether replacement of mobile homes by dwellings is appropriate, it is important to disregard the existing use/permission, and to assess the site as if it were appropriate for new residential development.

Policy H5 – Mobile homes

Applications for the use of land for the siting of residential caravans or the extension of existing sites will be assessed in accordance with the criteria relating to new residential development. Applications for the replacement of existing mobile homes/residential caravans (or sites with the benefit of an extant permission) by permanent dwellings on sites where residential development is inappropriate, will not be supported.



9. Local facilities

With increasing mobility it is essential that the Parish facilities and services are maintained and wherever possible enhanced.

Primary facilities in the Parish include the church and chapel, school, shop and Post Office. Many clubs and societies also operate within the Parish and they include five scouting groups, the Women's Institute, Short Mat Bowls and the M5/M50 Railway Club. Sporting facilities are offered at the Twyning Recreational and Amenities Complex (TRAC) and the parish Sports Club. These venues cater for tennis, cricket and soccer with an additional sports activity area and a well-equipped play park. There are two commercial fishing complexes and private fishing on the Avon. The Puckrup Hall Hotel provides accommodation, leisure, golf and spa facilities. Other leisure facilities within the Parish include a horse riding school and an extensive footpath network.

Community clubs and activities take place in the Twyning Village Hall and the Ann Townend Hall in Church End. The Twyning Village Hall, with licensed bar facilities, caters for activities include a Playgroup, (four weekday mornings) a Friday luncheon club, the Village Players Theatre Group and various musical and private events. The smaller Ann Townend Hall is used by the Bridge Club and also hosts various meetings including two of the monthly Parish Council meetings.

Other community assets and facilities include a 17 seater mini-bus, a Parish website, a Neighbourhood Watch scheme and The Bulletin which is published three times a year.

The receipts received from S.106 agreements and the Community Infrastructure Levy will be used to deliver new community infrastructure and, where necessary, planning obligations will be used to address the impacts of development proposals. Occasionally, development will offer substantial opportunities to enhance existing infrastructure, such as distributing mains gas to large parts of the Parish that are currently off-grid. Where such improvements are made as part of new development proposals, this will be seen as a positive benefit.

Community feedback

Consultation on the emerging Neighbourhood Development Plan revealed the following key points in relation to this topic:

- Support or enhance existing services and facilities (including village store and Post Office, school, sports, pubs and community buildings). On average over 95% agreed.
- Village Hall facilities are greatly valued by the community. 91% agreed.
- Major improvements are required to the electricity, mobile phone and sewer infrastructure. On average 64% agreed.
- Seek to improve village infrastructure (including power, gas, telephony, broadband, sewer and surface water services). On average over 60% agreed.

Local facilities policies

Background

Despite being identified as a service village, in the area surrounding Twyning Village, infrastructure services are limited. There is no gas connectivity to most parts of the Parish and the electricity supply is prone to frequent short-lived outages. Mobile phone reception is patchy and poor in the lower parts of the Parish. The sewer system has hydraulic and processing capacity issues, the solution of which is part of an ongoing technical investigation by Severn Trent.

Policy LF1 – Infrastructure

Where development is acceptable in principle under the policies of this Plan, all development proposals will be expected to have regard to existing levels of infrastructure, services and facilities. Account shall be taken of the cumulative impacts arising from the new development combined with other schemes that have planning permission. Development that is likely to adversely affect infrastructure, services and facilities will be resisted unless an appropriate level of mitigation can be achieved and evidenced.

New development will be supported where it provides new or improved infrastructure to which there is an identified need that will benefit the community as a whole.

To promote the on-going prosperity of Twyning Parish it is essential that Twyning Village retains and provides local services that will sustain the vitality of the wider parish community and encourage local spending through the identified retail facilities. At present the retail facilities of Twyning Village include a village store which opens seven days a week and hosts a cashpoint machine, a Post Office service three mornings a week and a book exchange. A hairdressing salon is located in premises above the village store. There are two farm shops between Twyning Village and Tewkesbury Town. These facilities are complemented by three public houses located across the Parish.

*See glossary

10. The local economy

Background

Twynning Parish enjoys a rural location whilst also benefiting from its close proximity to Junction 8 of the M5 motorway and Junction 1 of the M50 motorway. This allows fast and convenient access to the major motorway and road networks of the Midlands and Southwest. These excellent transport links connect with local employment and business centres in Tewkesbury, Cheltenham, Gloucester and Worcester and further afield to Bristol and Birmingham.

The Parish has a lower than average unemployment rate with 5.5% of working age adults receiving some form of “out of work” benefits compared to an English average of 9.8%. This may be due in part to the higher than average number of residents with level 4 qualifications – 35% compared to the County average 29% and English average 27.4%.

The evidence provided by the Office of National Statistics (March 2011) of high employment rates demonstrates the success of the local economy:

- 63% economically active vs. English average of 61%
- 17% self-employed compared to 12% English average
- 35% retired compared to a national average of 25%
- 49% work in management, professional and technical occupations vs. English average 41%

Two business parks operate near the motorway junction supporting a diverse mix of businesses from award winning marketing agencies to cutting edge technology companies. The growth in technology based manufacturing and design businesses are consistent with the GFirst LEP vision for business support and growth along the M5 corridor. The skill and qualification profile of the local community should also provide local employment opportunities in this sector.

Whilst many of the businesses based in the parish operate in national and international markets others are more closely associated with the local economy. Independent small businesses in Shuthonger and Stratford Bridge provide local vehicle maintenance and repair services. Haulage and transport companies frequently use the lay-by and parking facilities in the Parish due to its proximity to the motorway junction and surrounding network and are also supported by a café and truck stop on the A38 near Ripple.

The parish has a notably higher number of self-employed than the national average. The business sectors are diverse including software development, health and beauty services, business consultancy and building services. Apart from the Hilton Hotel there are no specific business support services available in the parish at present, however Regus Group has opened a Business Centre at nearby Strensham Services providing meeting rooms and working space for hire.

As a rural parish the area has historically been highly dependent on land based businesses and employment including arable, livestock and mixed farms, market gardening, ornamental and tree nurseries. These businesses continue to operate although they now account for less than 4% of employment.

Some land-based businesses have diversified into leisure and tourism propositions including fishing lakes, riverside moorings, camping and caravan parks, B&B and holiday cottages. The Parish is recognised by Cotswolds Tourism as a visitor and tourist destination due to its rural character, tourism offering and proximity to local attractions. The most significant local provider and employer in the sector is Hilton Group's Puckrup Hall Hotel in Puckrup. The business employs 110 staff and attracts 40,000 visitors to the area per annum.

The following business requirements were identified from the Consultation Event in February 2014:

- Fast reliable broadband
- Improved mobile voice and data communications
- Reliable electricity supplies
- Improved transport services
- Exploitation of river connections
- Local employment: attract technology companies

Community feedback

Consultation on the emerging NDP revealed the following key issues in relation to this topic that the policy seeks to address:

- No further development of the business parks. 54% agreed.
- No mixed use residential live/work units. 52% agreed.
- Plan to include policies for working from home. 76% agreed.
- Improved infrastructure and services needed for people to work from home. 79% agreed.
- More leisure and tourism businesses. 44% in favour, 41% against.

Local economy policies

Twyning Parish already has a good level of employment in the area, however these are mainly located in business parks. The community has identified that further large scale development at these business parks should be prohibited to help maintain the rural character of Twyning as a Parish. The Twyning community recognises that it is important to support new enterprises provided that they are appropriate in scale, type and design.

Policy E1 – Principles of employment development

New employment development involving the conversion of existing buildings or the small-scale expansion of existing premises will be permitted providing it results in no adverse impact upon the landscape and providing the following criteria are met:

1. the development would improve local employment opportunities;
2. the development is appropriate in scale to the locality; or
3. where the development relates to the conversion or re-use of a vacant building, the building should be of a construction that is suitable for the development proposed without the need for major, additional construction works.

Small-scale employment development that is demonstrated to improve local employment opportunities will be permitted within, or adjacent to Twyning Village and within or adjacent to the outlying settlements. Development that improves local employment opportunities will be supported in sustainable locations within or adjacent to settlements within the Parish providing they are of a scale, form and function which respects the existing character of that particular settlement.

Whilst working from home may not be a suitable option for every employee in every business, using home as a working base for at least part of the week offers a number of benefits for businesses and employees. For example, home working can help working parents with childcare responsibilities.

Working from home does not necessarily need planning permission. Whatever business is carried out from home, the key test is: is the premises still mainly a home, or is it used primarily for business? With a relatively large proportion of residents working from home, the Plan responds positively to enable these businesses to grow.

Policy E2 – Working from home

Development that enables home-working will be supported subject to complying with other policies in the development plan.

The internet is driving business innovation and growth, helping people access services, and opening up new opportunities for learning. The residents and businesses of Twynning Parish have benefitted from the recent connection of Superfast Broadband. However, the coverage is not complete and further improvements to the network are required.

Superfast broadband is revolutionising the internet and the Plan considers that it should be a basic requirement for all new housing and business development. Further connectivity should include expanding the coverage to those areas in the Parish that have so far not been connected.

Policy E3 – Broadband

New residential and employment development should provide Superfast Broadband to all properties where possible. Support will be given to developments that incorporate fibre broadband cabinet points at locations which facilitate the further expansion of the network.

11. Transport

Background

Twyning Parish is rural and is bisected North/South by the A38 Worcester to Tewkesbury road, East/West by the M50 motorway and has the M5 motorway and River Avon to the East.

The main settlement is serviced by minor roads turning off the A38 and a major entrance at Junction 1 off the M50. Local roads are safe, with no recorded injurious accidents in the last few years, although fatalities have been recorded locally on the A38.

The majority of cars in and out of the village are residents' vehicles with a mix of HGV's and farm vehicles.

A number of large HGVs transit through the main Twyning Village settlement en-route to neighbouring business parks. This traffic is inappropriate to the type of minor road in use and often causes traffic conflict.

Prior to 2016 public transport has historically been poor, but has seen an increased service delivered recently. One bus route runs between Tewkesbury and Worcester via Twyning Village, but the timetable is unsuitable for use to get to work. A second service serves Tewkesbury to Upton-on-Severn but this is fragmented, only diverting through the village on a small number of occasions. This service has the same problems with timing as the Worcester route. As a result, bus services are under-utilised. There is a term-time bus service to take school children to and from Tewkesbury school.

For most people living in the Parish the car is the principle mode of transport. There is some car sharing, mostly for the transportation of children.

Sustainability is important to residents, who would like to see a shift to a more low carbon emission society, which would necessitate a better connected transport service that is able to link them with their jobs and services.

As the Parish grows there is a strong demand for an improved bus service and road maintenance scheme. Traffic calming measures are not considered necessary, although illuminated speed signs are favoured. There is a need to improve and enhance pedestrian road safety measures.

Local footpaths are well used, but steps should be taken to improve them to make them more suitable for all-weather use. There is scope to upgrade the Twyning to Tewkesbury Avon-side footpath to facilitate disabled access.

There is strong feeling that the rural nature of the Parish be maintained, with no street lighting, traffic calming or numerous car parks, although it is accepted that there needs to be some car parking in the vicinity of the school. Pavements are accepted as being essential for pedestrian safety, providing they do not intrude on the rural aspect. This also applies to speed limit signs, with a view to reducing the overall speed of traffic, bearing in mind that because most traffic is resident generated, it is in residents' own hands to control this.

Community feedback

Consultation on the emerging Neighbourhood Plan revealed the following key points in relation to this transport topic that policies seek to address:

- Improve public transport. 71% agreed.
- Reduction in Parish speed limits. 67% agreed.
- Imposition of weight limits on narrow access roads. 85% agreed.
- Increase the number of cycle paths. 68% agreed.

Transport policies

Most of the roads within the village of Twyning are not well suited to today's modern traffic. Local people have expressed concerns about road safety, noise and vehicle emissions associated with the volume and speed of traffic passing through the centre of the village. The Community wants to minimise the impact of additional traffic generated by new development, particularly around Twyning Village. The community also wishes to extend this thinking as a Parish-wide ideology.

The Plan does not propose specific traffic management measures, which have little local support. However, the Plan aims to ensure that new development does not make the current situation significantly worse and TPC will keep traffic management under review.

Policy TP1 – Traffic

Development will only be permitted where it will not cause a severe adverse traffic impact and increase in the volume of traffic within Twyning Parish that cannot be acceptably mitigated, particularly where the road network is narrow and pedestrian facilities inadequate.

Opportunities for promoting walking, cycling and public transport should be given priority in the layout and design of the development. Twyning Parish, as a rural community, is over reliant on private car use and the community has identified that development in the Parish should form the basis for improving accessibility within the Twyning Village area and within the site context itself. Access should be made available to all, including people with mobility difficulties.

Policy TP2 – Access

Where appropriate, development proposals will be encouraged to contribute to improved traffic flow, safe walking and cycle links between Twynning and Tewkesbury as well as making provision for improved public transport infrastructure.



12. Landscape and environment

Background

Twyning is a large rural Parish with several unique features. Its landscape character is described as Twyning Hills because rising ground dominates between the rivers Avon and Severn. Its riverside meadows feature views across to the Cotswold escarpment of Bredon Hill to the east and the Malvern Hills to the west.

While the main settlement has seen development in the second half of the 20th century, it retains a number of green spaces, including the village green, which contribute to this rural character and provide opportunities for informal and formal recreation. In accordance with national planning guidance, the community wishes to see these spaces protected for future generations.

A detailed description of the Parish landscape character can be found in the evidence documentation Landscape Character Assessment which can be found at www.twyningvillage.co.uk/environment

The Parish contains a number of smaller settlements and features of significant visual impact. Its rural nature supports a wide range of wildlife. Taking up a large part of the Parish are three areas of common land forming Brockeridge, Shuthonger and Showborough Commons. These wild areas support a number of endangered species including the great crested newt. In addition, Upham Meadow and Summer Leasow is a Site of Special Scientific Interest (SSSI) consisting of managed pasture grassland, which supports a large number of breeding waders and over-wintering populations of waders and wildfowl. Redshank, Curlew, Snipe and Lapwing all breed in this SSSI. Additionally it contains the largest population of the nationally scarce narrow-leaved water dropwort and many other rare species of flora.

Not far away from the parish boundary lies both Rectory Farm Meadow SSSI and Bredon Hill, which is a European designated Special Area of Conservation and is a Site of Special Scientific Interest.

The Parish is home to a wide range of flora and fauna as further described in the evidence documentation Flora and Fauna Report which can be found at www.twyningvillage.co.uk/statistics-and-resources

The riverside meadows of the Avon act as a flood plain during periods when the Avon overflows its banks.

To enable a greater appreciation of the Parish's landscape features and interaction with its wildlife, access to the countryside is achieved via a network of 52 footpaths, bridleways and permissive paths. Circular walks feature in the network, which connect well to footpaths in the area of Tewkesbury.

Community feedback

Consultation on the emerging Neighbourhood Plan revealed the following key issues in relation to this topic that the policy seeks to address:

- Development to be in keeping with the settlement's distinctive rural character. 97% agreed.
- Protect and enhance the natural environment. 98% agreed.
- Direct new development away from areas at risk of flooding. 91% agreed.
- Development must not have an adverse effect on environmentally sensitive landscapes and habitat. 96% agreed.
- Safeguarding and retention of green spaces is important. 97% agreed.
- It is essential to retain the character of the commons to preserve wildlife habitat and access. 95% agreed.
- Maintenance of footpaths and bridleways is important. 97% agreed.
- Maintain the distinctive views across the surrounding countryside. 97% agreed.
- Improve the Twyning to Tewkesbury riverside footpath to facilitate greater access. 97% agreed.

LANDSCAPE AND ENVIRONMENT POLICIES

Nature conservation areas

There are a number of sites in the Parish that are significant in terms of their wildlife value that warrant protection. The sites listed below are all managed to safeguard and enhance their biodiversity.

1. **Upham Meadow and Summer Leasow** (a Site of Special Scientific Interest).
2. **Brockridge Common**, a key wildlife site. An attractive open area registered as Common Land and also designated access land under the Countryside & Rights of Way act 2000. Contains examples of rare flora and fauna as identified in the Twyning Flora & Fauna List in the evidence submission. Crossed by public footpaths.
3. **Shuthonger Common**. A mix of open pasture and wooded borders encompassing a disused railway line. A valuable habitat for a variety of wildlife. Crossed by footpaths.
4. **Hill End Common**.
5. **Riverside Meadows between Twyning and Tewkesbury**. Specifically identified in the Landscape Character Assessment for the Parish. The riverside meadows have several functions fulfilling the floodplane

function and providing the habitat for important numbers of breeding waders and wildfowl. Significant views across to the Cotswold Escarpment and containing an important footpath between Twyning and Tewkesbury.

6. Harbour Wood.
7. Ratley Green.
8. Showborough Common.

**Policy ENV1 –
Nature conservation
areas**

The areas identified in [Appendix C](#) are significant in terms of their wildlife value and warrant special protection. Development in these areas is likely to be unacceptable unless:

- a) The development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features, or
- b) If other material considerations are sufficient to override nature conservation considerations.

**Policy ENV2 –
Countryside between
Twyning Village and
Church End**

Development proposals should ensure the retention of the open character of the countryside between Twyning Village and Church End and not detract from its open and undeveloped character.

The purpose of maintaining the open countryside between Twyning Village and Church End, which serves as a buffer or visual break between rural settlements is to protect the character and setting of the settlements and to provide additional protection to open land that may be subject to development pressures. The aim is to maintain a clear separation between Twyning Village and Church End in order to retain their individual identity. Acceptable development proposals for recreation will be supported providing proposals do not detract from the open and undeveloped character of the area.

13. Sports and recreation

Sports and recreation

These are sites valued for their open access for sport, recreation and amenity. They are areas where residents can come together informally and where community events are held.

- a) Village Green
- b) Land adjacent to the TRAC site
- c) Sports field at Puckrup

Sports and recreation policies

Policy ENV3 – Sport, recreation and amenity value

The sites identified in [Appendix D](#) will be protected as areas for sports, recreation and amenity value. Where appropriate, development proposals should make provision for the enhancement of those facilities or support the creation of additional space for sports and outdoor recreation to maintain a high level of amenity value.

Potential development of areas b) and c) above would only be allowed if an alternative of the same or better provision is provided.



14. Monitoring and delivery

When the NDP is adopted, the policies within the Neighbourhood Plan will be considered as part of the development plan alongside other material considerations by TBC as Local Planning Authority

TPC will maintain regular contact with TBC in order to monitor the implementation of the Plan and consider the need to review the Plan in response to changing National, District and local requirements.

If circumstances within the designated area change, the Parish will re-convene the NDP committee for the purpose of ensuring that the Plan is still appropriate for the changed circumstances and meets the needs of the Parish. If there is evidence that the needs have changed and the NDP no longer meets those needs, the committee may make a recommendation to the Parish Council to amend the Plan and resubmit for consultation or such process as may have been developed in the meantime.

This process will be repeated should similar circumstance arise from the production of the TBP.

15. Glossary and further evidential papers

<u>NPPF</u>	National Planning Policy Framework
<u>JCS</u>	Emerging Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury
<u>GRCC</u>	Gloucestershire Rural Community Council
<u>TBC</u>	Tewkesbury Borough Council
<u>TBLP</u>	Tewkesbury Borough Local Plan to 2011
<u>TBP</u>	Emerging Tewkesbury Borough Plan
<u>NDP</u>	Twyning Parish Neighbourhood Development Plan
<u>TPC</u>	Twyning Parish Council
<u>GFirst LEP</u>	Gloucestershire Local Enterprise Partnership

16. Definitions

Definitions of 'vitality' and 'viability'. (Vitality is defined in the Oxford English Dictionary as 'the state of being strong and active; energy' and 'the power giving continuance of life'.)

The vitality of neighbourhoods is enhanced by creating variety, choice and a mix of uses to attract people to live, work and play in the same area. Interesting and safe neighbourhoods often have a mix of uses which involve different people using the same parts of buildings or places at different times of the day, as well as different uses happening in various parts of a buildings or spaces at the same time. Neighbourhoods should also cater for a range of demographic groups especially young and older people.

Definition 'reviewed'. (Reviewed is defined in the Oxford English Dictionary as 'to examine again'.)

Definition 'vibrancy'. (Vibrancy is defined in the Oxford English Dictionary as 'the state of being full of energy and life'.)

In town planning terms vibrancy can be achieved by securing a mix of uses that are compatible with one and another and interact with each other positively, avoiding opportunities for conflict.

Landscape and Visual Sensitivity Report (Toby Jones Assoc) commissioned by Tewkesbury Borough Council. Please see:
www.twyningvillage.co.uk/statistics-and-resources

Landscape and Visual Sensitivity map commissioned by Tewkesbury Borough Council. Please see:
www.twyningvillage.co.uk/statistics-and-resources

Enzygo Hydrology Report. Please see:
www.twyningvillage.co.uk/statistics-and-resources

Links

[NPPF](#)

[JCS](#)

[TBC Plan 2011](#)

[Draft TBC Plan 2015](#)

[Questionnaire results](#)

[Conservation area](#)

[Visual Sensitivity Map](#)

[Appendix A](#)

[Appendix B](#)

[Appendix C](#)

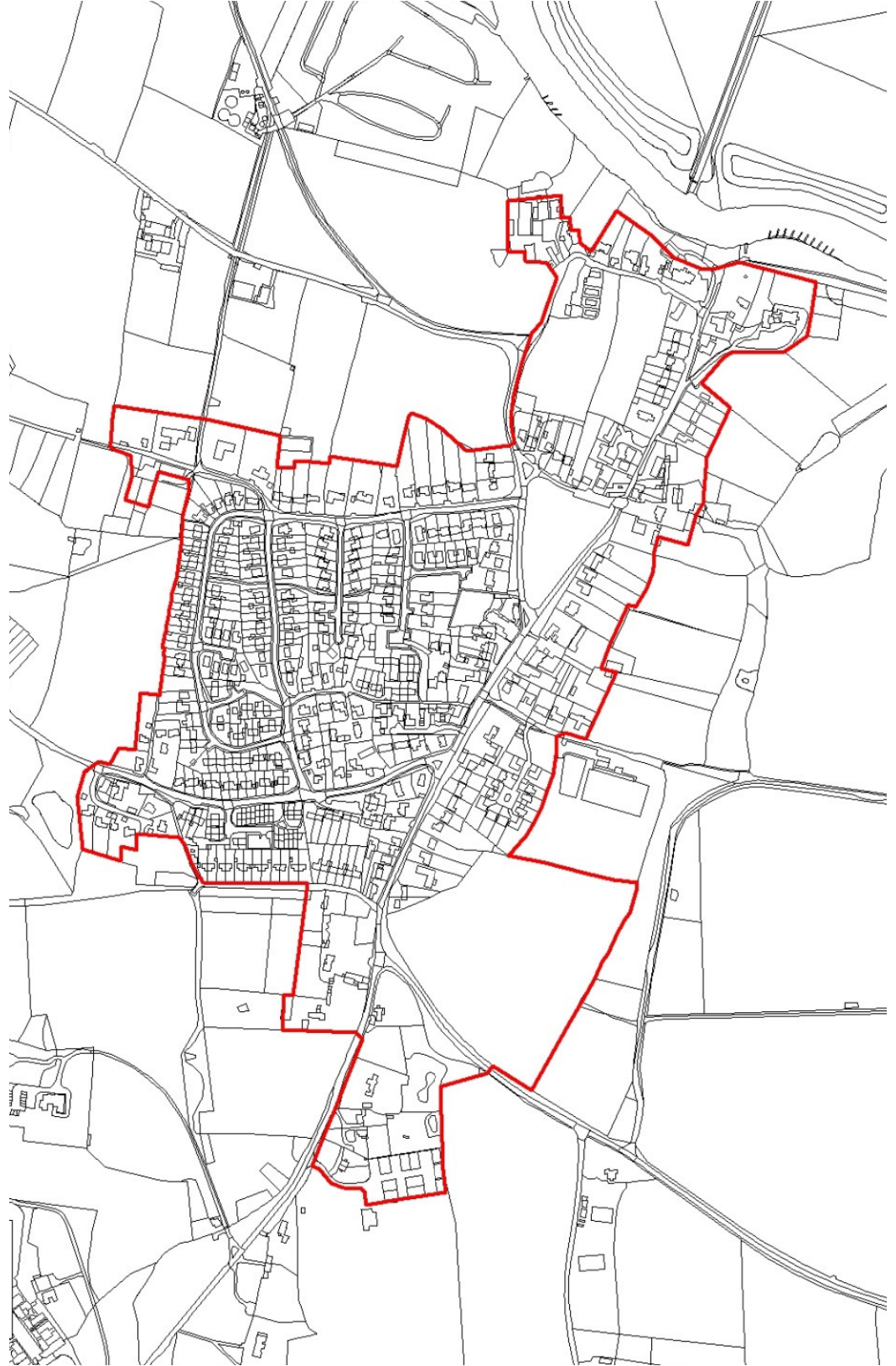
[Appendix D](#)

[Appendix E](#)

**Appendix A – Twynning
Residential Development
Boundary**



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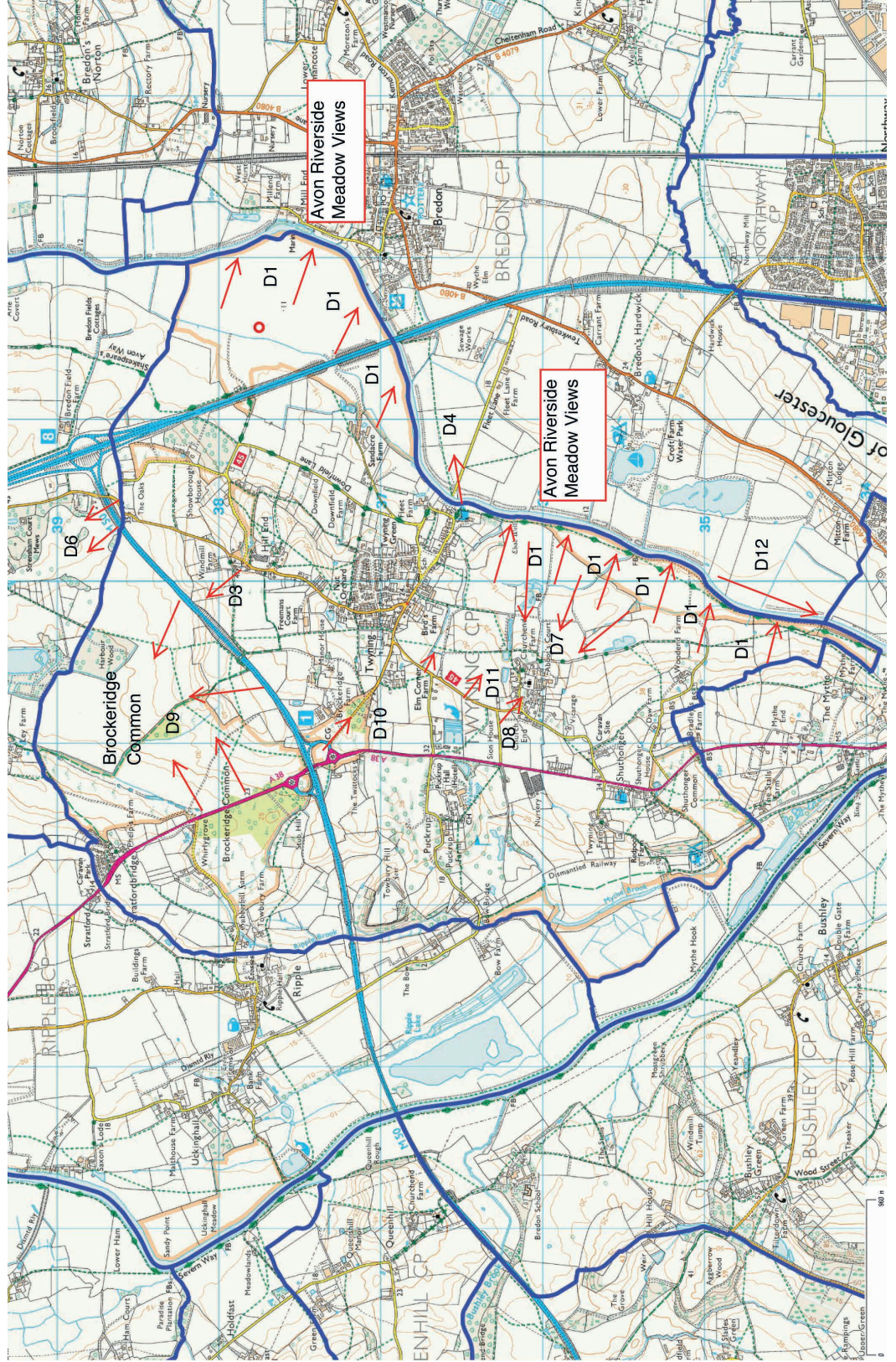


Appendix B – Important public views in the parish



ParrishOnline

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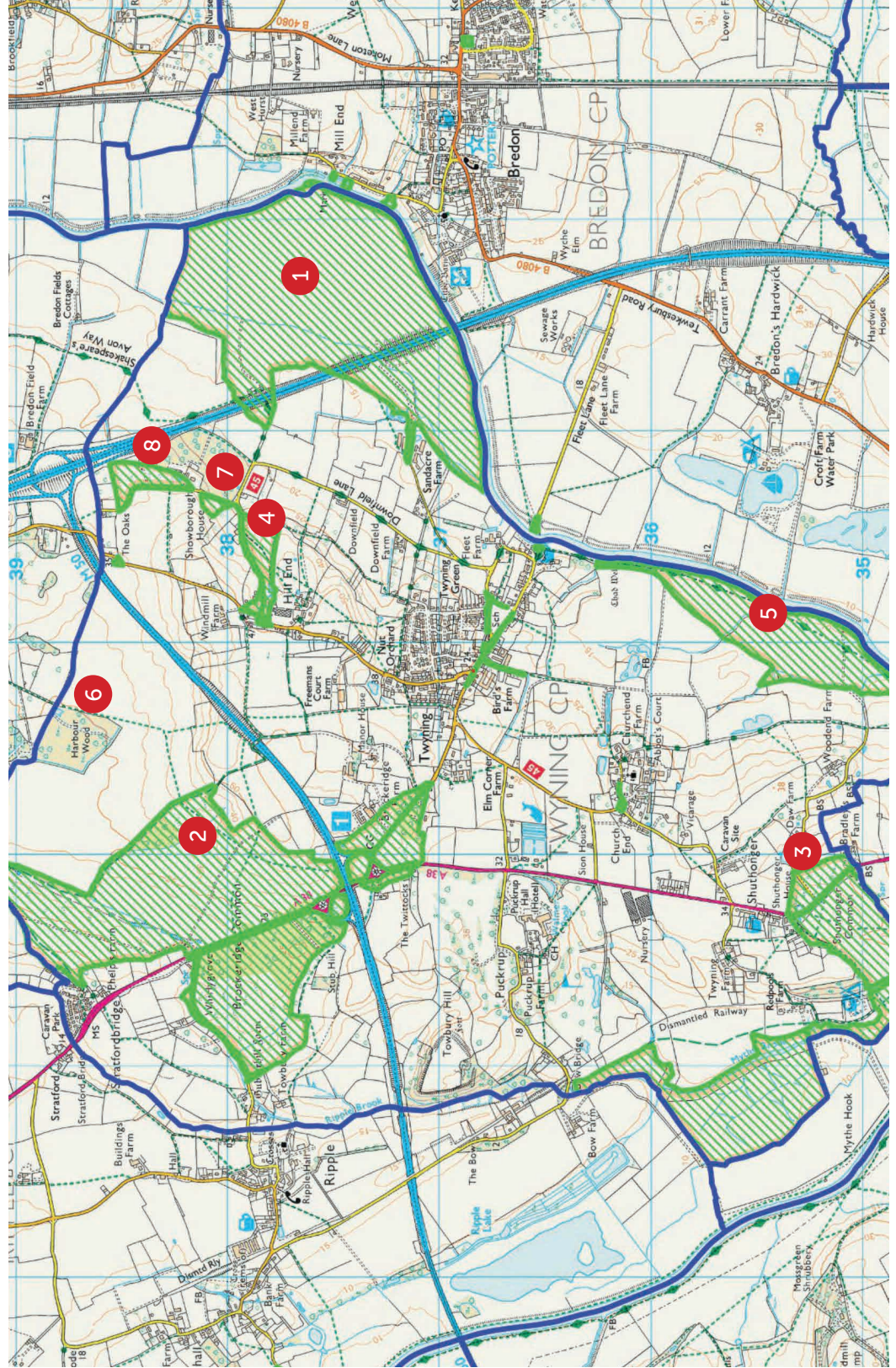


Appendix C – Areas identified as being of particular nature conservation interest

- 1 Upham Meadow and Summer Leasow (SSSI)
- 2 Brockridge Common, a key wildlife site
- 3 Shuthonger Common
- 4 Hill End Common
- 5 Riverside Meadows between Twynning and Tewkesbury
- 6 Harbour Wood
- 7 Ratley Green
- 8 Showborough Common



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Appendix D – Areas identified as important for sport, recreation and amenity space



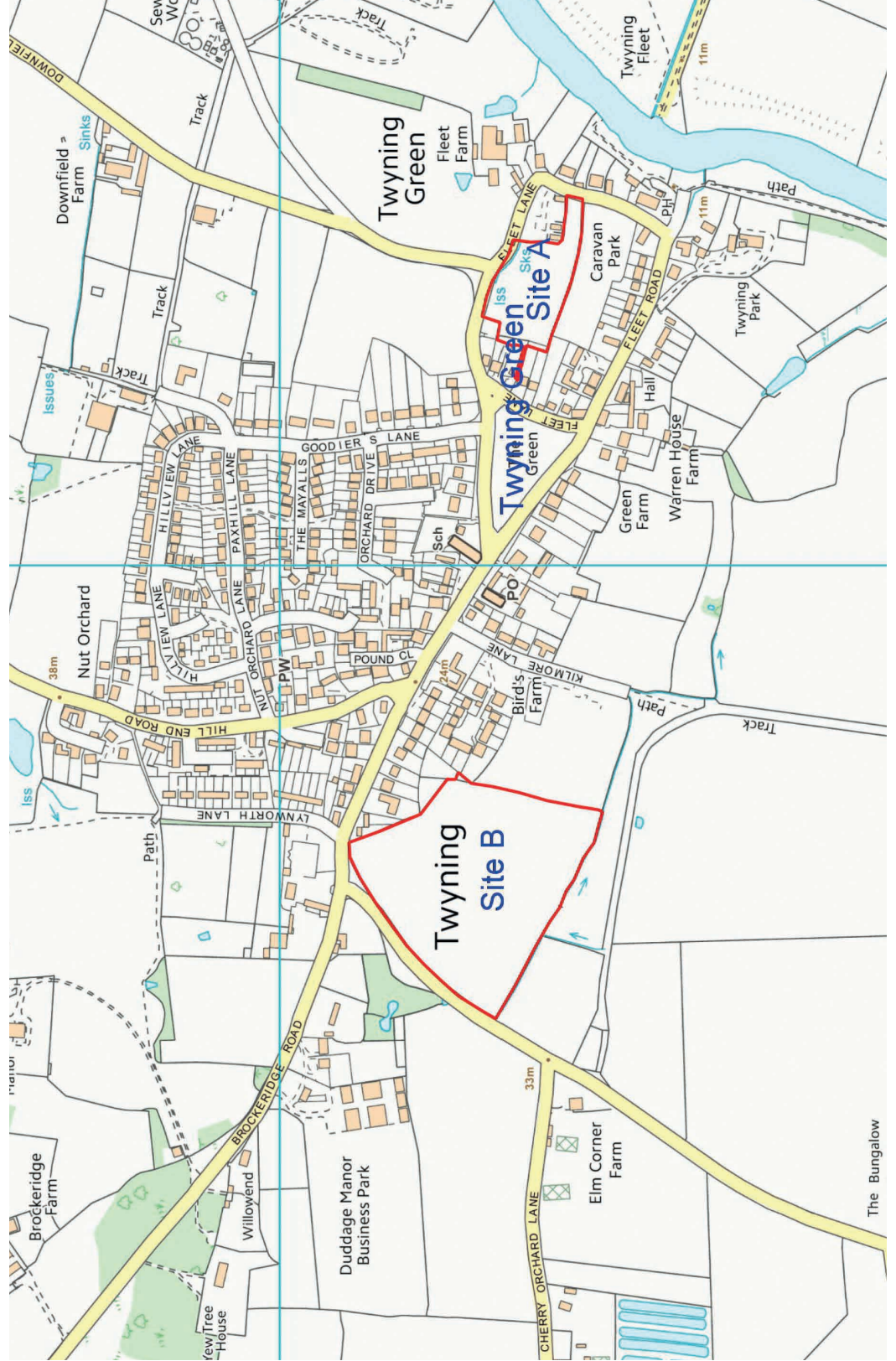
Date Created: 30-5-2015 | Map Centre (Easting/Northing): 389430 / 236590 | Scale: 1:7630 | © Crown copyright and database right. All rights reserved (00009999) 2015
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Appendix E – Sites designated for residential development



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**Neighbourhood
Development Plan
Committee Members**

D. Murray (Chairman)

M. Ball

G. Cowper

P. Griffin

D. Henstock

S. Holden

J. Horsfall

S. Lambert

D. Lockett

B. O'Dell

L. O'Dell

P. Phillips

P. Roome

C. Wright

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DECLARATION OF RESULT OF POLL

Tewkesbury Borough Council

Neighbourhood Planning Referendum

for the Twyning Neighbourhood Area

on Thursday 1 March 2018

I, Mrs Linda O'Brien, being the Deputy Counting Officer at the above Referendum, do hereby give notice that the number of votes recorded at the said Referendum is as follows:

Question		
Do you want Tewkesbury Borough Council to use the Neighbourhood Plan for Twyning to help it decide planning applications in the Neighbourhood Area?		
	Votes Recorded	Percentage
Number cast in favour of a Yes	514	95.90%
Number cast in favour of a No	22	4.10%

The number of ballot papers rejected was as follows:		Number of ballot papers
A	want of an official mark	0
B	voting for more than one answer	0
C	writing or mark by which the voter/proxy could be identified	0
D	unmarked or wholly void for uncertainty	0
Total		0

Electorate: 1392

Ballot Papers Issued: 536

The total number of votes recorded represented 48.06% of the registered electors.

And I do hereby declare that the result of the Referendum for Twyning Neighbourhood Area is as follows:

More than half of those voting have voted in favour of Tewkesbury Borough Council using the Neighbourhood Plan for Twyning to help it decide planning applications in the Neighbourhood Area.

Dated Thursday 1 March 2018

98

Mrs Linda O'Brien
Deputy Counting Officer

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	17 April 2018
Subject:	Severn Vale Housing Merger
Report of:	Chief Executive, Mike Dawson
Corporate Lead:	Chief Executive, Mike Dawson
Lead Member:	Leader of the Council
Number of Appendices:	Two

Executive Summary:

Severn Vale Housing Society has written to the Council to advise that its Board are considering a proposal to merge with two other registered housing providers, Bromford and Merlin Housing Society. This report considers the implications of this proposal and recommends a way forward.

Recommendation:

- 1. The Council formally approves the merger of Severn Vale Housing Society with the Bromford/Merlin Group subject to;**
 - 1) the approval of the merger by the Severn Vale Housing Society Board and;
 - 2) the satisfactory completion, prior to the merger being completed, of an agreement(s) in respect of all matters of retained interest to the Council.
- 2. That SVHS formally be advised that, on completion of the matters referred to in recommendation 1 (or upon the coming into effect of the Social Housing (Influence of Local Authorities) (England) Regulations 2017), the Council will agree to give up its Shareholder role and Board Representation nomination rights.**
- 3. That authority be delegated to the Chief Executive, in consultation with the Leader, Deputy Leader, Lead Members for Built Environment and Health and Wellbeing, to complete all necessary documentation and agreements to implement the above mentioned resolutions .**

Reasons for Recommendation:

The recommendation supports the proposal for the merger of Severn Vale Housing Society with Bromford/Merlin Housing Society and provides an effective process to proceed whilst ensuring the Council's interests are protected.

Resource Implications:

None.

Legal Implications:

The Social Housing (Influence of Local Authorities) (England) Regulations 2017 came into force in November 2017 and these Regulations provide that from May 2018 :

- the number of local authority representatives on registered providers, such as SVHS, cannot exceed 24% (which is the current level of representation by the Council); and
- that a local authority cannot hold or exercise any voting rights in registered providers as a shareholder.

This means that the Council will lose its shareholding in May 2018 and, as a consequence, cannot influence any decision by SVHS to amend its Rules to exclude the current Council Board representation.

With regard to the merger with the Bromford/ Merlin Group, the LSVT Transfer Agreement provides that the agreement is personal to Severn Vale and cannot be assigned without the express consent of the Council. The resolution seeks consent to merge with the Group subject to satisfactory completion of an agreement(s) in respect of matters of retained interest to the Council.

Risk Management Implications:

These are set out in the report. The risks to the Council can be mitigated through effective legal agreements to be established through the process.

Performance Management Follow-up:

The merger process will be monitored closely by officers in the corporate, financial, legal and housing teams. It is proposed that a report on the effectiveness of the merger will be forwarded to the Overview and Scrutiny Committee one year after completion.

Environmental Implications:

Not applicable.

1.0 INTRODUCTION/BACKGROUND

- 1.1** Severn Vale Housing Society (SVHS) was established by the Council as its housing stock transfer organisation in April 1998. Since that time it has managed, improved and developed the housing stock as the Council's largest social landlord and key registered housing provider (RP) partner. In this role, SVHS has not simply managed the housing stock transferred, it has undertaken multi-million pound stock improvement programmes, supported this Council's homelessness and housing register functions and developed new homes throughout the Borough.
- 1.2** Over the years since 1998, the SVHS stock has been reduced by right to buy sales, but it has been added to through the RP's development activities. The current stock level is circa 3500 homes.
- 1.3** With its current level of stock, although SVHS is the largest landlord in the Borough, it is one of the smaller housing RPs compared with many others. Recently, there has been a tendency nationally for smaller RPs to merge to create larger organisations or to merge with larger RPs. The reasons behind this trend are often linked to more robust financial sustainability, organisational efficiency and capacity to deliver higher numbers of affordable housing. This trend has been tacitly supported by Homes England, the regulating body for RPs.

- 1.4** In the case of SVHS, in late 2017 the Board undertook a review of the organisation's strategic options for its future direction. The options considered were:
1. maintain SVHS as a local focussed RP, principally centering its business on Tewkesbury Borough; or
 2. investigate the potential options for collaboration with other partner RPs, including mergers.
- 1.5** The SVHS Board concluded that, under the current business model, SVHS could continue to exist as a local RP and that it's future financial position to undertake this role was sound. However, the Board agreed that the comparatively small financial footprint of the organisation would limit its capacity to deliver affordable housing on a scale required by the planned growth within its area of operation. Furthermore, by being part of a larger organisation, the Board recognised that there would be opportunities to achieve organisational efficiencies, improved resilience and better staff attraction/retention. Therefore the decision of the Board was taken to investigate option two in Paragraph 1.4 above.

2.0 THE PLANNED WAY FORWARD FOR SEVERN VALE HOUSING SOCIETY

- 2.1** SVHS has considered a range of options for merger and collaboration with other RPs. It was important for the Board that any partner organisation would have a similar approach to SVHS in respect of communities and housing provision as well as maintaining a local focus and presence. A number of the potential opportunities failed that test. In addition, there were options to merge with similar smaller RPs, but these partnerships did not deliver the scale of organisation which would be capable of meeting all the Board's aims, especially in respect of affordable housing development.
- 2.2** At the time that SVHS was considering collaborative arrangements, Bromford Housing Group (BHG) and Merlin Housing Society (MHS) had already agreed to merge their organisations under the Bromford banner.
- 2.3** BHG are based in the West Midlands, but operate along the M5 corridor including having a significant presence (6,500 homes) in Gloucestershire. In total BHG own and manage approximately 29,000 homes. MHS, the stock transfer RP of South Gloucestershire Council, operate predominantly in that and the Bristol/Bath areas. MHS owns and manages some 9,000 properties. The Council's housing function has no contact with MHS, however Bromford are one of the Council's most respected and important housing RP partners.
- 2.4** BHG and MHS had established four key principles to underpin their merger:
1. Delivering services which focus on and develop local communities – based on the Bromford Neighbourhood Coaching Approach.
 2. A strong financial position for a sound and sustainable business - providing the capability to deliver significant affordable housing growth.
 3. Transformation of business systems – a single approach that works for customers and delivers organisational efficiency.
 4. Creating an organisation which people want to work for – to attract and retain the best people.

- 2.5** Given the close match of these objectives with their own, and the similar organisational nature of the three RPs, SVHS approached BHG and MHS to discuss the possibility of being included in the merger arrangements. Following detailed discussions, the Heads of Terms for a three way merger have now been agreed by all three Boards. However, as BHG and MHS are progressing at a more advanced timetable, they will go ahead with their merger plans and aim to complete this in July 2018.
- 2.6** SVHS has now formally informed the Council of its intention to develop a detailed business case to support a merger with the merged BHG and MHS. In that letter, which is attached at Appendix 1, SVHS has set out:
1. the reasons for the merger and advantages offered by a merger with BHG/MHS;
 2. commitments in principle which will underpin the merger and the future services to be provided to tenants, communities and partners in Tewkesbury Borough;
 3. a broad overall timescale to undertake the merger; and
 4. a formal request for the Council's 'in principle' support.
- 2.7** The merger of SVHS with the new BHG/MHS partnership will require further work by the three partners. For SVHS, this will include development and approval by the SVHS Board of a detailed business case and consultation with tenants and stakeholders. There remains a large amount of work to complete. SVHS plans to consult with tenants and stakeholders in April and May 2018 with a view that matters raised and comments can be taken into account when the Board considered the detailed business case in summer this year. SVHS has advised the Council that the overall plan will be to work towards a merger with the new BHG, enlarged by MHS, in early 2019. The branding of the new merged organisation will be 'Bromford'.

3.0 CONSIDERATION OF THE PROPOSED MERGER

- 3.1** The advantages and disadvantages of the proposal have been discussed informally by officers and the informal Executive Committee/Corporate Leadership Team meeting. The output from these considerations can be summarised as follows:
1. Advantages
 - There is a clear commitment from the merged group to improving local housing and community services and the staff resources per house provision is significantly greater under the merger proposals.
 - The merged organisation will be more financially sustainable and capable than the current SVHS financial model allows.
 - The new organisation will be capable of delivering more affordable housing to support growth in Tewkesbury Borough. The expressed delivery target for the whole of the area covered is 14,000 homes in 10 years.
 - A larger RP will have economies of scale which will deliver efficiencies and improved more consistent operational systems.
 - The new organisation will be more attractive for staff recruitment/retention.
 - There is a commitment to maintaining a local Tewkesbury office based presence.
 - In its letter to the Council SVHS has committed to retaining current arrangements in the Transfer Agreement in respect of housing nomination rights, right to buy receipts and other operational commitments.
 - There is commitment to maintaining and improving formal and informal links with Tewkesbury Borough Council Members, especially at ward level.

- The strategic focus of the new merged RP and its area of operation will cover the Council's own area of growth focus along the M5 corridor and extend in total from the West Midlands to the West of England. A map of the total area covered is included at Appendix 2.
- This is a merger with local RPs, two of which are already the Council's key housing partners. The alternative could involve merger with larger and more distant RPs which do not necessarily have the same focus and links to Tewkesbury Borough. Given the current trend and Homes England preference for less numbers of larger RPs, such a merger may in future become a reality if SVHS is not able to progress with the current proposal.

2. Disadvantages

- The Council will lose its representation nomination rights to the SVHS Board. Clearly, it is not possible for the Board of an enlarged Group to include Member representatives from all local authorities covered. However, the Council will be invited to send representatives to a local 'Senate' board which will include tenant representatives.
- The Council and tenants will lose their shareholding in SVHS from May 2018 and in any event the Society will no longer exist from the date of the merger .
- There are risks that the new organisation will not hold to its commitments in future; however these can be set out in an agreement document delivered through the merger process.

3.2 It should be noted new legislative powers will mean that, in any event, the SVHS can vote to remove the Council's Board representation and shareholding in the Society with effect from May 2018.

4.0 ISSUES FOR CONSIDERATION BY TEWKESBURY BOROUGH COUNCIL

4.1 The formal relationship between the Council and SVHS is set out in the Transfer Agreement approved by Council and which came into effect on 1 April 1998. This is an extensive set of legal documents dealing with such issues as the transfer (by sale) of the housing stock and land to SVHS, the 'Tenants Offer', representation of Council Members on the SVHS Board, Council house sale receipts, housing stock nomination rights and many other detailed matters.

4.2 Under the Transfer Agreement, SVHS require the Council's approval to assign the housing stock and other assets to a third party. The proposed merger cannot be completed without this and therefore SVHS has formally requested this approval in its letter to the Council.

4.3 As well as protecting the Council's interests, a main function of the original Transfer Agreement was to include controls to protect the interests of tenants. Therefore, the Council's approval of the merger represents an important endorsement and SVHS will wish to include this as a statement within the forthcoming merger consultation with tenants and stakeholders.

4.4 Consideration of the advantages and disadvantages of the proposed merger indicates that it would confer many benefits to SVHS tenants and communities and importantly to the Council strategically and operationally. It would certainly provide a more strategically capable housing partner while retaining local focus and presence.

4.5 It is proposed that the Council indicates its approval of the merger proposal with BHG/MHS and proceeds to work with SVHS and its partners to secure its delivery. However, although SVHS has requested formal approval of the merger, at this stage this can only be given in principle, subject to the satisfactory conclusion of an enduring binding agreement in respect of matters which protect the Council's interests.

5.0 OTHER OPTIONS CONSIDERED

5.1 Not applicable.

6.0 CONSULTATION

6.1 SVHS intends to undertake a consultation of tenants and stakeholders in the coming weeks, the results of which will be considered by its Board when considering the merger business case.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 Implementation of the Council's Housing Strategy is dependent upon effective partnerships with key partners.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 The government has set national targets for housing and affordable housing delivery.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 None.

10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

10.1 None.

11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

11.1 None.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 None.

Background Papers: None.

Contact Officer: Mike Dawson, Chief Executive Tel: 01684 272001
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Appendices: 1: Letter from Severn Vale Housing Society.
2: The operating area for the new merged registered Housing Provider – Bromford.

6th April 2018

Tewkesbury Borough Council
Public Services Centre
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT

Dear Mike

SEVERN VALE HOUSING SOCIETY MERGER PLANS – REQUEST FOR APPROVAL

Further to our previous discussions I can now confirm that our Board at Severn Vale Housing recently approved Heads of Terms that will enable the Society to merge with the Bromford Merlin partnership which is itself due to formally merge in July this year.

Why has the Society's Board decided Severn Vale Housing needs to merge with another housing association, or in this case, two other housing associations?

We are ambitious and set our sights high, our Vision... 'TO BE THE LEADING HOUSING PROVIDER IN GLOUCESTERSHIRE'

- *Over the 20 years since LSVT from TBC we have: Achieved 100% Decent Homes Standard across our housing stock (Spent £120m); Increased the number of properties we own and manage; Sold 312 RTB Properties raising £3.98m for TBC, But Built 1,076 properties funded from new borrowing*
- *Built a strong business generating Operating Margins > 40% each year since my appointment as Severn Vale's CE*

However, we want to do more...the problem is:

- *60% of our costs are 'back-office' so the Management Cost per Unit are High so we are less efficient than we might be if we were a larger organisation*
- *Borrowing to build has resulted in Very High Gearing for the Society...SVHS is at its full borrowing capacity (£36k per unit)...So we cannot borrow further to develop new homes for people in Glos., a key need in the County*

We can survive...but cannot thrive...and therefore cannot give Customers a top service: And we certainly are unable to offer a strong Community support service

So SVHS Board recognised the Society is unable to achieve its current vision – 'To be the leading housing provider in Gloucestershire' – without collaborating with another housing association.

Why did the Society's Board select Bromford / Merlin as the preferred housing association(s) with which to merge?

Recognising the need to collaborate the Society's Board took the decision in October 2017 to look for a suitable housing association partner; and set some key criteria to determine a HA with 'best fit for SVHS'...the key criteria was;

- *Geographically focussed on Glos.*
- *Customer focused with local service delivery*
- *Well-funded / lowly geared partner with access to funding to build new homes*
- *Culturally aware and based on Strong Values*

Housing organisations considered for partnering by our Board included Guinness Partnership, Fortis Living, Bromford, Merlin, Rooftop, Greensquare, Connexus, GCH, Two Rivers and WHG.

Using the key criteria identified above this list was narrowed down to four organisations; Bromford, Merlin, Fortis and Rooftop.

While talking to them to ascertain their appetite for collaboration we found that Merlin were already talking to Bromford about their own merger; and Fortis were talking to Waterloo about theirs.

Following discussions with each of these organisations the Society's Board made the decision to select Merlin and Bromford as preferred partner(s) based on - a 'Best Fit to SVHS's Criteria'; and those most able, through a new organisation, to jointly become 'the leading housing provider in Glos'.

Further discussions with Bromford and Merlin resulted in an Outline Business Case which was then approved by all 3 sovereign Boards. The Business Case outlined a number of things which address the questions raised/answered below.

What will be the Area of Operation?

The new housing association comprising of Bromford / Merlin / Severn Vale will create a 44K unit organisation covering the area from Wolverhampton in the North, to Bristol in the South, with Severn Vale and Tewkesbury being right in the centre of (the operating area) things geographically, I have attached a separate map to this letter which shows this.

The merger It will comprise 1,700 staff and have a joint turnover of £240M, so will have significant strategic influence in the areas in which it operates; a significant part of its portfolio is in Gloucestershire, which is great for this area.

What key benefits will this new Partnership bring to Gloucestershire?

The Business Plan for the new organisation is based on 4 key aims;

- Extending the existing Bromford Neighbourhood Coaching approach to Merlin and Severn Vale customers (this model ensures Bromford has 1 member of staff supporting 175 customers: Merlin and Severn Vale currently have a ratio of 1 to 550) – this will provide much more intensive support for customers to help them build and improve their lives
- Investing £1.5bn over 10 years to deliver 14,000 new homes – 50% of these new homes in Gloucestershire
- Investing in business-wide transformation programme to create simple, streamlined ways of working that will be easy for colleagues to deliver and easy for customers to access
- Creating better career opportunities to enable us to attract, develop and retain the best talent

What key benefits will this new Partnership bring to TBC?

There will be a number of key benefits, which would among other things include;

- Ward-Member access to Neighbourhood Coaches
- Local presence – Office location in Tewkesbury
- Local customer service delivery in Tewkesbury & surrounding areas will be maintained
- More resources to invest in local communities
- The new organisation will be a key player in JCS delivery across Tewkesbury / Cheltenham / Gloucester
- TBC Councillors / Officers will still be able to discuss wider housing issues with a major single delivery partner

What won't change from a TBC perspective as a result of this merger?

In addition to the benefits referred to above that a merger will deliver for the area, there are a number of things currently in place that will continue. These include;

- Undertakings / Contractual arrangements arising from the LSVT transfer agreement – e.g. Preserved Right to Buy, with resulting capital receipts paid to TBC

- Other arrangements made since transfer that are part of the current service delivery – e.g. TBC nomination rights under the Choice-based Lettings system for allocating new tenancies
- Operational joint working groups – e.g. Financial Inclusion Partnership, The Community Safety Partnership
- Tenancy agreements giving Secure Tenancy to tenants who transferred from TBC to Severn Vale in 1998

Timescales/Activities for the Merger

Severn Vale's current merger plan timescales indicate we will be looking to merge with their new organisation early in 2019. This will involve merging Severn Vale in to Merlin, thereby resulting in Severn Vale becoming part of the 'new' Bromford Housing Group. The merger has been set up this way to maximise future funding opportunities. However, the newly merged organisation will be known as **Bromford** and will operate as one organisation.

As part of our merger process we will be starting a consultation with customers and staff in the coming weeks and, of course, undergoing due diligence.

Bromford and Merlin have already embarked on a three-year transformation programme to bring systems and processes together and, just as importantly, to shape a vibrant culture with shared values and purpose as a new organisation. By joining at this early stage in the transformation, we too will be able to contribute and play an active role in shaping our future.

What does Severn Vale need from TBC?

In order for us to move our merger plans forward, as part of the LSVT agreement between ourselves and Tewkesbury Borough Council, we are required to request formal approval from the Council to proceed with our process as the merger, this will involve transferring some housing assets that were previously owned by the Council prior to Stock Transfer in 1998.

We would ask that this be considered for approval at your forthcoming Full Council meeting on 17th April 2018.

As previously discussed Claudia Cobban, Governance and Strategy Director, and myself are very happy to attend that meeting to provide further details and answer any questions Councillors may have about our plans to bring about positive change for social housing in Gloucestershire.

What happens next?

Once we have Council approval we will then be in a position to kick start a chain of events, starting with the Customer Consultation process.

Many thanks for your assistance in helping myself and the Society get to this point and we look forward to continue working with you to get the merger completed and ensure an exciting future for our customers, communities and staff.

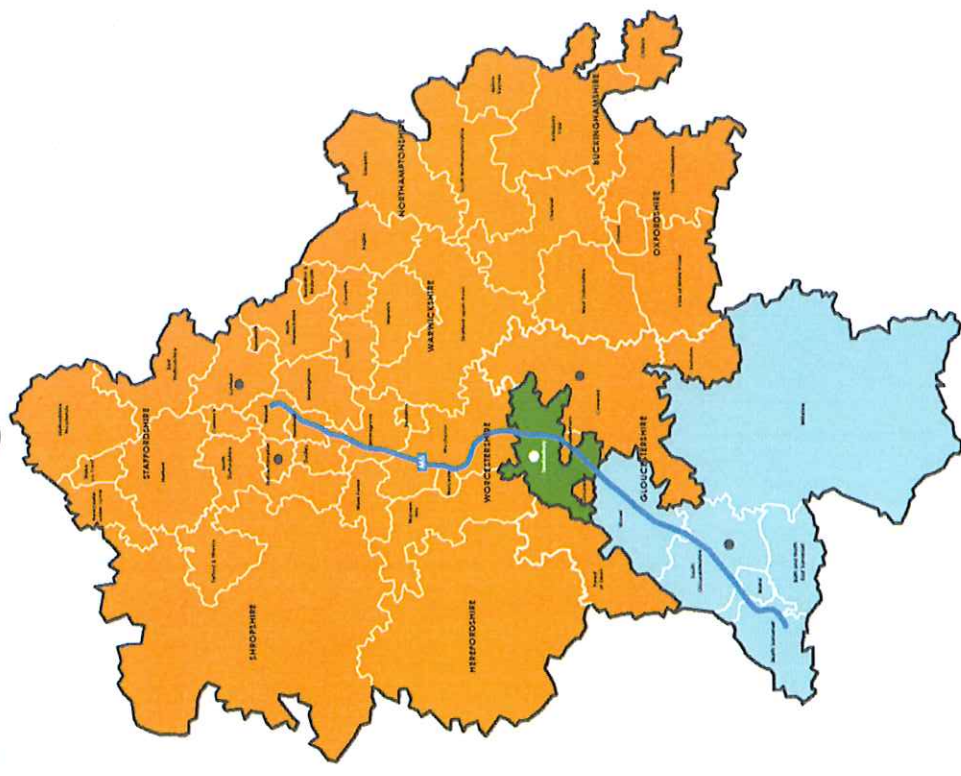
Yours sincerely



Tim Knight
Severn Vale Housing Society Chief Executive

Area of Operation

How we fit together.



severnvaile
ROUSING

Merlin
www.merlin.co.uk

Bromford.

How we fit together.



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Area of
Operation

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