

# TEWKESBURY BOROUGH COUNCIL

**Minutes of an Extraordinary Meeting of the Council held at the Council Offices,  
Gloucester Road, Tewkesbury on Monday, 15 October 2018 commencing at  
6:00 pm**

## **Present:**

The Worshipful the Mayor  
Deputy Mayor

Councillor R M Hatton  
Councillor G F Blackwell

## **and Councillors:**

R E Allen, P W Awford, K J Berry, R A Bird, R Bishop, G J Bocking, K J Cromwell,  
D M M Davies, M Dean, R D East, J H Evetts, R Furolo, P A Godwin, M A Gore,  
S E Hillier-Richardson, A Hollaway, E J MacTiernan, J R Mason, H C McLain, A S Reece,  
P E Stokes, M G Sztymiak, H A E Turbyfield, M J Williams and P N Workman

## **CL.45 APOLOGIES FOR ABSENCE**

45.1 Apologies for absence were received from Councillors J E Day, A J Evans, D T Foyle, J Greening, V D Smith, T A Spencer, P D Surman, R J E Vines and D J Waters. Members were advised that Councillor R E Garnham was unable to attend due to pecuniary interests in the items of business being considered.

## **CL.46 DECLARATIONS OF INTEREST**

46.1 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.

46.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
P W Awford	Item 6 – Joint Core Strategy – Issues and Options Consultation.	Is a Gloucestershire County Councillor.  Is a Tewkesbury Borough Council representative on the Lower Severn Internal Drainage Board.  Is a Member of Severn and Wye Regional Flood and Coastal Committee.	Had received a dispensation to speak and vote on this item.

		Is a Member of Wessex Regional Flood and Coastal Committee.	
		Is a Life Member of the National Flood Forum.	
		Is a Newly appointed Trustee to Gloucestershire Rural Community Council.	
R A Bird	Item 6 – Joint Core Strategy – Issues and Options Consultation.	Is a Gloucestershire County Councillor.	Had received a dispensation to speak and vote on this item.
K J Cromwell	Item 6 – Joint Core Strategy – Issues and Options Consultation.	Is a Gloucestershire County Councillor.	Had received a dispensation to speak and vote on this item.
K J Cromwell	Item 7 – Community Infrastructure (CIL) Formal Adoption of Charging Schedule and Supporting Policies, Approval of Regulation 123 List for Publication and Setting of a Commencement Date for Charging.	Immediate family member owns land in Ashchurch.	Would not speak or vote and would leave the room for the consideration of this item.

46.3 There were no further declarations made on this occasion.

#### **CL.47 ANNOUNCEMENTS**

47.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

#### **CL.48 ITEMS FROM MEMBERS OF THE PUBLIC**

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

#### **CL.49 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**

49.1 There were no Member questions on this occasion.

**CL.50 JOINT CORE STRATEGY: ISSUES AND OPTIONS CONSULTATION**

- 50.1 The report of the Head of Development Services, circulated at Pages No. 1-93, attached the Joint Core Strategy (JCS) Issues and Options consultation document which Members were asked to approve. In addition, Members were asked to delegate authority to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any minor amendments to the text of the document and appropriate changes to the design prior to publication for consultation, and to endorse the broad vision for the Ashchurch concept masterplan for public consultation.
- 50.2 In introducing the report, the Head of Development Services explained that the Joint Core Strategy had been adopted in December 2017 and, at that time, the Council had committed to undertake an immediate review of both housing and retail; housing supply in terms of Gloucester and Tewkesbury and retail policies for the whole area. The Issues and Options consultation document was an early stage of the plan-making process and sought to review and generate feedback on the key issues that were affecting the area, as well as setting out some of the options that were available to address them. It was made clear that the current document did not propose a strategy, new sites or policies; this would all be for the later stages of the review. In addition, work had been ongoing in respect of a masterplan for Ashchurch; this was not a detailed blueprint but instead looked at how development in the area could come forward to help meet the housing needs and to test requirements for infrastructure and community benefits. In addition, it could help increase the rail provision at Ashchurch and make the improvements required at Junction 9 of the M5 motorway. The masterplan was a concept at this stage and would be consulted upon on that basis; the consultation would give the Council the opportunity to have conversations with stakeholders and the community in terms of both housing and employment land in the area. The concept masterplan did not put forward a transport plan but Officers were aware of the need to improve road links in the area - the challenges regarding the A46 were being considered and it was felt the masterplan offered a great opportunity to have all of those conversations and look for solutions.
- 50.3 It was proposed and seconded, that the JCS Review Issues and Options consultation document be approved for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012; that authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any minor amendments to the text of the document and make appropriate changes to the design prior to its publication for consultation; and that the broad vision for growth, as set out in the concept masterplan for Ashchurch, be endorsed for public consultation.
- 50.4 The Mayor invited questions from Members. A Member sought assurance that the consultation would be full and comprehensive, that everyone would be properly engaged with their concerns addressed and responded to and that the consultation would be undertaken in accordance with institute guidelines. She also questioned how the consultation would take place. In response, the Head of Development Services confirmed that it was intended to engage with as many people as possible. The Issues and Options consultation was part of a statutory plan preparation process and the consultation would therefore accord with those regulations. The Ashchurch masterplan consultation would involve conversations with the parish and community groups, along with anyone else that may wish to be involved, but it was not in itself subject to a statutory process. Officers would take advice from the Parish Council on who to involve but it was most likely to include events held in the local area so that Officers would be on hand to answer queries as well as other forms of consultation; this had worked well previously and it was felt that residents appreciated that kind of personal approach. In response to a

query regarding where the 'roadshow' type events would be held, the Head of Development Services advised that it was the intention to engage with all of the areas that would be affected including Ashchurch, Tewkesbury Town, Northway, Winchcombe and with colleagues at Worcestershire County Council in relation to various issues. There would be public events and the consultation would run into the New Year so would be nearly nine weeks long. She felt it was also important that the consultation/engagement with communities did not end at the conclusion of the consultation period but would continue so that the Council had a 'sounding board' in respect of further details. It was intended that information about the consultation would not be placed only on the Council's website but would also be available through the Parish Councils and community organisations. The Member felt there should be more than one option given the document was entitled 'Issues and Options'. The Planning Policy Manager explained that the document was about the broad options for meeting development needs and Ashchurch was one of those; however, the Council needed to go through the process to know if there were other options available. Ashchurch had real potential but work needed to be done to understand this fully.

- 50.5 A Member noted that, when the JCS was under examination, one of the Inspector's demands was an immediate review of the Tewkesbury area and this was because of the loss of the Ministry of Defence (MoD) site. Currently, it was still not known whether the site would come forward within the plan period and the issue would then become how the Council moved forward in light of the fact that there could still be a shortfall in numbers. She understood the need to look at the longer term picture but she questioned why the Council was not seeking, in the first instance, to address just the actual shortfall faced in the current plan period. In response, the Head of Development Services advised that, the JCS Inspector had stated that the review should be informed by a concept masterplan for Ashchurch. It could just look at the shortfall; however, when looking at infrastructure benefits it was clear that they would be gained through a greater quantum of development than just the initial shortfall. It was felt there was a need to look beyond the plan period, at a greater amount of development, to enable the large infrastructure needed in the area. In addition, the Planning Policy Manager confirmed that the Council was now required to plan for at least a 15 year period – in accordance with the new National Planning Policy Framework – so it was considered that to look even further into the future was the most sensible way forward for the JCS review. The government had issued a new standard methodology for calculating housing needs and this could mean higher growth for Tewkesbury which was another reason for looking to a higher amount of development than only the identified shortfall from the current JCS. The Member indicated that the A46 Partnership was already looking at solutions to the congestion on the A46 from Junction 9 up to Coventry and she understood that Highways England's Road Investment Strategy 3 would contain funding for an offline solution to the A46. She questioned, therefore, how the Council could be sure the infrastructure would be in place so that the masterplan could go ahead and what infrastructure would be available when the first phase of 1,300 homes was built. In response, the Head of Development Services advised that, currently, the masterplan did not contain that level of detail; phasing was merely an indication at this stage and there was still a lot of work to do in terms of infrastructure and the quantum of development which would be required to pull additional funding into the area. In the short term, development would have to come forward in phases and any planning applications would have to contain a transport assessment. The masterplan was needed so those conversations could be held in the first instance; Officers did not have all the answers at this stage.

- 50.6 A Member questioned whether there was an Infrastructure Delivery Plan (IDP) in place as this would be required to answer question 15 of the Issues and Options consultation document. In response, the Planning Policy Manager explained that there was an existing plan attached to the JCS; however, that did not cover any additional development. Part of the reason for the Issues and Options consultation was that it would begin a discussion on the additional infrastructure needed and that would help inform the IDP. The IDP would be available on the Council's website and a weblink would be forwarded to all Members when it was available. Referring to the consultation dates, a Member expressed surprise that Officers were not able to provide the specific dates given that it was due to commence in November. In response, the Planning Policy Manager advised that Officers were still working on the dates and they would be contacting the Parish Councils in this regard shortly. He reassured Members that the Planning Policy Team was used to running consultation events and understood the need for people to be involved from the outset. In response to a query he explained that in terms of numbers, the Ashchurch concept masterplan had a potential capacity given the area looked at – it was neither a target nor a requirement – and the JCS review would be the process through which the housing requirement would be established. Another Member indicated that the concept plan for Ashchurch would be dependent on land availability and he questioned how much consultation had taken place with stakeholders in the area before it had been brought to the Council. In response, the Head of Development Services explained that some elements of the consultation would engage landowners and the community once the masterplan had been endorsed as a concept by the Council. A basic level of consultation had taken place already which had established whether some of the sites would be available.
- 50.7 Referring to the IDP, a Member questioned whether 'infrastructure needs' was just about Ashchurch or whether it referred to any new infrastructure. In response, the Head of Development Services confirmed that the IDP was being reviewed in conjunction with the review of the JCS so would look at all existing and new opportunities. The Member noted that the consultation did not ask any questions about existing infrastructure and, as such, he questioned how the IDP could be revised. In response, the Head of Development Services confirmed that, subject to advice from legal colleagues, she was happy to amend the consultation document to make this clear using the proposed delegation for her to make minor amendments as it was the intention that existing infrastructure needs would be included. Accordingly, question 15 could be amended to read 'Are there any infrastructure needs that the JCS Review needs to consider?'. The Legal Adviser confirmed that she was happy this would be something that could be done as a minor amendment under the proposed delegated authority.
- 50.8 In respect of available land, a Member questioned whether any of the sites were already contained in the Strategic Housing Land Availability Assessment (SHLAA) which was reviewed on an annual basis. In response, the Head of Development Services explained that many of the sites had come forward as part of the SHLAA process so the broad availability was known to Officers. There would also be a further call for sites as part of the consultation process which should bring forward additional sites which were not necessarily known to Officers. The Member noted that one of the sites was particularly controversial, and had previously been refused permission, and she questioned whether this would be affected by the concept masterplan. In response, the Head of Development Services explained that the development in question would require further interventions regarding highway safety so it would not be able to come forward merely because the concept masterplan had been approved - it should be noted that the masterplan was a broad ambition but still required infrastructure. The Planning Policy Manager reiterated the view that the concept masterplan allowed issues to be developed in more detail to better understand the infrastructure required.

- 50.9 During the discussion which ensued, a Member welcomed the consultation processes as a way to enable conversations to take place with the communities in order to begin shaping what would happen in their areas. He felt that, as far as the masterplan was concerned, there had been recognition of a whole range of issues and problems to be addressed and the consultation was intended to ask people what the solutions might be. Another Member expressed concern that residents were being asked for solutions when it was the Council that had the resources to employ consultants to identify the answers required not the residents of the area. In response, the Head of Development Services explained that, in that context, ultimately members of the public were not expected to provide alternative options; however, many would have ideas about what the Council could consider that it may not have considered previously. Other Members expressed the view that it was the right time to ask members of the public what they thought as that would be the responsible way to try and identify solutions to existing issues.
- 50.10 A Member suggested that the biggest problem with the concept masterplan was the road that would partly replace Aston Fields Lane to provide a new bridge over the railway line. The issue was, in looking at the masterplan and the engineering company AECOM proposals (Option 1), neither would resolve the problems on the A46, Shannon Way or at Junction 9 but rather would make all the current problems much worse as well as moving some of the congestion to other places.
- 50.11 Accordingly, the Motion as proposed and seconded was put to the vote, and it was **RESOLVED**
1. That the JCS Review Issues and Options consultation document, as set out in Appendix 2 to the report, be **APPROVED** for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
  2. that authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any minor amendments to the text of the document and make appropriate changes to the design prior to its publication for consultation; and
  3. that the broad vision for growth, as set out in the concept masterplan for Ashchurch, be **ENDORSED** for public consultation.
- CL.51 COMMUNITY INFRASTRUCTURE LEVY (CIL) FORMAL ADOPTION OF CHARGING SCHEDULE AND SUPPORTING POLICIES, APPROVAL OF REGULATION 123 LIST FOR PUBLICATION AND SETTING OF A COMMENCEMENT DATE FOR CHARGING**
- 51.1 The report of the Head of Development Services, circulated at Pages No. 94-142, sought adoption of a Community Infrastructure Levy (CIL) Charging Schedule and supporting policies, alongside approval of a list of infrastructure that may be funded from CIL (Regulation 123 List) for publication and to set a commencement date for charging of 1 January 2019.
- 51.2 The Head of Development Services explained that CIL had been under consideration for a while now and various draft documents had been submitted to Council. In principle, CIL would replace the Section 106 tariff approach for strategic allocations whereas site specific infrastructure, including affordable housing, would continue to be funded by Section 106. The Joint Core Strategy (JCS) authorities had commissioned specialist advisers to advise on the CIL to ensure sites remained viable. The draft charging schedule had been through an examination in public in May 2018 and the subsequent Examiner's report had been received in July. Further to the report being published with the Agenda for the current meeting,

Members had been provided with an amended version of the Charging Schedule to replace Appendix A as previously circulated. The Modified Charging Schedule showed amendments as follows: the affordable housing requirements had been removed from the table of charges at Table 1.1; the “11 dwellings and over” charging category for Generic Sites within Table 1.1 had been changed to “between 11 and 449 dwellings”; and an additional Paragraph 5.4 had been added which made reference to the policy maps. In respect of (i), affordable housing requirements had been included in consultation versions of the document, but should not have been included in the final version. As regards (ii), the correction was as the Examiner’s recommendations to reflect the insertion of additional category for 450 dwellings or over within Table 1.1. As regards (iii), policy maps identifying the location and boundaries of the strategic sites had been included within the papers previously issued as an Appendix B, but this would need to become an appendix of the Charging Schedule on adoption to satisfy regulatory requirements. Also attached was an amended version of the Payments by Instalments Policy, which replaced the previously issued Appendix D. The Reviewed Payment by Instalments was the document being recommended in recognition of concerns about developer cash-flow. In the reviewed policy, for CIL liability of £100,000 or less – 100% would now be due in one instalment within 18 months of commencement of development, rather than 50% within 60 days of commencement of development and 50% within 6 months of commencement of development; for CIL liability between £100,001 to £1,000,000 – 10% would now be due within 60 days of commencement of development and two further instalments of 45% would be due at six and 12 months from commencement of development, rather than 33% within 60 days, six months and 12 months of commencement of development; and for CIL liability of £1,000,001 and above – 10% would now be due within 60 days of development and three further instalments of 30% would be due at six, 12 and 24 months from commencement of development, rather than 25% within 60 days, six months, 12 months and 24 months of commencement of development.

- 51.3 In making a proposal, the Lead Member for Built Environment thanked Officers and Members for their work in putting together the CIL Charging Schedule and associated policies and proposed that the Council approve the adoption and publication of the Tewkesbury Borough Council Community Infrastructure Levy Charging Schedule modified in line with the recommendations of the Independent Examiner, as set out in the Modified Charging Schedule and Maps at Appendix B; the adoption of the supporting policies: Payment by Instalments (Regulation 69b), as set out in the Reviewed Payment by Instalments Policy; the Request for Review and Appeals (Part 10), as set out at Appendix E; and the Regulation 123 List for Tewkesbury Borough Council for publication, as set out at Appendix F; and the setting of a commencement date for charging of 1 January 2019, in line with Joint Core Strategy (JCS) partner authorities. The Motion was seconded.
- 51.4 A Member questioned why the CIL only replaced Section 106 in certain circumstances as set out at Paragraph 4.3 of the report. In response, the Head of Development Services explained that anything that was specifically required in respect of a site, like affordable housing, would remain under the Section 106 process; however, something like tariff contributions for cumulative education impacts would be covered by the CIL regime. Members thanked Officers for the clarification amendments which had been circulated separately and, upon being put to the vote, it was

**RESOLVED**

1. That the adoption and publication of the Tewkesbury Borough Council Community Infrastructure Levy Charging Schedule, modified in line with the recommendations of the Independent Examiner, as set out in the Modified Charging Schedule and Maps at Appendix B be **APPROVED**;

2. that the supporting policies be **ADOPTED** as follows:  
Payment by Instalments (Regulation 69b), as set out in the Reviewed Payment by Instalments Policy; the Request for Review and Appeals (Part 10), as set out at Appendix E to the report;
3. that the Regulation 123 List for Tewkesbury Borough Council be **APPROVED** for publication, as set out at Appendix F to the report; and
4. that the commencement date for charging of the Community Infrastructure Levy be set as 1 January 2019, in line with Joint Core Strategy partner authorities.

The meeting closed at 7:30 pm