

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 25 July 2023 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor I Yates
Councillor P N Workman

and Councillors:

H J Bowman, T J Budge, C L J Carter, C M Cody, C F Coleman, M Dimond-Brown, S R Dove, P A Godwin, M A Gore, D W Gray, S Hands, M L Jordan, E J MacTiernan, G C Madle, J R Mason, H C McLain, P D McLain, K Pervaiz, G M Porter, E C Skelt, J K Smith, P E Smith, R J G Smith, R J Stanley, M R Stewart, H Sundarajoo, M G Sztymiak and R J E Vines

CL.37 ANNOUNCEMENTS

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

CL.38 APOLOGIES FOR ABSENCE

38.1 Apologies for absence were received from Councillors N D Adcock, L C Agg, D J Harwood, A Hegenbarth, C E Mills, J P Mills, P W Ockelton and M J Williams.

CL.39 DECLARATIONS OF INTEREST

39.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

39.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
C M Cody	Item 7(c) – Garden Town Gateway Review Findings and Next Steps.	Had been employed in a professional capacity by Cratus.	Would speak and vote.

39.3 There were no further declarations made on this occasion.

CL.40 MINUTES

40.1 The Minutes of the meeting held on 20 June 2023, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.41 ITEMS FROM MEMBERS OF THE PUBLIC

41.1 There were no items from members of the public.

CL.42 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

42.1 There were no Member questions.

CL.43 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE**Local Development Scheme**

- 43.1 At its meeting on 12 July 2023, the Executive Committee considered the Local Development Scheme for Tewkesbury Borough and recommended to Council that it be adopted and take immediate effect; and that authority be delegated to the Associate Director: Planning, in consultation with the Lead Member for Built Environment, to prepare the Local Development Scheme for publication, correcting any minor errors such as spelling, grammar, typographical and formatting changes that do not affect its substantive content.
- 43.2 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No.10-18.
- 43.3 The Lead Member for Built Environment proposed the recommendation of the Executive Committee and it was seconded by the Leader of the Council as Chair of the Executive Committee. The Lead Member for Built Environment advised that all local planning authorities were required to prepare and keep up to date a Local Development Scheme (LDS). The LDS set out what development plan documents the Council was intending to prepare in the coming three year period and the proposed timetable for doing so. It was therefore an important way for communities and developers to keep track of progress on plan-making. As Members would be aware, local plans were vital in setting a vision for growth, co-ordinating infrastructure and protecting the environment and there were real consequences of not having an up-to-date plan under the National Planning Policy Framework. It was vitally important that the Council update, or replace, the Joint Core Strategy as quickly as possible given that it was already overdue. She indicated that Tewkesbury Borough Council already had an LDS which was adopted around 15 months ago and set out a commitment to prepare a Joint Strategic Plan with Cheltenham Borough and Gloucester City Councils to replace the Joint Core Strategy which was adopted in 2017; however, it had been recognised for some time that it was necessary to re-think the approach and resources required to replace the Joint Core Strategy – discussions over many months had recognised that the cycle of preparing strategic plans followed by district local plans, each of which was subject to independent examination by the government, was both costly and time-consuming. On that basis, the report was proposing a revised LDS setting out a new way of approaching the task with the three councils moving to collaboratively preparing a single plan containing both strategic and non-strategic policies. This would have several advantages, as set out in the report - principally, it was the most effective way of discharging the statutory duty to co-operate as well as saving time and money in terms of being able to hold a single public examination in front of the Planning Inspectorate. The Lead Member indicated that she was instinctively cautious about the approach and she was sure Members would agree it was vital that policies governing approaches to development in Tewkesbury town, the beautiful villages and rural areas should remain the discretion of Tewkesbury Borough Council and not get lost amongst a wider more general plan; however, that principle was also important to Cheltenham Borough and Gloucester City Councils

and she was reassured that Tewkesbury Borough Council's "sovereignty" to draw up district or locality based policies could be underwritten through a formal partnership agreement. Although it would technically be a single plan, the three authorities would only come together to reach joint agreement on strategic matters where it was necessary to do so, principally on housing and economic growth strategies. There was a clear understanding that no Council would seek to fetter the work of the other councils and, for all practical purposes, there would be three plans with one examination; Tewkesbury Borough Council would also retain complete discretion for preparing any Supplementary Planning Documents and other local guidance thought necessary, as would Parish Councils with respect to preparing Neighbourhood Plans. The proposed LDS at Appendix 1 to the report, taken together with the next item on the Agenda concerning resources, set out a realistic and ambitious project programme for preparing a plan and it was proposed that, following confirmation of the approach, initial public consultation on growth and policy options should take place in the autumn of 2023, as set out in the document. The Lead Member was mindful of the huge uncertainties around the government's various proposed reforms to the planning system, and plan-making in particular; however, she felt that Tewkesbury Borough Council could not afford to wait and must press on without delay. She was pleased to report that the Planning Advisory Service had agreed to offer advice and support to the three councils and act as a conduit with the Department for Levelling Up, Housing and Communities (DLUHC) as they navigated the coming months; she felt this was recognition from afar of just how important joined-up planning was to the Gloucestershire area and beyond. The Chair of the Executive Committee recognised the need for a new plan and, for the many reasons raised by the Lead Member, he believed a joint approach was the right one – it would be the best way for the Council to fulfil the duty to co-operate whilst taking advantage of efficiencies and having the ability to influence neighbouring authorities. He realised Members would be wary due to the previous joint approach which had not benefited Tewkesbury Borough Council but assured them that lessons had been learned from that way of working and the proposal before Members would ensure that the three authorities could reach a consensus.

- 43.4 A Member noted that the previous joint plan had left Tewkesbury Borough Council in a position where it did not have a five year housing land supply and he asked what would make the new joint scheme different. In response, the Lead Member for Built Environment expressed the view that it would be foolish to ignore what had happened in the past and she explained that the next Agenda Item made a recommendation regarding resources for preparation of a development plan for the borough and the Chief Executive would be chair of the board overseeing the LDS. She pointed out that the timescale for delivery was tight so it was important to make a decision on the approach and she felt this was by far the best way forward. Another Member expressed the view that Tewkesbury Borough Council had historically been the 'poor relation' and, whilst she noted the Chief Executive would be chairing the board, she sought clarification as to who else would be on the board and whether membership was equal across the three authorities. In response, the Chief Executive explained that the board comprised the Leaders and Chief Executives of the three district authorities and the County Council. As well as chairing the board, he was the Senior Responsible Officer for the programme. There would be a dedicated team to deliver the LDS which would include staff from all three districts as well as contractors, such as the Interim Planning Policy Manager, who would be working on the programme and recruiting into the team. When the LDS was adopted and in place, there would be a development management process of early engagement with developers to bring sites forward to ensure the housing land supply could be maintained. In the past there had been a disparate team, with a focus on individual plans to the detriment of the strategic plan, and it was crucial to ensure there was strategic capacity to produce and manage in the new plan. The Member indicated that the issues with recruitment and retention to planning posts within Tewkesbury Borough Council were well

documented and she assumed this was also a problem for Cheltenham Borough and Gloucester City Councils so asked what would be done to recruit to the team and if they would be siloed or working within the existing planning team. The Chief Executive advised that, subject to Council approval, there was a commitment by all three authorities to provide funding for a new resource to deliver the LDS. The Planning Advisory Service was also giving its support with DLUHC behind them. A joint LDS offered a more exciting challenge, working over a larger more diverse geographical area in comparison to a district plan, which would be more attractive in terms of recruitment. Whilst there would be cross-overs with the planning team, it would be a dedicated resource so Officers would not be called away to carry out other tasks. He recognised this was a bold approach - Tewkesbury Borough had experienced a lot of growth so there was now an opportunity to challenge the growth assumptions and focus the plan around the climate change agenda, health and wellbeing etc. rather than purely delivering housing numbers in order to achieve a better outcome, subject to the right resources being in place and the three authorities working together. He stressed that there must be consensus among authorities and there would be no ability to impose; when the Tewkesbury Borough Plan was refreshed, the policies would be directed by this authority alone. In his view, this was the best opportunity to secure an outcome which would protect and enhance the borough.

- 43.5 A Member noted that the Regulation 18 consultation would be between October and March and she asked whether consideration was being given to a hierarchy for smaller villages; when the small, non-strategic sites would be consulted upon, and how much work had been done so far; and whether the spatial options for October 2023 would include the Garden Town area. In response, the Interim Planning Policy Manager explained that focus was on autumn consultation and the first Regulation 18 was a broad question about the type of locations that should be considered for large scale growth; it would not be as specific as looking at the existing hierarchy of rural villages; the smaller, non-strategic sites were informed by a call for sites process. Officers were almost at the point of engaging with the Planning Policy Reference Panel, and the wider Membership, in relation to Regulation 18 and two of the initial questions that would be addressed were around the appropriate level of growth for the whole of the Cheltenham, Gloucester and Tewkesbury area, its economic ambitions and the implications of that, as well as the sort of locations which ought to accommodate the growth. In terms of the potential options available, one was the emerging concept for the Garden Town in Tewkesbury which would very much feature in the Regulation 18 consultation. The Member indicated that, when the last Regulation 18 was done for the Joint Core Strategy one of the criticisms from residents was that the questions had been too technical and she asked if that could be addressed in the forthcoming consultation. In response, the Interim Planning Policy Manager confirmed it would be taken into consideration; every consultation included developers and professionals in order for them to have their say as to how the plan should shape up but, equally, it was also for residents and Parish Councils who had an interest in growth and it was for Officers to ensure the information was understandable to those who were not well-versed in planning. It was difficult considering the subject matter was guided by statutory procedures and technical information but it was incumbent upon the authorities to make the consultation as transparent and engaging as possible and they would certainly endeavour to do that. Another Member echoed the comments regarding the confusing subject matter and felt that lessons could be learnt from the Garden Town to ensure there was appropriate communication and engagement with those who lived and worked in the borough and would be fearful of Tewkesbury Borough being the 'poor relation' once again. The Leader of the Council agreed that communication was vital and Members had an important part to play in bridging the gap between the technical planning detail and residents.

- 43.6 A Member pointed out that there were other district authorities within Gloucestershire and he questioned why Tewkesbury Borough Council was working with Cheltenham Borough and Gloucester City Councils as opposed to any of the others and if other ideas had been explored in that regard. He also asked how Cheltenham Borough and Gloucester City Councils were co-operating with other districts. In response, the Leader of the Council explained that people may live in Tewkesbury Borough but often worked and shopped in other places, and vice-versa, so it was necessary to look at the area in a holistic way. Conversations had taken place with both Cheltenham Borough and Gloucester City Councils regarding what could be done to meet their housing needs and Cheltenham Borough Council was looking at the brownfield sites within its area; however, it would still be necessary to look beyond their boundaries to meet their needs. Stroud, Cotswold and Forest of Dean District Councils also had a duty to co-operate so they would need to co-operate with Cheltenham, Gloucester and Tewkesbury Borough Councils as well – he stressed that working jointly did not mean doing everything for other authorities and it would be an opportunity to hold them to account to undertake things they may not otherwise do, for example, urban capacity studies were not a requirement but, as part of the joint agreement, Cheltenham Borough and Gloucester City Councils would have to update them. He confirmed that the duty to co-operate was not just between Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils so the three authorities also needed to co-operate with other district authorities – the duty to co-operate was not unique to Gloucestershire and was a requirement of all local authorities across the country and would be something the Inspector would be expecting to see in the plan.
- 43.7 During the debate which ensued, a Member felt it was right to be wary given the history with the Joint Core Strategy and the policies within that and advice had been given that Tewkesbury Borough Council could not go it alone; however, Cheltenham Borough and Gloucester City Councils were looking at massive urban extensions into Tewkesbury Borough's greenfields. He was pleased to hear that Cheltenham Borough Council was committed to identifying brownfield sites but made reference to the North Place/Portland Street project which had received £3m government funding yet Cheltenham Borough Council had not gone ahead and the brownfield site remained empty. There were significant concerns regarding joint working and, in his view, it could greenlight urban extensions which would be to the detriment of Tewkesbury Borough. Another Member indicated that one of the main issues was the lack of a five year housing land supply. As they would be working as a consensus of three Councils, as opposed to three all working for their individual benefits as in the Joint Core Strategy previously, she questioned whether the housing requirements were combined. Currently, Tewkesbury Borough had available land which would benefit Cheltenham Borough and Gloucester City Councils so, unfortunately, it would be Tewkesbury Borough that shouldered the burden. A Member understood the financial case for a joint approach but he was concerned in terms of getting the right outcomes for Tewkesbury Borough residents. Tewkesbury Borough was the fastest growing region in the southwest and the Joint Core Strategy had left it with a 2.5/3 year housing land supply. The point had been made that Tewkesbury Borough Council had the most land, which put it in a strong position, and his view was that it should have a plan of its own. The Lead Member for Built Environment understood the concerns raised and recognised the importance of securing and maintaining a five year housing land supply; in her view, this was the best opportunity to achieve that and, if it remained on track, it would be completed by 2025 which would be the best outcome for residents. As such, she strongly recommended that Members vote in favour of the proposal.

43.8 Upon being put to the vote, it was

RESOLVED

1. That the Local Development Scheme for Tewkesbury Borough (Appendix 1) be **ADOPTED** and take immediate effect.
2. That authority be delegated to the Associate Director for Planning, in consultation with the Lead Member for the Built Environment, to prepare the Local Development Scheme for publication, correcting any minor errors such as spelling, grammar, typographical and formatting changes that did not affect its substantive content.

Planning Partnership Contribution

- 43.9 At its meeting on 12 July 2023, the Executive Committee considered a report in relation to resourcing the preparation of a development plan for the borough and agreed to recommend to Council that a virement of £120,000 from the local pay review budget to the Planning Partnership base budget be approved and that the new Planning Policy Officer post (included in the 2023/24 budget as a growth item) be moved to the Planning Partnership budget (ca. £40,000).
- 43.10 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 19-22.
- 43.11 The Lead Member for Built Environment proposed the recommendation of the Executive Committee and it was seconded by the Leader of the Council as Chair of the Executive Committee. The Lead Member for Built Environment advised that the Planning Partnership between Gloucester City, Cheltenham Borough and Tewkesbury Borough Councils had existed since 2008/09 and, since that date, all partner councils had contributed £60,000 per annum. This had been regularly topped-up with one-off amounts due to the true cost of delivering the Joint Core Strategy. As such, this report intended to ensure accurate budgeting for the full cost of preparing a development plan for the borough. As she had mentioned in the previous Agenda Item, it was vital that plans were kept up-to-date; however, that was not easy and the replacement of the Joint Core Strategy was already overdue. In particular, all local plans were tested by a government inspector to assess whether the duty to co-operate had been complied with, especially where housing needs arising in tightly constrained urban areas needed to be met in part in adjoining rural areas; the plan was based on robust evidence including assessment of alternative strategy options; and the plan had been subject to statutory stages of public consultation. Following a review in 2022 looking at the resources needed to produce the next joint and local plan, Deloitte LLP worked out that each district council would need to contribute £220,000 per annum going forwards. Cheltenham Borough and Gloucester City Council had already agreed the increased budgetary contribution and Tewkesbury Borough Council needed to do the same in order to ensure the partnership continued in the future. The additional £160,000 per annum would be comprised of two parts; the new Planning Policy Officer agreed in the 2023/24 budget would now transfer to the Joint Core Strategy budget, and the remaining £120,000 would be taken from the budget set aside to meet the outcomes of the local pay review – this review was complete and the balance of £126,425 was no longer required to fund further pay increases. Making provision for sufficient funding at this early stage in the process would ensure the programme was fully resourced and fit for purpose.

43.12 A Member noted that £120,000 needed to be found for this financial year and questioned how many more financial years needed to be funded and where that money would come from. In response, the Executive Director: Resources advised that £120,000 would be coming out of the 2023/24 budget and would be set aside to deal with recruitment and other relevant issues so there would be no requirement to find more money. It was an ongoing cost and the current programme looked at the next four years, which covered the length of the Medium Term Financial Plan, but there was a question about what happened after that and whether more money would be needed. A Member sought clarification as to whether Gloucestershire County Council was contributing and confirmation was provided that the County Council contribution would be £60,000 per year.

43.13 Upon being put to the vote, it was

RESOLVED

1. That a virement of £120,000 from the local pay review budget to the Planning Partnership base budget be **APPROVED**.
2. That the new Planning Policy Officer post (included in the 2023-24 budget as a growth item) be moved to the Planning Partnership budget (ca. £40,000).

Garden Town Gateway Review Findings and Next Steps

43.14 At its meeting on 12 July 2023, the Executive Committee considered a report in relation to the findings of the gateway review of the Garden Town programme and the proposed next steps for a refreshed approach and agreed to recommend to Council that the 17 recommendations from the gateway review report form the basis of a new approach, with greater focus on engagement with communities and robust programme management, and that the new approach be brought back to the Executive Committee for approval in September, including details on how the programme would be monitored.

43.15 A report had been circulated with the Agenda for the current meeting at Pages No. 23-46.

43.16 As Chair of the Executive Committee, the Leader of the Council proposed the recommendation of the Executive Committee and it was seconded by the Lead Member for Built Environment. The Leader of the Council advised that, as set out in the summary of the report, a number of concerns had been raised by Members in relation to the approach of the Garden Town programme which had suffered a number of setbacks with various sites lost at appeal, the loss of the Ministry of Defence site and the Court's decision to overturn the planning permission to develop a road bridge over the railway in Ashchurch and Northway. The growing strength of opposition from local Parish Councils and campaigners pointed to a feeling from the community that the Garden Town was being done "to" them, rather than "with" and "for" them. The Liberal Democrat Group had raised concerns, as other Members had also done, and had received assurance from the Chief Executive that an objective review of the Garden Town programme would be carried out ahead of potential change of administration and he had given a commitment to undertaking an independent gateway review. The review was carried out by Cratus, a well-established provider of consultancy services to local government, able to provide strategic advice and expertise as well as the capacity needed to undertake a thorough and comprehensive review. The review had found no fundamental concerns with the aims or the principles of the Garden Town programme but had made 17 clear and hard-hitting recommendations that he believed would have a fundamentally positive impact on the programme's delivery, particularly in relation to meaningful engagement and working with local communities, partners and developers. The report set out there was a significant risk of developers bringing

forward sites within the Garden Town area without the required infrastructure and community benefits and without adherence to Garden Town principles. The report recognised that important steps had been taken to address the issue of there being no policy base for the Garden Town including the development of a programme for the new Joint Strategic Plan (JSP) which had been committed to and appropriately resourced; however, the report also pointed out that it would not be possible for the new JSP to be delivered in time to inform the Garden Town programme and applications that developers would bring forward. In line with this, the report highlighted the positive steps the Council had taken to developing a strategic framework plan and set out how crucial it was to engage positively with developers. Along with the Lead Member for Built Environment and the Chief Executive, he had met with the developer consortium – something which had happened only once previously – and had written to the neighbouring Parish Councils to arrange to meet with their representatives. The recommendation from the Executive Committee was for the Council to continue to drive the programme forward but with a fundamentally different approach, using the report's recommendations to deliver a work programme that would bring a greater focus on engagement with communities and programme management, and that the new approach be brought back to the Executive Committee in September 2023.

- 43.17 A Member asked when they would see how each of the 17 recommendations were being tracked and the Leader of the Council advised that steps were already being put in place. The Chief Executive explained that the intention was to develop a programme over the summer, with an opportunity to challenge this at a Member seminar, and a report would then be brought back to Executive Committee in September. Another Member asked why it was necessary to wait until September, given there was limited time for engagement with residents prior to the Regulation 18 consultation in October 2023 and suggested a special Meeting could be held in August. She also asked if meetings with Parish Councils had been booked and whether the local Ward Members could be involved. In response, the Leader of the Council confirmed that the intention of engagement with Parish Councils was for representatives to meet with himself and the Chief Executive and he had no issues with local Ward Members attending those meetings provided the Parish Councils were amenable to that. The Chief Executive advised that, given the timescales for publishing papers for the Executive Committee and allowing enough time for Officers to put a programme together, it would be unrealistic to schedule an earlier meeting; the intention was to give the Executive Committee confidence in the high-level programme with the detail of each workstream to follow.
- 43.18 A Member indicated that she had welcomed the Cratus review and had been involved in a one to one interview with the team. When the concept of a Garden Town had first been brought to Members they had been very positive, particularly as they had been told there would be no cost to the Council as the funding would come from Homes England; however, given the appeal decision regarding the bridge, she asked if any of the money which had already been spent would need to be paid back and, if there was no funding from central government, how much it would cost Tewkesbury Borough Council going forward. The Chief Executive explained that the overall funding had not been lost and the money spent would be recovered to a large extent; at the time of asking, there was a small amount that was not accounted for due to bills which had been received after the request had been submitted, and that would come out of the funding set aside for the project. The Council was committed to the Garden Town programme and had initiated the gateway review due to concerns with progress; whilst those concerns had been reflected by Homes England and other agencies, they were now finding more confidence in the authority and recent discussions between Homes England and the Executive Director: Resources had been positive. In terms of how it would be funded going forward, it would be necessary to look to sources including Homes England and DLUHC - if the programme was to continue and the Council had undertaken consultation and

engaged with the development industry there was no reason developers could not also fund some of the work. The review and the strong recommendations coming out of it, along with the Council's commitment to turning it around at pace, had renewed confidence and there would be more capacity to attract funding moving forward. The Member asked if it could be categorically stated that there would be no financial cost to Tewkesbury Borough Council moving forward; if there was a cost, she asked whether the Council had that money within its budget. In response, the Chief Executive advised that he could not categorically state it would not cost the Council any money going forward. The Executive Director: Resources advised that the authority's current commitment was employee costs of £300,000 per year and the gateway review had highlighted other things that needed to be picked up resulting in expenditure of £500,000 based on continuing with the programme in its current form; that would be an addition to the Council's budget and, given the current economic climate and the uncertainties within the budget, that would be very difficult to accommodate. In his opinion, it would be necessary to have conversations with partners and stakeholders to maximise funding opportunities in order to obtain the reserves needed to move forward as for the Council to take it on fully would probably be unaffordable. The Member pointed out that the government defined a Garden Town as more than 10,000 homes; however, she did not feel that number could now be provided given that some of the site was already being built out due to planning permissions being granted or won on appeal, therefore, she questioned whether it would still qualify as a Garden Town or if it would now be considered as a Garden Village. In addition, she did not believe the JSP would come forward earlier than 2027 so she asked, based on the current situation with the lack of a five year housing land supply, what would stop developers coming forward with developments that bore no resemblance to the Garden Town principles. The Leader of the Council agreed there would be considerable pressure on the area from developers; however, it was important to remember that not going ahead with the Garden Town would not prevent development of the area and the Cratus report had set out that proceeding would be the best chance of securing positive outcomes for the area. The lack of a five year housing land supply would mean there was a greater chance of applications being refused and won on appeal resulting in unwanted piecemeal development. The Chief Executive indicated that there were limits on what could come forward due to the capacity of the road junctions but if the Council failed to proceed positively it would not have a case to defend against unwanted applications. The Member was correct in saying that developers who had purchased land, or had options on the land, were not working to the Garden Town principles so it was necessary to get them around the table to talk to them about those aspirations and engage them to work with the authority to deliver quality developments and foster a supportive environment for applications. If the Council opted not to support the Garden Town programme, the consortium was likely to continue to call it a Garden Town due to the marketing opportunity it presented. He provided assurance that developers in the first phase wanted to build developments to higher standards and two of the three developers were committed to that; the strategic framework would come from planning and there was more work to do in that regard. The Council was not currently in a position where it could control development but, if it continued with the Garden Town programme, it could manage in better quality development rather than the land being developed on a first-come first-served basis until National Highways and County Highways said there could be no more. The figure of 10,000 houses had been submitted by the Council at the outset but it was a case of managing the different variables to secure a good scheme; the consortium for the first phase was working on a figure of 4,000 plus dwellings. At the moment, the limiting factor was the highway network and the County Council was looking at the improvements to Junction 9 and the A46 which were necessary for the Garden Town programme and the masterplan to support that work. It was not possible to give absolute housing numbers at this stage as it would depend on what development came forward but, as there was a requirement

to have a highway solution to accommodate growth, there was time for the Council and the highway authorities to get ahead in terms of planning policy. It was vital to move forward with the programme at pace until such time as the necessary policies were in place which could include working on a masterplan with the consortium which aligned with the Garden Town principles. In summary, 10,000 houses was a figure which had initially been put forward but whether the geography of the site could accommodate that amount was unclear; if planning policy was in place then limits would be set.

- 43.19 In response to a query regarding employment land in the Garden Town area and the Regulation 18 options, the Interim Planning Policy Manager explained that the Council was involved in two processes – as a promoter of the Garden Town concept and as a local planning authority which had responsibility for Regulation 18 which focused more broadly on growth in Tewkesbury Borough and beyond; one of the strategic site options for meeting long-term need may be the Garden Town area. The Regulation 18 would not be specific in terms of areas or splits of land use – the focus would be on the principles that ought to be embedded if they were to appear in the local plan. The more strategic questions which the Regulation 18 would be cited on would be alongside the finer grain masterplan work which the strategic framework plan would be doing in parallel. A Member sought confirmation as to when the last consultation with members of the public on the principle of the project had taken place; in terms of highway infrastructure, it had been suggested that the Garden Town would itself bring a solution and he asked what that was, the timescales for delivering it and whether assurances could be given there would be no building or development until it was in place; and how developers could be compelled to build in accordance with the Garden Town principles, specifically building to the highest environmental standards and to deliver the infrastructure that both the existing and future communities would need. The Leader of the Council advised that the gateway review had made clear there had not been enough consultation with the public and that needed to be an ongoing process. As Members had heard and seen from the report, the structures to force developers to deliver to a certain standard were not in place so he understood the scepticism in that regard; however, there was a consortium which had written to Members to express support for the review and working to the Garden Town principles, some due to local connections with the area and others who saw the financial benefits of doing so. The Chief Executive had not intended to suggest that highways would prevent any development but there was only so much headroom for further development in that locality so it was a case of waiting to see if appropriate developments came forward to use up that capacity and put in the relevant highway infrastructure to benefit the wider community. His concern was that developers that were not part of the consortium, or adhering to Garden Town principles, were submitting planning applications for housing schemes. It was not yet clear what the highway infrastructure solution would look like - the Council was working with Gloucestershire County Council and the Department for Transport and a scheme for Junction 9 had now been supported to go to the next stage partly on the basis that the Garden Town was still being supported by this authority. He undertook to provide a written response following the meeting in respect of when the last consultation with the public had taken place but reiterated that the report recognised the need for greater engagement with the community and to work with them. In terms of competing developers and applications being submitted before the planning policy was in place, applications which came from a consortium of developers who were engaged with the Garden Town, and supportive of the local community and the local planning authority because they had worked with them to deliver quality schemes, were likely to be looked upon more favourably than those which did not support the principles. The Interim Planning Policy Manager agreed and indicated that, as had been discussed, there was always a risk of individual developers seeking to do what they wanted and it was their right to make an application and the Council's duty to consider it. In the interest of the community, if

it could get to a stage when the larger and leading partners in the consortium made at least a draft commitment to deliver in that area in the emerging local plan, if there was not a fully developed policy there would be far less risk to them when putting in a planning application. In terms of the number of houses, a Member sought confirmation as to the current headroom based on the highway situation and asked how many houses were envisaged for the site – Members had been told that the numbers would be substantially below 10,000 but Cratus had also referred to it as a project of national significance and it could not be both. With reference to the review finding no concerns with the principles/aims of the Garden Town, he indicated that he could find no proper assessment of that nor a record of when a full set of principles had last been reviewed. If the Garden Town was so positive, he questioned why it was not being rolled out across the borough. In response, the Leader of the Council appreciated that Members wanted to know a set number of houses but he could not give that answer today; the criteria for a Garden Town started at 10,000 houses but planning applications were already coming forward so it was necessary to have a report to show what the area could support. He advised that the gateway review had included an in-depth assessment of the principles and the reasons behind them and reiterated that it was not a choice of no development or development, it was a choice between allowing development to go ahead in a piecemeal way without the roads and infrastructure required to support it, or trying to shape development, albeit with one hand tied. The Member asked if the Cratus report into the principles would be made publicly available and the Leader of the Council advised that the report was currently in draft therefore could not be released and it had not been feasible to wait. Another Member sought reassurance that, going forward, consultation would be meaningful as had been suggested rather than just lip service for good PR. In terms of corporate parenting responsibilities, she asked whether care leavers would be incorporated into the space as there would be ambitious young people who she hoped would be involved. In response, the Leader of the Council indicated that residents would be well-aware if the consultation was simply a PR exercise - it was important to him to meet regularly with Parish Councils and residents and he gave his personal assurance that he would do that. He agreed that it was possible to be more ambitious in terms of getting young people on board with the project; he had discussed the option of introducing a youth council and suggested it may also be beneficial to hold a session to explain the planning process to younger residents.

- 43.20 A Member expressed the view that, in terms of road infrastructure, it was not just a case of waiting for Junction 9A or an offline solution for the A46 to establish the threshold for development on the site; houses had already been built and others had received planning permission, or had been won on appeal, and were likely to total several thousand which would not be included in the Garden Town figures. She asked whether any transport modelling had been done by the County Council and when a new masterplan would be available, given that the current concept plan included the Ministry of Defence site and the site south of the A46, and who would be responsible for producing it. She welcomed the Leader of the Council and the Chief Executive meeting with the Parish Councils as one of the main issues to date had been that two of the most impacted had never been listened to. The Chief Executive indicated that a number of matters that had been identified by Members were the reasons for the review being instigated. Just as there had been a commitment to undertake the gateway review, there was now a commitment to deliver the programme in a timely fashion for examination by Members. In his view, the masterplan had not been developed as it should given the removal of the Ministry of Defence site and the other changes made in terms of sites coming forward on appeal; however, it was now a choice between abandoning the Garden Town or refreshing the approach and engaging positively to drive forward at pace in order to get on the front foot so that developers had to deliver in line with the Garden Town approach. The headroom would be tested by the applications being submitted and the responses from County Highways and National Highways in

terms of whether the proposals could be accepted by the highway network. The Garden Town principles were focused on design, zero carbon and sustainability and would be teased out in the strategic framework which would be used to engage with Parish Councils and communities and set out what a Garden Town in Tewkesbury Borough would look like. Whilst the Council was not on the front foot as it stood, the report recommendations set out the current position and it was proposed to put a programme in place in order to move forward and work with developers to deliver the Garden Town, the alternative was that developers came forward with applications on a piecemeal basis until one of the statutory consultees raised an objection. In terms of transport modelling work, the model was currently being built around the JSP and there was funding from partners to do that. It was necessary to be able to model what was proposed in terms of where development would be, quantum etc. and it was an iterative process. There were already applications coming forward and applicants would be doing their own modelling so it was important to get ahead and understand what the masterplan was, working with communities and developers to bring that forward. It would not be the local planning authority doing the work but the Council, as promoter, would be engaged in the process along with developers. He was not suggesting this was the way things should be done but there was an accelerated local planning process to get to Regulation 19 by early 2025 in order for the plan to start to carry weight so it was a case of doing as much as possible to drive the programme forward rather than allowing developers to do that.

- 43.21 A Member asked which developers currently made up the consortium for the first phase and the Chair of the Executive Committee indicated that a letter from the consortium had been circulated around the table. Whilst it was not possible to know for certain that the developers were completely on board, the letter expressed strong support for working to Garden Town principles and that needed to be taken at face value. The challenge would be other landowners in the area that may not be on board – if the Council walked away from the Garden Town now, the message to the consortium and other landowners would be that the principles did not matter.
- 43.22 A Member pointed out that one of the guiding principles of the Garden Town was that it would be a fantastic place to live, work and play and, whilst there was a lot in the report about the number of houses, there was nothing about the work element so he sought assurance that 10,000 houses would not be built without employment land. The Leader of the Council indicated that one of the review recommendations was around an identity for the area. To date, the vision for the Garden Town had not been successfully finalised but there had been a lot of positive conversations and he felt that Tewkesbury had a lot to offer in terms of employment, particularly in the technology sector and green jobs of the future. He was not able to tell Members today what the Garden Town would look like but following the recommendations of the review would allow them to create a positive vision and identity.
- 43.23 During the debate which ensued, a Member noted that the Cratus review had been commissioned in March and work was undertaken in April/May, essentially pausing the Garden Town to take stock, which had given the impression there was some doubt about its future. The Leader of the Council had spoken passionately in favour of the LDS and the reinvigoration of the commitment to the Garden Town along with the need for it to go forward to avoid a free for all for developers. The Chief Executive had also said that further delay would effectively declare open season for developers, a comment he had made two months ago. The Cratus report and its recommendations were very welcome; they were now reaching the end of the pause and, if Members voted in favour of the motion tonight, that would be a green light for the Garden Town which he believed would be a positive step for the borough. Another Member felt there was an expectation that, once on pause, consideration would have been given to some of the concerns regarding the Garden Town project and the approach that had been taken, one of the fundamental things being the lack of consultation. He had been involved in a number of strategic

development plan reviews and, in all of those processes, there had always been a phase when the public had been consulted about what happened next but there had been no consultation on the Garden Town, a development of 10,000 houses. He believed that the Council had broken the faith of residents in its failure to consult on how development should be taking place in the borough. The Garden Town had been a disruption for the Council for the last four years when it should have been focusing on the JSP and a review of the JCS which had left the authority without a five year housing land supply. Even without a Garden Town, he felt there was an opportunity to shape development in the borough and the principle of sustainable development with zero carbon quality housing was something they should be striving to achieve regardless of where that development took place. He felt the Garden Town should be abolished and the focus should be on development for the whole borough.

- 43.24 A Member indicated that he had spoken and voted against the recommendation when the report had been considered by the Executive Committee; in his view, the Garden Town should have stopped at that point and he now felt it should stop tonight. Local residents had believed the gateway review would be a proper review of the Garden Town and it was reasonable to think that the principles would be reviewed as part of that; however, the review had actually been about the vehicle for the delivery of the project. It was quite clear to him that it was already broken and the report was the most damning indictment of a project he had ever read which demonstrated that nothing of any tangible benefit had been done over the last four years. He was surprised so many Members were enthusiastic about the position they found themselves in as he considered it embarrassing - nothing would be lost if the project was stopped tonight as nothing had been gained in the last four years. He felt this was the wrong location for a scheme of this nature and he did not believe that had been properly consulted upon; it did not have the highways infrastructure, was at risk of flooding, there was already pressure upon the primary school and local residents could not get a GP appointment. The review suggested that all that needed to be done was to change the name of the project which he found laughable. In his view, Members should put an end to the project and consider the entirety of the borough which would be a far better position for the Council to talk to residents about.
- 43.25 A Member wished to put on record his thanks to the previous Lead Member for Built Environment for instigating the review and the current Leader of the Council for having the courage to say that, although sceptical, he recognised the many positives that would come from going ahead with the project. He believed Members were right to be enthusiastic given the protection and opportunities the Garden Town would provide – by going ahead it would be possible to deliver the infrastructure needed in terms of schools and transport and the social and health requirements which had been identified. Another Member indicated that she had very mixed views and a great deal of scepticism as the Council was being asked to make a decision on something for which they did not have all of the answers. She knew that local residents and Parish Councillors would like the project to stop but she also knew that the developer with an option on the land to the north would build good quality houses in line with the Garden Town principles; however, if the road and bridge over it from east to west was built, it would have the most devastating effect on current residents of Northway as the road would need to go down The Park which was already a pinch point and had seen two fatalities due to overuse. She did not have great faith in going forward with the project and would be doing a disservice to residents if she voted for it so she could not support the motion. A Member indicated that her personal view was that a proper review should have been undertaken when the Ministry of Defence site was removed. She had been extremely disappointed with the Tewkesbury Garden Town Member Reference Panel meetings that had taken place over the last four years, albeit there had been glimpses of potential when discussing a true Garden Town based on absolute

principles. She had also welcomed the gateway review and felt the report was reflective of the programme management and community engagement; those were two things which had not happened correctly and would now be addressed going forward. In her opinion, it was important to look at the bigger picture and whilst her heart told her there should be no more building, the reality was that the country did not have enough houses. She felt that more should already have been done regarding solar energy, grey water and active travel etc. and those things would not be achieved without the Garden Town. Some of the developments currently being built in the area were a disgrace and she asked Members to focus on the benefits to residents that would come with building a true Garden Town.

43.26 In terms of the criticism of the report itself, the Leader of the Council indicated that it was a comprehensive report from an independent, respected agency and to downplay its validity was unfair. A number of Members from all parties had been interviewed as part of the review and the outcome was a very hard-hitting, warts and all report – it should not be criticised because Members were unhappy with its recommendation that the Garden Town continue. The fundamental issues with the approach to date had been identified and stemmed from lack of consultation at the start of the process and, whilst it was not possible to turn back the clock and ask residents whether they wanted the development, or their preferred location, what could now be offered was meaningful consultation on the reality which was either planned and supported development and infrastructure or a free for all which nobody wanted. He was happy to meet with residents and the community to have those discussions but the conversations needed to be about what could realistically be achieved.

43.27 Having been proposed and seconded, a recorded vote was requested and, upon receiving the appropriate level of support, voting was recorded as follows:

For	Against	Abstain	Absent
H J Bowman	C F Coleman	G C Madle	N D Adcock
T J Budge	P A Godwin		L C Agg
C L J Carter	E J MacTiernan		D J Harwood
C M Cody	M G Sztymiak		A Hegenbarth
E M Dimond-Brown	P N Workman		C E Mills
S R Dove			J P Mills
M A Gore			P W Ockelton
D W Gray			M J Williams
S J Hands			
M L Jordan			
J R Mason			
H C McLain			
P D McLain			
K Pervaiz			

G M Porter

E C Skelt

J K Smith

P E Smith

R J G Smith

R J Stanley

M R Stewart

H Sundarajoo

R J E Vines

G I Yates

43.28 Accordingly, it was

RESOLVED

1. That the 17 recommendations from the gateway review report will form the basis of a new approach, with greater focus on engagement with our communities and robust programme management.
2. That the new approach will be brought back to Executive Committee for approval in September 2023, including details on how the programme will be monitored.

CL.44 CONSTITUTION REVIEW WORKING GROUP

44.1 The report of the Monitoring Officer, circulated at Pages No. 47-49, asked Members to agree to the formation of a Constitution Review Working Group with the Terms of Reference attached at Appendix 1 to the report.

44.2 In proposing the report recommendation, the Lead Member for Corporate Governance explained that he wanted to achieve a Constitution which best reflected the needs of all Members of the Council, which maximised public involvement in Council activities and was as easy as possible for members of the public to access and understand. As such, it was proposed that a Constitution Review Working Group be established which would meet as soon as possible according to the Terms of Reference set out at Appendix 1 to the report. The proposal was seconded by the Support Member for Corporate Governance.

44.3 A Member noted that the proposed Terms of Reference stated that substitution arrangements would not apply and asked why that was the case. The Monitoring Officer explained that it was the Council's current practice not to have substitutes on Working Groups but that could be changed if Members so wished. On that basis, the Lead Member for Corporate Governance indicated that he would like to amend his proposal to accommodate a change to the Terms of Reference to reword paragraph 2 (iv) of Appendix 1 in order for substitutions to apply. This was supported by the seconder of the motion. A Member asked if there would be scope for the Working Group to review the public's right to raise questions and the Lead Member confirmed that was something he would be requesting.

44.4 Upon being put to the vote, it was

RESOLVED That it be **AGREED** that a Constitution Working Group be established with the Terms of Reference attached at Appendix 1 subject to an amendment to paragraph 2 (iv) in order for substitution arrangements to apply.

CL.45 CHANGES TO COMMITTEE MEMBERSHIP

45.1 The Mayor advised that, in accordance with Rule of Procedure 2.1, the Monitoring Officer had exercised his delegated authority to approve the following changes to Committee Membership:

Councillor Thomas Budge has resigned from the Planning Committee and had been replaced by Councillor George Porter.

Councillor Paul Ockelton had resigned from the Planning Committee and the Licensing Committee and had been replaced by Councillor Ian Yates and Councillor George Porter respectively.

CL.46 SEPARATE BUSINESS

46.1 The Mayor 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.47 SEPARATE MINUTES

47.1 The separate Minutes of the meeting held on 20 June 2023, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.48 PUBLIC SERVICE CENTRE AIR SOURCE HEAT PUMP

(Exempt – Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information))

48.1 The Council approved installation of an air source heat pump in the Public Services Centre and the funding to deliver the scheme.

The meeting closed at 9:08 pm