

TEWKESBURY BOROUGH COUNCIL

**Minutes of An Extraordinary Meeting of the Council held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 21 November 2023 commencing at
6:00 pm**

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor I Yates
Councillor P N Workman

and Councillors:

N D Adcock, C Agg, 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, D J Harwood,
A Hegenbarth, M L Jordan, E J MacTiernan, G C Madle, J R Mason, C E Mills, J P Mills,
K Pervaiz, E C Skelt, J K Smith, R J G Smith, R J Stanley, H Sundarajoo, M G Sztymiak,
R J E Vines and M J Williams

CL.64 ANNOUNCEMENTS

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

CL.65 APOLOGIES FOR ABSENCE

65.1 Apologies for absence were received from Councillors H C McLain, P D McLain,
P W Ockelton, G M Porter, P Smith and M R Stewart.

CL.66 DECLARATIONS OF INTEREST

66.1 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.

66.2 There were no declarations made on this occasion.

CL.67 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan Public Consultation (Regulation 18)

67.1 At its meeting on 9 November 2023, the Executive Committee considered the
Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan Public
Consultation Document and recommended to Council that it be approved for
consultation under Regulation 18 of the Town and Country Planning (Local
Planning) (England) Regulations 2012 and that authority be delegated to the Chief
Executive, in consultation with the Lead Member for Built Environment, to prepare
diagrams illustrating the general location of development options for inclusion in the
consultation document, and to make any other necessary minor amendments,
corrections or additions to the document prior to publication for consultation.

67.2 The report which was considered by the Executive Committee had been circulated
with the Agenda for the current meeting at Pages No. 1-47.

- 67.3 In proposing the recommendation of the Executive Committee, the Lead Member for Built Environment advised that as Members were aware, the Council had agreed to formally work together with Cheltenham Borough and Gloucester City Councils on a Strategic and Local Plan (SLP). This was the start of a long journey and, for now, it was not at the stage of needing to prioritise anything. The formative Regulation 18 stage was about asking people what they thought the plan should contain and obtaining views on broad policy options and issues – it was about big questions such as how and where to respond to the needs of a growing population and how to address climate change and nature recovery through the planning system. It was therefore proposed that the draft document, attached at Appendix 1 to the report, be published to form the basis of a wide ranging round of public consultation and engagement starting in December. This included a draft vision and strategic objectives which had been discussed at various points with Tewkesbury Borough Council's Planning Policy Reference Panel, and equivalent Member panels across the partnership. It also set out a range of issues and posed 31 questions to start the conversation with communities and the development industry. The Planning Policy Reference Panel recently met jointly with the Member Working Groups from Cheltenham Borough and Gloucester City Councils and a large number of helpful comments and suggestions were made on an earlier version of the document. To a large extent, these were reflected in the revised draft consultation document set out in the Council papers. She reiterated that one of the recommendations was that the document be further refined before being published in December. This would include grammatical and Plain English improvements but also conceptual diagrams, which were currently being drawn up, and would attempt to generally illustrate – without showing site details – the broad patterns of development that would arise from the various growth options described in the document. Gloucester City Council had approved the document and Cheltenham Borough Council would be considering the document at its Council meeting on 11 December 2023. It was proposed to launch the consultation immediately after to ensure that documents were in the public domain before Christmas, with active engagement commencing early in 2024. It was proposed that the consultation should be for no less than eight weeks in part to recognise the interruption of the Christmas break. In terms of the approach to consultation - which would be an important part of this process, as had previously been discussed by the Committee - although there were minimum standards in the Statement of Community Involvement, it was intended to be ambitious and creative and work was underway to reach as many people as possible, including young people who traditionally did not take part in such consultations; this would include a mixture of face to face, digital and targeted methods. The proposed approach to consultation would be discussed at another joint Planning Policy Reference Panel meeting on 30 November 2023 which would also provide an opportunity to review first drafts of the conceptual diagrams. This marked the early stages of the SLP, and it was recommended that Council resolve that the document at Appendix 1 be published for consultation; as a number of minor amendments and corrections would be needed, including the diagrams and general graphic design work, delegated authority was also being sought for these to be made by the Chief Executive in consultation with the Lead Member for Built Environment prior to issuing the final document. The proposal was seconded by the Leader of the Council as Chair of the Executive Committee.
- 67.4 A Member thanked Officers for the hard work which had gone into the document which had been changed considerably since it was considered by the Planning Policy Reference Panel. She felt that any amendments to make it more accessible to those without a planning background would be important in terms of engaging as many people as possible. With regard to the 'introduction and context' and 'what has happened so far' sections of the report, she noted that reference to the 2018 consultation in respect of the review of the Joint Core Strategy had been removed and asked the reasoning for that. The Interim Planning Policy Manager advised that the document had been streamlined as much as possible and, on reflection, it had

been considered that this was a different plan and not a continuation of the same regulatory process in 2018, albeit that some of those responses would be relevant. There was no reason why the previous issues and options document could not be referenced but this was a very different concept which needed to be expressed in as simple terms as possible and cross-referencing to the previous document was not considered to add to the context and importance of this one; notwithstanding this, it could be included if Members felt it was particularly necessary. The Member expressed the view that, if residents had taken time to respond to the previous consultation, it was important they knew their responses were continuing to be considered so it was something she would like to see included. The Member went on to draw attention to scenario four in relation to new strategic settlements - she considered this to be fundamental but it had not been discussed by Planning Policy Reference Panel and she raised concern that the document mentioned specific places, such as Boddington and the Forest of Dean between Churcham and Highnam, which were not included in the original document so she sought clarification as to where they had come from. In response, the Interim Planning Policy Manager advised that these had been specifically noted as matter of fact in response to the ongoing call for sites exercise. The Council had a duty to invite land owners, developers and site owners to submit expression of interest for allocations and to plan on an ongoing basis and it was felt that it would become slightly less of an abstract concept to include those which had been submitted, and would be assessed in terms of the background evidence, to assist consultees. The Member noted that another location on the boundary of Tewkesbury itself on the A38 had also been submitted prior to this and she asked why that was not referenced. The Interim Planning Policy Manager felt this was a valid point but explained that the option the Member had referenced to the southwest of Tewkesbury would not be classed as a new strategic settlement based on figures, rather it would be a very significant extension which would be captured under one of the other options via the Housing and Economic Land Availability Assessment (HELAA) work. He reiterated that the different development scenarios were constructs to enable a conversation with communities and infrastructure providers and anyone else with an interest in the plan, it was not a technical exercise of fitting everything into one box. As the report explained, none of the six growth scenarios would stand up as a development option in isolation, it would inevitably be a blend of those. In relation to the draft vision, the Member indicated that the Planning Policy Reference Panel had considered this did not reflect aspirations for housing and employment across the borough in rural locations and she asked whether the draft vision would be at the forefront of the document or whether it would be a supplementary document for the borough plan strand moving forward. The Interim Planning Policy Manager advised that a draft vision had been included at this stage to give some shape to the consultation, albeit no decisions were being made. Rural concerns were encapsulated to a degree in the draft vision but he could see no reason why, when it came to the draft plan proper to address specific Tewkesbury Borough matters, that section could not have its own vision.

- 67.5 A Member felt it was a very good document and he commended those Officers involved in its production; however, he raised concern that Members had not been presented with the maps and diagrams which would be included within it and he sought assurance they would be of a very illustrative nature. The Leader of the Council advised that this issue had been raised a number of times in meetings by himself and the Lead Member for Built Environment and was something that all three authorities were very mindful of. The Executive Committee had also discussed this matter and made an amendment to the recommendation to delegate authority to the Chief Executive, rather than the Associate Director: Planning, in consultation with the Lead Member for Built Environment, to prepare those diagrams which were due to be considered by the Chief Executives and Leaders of the three authorities at their next meeting, prior to consultation. The Member went on to indicate that it had been recognised that consultation in relation to Tewkesbury

Garden Town had not been successful and he wanted to ensure that lessons had been learnt from that so asked what was considered 'good enough' in terms of the consultation process and responses received and what was being done differently this time to ensure that consultation was as wide as possible. In response, the Lead Member for Built Environment advised that it was intended to use a range of consultation methods to ensure no sector was excluded and there would be an emphasis on communities with young people, as they would inherit the work being done today. The Member expressed the view that the engagement plan was as important as the document itself but he had not seen one for this particular document. The Leader of the Council advised that a Statement of Community Involvement preceded this document, which included a lot around ensuring engagement was inclusive, and he provided assurance that lessons were being learnt from previous consultations. The Interim Planning Policy Manager agreed that the manner of consultation was as important as the document being consulted on and reiterated that the Statement of Community involvement set out the general intentions regarding consultation but a more detailed and specific consultation strategy was being worked on and would be initially discussed at the joint Planning Policy Reference Panel on 30 November 2023. There would be a focus on active engagement with an intention to talk to as many people as possible, making use of communications specialists and new technologies available – importantly, this was the start of a journey so this consultation would not be a one-off and there would be ongoing conversations well beyond this current stage.

- 67.6 With regard to Page No. 42 of the report, and specifically the reference to the potential option for new strategic settlement straddling the boundary of Tewkesbury Borough and the Forest of Dean between Churcham and Highnam, a Member asked how it could be ensured that the development would be allocated to Tewkesbury Borough Council's housing numbers and not absorbed into the Forest of Dean. In response, the Interim Planning Policy Manager advised that it was not at that stage yet - the general location had been identified on the basis of what had been submitted to Tewkesbury Borough Council as an option for consideration. Another Member questioned whether Cheltenham Borough and Gloucester City Councils had Statements of Community Involvement and if there was any conflict with Tewkesbury Borough Council's statement. The Interim Planning Policy Manager confirmed that all three authorities had a Statement of Community Involvement which were broadly consistent, albeit with different emphases.
- 67.7 With regard to climate change mitigation and adaption, a Member indicated that, once adopted, the SLP would be in place for a considerable amount of time and it would be necessary to quickly adapt to a new hotter world so he asked whether the document would enable young people in Tewkesbury Borough to have successful lives beyond that. The Interim Planning Policy Manager indicated that this was a very big question and it was necessary to be mindful that the planning system could only play a set role in administering climate change and nature regulations; however, clearly it was an important tool and there was a statutory requirement for the plan to address climate change and its causes and put in place measures to mitigate for it. In accordance with the Environment Act 2021, developers would be required to deliver 10% Biodiversity Net Gain from January 2024 and there was no doubt that climate change mitigation would form an important part of consultation and engagement over the coming months. The Member questioned whether the SLP would remain a live document going forward and was advised that legislation expected all local planning authorities to prepare local plans; this was a long and difficult process which required widespread public consultation and was based on extensive evidence, tested by a government Inspector, so everything in the plan must be justified. Once adopted, the plan carried a particular status in decision-making on planning applications. Clearly things changed over time and a plan should be reviewed every five years but, once adopted, it had a particular status in law.

- 67.8 A Member noted the plans to consult widely and asked what would constitute a successful consultation in terms of number of responses, how long it would be before Members could see the data and how that would be divided so that it could be demonstrated that local communities were represented. The Lead Member for Built Environment indicated that it was very difficult to assess what would be a successful response but she provided assurance that everything possible would be done to ensure that extensive feedback was captured. The Interim Planning Policy Manager advised that, ultimately, success would be tested by Members in terms of what they thought when the consultation responses were reported and whether it had met the Statement of Community Involvement and the engagement plan. If it was considered that a particular section of the community was unrepresented in the responses, it would be possible to reflect on that during the consultation process. The Council had invested in a new consultation platform which would be much more effective than previous methods and there was an expectation to bring back to Members as soon as possible what had been learned from the consultation in order to debate what that meant and reflect on how to move forward. The Member queried whether it was possible to obtain a geographical breakdown of respondents and confirmation was provided that Officers would be looking to provide some kind of indication as to the source of comments. The Lead Member for Built Environment stressed the importance of all Members engaging with residents at the appropriate time to actively participate in the consultation and helping and advising them to ensure they put their views forward. Another Member raised concern that, from the questions posed by the consultation document, it would be difficult to gain an understanding of the strength of feeling as there was no quantitative measure. He would like to see a data set which could be split into categories of people, where they lived, age etc. to understand who was saying what; without that it would be difficult to draw any firm conclusions. The Lead Member for Built Environment felt that was a valid point and confirmed that the system which would be used could produce those specific results.
- 67.9 During the debate which ensued, a Member indicated that there had been a full discussion on this report when it had been considered by the Executive Committee and there had been a lot of useful observations; however, he was concerned that comments made today seemed to suggest that success would be reviewed once the consultation had finished and he was strongly of the view that review of take-up and responses should be ongoing in order for the strategy to be changed if necessary. In terms of engagement with Cheltenham Borough and Gloucester City Councils, he was keen to ensure that all three authorities had full review of one another's meetings in order to reflect on what had been discussed and he sought assurance that would happen. He was conscious that the public had not had sight of the Minutes from the Executive Committee on 9 November in advance of this meeting which would demonstrate that the report had been considered in detail. In response, the Leader of the Council provided assurance that Officers would not be waiting until the consultation closed to review the process and, if they could see that responses were not being received from a certain demographic or locality, that would be addressed. The Monitoring Officer advised that the Minutes of the Executive Committee were very thorough and reflective of the debate at that meeting. The Minutes were now available publicly via the Council's website which was in accordance with the usual timescales. The Member indicated that his main concern was ensuring that the other two authorities were not simply told that the document had been approved without any knowledge of the debate that had taken place and the points which had been raised. The Chief Executive advised that he was the SRO for the programme and undertook to circulate a report pulling together all of the issues discussed by the three authorities.

- 67.10 With regard to Page No. 24, Paragraph 4.13 of the report in respect of policy actions regarding climate change which might be considered through the SLP, a Member indicated that she was aware of one Council which had taken the decision that all new builds would be fossil fuel free and asked whether this should be posed as a question in the consultation to establish how residents felt in relation to that. Climate change was at the forefront of minds across the country and it was important to acknowledge this. The Leader of the Council indicated that he was not opposed to including this if Officers were satisfied the correct wording could be included; as alluded to earlier in the meeting, it could have been set out as a neutral document without any suggestions but that would be difficult for residents to respond to, however, he was keen to ensure it did not go too far in terms of steering them in a particular direction. The Interim Planning Policy Manager advised that Page No. 25 of the report included more general questions about how the SLP could most effectively address the impacts of climate change and about the measures and standards the SLP should introduce in respect of construction and operation of new buildings; he reiterated that the document was not intended to be prescriptive. It was acknowledged that this document was only one part of the consultation process and there would be other mechanisms for suggestions and thoughts to be raised.
- 67.11 A Member indicated that, at the Executive Committee meeting, he had made the point that the consultation should not exclude schools, colleges and universities through its timing; December and January were not particularly good months for engagement due to holidays and he suggested the joint Planning Policy Reference Panel meeting discuss how the three authorities could work together to engage with those bodies. The Lead Member for Built Environment indicated this could be taken on board at that meeting.
- 67.12 Upon being put to the vote, it was
- RESOLVED**
1. That the Strategic and Local Plan Consultation Document (Appendix 1) be **APPROVED** for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
 2. That authority be delegated to the Chief Executive, in consultation with the Lead Member for Built Environment, to prepare diagrams illustrating the general location of development options for inclusion in the consultation document, and to make any other necessary minor amendments, corrections and additions to the document prior to publication for consultation.

Tewkesbury Interim Housing Position Statement

- 67.13 At its meeting on 9 November 2023, the Executive Committee considered the Tewkesbury Interim Housing Position Statement and recommended to Council that it be approved and published to explain the Council's approach to decision-making on planning applications involving the provision of housing and that authority be delegated to the Associate Director: Planning, in consultation with the Lead Member for Built Environment, to make any necessary minor amendments and corrections to the document prior to publication.
- 67.14 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 48-60.

67.15 In proposing the recommendation of the Executive Committee, the Lead Member for Built Environment advised that this Agenda item was in response to the recent Planning Inspectorate appeal decisions that confirmed Tewkesbury Borough Council was now unable to demonstrate a five year housing land supply. Members had previously received informal briefings on this issue, including discussing the consequences of applying the “tilted balance” to planning decisions on housing applications, in line with the National Planning Policy Framework (NPPF) rules; however, this was a highly technical area and one which often gave rise to confusion and concern amongst communities, members of the public and even some developers. The situation was often mischaracterised as one where the local plan policies were out of date and planning permissions for housing must be granted but the truth was much more measured. The NPPF certainly introduced a presumption in favour of granting sustainable development for many - although not all - housing applications as a result of the shortfall. This meant that policies on matters such as settlement boundaries were to be treated as out-of-date and the overall outcome must be that more approvals were given in order to generate the deliverable sites to make up the shortfall. Nevertheless, the starting point for making decisions was the policies in the development plan, many of which remained fully up to date. In judging whether in an individual case the adverse impacts would “significantly and demonstrably” outweigh the benefits, it was still necessary to consider the Joint Core Strategy, Tewkesbury Borough Plan and relevant Neighbourhood Development Plan policies which were an important part of that balancing exercise. This meant looking carefully at important matters such as highway safety, unneighbourly amenity impacts, design and layout, accessibility, harm to valued landscapes and so on. With all this in mind, it was considered it would be helpful to publish an Interim Housing Position Statement clarifying the position in some detail, and this was set out at Appendix 1 to the report. One of its purposes was to confirm there was a housing shortfall, and to acknowledge the need to remedy that, but it also highlighted the types of location and housing schemes which were more likely to be considered acceptable by the Council, and by appeal Inspectors, in making up the shortfall under the tilted balance. The document also pointed to actions the Council could take, and encourage others to take, in approving and building out suitable housing schemes as quickly and effectively as possible, for example, encouraging early engagement with Parish Councils and seeking pre-application advice from Planning Officers as well as considering attaching conditions to planning permissions requiring development to be commenced more quickly than the standard timescales. It was important to be clear that the document was not in any way new “policy”; instead, it succinctly clarified the existing policy and practice and provided reassurance to communities that good quality development remained the expected standard at all times. The Executive Committee had considered this matter on 9 November 2023 and recommended to Council that the document be approved and published. As it was not policy, formal public consultation was not necessary; however, a briefing for Town and Parish Councils, chaired by the Leader of the Council, had been convened following the Executive Committee meeting which had been well attended and included representatives from Tewkesbury Town Council and 14 Parish Councils. A Teams briefing had also been held for Tewkesbury Borough Councillors on 14 November 2023. In terms of the main points raised at the Town and Parish Council briefing, the overall sentiment was concern that the five year housing land supply shortage had arisen in the first place, which many felt left local communities vulnerable to speculative development, and that every effort should be made to prepare a local plan with up-to-date housing figures and allocations as quickly as possible. Notwithstanding these concerns, there was general support for the preparation of the Interim Housing Position Statement to the extent that it reaffirmed the importance of good planning principles. The importance of the local planning authority keeping Town and Parish Councils updated on the housing land

supply position in the future was also highlighted. Specific concerns were raised that 'deliverable' sites were likely to be smaller and located on the edges of villages which had already seen applications for residential development granted, especially on appeal. In particular, a request was made for an interim policy which sought to place a numeric cap on growth in individual settlements. Officers had advised that an interim policy setting arbitrary limits would not be supported by national planning policies and would not carry meaningful weight outside the development plan process; that the Interim Housing Position Statement would be the best way to prioritise suitable housing developments in restoring supply, factoring in any adverse effects of development - in some cases, this would almost certainly involve the early development of some sites which would otherwise have been allocated in a local plan in any event; nonetheless, preparation of the Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan (SLP) was a priority to which additional resources had been allocated; adoption of the SLP would not be a pre-requisite for restoration of a five year supply shortfall – this would be achieved through the grant of appropriate planning permissions; and, sites only contributed to five year supply if they were realistically 'deliverable' according to the national planning rules - longer term strategic sites, such as the Tewkesbury Garden Town, would be unlikely to be the main source of remedying the immediate housing shortfall. Some Parish Councils had suggested the establishment of a Service Village Forum in order to be kept up to date and enable ongoing liaison between relevant parishes and the Leader of the Council agreed that would be investigated. More generally, other planning issues were raised and discussed around planning in Tewkesbury Borough including, amongst others, neighbourhood planning, historic appeal decisions and the Joint Core Strategy process. In seconding the report, the Leader of the Council, as Chair of the Executive Committee, thanked Officers for producing the Interim Housing Position Statement and pointed out this was not a requirement but was something they had recommended in light of the current five year housing land supply position in terms of providing clarity for residents and those submitting planning applications.

- 67.16 A Member noted that the report referenced a 3.24 year housing land supply and he sought clarification as to what that meant in terms of numbers and how many were needed for a five year supply. In response, the Interim Planning Policy Manager advised that housing land supply figures were deceptively complex and it would be unhelpful to talk about speculative numbers but the Council published an annual report on its housing land supply position which included the various commitments, the most recent of which was dated 1 April 2023 and was available on the Council's website. The authority had now been moved to the government's standard method for calculating annual housing land supply requirements – the annual supply in the Joint Core Strategy (JCS) was in the order of 495 houses whereas the standard method was somewhat higher at around 570.
- 67.17 Another Member indicated that the Council had been given very different figures regarding its housing land supply in the past – at one point Members had been told there was a supply of almost six years. Page No. 51, Paragraph 5.1 of the report stated that the Interim Housing Position Statement would be subject to periodic monitoring at least annually and she asked how that assessment would be carried out and at what point a house was considered to have been delivered. She also questioned whether an annual assessment was sufficient as she felt the Planning Committee in particular would require this information on a more regular basis. In response, the Interim Planning Policy Manager reiterated that there were complex judgements involved in calculating the five year housing land supply and the exercise was subject to constant scrutiny and criticism by applicants. For Tewkesbury Borough Council, and Cheltenham Borough and Gloucester City Councils, the nature of the JCS and fact there were cross-boundary supply issues, when the plan was five years old and the government required that calculations be moved to the standard method, questions had been raised to which there was no

clear answer - the Council had taken legal advice in relation to that which had been contested which was why at one point it had rightly been claimed there was a housing land supply in the region of six years but the Inspector had come to a different view. He could not emphasise enough what an enormous effort was involved in relation to the annual monitoring exercise which was a snapshot in time to understand at that point what commitments had been made in terms of unimplemented planning permissions for housing and, compared to the previous period, the number of houses which had been completed or commenced in terms of being under construction. This involved looking at Council Tax or Building Control records but, to a large extent, was reliant on people physically going out to count them. This information was collated via the Uniform system and was used to take a view on which of the sites had not yet been built out but were likely, under the government definition of deliverable housing, of having a realistic prospect of being built out within the coming five years. Again, this was a judgement, but Officers did draw on the submission of applicants or prospective developers' stated intentions. The position was only accurate at the time it was calculated – it was not simply a case of including any new planning permissions granted to add to the supply picture as that would not reflect those which had expired or where the commitment was no longer there. On that basis, an annual assessment was reasonable and manageable; whilst it was possible to give indicative figures in terms of planning permissions being granted and decisions being made by Planning Committee to get an idea as to whether it was going in the right direction, it would not be possible to give definite updated numbers. The Member noted that reference had been made to using Council Tax records for the assessment but she indicated this would only be relevant once people had moved and did not reflect those houses which had been completed but not sold. She asked if there was a target date in mind for when a five year housing land supply could be expected. In response, the Chief Executive advised that consideration was being given as to what meaningful information could be taken to Planning Committee – this would not be a running total but would give a sense of the direction of travel which would be helpful to Members. In terms of the target date, whilst work could be done in respect of the local plan when sites were identified, the rest was largely outside of the Council's control and in the hands of developers.

- 67.18 A Member asked what was being done to provide assistance with Neighbourhood Development Plans (NDP) which were out of date given that there was a fallback position for a three year housing land supply to be applicable when NDPs met certain criteria. In response, the Associate Director: Planning advised that the Member was correct in that, if NDPs were in place, up-to-date and allocated land for housing development then a three year housing land supply applied; however, many NDPs did not directly allocate land for housing. Local planning authorities had a duty to support Town and Parish Councils in the preparation of NDPs and that must be done within the context of preparing a new SLP, which was a key tool for ensuring that a five year housing land supply could be demonstrated on an ongoing basis, so it would be about supporting their endeavours and advising where it was possible to do so. In terms of planning reforms, the government had consulted on proposed changes to the National Planning Policy Framework this time last year and had received over 11,000 responses which had certainly had a bearing on how quickly any changes would be made. If and when the changes came into effect, they would have a material bearing on how all Councils interpreted housing land supply. Local planning authorities would be able to take account of developers' previous track records when determining whether to grant planning permission; however, this was problematic as permission was granted for the land, not the applicant, so that would need to be considered in more detail. He indicated that developers' plans could change as a result of macro and micro economic conditions and it was perfectly legitimate for developers to say they were intending to do something one week and change their mind the next so it was important to be sensitive to the fact that would continue to happen. Overall, whilst the government

was looking to redress the balance, there would continue to be a lot of power and influence within the development industry.

- 67.19 In response to a query regarding how the lack of a five year housing land supply impacted planning applications going to appeal, the Associate Director: Planning advised that, if planning permission was refused and the application went to appeal, the appellant had the opportunity to set out their case as to why planning permission should be granted against the decision of the local planning authority. Whilst housing land supply did not have to be a key topic of discussion at major housing appeals, it was often cited by the appellant as being highly material to their case to warrant permission being granted even when the Council accepted they did not have a five year housing land supply. The appellant would often challenge the position as being worse than reported therefore making the argument greater than the Council considered it to be.
- 67.20 A Member recognised the need for the Interim Housing Position Statement document and that it was not changing policy; however, there was very little mentioned of climate and nature in comparison to the previous Agenda Item aside from a reference in the final bullet point at Page No. 58, Paragraph 3.7 of the report. The Planning Committee was having to permit large housing developments which were dependent on gas for energy and he felt that more could be done in that regard. The Lead Member for Built Environment felt that sustainability ran through the statement so this had been addressed to some extent. The Interim Planning Policy Manager was grateful for the recognition that the document was not intending to introduce new policy, in particular, not all criteria at Paragraph 3.7 of the report must be accorded to. He agreed that climate change in the wider sense was addressed in many places, including encouraging means of travel other than the private motor car which was enshrined within the National Planning Policy Framework and development plan policies. Bullet point 12 related to energy performance in the construction phase as opposed to the operation of the development itself but could be amended as part of the delegation.
- 67.21 The Leader of the Council indicated that houses were classed as having been delivered when they were watertight which was a labour intensive measure and Officers were considering whether there was a more efficient approach that could be taken which could be monitored within the organisation to reduce reliance on developers; this would skew the first set of data but monitoring would then be able to be done more quickly. He agreed with the points that had been raised regarding the importance of NDPs and the authority could do more to support Town and Parish Councils in ensuring these were up-to-date. There had been a lot of understandable frustration among Town and Parish Councils at the briefing and he was keen to start the process of greater engagement, including considering establishing a partner forum. The Interim Housing Position Statement was not a solution intended to fix everything but Officers felt it was necessary to acknowledge the housing land supply position and set out what this meant for residents, developers and the Council's own Officers to ensure a consistent approach to development.
- 67.22 During the debate which ensued, a Member indicated that he supported the Interim Housing Position Statement but had raised concern at the Executive Committee meeting regarding how this would be monitored and felt this needed to be done with more regularity. Without a five year housing land supply, the titled balance was engaged and there was a presumption in favour of sustainable development; the Council needed to get out of this position and frequent monitoring was necessary to establish when that would be the case. He recognised this would be resource intensive but did not feel that would be wasted – more regular monitoring with a running total would be better than coming from a standing position at an annual review. He did not expect figures to two decimal places, rather an understanding of the direction of travel; it was particularly vital that Planning Committee was aware of

the position when determining applications. He asked for the support of other Members given the importance of getting out of the titled balance position. The Lead Member for Built Environment understood the point being made but felt it was necessary to bear in mind the significant pressure Officers were under already and lack of resources was a reality which must be taken into consideration. Another Member supported the document and felt that the fundamental issue was that Paragraph 7 of the National Planning Policy Framework contained three strands of sustainable development – economic, social and environmental. Officers had dealt with the economic and environmental element but she did not feel that social aspects had been taken into account in terms of villages being hit by enormous amounts of development and how that impacted residents. As an intrinsic part of planning policy, she felt that something needed to be included around the social objective and proposed an amendment on that basis which was duly seconded. The Leader of the Council indicated that he was not unsympathetic to an amendment of that nature but clarification would be needed on the wording. The Mayor agreed there would be a short adjournment to allow discussion to take place in that regard.

The meeting adjourned at 7:55pm.

The meeting reconvened at 8:05pm with the same Members present.

- 67.23 The Lead Member for Built Environment advised that Officers were satisfied that the matter being considered in the amendment was capable of being dealt with via the delegated authority being sought as part of the motion, therefore an amendment was not necessary. The proposer and seconder of the amendment confirmed they were happy to withdraw the amendment on that basis. Another Member proposed an amendment to Page No. 55, Paragraph 1.1 of the report to add a sentence to state that “The supply figures will be monitored on a quarterly basis and reported to the Planning and Executive Committees”. This amendment was duly seconded. In debating the amendment, a Member raised concern it was unachievable; as a previous Lead Member for Built Environment, she was aware of the enormous effort required by Officers to calculate the figures and she questioned whether they would be accurate and withstand testing at appeal. The Leader of the Council indicated that the Chief Executive had given assurances that greater monitoring was being investigated in terms of giving an indication of travel and, whilst it was desirable to have a quarterly update on the housing land supply status, that was not realistic based on current resources required and there would be financial implications associated with any additional resources needed. The Deputy Leader of the Council reiterated these points and felt that the Planning department had recently made headway in terms of addressing the backlog of planning applications and issuing decisions and she was concerned that taking resources away from that would result in a deterioration of that performance. The Lead Member for Built Environment indicated that an alternative option could be looking into the potential of introducing Key Performance Indicators (KPIs) which could be monitored via the Performance Tracker. Another Member indicated that she would welcome a discussion by the Overview and Scrutiny Committee as to whether that would be feasible; however, she could not support the amendment.

67.24 Upon being put to the vote, the amendment was lost. The substantive motion was subsequently put to the vote and it was

RESOLVED

1. That the Interim Housing Position Statement be **APPROVED** and published to explain the Council's approach to decision-making on planning applications involving the provision of housing.
2. That authority be delegated to the Associate Director: Planning, in consultation with the Lead Member for Built Environment, to make any necessary minor amendments and corrections to the document prior to publication.

The meeting closed at 8:10 pm