

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	24 January 2017
Subject:	Petition - Sale of Gastons to Tewkesbury Battlefield Society
Report of:	Julie Wood, Head of Development Services
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Councillor R A Bird
Number of Appendices:	One

Executive Summary:

A petition was received by the Council from Tewkesbury Battlefield Society on 11 December 2016. The petition requests that the Council:

- communicate to the Governors of Tewkesbury School our disagreement with their decision not to sell the Gastons to the Tewkesbury Battlefield Society;
- make clear any aspiration to sell the Gastons for development purposes is wholly inappropriate given its historical significance and will be vigorously opposed if attempted by the Trustees; and
- consider formally designating the Gastons, in the Local Plan, as the intended site for the future creation of a Heritage Park for Tewkesbury and work with the Society and residents to deliver this objective.

The Council has an agreed process for dealing with petitions, the detail of which is set out in Paragraph 1.3 of the Petition Scheme, which is attached as Appendix 1.

This report has been produced to enable Members to consider the request of the petitioners and outlines recommendations for responding to each of these requests.

Recommendation:

That the Council requests Officers to consider the issues raised within the Petition through;

- 1. the Borough Plan process; and**
- 2. exploring with Tewkesbury Battlefield Society, the Tewkesbury School Trust and landowners the potential for improving the Battlefield as a cultural and heritage asset.**

Reasons for Recommendation:

To determine an appropriate course of action as required by the Petition Scheme.

Resource Implications:

Officer time in considering the issues raised within the petition.

Legal Implications:

The petition must be considered in accordance with the Council's Petition Scheme. The Scheme sets out a number of options for the Council following consideration of the Petitioner's request.

Risk Management Implications:

None at this stage.

Performance Management Follow-up:

Monitoring reports will be provided through the quarterly Performance Tracker.

Environmental Implications:

None directly related to the report other than the potential future impact on the Battlefield.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Council's Petition Scheme; approved 28 September 2010 (based on the national model scheme) is designed to allow the public to have easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a Council debate should a certain number of signatures be achieved. Tewkesbury Borough Council has set that threshold at 100 signatures. The current petition qualifies for a Council debate.
- 1.2** The legislation also recommends a 15 minute maximum period for the debate and recognises that the issue may be referred to another Committee where the matter is not one reserved for Council. The purpose of the requirement for Council debate therefore, is not to ensure that the final decision relating to the petition is made at that Council meeting but to increase the transparency of the decision making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the Petition organiser and public to attend. It also ensures that local people know their views have been listened to and they have an opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject of the petition.

2.0 THE PETITION

- 2.1** The petition was received on 11 December 2016 from Mrs Christine Laird. It has 2,741 signatures, which is in excess of the 100 signatures required to trigger a Council debate. In addition, the Battlefield Society has undertaken its own online petition which contains 386 signatures.
- 2.2** The Council is therefore required to debate the petition in accordance with the Petitions Scheme. The process for dealing with petitions, agreed by Tewkesbury Borough Council is attached at Appendix 1. Paragraph 5.1 of the Petitions Scheme states that the petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:-
- taking the action requested in the petition;
 - considering the petition at a Council meeting;

- holding an enquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the petition for consideration by the Council's Overview and Scrutiny Committee;
- calling a referendum; or
- writing to the petition organiser setting out the Council's views about the request in the petition.

3.0 BACKGROUND INFORMATION TO THE SUBJECT OF THE PETITION

3.1 The petition has been submitted in response to the Battlefield Society's concerns regarding the sale of the Gastons field in Tewkesbury. The land forms part of the registered battlefield (as registered by English Heritage). The land is currently owned by the Tewkesbury School Trust and the Battlefield Society had been under the impression there was agreement the land would be sold to the Society. However, that sale has now been withdrawn.

3.2 Previously, in 2014 the land was nominated and listed as an asset of community value. This listing enables the community to raise funds to bid for the land once it is put up for sale. This listing remains in place for a five year period.

3.3 The justification for the petition sets out:

'We appreciate the Council has no power to instruct the Governors to proceed with the sale as originally promised, but sincerely believe recent events justify our request for some form of intervention. The Gastons has not been well managed by its current owners, the Tewkesbury School Trust for many years and residents remain convinced the Governors of Tewkesbury School, who are also the Trustees of the Charity, only withdrew from the sale of the Gastons to the Battlefield Society because they hope to sell this historic site for more money to a property developer.

It is our view this ambition is inappropriate given its importance in English History. We support the Tewkesbury Battlefield Society's aspiration to transform the Gastons Field into England's first medieval battlefield heritage park. For our part residents are willing to do all we can to help them and the Council realise this ambition – we want to make it happen.

We therefore ask our Council to:

- *communicate to the Governors of Tewkesbury School our disagreement with their decision not to sell the Gastons to the Tewkesbury Battlefield Society;*
- *make clear any aspiration to sell the Gastons for development purposes is wholly inappropriate given its historical significance and will be vigorously opposed if attempted by the Trustees; and*
- *consider formally designating the Gastons, in the Local Plan, as the intended site for the future creation of a Heritage Park for Tewkesbury and work with the Society and residents to deliver this objective.*

4.0 CONSIDERATION OF THE PETITION

4.1 In reference to communicating disagreement regarding the decision not to sell the Gastons, it is not appropriate for the Council to communicate between the two parties in

this manner.

- 4.2** With regard to planning policy, the Gastons fields area is currently subject to saved policy HEN24: Historic Battlefields of the Adopted Tewkesbury Borough Local Plan to 2011. The policy covers the wider Battle of Tewkesbury (1471) area, including the Gastons, and requires that any proposals for development pay regard to the conservation of the historic landscape. The supporting justification to the policy states that proposals should be able to demonstrate that they respect the character of the registered site and generally retain its openness.
- 4.3** Any proposal for development within the battlefield would be judged against this policy as well as the other saved policies contained within the adopted Borough Plan as well as guidance in the National Planning Policy Framework. Any additional policy approaches to development on the Battlefield would have been determined through the statutory plan making process as set out by Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.4** The Council, however, is currently preparing a new Tewkesbury Borough Plan to cover the Plan period 2011 to 2031. Through this the Council has the ability to review and update existing policies, such as HEN24, and include new policies to designate land and guide future development. Therefore, the identification of the Gastons as a Heritage Park would be most appropriately considered through this process.

5.0 THE BATTLEFIELD

- 5.1** In respect of the other elements of the petition, the Gastons is one site within the Battlefield. Currently the Council promotes the Battlefield in a number of ways. There is a Battle Trail that is marketed and exhibited through various promotional methods and also at the Tewkesbury Heritage and Visitor Centre. Shortly new signage and interpretation will be installed along the Battlefield. However, there is further potential for the Battlefield to be enhanced as an asset for the community and visitors. It would be beneficial for officers to explore with the Battlefield Society, the Tewkesbury School Trust and other landowners the potential for the other opportunities, through taking a whole Battlefield approach, with the aim of improving the Battlefield as a cultural, tourism and heritage asset.
- 5.2** Therefore, it is recommended that the Council explores the potential for improving the Battlefield as a cultural and heritage asset with the Battlefield Society, Tewkesbury School Trust and other landowners.

6.0 OTHER OPTIONS CONSIDERED

- 6.1** None.

7.0 CONSULTATION

- 7.1** None.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 8.1** As set out in section 4 above.

9.0 RELEVANT GOVERNMENT POLICIES

- 9.1** As set out in section 4 above.

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 Officer time in considering the issues raised as part of the Borough Plan process and improving the Battlefield.

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

11.1 Any proposal for a policy as suggested in the Petition will need to be considered in light of the NPPF and other relevant policies/guidance/legislation through the Borough Plan process.

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

12.1 None.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 As set out in Section 4 above.

Background Papers: None.

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Appendices: One – Petitions Scheme.