

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Council held remotely on Tuesday, 30 June 2020
commencing at 6:00 pm**

Present:

The Worshipful the Mayor

Councillor G F Blackwell

and Councillors:

R A Bird, G J Bocking, C L J Carter, C M Cody, K J Cromwell, M Dean, R D East, J H Evetts, P A Godwin, M A Gore, D W Gray, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, P D McLain, H S Munro, J W Murphy, J K Smith, P E Smith, R J G Smith, V D Smith, C Softley, R J Stanley, S A T Stevens, M G Sztymiak, S Thomson, R J E Vines, M J Williams and P N Workman

CL.1 APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors L A Gerrard, A Hollaway, H C McLain, P W Ockelton, A S Reece, C Reid and P D Surman.

CL.2 DECLARATIONS OF INTEREST

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

2.2 The following declarations were made:

| Councillor | Application No./Item | Nature of Interest (where disclosed) | Declared Action in respect of Disclosure |
|-------------------|---|---|---|
| G F Blackwell | Item 7 – Churchdown and Innsworth Neighbourhood Development Plan. | Is a Churchdown Parish Councillor but had not been involved in the development of the Neighbourhood Development Plan. | Would speak and vote. |
| G J Bocking | Item 7 – Churchdown and Innsworth Neighbourhood Development Plan. | Is a member of both Churchdown and Innsworth Parish Councils. | Would speak and vote. |

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| M L Jordan | Item 7 – Churchdown and Innsworth Neighbourhood Development Plan. | Is a Churchdown Parish Councillor who had initially been involved in the development of the Neighbourhood Development Plan but had resigned from that role. | Would speak and vote. |
| C Softley | Item 7 – Churchdown and Innsworth Neighbourhood Development Plan. | Is a Borough Ward Member for Churchdown but had not been involved in the development of the Neighbourhood Development Plan. | Would speak and vote. |

2.3 There were no further declarations made on this occasion.

CL.3 MINUTES

3.1 The Minutes of the meeting held on 18 February 2020, copies of which had been circulated, were approved as a correct record.

CL.4 ANNOUNCEMENTS

4.1 The Mayor advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.

CL.5 ITEMS FROM MEMBERS OF THE PUBLIC

5.1 There were no items from members of the public.

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

6.1 The following questions had been received from Councillor Munro to the Lead Member for Built Environment. The answers were given by the Lead Member for Built Environment, Councillor Gore, but were taken as read without discussion.

Bishop's Cleeve to Gotherington Cycleway and Community Buildings

My understanding is that, as part of Bovis Homes Planning Consent granted in 2015 to build new homes in Bishops Cleeve, under the S106 Agreement the developer legally committed to build a cycleway between Bishop's Cleeve and Gotherington and with a second developer, between them, two community buildings for our village.

To date we are still waiting.

Question 1:

I was advised that Bovis Homes gave a date of 27 April 2020 for the cycleway to start to be built but this was cancelled due to the COVID-19 emergency. Since then I have been informed that there is an outstanding legal agreement with GCC Highways Legal team, following which Bovis Homes will be in a position to access the site, appoint a contractor and apply for a streetworks application. No mention of this was made before the emergency.

Please can I ask the Council to clarify the current outstanding actions which need to be completed before work can start, why this work apparently could have been completed by 27 April but is still outstanding, the timetable for work to start on the cycleway and what action the Council is taking to ensure that the developer fulfils its legal commitments.

The Council is further asked to clarify that there will be no impact on funding of the cycleway, which I understand Bovis Homes has implied may be the case.

Answer 1:

This is a detailed matter between the developer and Gloucestershire County Council Highway Authority under the terms of the s106 agreement. The developer did issue a start date of 27 April which was subject to their detailed agreement with Gloucestershire County Council. The current COVID-19 emergency has altered that start date as Highway Authority resources have been diverted to immediate response measures to support social distancing and immediate measures to achieve implementation of walking and cycling schemes across the county. We do not currently have any indication of an alternative start date and have sought to follow up with the County Council and the developer in relation to an alternative start date. We will undertake to prepare a briefing note once we have confirmation on the details from the County Council.

Question 2:

Local Councillors have been informed of difficulties raised by developers over building the two community buildings in Bishop's Cleeve. The Council is asked for an update on the current position and an estimate of the timescale for work to start.

Answer 2:

The Council is currently consulting with Bishop's Cleeve Parish Council on detailed elements of scheme design. That consultation was sent on 26 June. A response is anticipated this week. Following that we will be able to determine the actions to be taken and timescales moving forward. It is intended to convene a briefing for local Members during the first two weeks of July.

6.2 The Mayor invited supplementary questions. The Member asked the following and the answers were provided by the Interim Head of Development Services:

Question:

When will the briefing note be prepared and can it include the measures the Council can apply to developers to get them to build what they are supposed to build?

Answer:

The briefing note will be prepared in the next 10 working days and that will address where responsibilities lie in relation to legal obligations.

Question:

Can the Council guarantee the developer will be asked to build the two community buildings?

Answer:

A briefing note will be prepared and a briefing for local Members will be held within the next fortnight as stated in the response to the initial question.

CL.7 CHURCHDOWN AND INNSWORTH NEIGHBOURHOOD DEVELOPMENT PLAN

- 7.1 The report of the Planning Policy Manager, circulated at Pages No. 12-118, asked Members to decide whether the Churchdown and Innsworth Neighbourhood Development Plan should be made part of the development plan for Tewkesbury Borough following the positive outcome in the referendum held on Thursday 12 March 2020.
- 7.2 In introducing the report, the Lead Member for Built Environment explained that the Churchdown and Innsworth Neighbourhood Development Plan had been to community referendum on 12 March 2020 after advancing through an independent examination. In the referendum, 91.20% of those that voted, voted that the Plan should be used to help Tewkesbury Borough Council to decide planning applications in the neighbourhood area, as such, the Borough Council now had to agree that the Neighbourhood Development Plan be 'made' part of the development plan for Tewkesbury Borough. The Member therefore proposed that the Churchdown and Innsworth Neighbourhood Development Plan be made part of the development plan for Tewkesbury Borough; and that authority be delegated to the Head of Development Services, in agreement with the Parish Council acting as the Qualifying Body, to correct any minor errors such as spelling, grammar, typographical or formatting errors that did not affect the substantive content of the plan.
- 7.3 In seconding the proposal, a Member noted the considerable amount of work that had gone into the Plan and offered his thanks to the steering group and, in particular, the Clerks that had administered the group. He indicated that his opinions on the plan were well known in respect of it not offering sufficient protection in areas such as transport and flooding, but that design, environment and parking were good and, overall, he would encourage Members to vote for the adoption of the Plan. Another Member echoed those comments about supporting what was, on balance, an excellent Plan and in recognising the hard work, effort and expense that went into producing a local Neighbourhood Development Plan. He expressed the view that there was an issue for all Neighbourhood Development Plans which had been created by the revisions to the National Planning Policy Framework (NPPF) last year and the Council needed to address that as an authority. The assessment of the five-year housing land supply and Paragraph 14 of the National Planning Policy Framework, which stated that, "in situations where the presumption (at Paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following applies: a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made; b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement; c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in Paragraph 73); and d) the local planning authority's housing delivery was at least 45% of that required over the previous three years", acted against all local plans to the point which seemed to make planning almost worthless in some cases. This was an unacceptable situation where Tewkesbury Borough Council and its

Parishes, who were committed to meeting the needs of its communities, were being undermined through planning regulations which were designed to achieve different things in different parts of the country. He felt there needed to be an urgent change to Paragraph 14 of the National Planning Policy Framework and intended to write to ask the local MP to take the matter up with the appropriate government departments to address the intolerable situation.

- 7.4 Other Members agreed with those points and questioned how much value could be attached to the Neighbourhood Development Plan when the whole purpose was to enable local people to get actively involved in development in their local area but changes to guidance were undermining efforts and meant that, after a couple of years, the Neighbourhood Plan documents would be valueless; particularly when they often took more than three years to put together. In addition, if the Borough Council continued with a lack of five-year housing supply the Neighbourhood Development Plans would be voided anyway.
- 7.5 A Member expressed the view that the document was an impressive vision of a Neighbourhood Development Plan with a wide community input and desire for environmental requirements including green spaces, allotments, orchards, active travel and community facilities; this was a very appealing portrait of Churchdown and Innsworth and she offered her congratulations to those involved. In terms of the current planning regulations, a Member questioned whether it would be possible to send something out to Parish and Town Councils to make them aware of the issues as there were many that were not fully informed of the difficulties. In response, the Interim Head of Development Services advised that the matter had been raised by the Lead Member and Officers were working on advice for Parishes. The Lead Member advised that many Parishes engaged consultants and/or the Gloucestershire Rural Community Council when putting together their Neighbourhood Development Plans and those organisations were aware of the new policy and National Planning Policy Framework so could advise the Parishes accordingly. She would also ensure an item was placed on the Agenda for the next Parish and Town Councils seminar.
- 7.6 The Leader of the Council thanked Members for their comments and confirmed that, as this issue was wider than the Churchdown and Innsworth Neighbourhood Development Plan, he would write the letter sharing the Council's concerns about changes to the National Planning Policy Framework etc. as he had intended to do and would share it with Members once he had all the information he needed. It was suggested that further weight would be added to the letter if it was signed by all Group Leaders and therefore showed cross-party support. The Leader thanked the Member for his statement of support and indicated that he would do what he could to take those steps.
- 7.7 A Member questioned whether recommendation 2 on the report should refer to Parish Councils rather than Parish Council and, in response, the Planning Policy Manager advised that, in this case, Churchdown Parish Council was the Parish Council acting as the qualifying body but in reality any changes would be agreed with both Churchdown and Innsworth Parish Councils.
- 7.8 Upon being put to the vote, it was
- RESOLVED**
1. That the Churchdown and Innsworth Development Plan be made part of the development plan for Tewkesbury Borough.
 2. That authority be delegated to the Head of Development Services, in agreement with the Parish Council acting as the qualifying body, to correct any minor errors such as spelling, grammar, typographical or formatting errors that do not affect the substantive content of the plan.

CL.8 COVID-19 EMERGENCY DECISIONS TAKEN UNDER URGENCY POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

- 8.1 The report of the Chief Executive, circulated at Pages No. 119-157, set out a number of decisions that had been taken by the Chief Executive, in consultation with the appropriate Lead Members, under the urgency powers set out in Part 3 of the Constitution as a result of the COVID-19 pandemic. The report advised Members of the decisions taken to comply with the requirements of the Constitution and the Council was asked to note those decisions.
- 8.2 The Chief Executive explained that, in recent weeks, the Council had responded superbly to the unprecedented challenges it had faced and he paid tribute to the Members and Officers who had worked so hard to respond successfully through those challenges. The Council was now slowly moving into recovery mode and the Chief Executive was confident the authority would respond to those issues equally well.
- 8.3 In terms of the emergency grant funding for charitable and community groups, Members were advised that the scheme provided financial support for the invaluable work those groups had carried out in their communities and would ensure they could continue to do so for the coming weeks. In respect of the discretionary business grants scheme, this had needed to be operational on a particular date and Tewkesbury Borough Council had given businesses fantastic support in terms of grants, help and advice. The scheme was caveated by government requirements meaning there was not a huge amount of discretion but it had given the opportunity to help a number of businesses which had not received funding initially through the mandatory business grant scheme. A Member indicated that she knew of some businesses that had wanted to say thank you to the Borough Council for its help as without that they would have lost everything.
- 8.4 During the discussion which ensued, a Member welcomed the emergency grant funding for charitable and community groups; he indicated that the communities in the Borough had got together to provide valuable support to vulnerable people and he thanked all of those involved. Another Member questioned whether it would be possible to receive a list of the grants made and sums of money involved. In response, the Chief Executive advised that he would consider that request in line with the General Data Protection Regulation. Currently, over £40,000 of grant money had been paid out in 42 grants and there were eight more being considered.
- 8.5 Accordingly, it was

RESOLVED That the decisions taken by Chief Executive, in consultation with appropriate Lead Members, as set out in the Appendices attached to the report, be **NOTED**.

CL.9 CHANGES TO COMMITTEE MEMBERSHIP

9.1 The Mayor drew attention to the Agenda for the current meeting and, accordingly, it was

RESOLVED: That, in accordance with Rule of Procedure 2.1, it was **NOTED** that the Borough Solicitor had exercised her delegated authority to approve the following change to Committee Membership:

Councillor L A Gerrard had resigned as Lead Member for Organisational Development (and therefore from the Executive Committee) and been replaced by Councillor D J Harwood.

The meeting closed at 7:05 pm