

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held remotely on
Wednesday, 21 October 2020 commencing at 4:00 pm**

Present:

Chair
Vice Chair

Councillor R A Bird
Councillor J R Mason

and Councillors:

G F Blackwell, M Dean, M A Gore, D J Harwood, E J MacTiernan, C Softley, R J Stanley,
M G Sztymiak and R J E Vines

EX.37 ANNOUNCEMENTS

37.1 The Chair 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.

EX.38 DECLARATIONS OF INTEREST

38.1 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.

38.2 There were no declarations of interest made on this occasion.

EX.39 MINUTES

39.1 The Minutes of the meeting held on 26 August 2020, copies of which had been circulated, were approved as a correct record.

EX.40 ITEMS FROM MEMBERS OF THE PUBLIC

40.1 There were no items from members of the public.

EX.41 WHITE PAPER: PLANNING FOR THE FUTURE

41.1 The report of the Head of Development Services, circulated at Pages No. 7-106, attached the government's White Paper; Planning for the Future and set out a proposed response which Members were asked to consider and approve as the Council's submission to the consultation.

- 41.2 Members were advised that the government had published its White Paper for consultation on 6 August 2020. The paper set out a package of proposals for the reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land was available for development where it was needed. The proposals were wide-ranging and would bring a significant change to the planning system in England, covering plan-making, development management, development contributions and other related policy proposals.
- 41.3 The White Paper was structured around three pillars: pillar one – planning for development; pillar two – planning for beautiful and sustainable places; and pillar three – planning for infrastructure and connected places. Under each pillar there were a series of proposals that covered a comprehensive range of issues. Key proposals included simplification of the role of local plans and changing the emphasis to a more zonal approach to designating land for development or protection that focussed on setting out specific design codes rather than generic planning policies. The government was seeking views on its proposals using 26 questions covering the different elements of the reform presented. The consultation was being undertaken over a 12-week period with the deadline for responses on 29 October 2020. Officers from across Development Services had reviewed the proposals to formulate a response to each of the questions posed in the consultation and a Member seminar had been held to gain initial views, and the suggested response was attached to the report at Appendix 1. The Head of Development Services indicated that there were some typographical errors and duplication of words which would be amended using the delegation proposed within the recommendation.
- 41.4 The Lead Member for Built Environment thanked Officers for their work on the submission. She felt it provided a strong message about the Council's view of the document and particularly about the standard methodology which the government was trying to impose. Referring to pillar two, she felt that sustainability was at the heart of the proposals; however, she questioned who would be responsible for the costs of retrofitting homes and how those changes would be delivered. In response, the Head of Development Services indicated that this was currently unknown as no guidance had been released; however, she agreed that this did need to be addressed by the government. The Planning Policy Manager indicated that retrofitting was outside of the planning policy system as it applied to homes that already existed but he understood that currently it was dealt with by the use of grants like the 'green homes grant' which offered £5,000 to help with retrofitting measures and residents applied for those privately. There was no indication that it would become the responsibility of Councils to retrofit properties apart from offering support for those applying for grants. In terms of lifetime homes, the government was generally supportive, however, it had recently been bringing in more building regulations which meant that, whilst there was a basic level of adaptability in homes, it was up to individual Councils to decide how to get to the top level of adaptability. In terms of a query regarding the answer to Question 16 on Appendix 1, the Planning Policy Manager advised that the second 'not' in the second sentence would be removed as it was a double negative.
- 41.5 Some Members expressed concern that although the Council did not agree with many of the proposals, the responses to the consultation questions often began with positive statements and they feared that would result in them not being taken as seriously as if the responses were more direct and stated that they did not agree with the proposals. In response, the Head of Development Services advised that the approach had been taken of demonstrating how the proposals could work as it was felt this would enable the Council to shape the next iteration of the

process. In addition, the Planning Policy Manager advised that, in some cases, the principle of the idea was not too objectionable, e.g. expediting the plan-making process was a good idea, but Officers did not agree with the way the White Paper sought to do that, and Officers were of the view that it was better to state how the proposals could be improved rather than just saying they would not work. The Members remained of the view that the Council needed to be stronger in its responses and the Head of Development Services undertook to consider those comments in consultation with the Lead Member.

- 41.6 A Member advised that she had a major issue with the response to Question 14 which asked local authorities what further measures they would support on the build out of developments, as the answer did not provide the information requested. Another Member referred to Question 8a and queried whether Tewkesbury Borough Council had seen Cotswold District Council's submission to the government consultation. The Member was aware that Cotswold District would see a 188% increase on housing need with the proposed standard methodology and he would be interested to know what it had said in response to that issue. He also felt consideration had to be given to the effect on the landscape as a whole and not just within the Area of Outstanding Natural Beauty. In response, the Head of Development Services advised that she had not seen the response made by Cotswold District Council, but she would ask them for a copy and circulate to Members for information if possible. In addition, she confirmed that Officers had grave concerns about the detrimental impact of the standard methodology on areas like Tewkesbury Borough and she felt other rural Councils across the whole country would be saying the same.
- 41.7 Referring to Question 4, a Member questioned whether 'design' was one of the Council's top three priorities for planning in the local area and expressed the view that environmental sustainability should be on that list. He also expressed concerns that the responses to the consultation did not appear to reflect the feeling of Members at the recent seminar which had been far stronger than set out in Appendix 1 to the report. The Lead Member for Built Environment advised that she had canvassed Members views of the priorities and had received quite a variation; however, she was happy to amend that should the Executive Committee wish to do so. She had felt that carbon zero etc. was covered within 'design', and also that many people felt the design of new homes in the Borough was often not reflective of the area, which was why that had been included. In offering further clarification about Question 8a, the Head of Development Services explained that, historically, Examinations had taken weeks as there had been no standard methodology for calculating housing need and this had been a huge problem. The government had subsequently devised a standard methodology which had stopped those issues; in this response, Officers were not saying they did not agree with the use of a standard methodology because they did, the intention was to make it clear that the Council did not agree specifically with the one being proposed. The Lead Member agreed with that view and felt strongly that the response was the correct way around in that regard.
- 41.8 Some Members felt the tone of the document was right and that it was entirely correct that technical responses should be made rather than emotional ones, whereas others continued to believe that the answers needed to be stronger and suggested that the order of some of the paragraphs be changed to keep a positive statement but not to have that at the beginning of the response. One Member asked that copies of the Council's final response be sent to the Borough MPs so they could use it to inform their parliamentary debates on the matter. Another Member also noted that she would be horrified if the proposals at Question 9a came forward as it stood as well as having concerns about Neighbourhood Plans as detailed at Question 13a. She felt both needed to be much clearer and advised that she could not vote in favour of the responses as they currently stood. In offering reassurance in respect of Question 9a, the Planning Policy Manager

explained that in terms of areas to be granted automatic outline permissions, this would only be for sites already in the local plan so would be a Council decision not a developer one. In response to a further query, he indicated that the financial and resource burden would fall to the Council so, if the government wanted to undertake that approach in growth areas, it would need to ensure Councils were properly resourced to do so. In respect of the government providing additional money to Councils, the Head of Development Services confirmed that there was a lot of uncertainty as the proposals represented fundamental reform to the planning system so it was difficult to make comparisons to the current system to understand the cost implications. Another Member expressed the view that the whole process seemed to centralise a lot of decision-making and he felt this would inevitably lead to a loss of control and input from Councils which would not be a good thing.

- 41.9 The Chief Executive expressed the importance of the Council making a response to the consultation. He felt the answers proposed were well scripted and carried weight in that they provided a technical response with context. He also felt that the responses did reflect the discussion at the seminar even if they were not as direct as some Members would like. However, a Member was of the view that, at the seminar, Councillors had wanted clear, robust responses that did not pull any punches and he felt the wording in the document before the Committee was too positive to get the Council's views across effectively. The Leader of the Council advised that he would be happy to defend the wording put forward as he believed it to be in the thrust and meaning of what was discussed at the all Member seminar and Officers were the experts in how best to word responses to government in a way that they would be understood.
- 41.10 It was suggested that with a minor amendment to the recommendation, it would be possible to agree a way forward that would reflect the discussion which had taken place at the current meeting and, accordingly, it was

RESOLVED:

1. That the proposed responses to the White Paper: Planning for the Future, provided at Appendix 1 to the report, are **APPROVED** by the Executive Committee as the basis of Tewkesbury Borough Council's final response to the consultation.
2. That authority is delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to finalise the response taking into account the views expressed by the Executive Committee.

EX.42 SEPARATE BUSINESS

- 42.1 The Chair 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.

EX.43 SEPARATE MINUTES

- 43.1 The separate Minutes of the meeting held on 26 August 2020, copies of which had been circulated, were approved as a correct record.

EX.44 CLEEVE COMMON LEASE

(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))

- 44.1 The report provided information about several interested parties who had expressed an interest in trying to conserve golf on Cleeve Hill and had requested the possibility of acquiring a long term lease of the clubhouse. Members were asked to determine whether a new lease of the clubhouse should be granted and how this should be concluded. After consideration of the report the Committee agreed to delegate authority to the Head of Finance and Asset Management, in consultation with various Lead Members, to agree Heads of Terms for a long lease of up to 125 years for the clubhouse, subject to various conditions including a licence with Cleeve Common Trust to play golf on Cleeve Common and authorisation was given to prepare the necessary legal documentation.

The meeting closed at 6:20 pm