

Member questions submitted in accordance with Council Procedure Rule 13

The following questions have been received from Councillor Paul Ockelton to the Lead Member for Built Environment. The answers are given by the Lead Member for Built Environment, Councillor Mel Gore, but are taken as read without discussion.

Question 1:

Could the Lead Member for Built Environment update Council on the planned consultation that was due to take place in January 2021 about the non-statutory A46 Route Options?

Answer 1:

The J9/A46 project, which aims to deliver a solution to the capacity issues of the A46 and its junction with the M5, is being led by Gloucestershire County Council, the Local Highway Authority. Current advice received from the County Council is that it is intended to submit the project proposal, when finally developed, to the Department for Transport (DfT) for funding from the Large Local Majors (LLM) fund. As part of this work, a non-statutory public consultation was scheduled for January 2021. This would have involved public consultation in respect of the preferred route options and their development. The consultation has, however, been postponed on the basis of a request from DfT that Highways England need more time to review the proposals. A new schedule is to be finalised but is currently expected to take place in early summer 2021.

Question 2:

Would the Portfolio Holder for Built Environment update Council on the 5 Year Housing Land supply? (5YHLS)

Answer 2:

The current five year land supply statement covering 2020/21 to 2024/25, available on the Council's website, confirms that the Council has a 4.35 year housing supply. Link to webpage provided. This figure takes into account houses that have already been delivered during the plan period.

https://tewkesburyborough-my.sharepoint.com/:b:/g/personal/website_tewkesburyborough_onmicrosoft_com/EW6OiDUPBS1KnYRWkl-JF-kBvHLGHP6Lr6e42A1dlqiv3A?e=JNxNFG

Question 3:

Considering the confidence statement at the December Council meeting (08/12/20) re section 106 and CIL, can the Portfolio Holder for Built Environment please inform Council how confident she is that the priorities within that agenda item will be delivered in the period 21/22 to 24/25?

Answer 3:

The Infrastructure Funding Statement approved at Council on 8 December, sets out both reports on the income and expenditure of CIL and s106 contribution, as well as an infrastructure list.

The infrastructure list refers to 25 projects, without setting out any priorities between them, which the Council intends will be, or may be, wholly or partly funded by CIL. The infrastructure list will be reviewed at least on an annual basis.

Regarding s106 contributions where explicit expenditure has not been set out within the relevant s106 obligation or undertaking, the process for the allocation of available s106 funds is that these are advertised on the TBC website, social media and press release. Community organisations then complete an expression of interest (EOI), explaining how the funds will be spent and what difference it would make to the community. The decision on the award of funds is made by the Head of Development Services in consultation with the s106 Panel.

Question 4:

Could the Portfolio Holder for Built Environment give her assessment for the number of deliverable sites, for monitoring period 2020/21 to 2024/25?

Answer 4:

I am satisfied that the Council's assessment of deliverable sites for the 2020/21 to 2024/25 monitoring period, which is part of the current five year land supply statement already referred to, is robust.

The following questions have been received from Councillor Paul Ockelton to the Leader of the Council (as Chair of the Planning Policy Reference Panel). The answers are given by the Leader of the Council, Councillor Rob Bird, but are taken as read without discussion.

Question 1:

Would the Leader of the Council, as Chair of the Planning Policy Reference Panel (PPRP) please update Council on the current state of the Joint Core Strategy Review?

Answer 1:

At Executive Committee on 6 January 2021 the Local Development Scheme was approved. This sets out the timetable for the JCS review:

- Issues & Options Consultation – Winter 2018/19
- Preferred Options Consultation – Summer 2021
- Pre-Submission Consultation – Winter 2022
- Submission to the Secretary of State – Spring 2023
- Examination – Summer 2023
- Adoption – Winter 2023

Question 2:

Planning practice guidance (PPG) indicates that assessments should go further, and seek to evidence that completions are likely to be forthcoming, as Chair of the PPRP would the Leader of the Council update Members as to how robust the housing delivery is taking into account the requirements of the PPG?

Answer 2:

I am satisfied that the Council's assessment of deliverable sites for housing has been made in accordance with the National Planning Policy Framework and the guidance within the PPG and is therefore robust.

Question 3:

Would the Leader of the Council please inform Council as to his understanding of the “Plan Led Process”, as briefly as is possible, for the JCS?

Answer 3:

The Plan Led process for the JCS is that the Joint Core Strategy 2011-2031 (adopted December 2017) provides the overarching strategic plan for the area covered by the three Councils and sets out the housing requirements for each of the three Councils.

The following questions have been received from Councillor Graham Bocking to the Lead Member for Built Environment. The answers are given by the Lead Member for Built Environment, Councillor Mel Gore, but are taken as read without discussion.

Given the disastrous impact from development on the Innsworth Twigworth Longford ward and neighbouring areas, particularly with regard to flood impact where Decembers flooding (although not exceptional) led to some residents' homes being flooded for the first time, or the first time since the exceptional event in 2007. Consequently, I have several questions regarding flooding and the planning process that allowed this to happen and what measures can be taken to safeguard residents should it ever rain heavily again in these areas.

The questions are ward specific but carry generic full borough implications within the answers they will generate and the methodology by which these answers are reached.

On 17 November 2020 the surface water drainage plan condition for the development of 74 dwellings at Yew Tree Farm in Twigworth was put before the Planning Committee and the Planning Committee decision on this site on surface water management was very narrowly passed only after the assurance was given that no extra water would go into the recently discovered, and not fully explored, Victorian culvert. For this to happen, as water is planned to be pumped uphill to the gully to remove it from site, the surface water currently must be using the gully at the same rate Pumping it there will generate and this would mean it:

- a) runs uphill from the site to the A38;
- b) that there would be no less evaporation from dramatically reducing the water surface area; and
- c) that an area that uses some soak away to control surface water will not have soak away amounts affected in anyway by being built upon.

Given all the information and the setting of attenuation volumes at around ½ a million litres of water the risk is significant.

The LLFA have said in answer to subsequent questions that the sites surface water “would have flowed onto the A38” (which is uphill) and that answer is final.

Yew Tree farm specific questions:

Question 1:

Can you please confirm that all surface water on the site currently runs uphill from the site to the A38?

Answer 1:

Surface water does not run uphill. Following development, water will be pumped with an electrical pump from the attenuation ponds into the surface water culvert that runs under the A38 and discharges into the Hatherley brook.

Question 2:

Can you also confirm that there would be no less evaporation from dramatically reducing the water surface area which currently pools across the entire site to just the attenuation ponds surface area, only a small fraction of what it is now?

Answer 2:

The evaporation reduces if the area reduces.

Question 3:

And can you confirm that an area that uses some soak away to control surface water will not have soak away amounts affected in anyway by being built upon?

Answer 3:

The area will be affected by being built on which is, of course, why there is a requirement for suitable drainage systems to be implemented on development sites.

Overall area questions

Question 1:

The local residents, supported by hydrology expert professor Ian Cluckie, have put together a document of flood evidence for the area but there is a delay in it being incorporated into official records due to what has been stated as funding issues, hence could all development in the Twigworth area be suspended while the community's evidence on flooding is incorporated with EA data and then flood risk and mitigation is re-evaluated for the area taking all of it into account?

Answer 1:

No, the developers are carrying out works, for which they have in place the necessary planning permissions.

Question 2:

If a developer pumps water off site and it causes flooding or environmental damage elsewhere who is responsible for holding them to account and how are they held accountable?

Answer 2:

This is a civil matter between respective land/property owners.

Question 3:

I am led to believe that GCC through their Scrutiny Committee are setting up a scrutiny panel to look at flood mapping, flooding and the planning system, can we ensure that TBC takes an active role with this panel and complete our own scrutiny review to feed into it?

Answer 3:

The County Council has confirmed that a full summary of the December flooding event will be presented to its Environment Scrutiny Committee in March 2021. The summary will be an assessment of the event, comparison of meteorological data, identification of worst hit areas and potential next steps for resilience building. TBC officers have been working with GCC officers to feed back on the impact and the role TBC played in immediate response and initial assessment.

Question 4:

Given that there is the potential for other sites to emerge during the JCS review process how can we as an authority guarantee that a full cumulative impact assessment with regard to flooding, both pluvial and fluvial is carried out and fully assessed prior to any sites inclusion?

Answer 4:

A strategic flood risk assessment will be undertaken which will inform whether a site is included within the JCS. This will also consider cumulative impacts.

Question 5:

Because of the increase of flood risk currently being demonstrated in the Innsworth Twigworth Longford ward and surrounding areas since the adoption of the JCS and its subsequent impact on properties, who is legally liable should inaccurate conclusions and/or information, or faulty or out of date evidence be shown to be used concerning flood risk in firstly the JCS and secondly the Borough planning process and as the planning authority What liability do we have if agreed mitigation is not completed to standard or timescales?

Answer 5:

Any legal liability could only be determined on the facts of any particular case.

The Local Planning Authority has a responsibility to ensure, through its planning policies and its determination of planning applications that future developments are sustainable and do not increase flood risk elsewhere. Development Plans (JCS / Borough Plan) are adopted and individual applications determined following a statutory process that includes examination of the evidence available at that time.

If agreed mitigation, secured by way of planning conditions / obligations, is not completed in accordance with the approved details and at the right time, the Council will take steps as necessary and expedient to enforce any such conditions/ obligations.

The following questions have been received from Councillor Mary Jordan to the Lead Member for Clean and Green Environment. The answers are given by the Lead Member for Clean and Green Environment, Councillor Jim Mason, but are taken as read without discussion.

Question 1:

It is understood GCC have an ambition to plant 1 million trees within the next 10 years.

Please can the Portfolio holder for the Clean and Green Environment confirm how many trees Tewkesbury Borough Council planted in 2020 and how many trees were cut down or died in the same year on Tewkesbury Borough Council land or other land over which is has any interest/authority.

Answer 1:

The Council's Tree Safety Management Policy requires that any tree felled on Council land must be replaced, ideally with the same species. Council records indicate that 12 trees were felled and replaced in 2020.

Question 2:

Given the importance of trees to our environment and taking into account issues such as Ash dieback, the Portfolio holder is also asked what Tewkesbury Borough Council's tree planting plans and ambitions are for the next decade.

Answer 2:

The Council's only approved tree management policy is the Tree Safety Management Policy which as previously highlighted requires a one-for-one replacement. The policy does not go further to outline plans to increase the number of trees being planted but the Council will take opportunities within specific projects to plant further trees where possible. The Council is also a partner in the Gloucestershire Local Nature Partnership which has produced a Gloucestershire Tree Strategy that includes a target, amongst others, of trees and woodlands covering at least 20% of the county by 2030.