

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	22 June 2021
Subject:	Consideration of a petition requesting that the Council reduce flooding, examine flood risk in detail before allocating more development sites.
Report of:	Head of Development Services
Corporate Lead:	Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	Two

Executive Summary:

An electronic petition (e-petition) was published by the Council on 8 February and closed on 22 March 2021.

The e-petition requests that prior to the allocation of any more development sites, the Council commissions, with our JCS partners if possible or without, if necessary, a detailed pluvial and fluvial flood risk assessment across the JCS area. 117 people have signed the petition.

The wording of the e-petition is set out in Paragraph 2.2.1 of this report.

The Council's process for dealing with petitions 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.

The request made by the petitioners to undertake a detailed pluvial and fluvial flood risk assessment across the Joint Core Strategy (JCS) area will be undertaken as part of the review of the JCS currently in progress. The information requested by the petition will be included within the Strategic Flood Risk Assessment which will need to be completed before any final decisions are made as to which sites should be proposed to be allocated for development. The JCS Authorities will engage the services of a specialist who will assess all the information and evidence available before presenting a report.

The Council's Local Plan is at an advanced stage, awaiting the Inspector's report following the Examination in Public. All the sites proposed to be allocated, within the Local Plan have, where necessary, been subject to a Strategic Flood Risk Assessment.

Recommendation:

That the Council requests Officers to ensure that the issues raised in the petition are considered as part of the Strategic Flood Risk Assessment prepared in connection with the review of the Joint Core Strategy (JCS) which will inform the identification of strategic site allocations.

Reasons for Recommendation:

The Council along with the other JCS Local Authorities is already aware of the need to undertake a detailed pluvial and fluvial flood risk assessment across the JCS area, as part of the requirement to undertake a Strategic Flood Risk Assessment.

Resource Implications:

Officer time in considering the issues raised as part of the JCS review.

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 to respond to the Petition. These are set out in the report at 2.5.1.

Risk Management Implications:

Any risks associated with land use allocations will be considered and recorded during the development of the Development Plan process.

Performance Management Follow-up:

None.

Environmental Implications:

As part of the JCS review process a Strategic Environmental Assessment will be undertaken which will identify any potential environmental impacts and the mitigation required to address any negative impacts.

1.0 INTRODUCTION/BACKGROUND

1.1 The Council's Petition Scheme, including e-petitions, is designed to ensure the public has easy access to information about how to petition the Council and to let them know what to expect from the Council 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. As such the Petition received now triggers a debate by Council.

1.2 The scheme provides a fifteen 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 issue 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 that their views have been listened to and they have the opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject matter of the petition.

2.0 THE PETITION

2.1 An electronic petition was published by the Council on 8 March 2021. The petition asks the Council to examine flood risk in detail before allocating more development sites.

2.2 The e-petition has 117 signatures which is in excess of the 100 signatures required to trigger a debate at Council. The wording of the petition is set out below:

2.2.1 *We the undersigned ask this council, prior to the allocation of any more development sites, to commission, with our JCS partners if possible or without if necessary, a detailed pluvial and fluvial flood risk assessment across the JCS area, to include cumulative impacts from our neighbours, climate change, other influencing factors and all development completed, planned or projected since 2014, including major infrastructure projects and reviewing mitigation requirements that may be required during the construction phase. Also, to consult with relevant agencies and parish councils reviewing and incorporating their local evidence and include this within the council's development plans*

2.3 The e-petition asserts that the flood risk assessments of the current development plans fall short, especially given all the evidence available now, in the area of pluvial and fluvial flooding's cumulative impact across the whole JCS area and the result of this is having a severe impact on residents and in some areas has virtually destroyed faith in the Council's plan.

2.4 The Council is required to debate the electronic petition in accordance with the Petitions Scheme. The process for dealing with petitions, agreed by Tewkesbury Borough Council is attached as Appendix 1.

2.5 Paragraph 5.1 of the Petitions Scheme states that the petition organiser (or representative) 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 fifteen 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:

- 2.5.1**
- taking the action requested in the petition;
 - considering the petition at a Council meeting;
 - holding an inquiry 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 & Scrutiny Committee;
 - calling a referendum;
 - writing to the petition organiser setting out the Council's views about the request of the petition.

3.0 BACKGROUND AND CONTEXT

3.1 The National Planning Policy Framework, 2019, sets out the planning system should be plan led and that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The process for considering whether a site should be allocated within a local or strategic plan is part of the plan making process.

3.2 Local and strategic site allocations proposed within the development plan are required to be supported and justified by evidence demonstrating their suitability for inclusion within the respective Development Plan. Allocated sites should provide sufficient information so that the scale, quantum, and type of development is clear.

3.3 The Planning and Compulsory Purchase Act 2004 sets out the process which must be followed in the preparation of the development plan. One of the requirements is that the preferred plan containing proposed site allocations must be submitted to the Secretary of State for independent examination. The Inspector appointed to conduct the Examination in Public will consider if the legislative requirements have been adhered to. Furthermore, objectors will be able to promote development allocations that the Council has not proposed with its Plan. The Inspector will, after hearing all of the evidence, advise the Council which site allocations should be contained within the development plan to make the Plan sound.

4.0 EXISTING DEVELOPMENT PLAN POLICIES

4.1 Within Tewkesbury Borough, the Development Plan consists of:

- the Gloucester, Cheltenham and Tewkesbury Joint core Strategy 2011-2031, adopted December 2017 (JCS). The JCS provides the overarching strategic plan for the wider area covered by the three Councils;
- the saved policies of the Tewkesbury Local Plan to 2011, adopted 2006, Borough level document.

4.2 In October/November 2013 the Council commenced the review of the Local Plan with a consultation on the key issues affecting the Borough. This led to the consultation on the Draft Policies and Site Options which took place from February to April 2015. The preferred option was issued for consultation in October 2018, with the pre-submission plan consulted upon in October 2019. The Plan was submitted to the Secretary of State in May 2020. The Examination In Public into the Local Plan took place between February-March 2021 and the Inspector's report is awaited. As part of the Local Plan process, Strategic Flood Risk Assessments were undertaken for the specific site allocations.

4.3 The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 was adopted in December 2017 (JCS). The JCS provides the overarching strategic plan for the wider area covered by the three Councils. As part of this plan a Strategic Flood Risk Assessment, levels 1 and 2 were commissioned to inform site allocations. The JCS is now under review.

- 4.4** On 6 January 2021, the Executive Committee of the Council approved the Local Development Scheme. The Tewkesbury Borough Local Development Scheme (LDS) outlines the timetable for preparing statutory development plan documents in the Borough. The Local Plan timetable is detailed above. The estimated timetable for the JCS Review to adoption is as follows:

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

- 4.5** As part of the JCS review process a Strategic Flood Risk assessment will be undertaken, this is a requirement as set out in the National Planning Policy Framework, (NPPF), under “Planning and Flood Risk” - attached at Appendix 2. The government has produced guidance on how to prepare a strategic flood risk assessment which details the information required to be included within it and who should be involved in its preparation. The Strategic Flood Risk Assessment will include a detailed pluvial and fluvial flood risk assessment across the JCS area, which the petition is seeking to be undertaken.

The Strategic Flood Risk Assessment is one of several technical studies that will be used to inform the identification of strategic sites.

5.0 COMMENTS ON THE PETITION

- 5.1** The request made by the petitioners to undertake a detailed pluvial and fluvial flood risk assessment across the JCS area will be undertaken as part of the review of the JCS. This information will be contained within the Strategic Flood Risk Assessment which will need to be completed before any final decisions are made as to which sites should be proposed within the preferred Joint Core Strategy as development allocations. The process for undertaking SFRA’s is set out in government guidance entitled, ‘How to prepare a strategic flood risk assessment’, updated September 2020.
- 5.2** The petition has requested that the Council consult with the relevant agencies and Parish Councils reviewing and incorporating their local evidence and include this within the Council’s development plans. The Council is required to consult at the preferred option and pre-submission stage of the JCS, so there will be every opportunity for public to comment on the proposals being put forward. Given the technical nature of the work required to be undertaken in the preparation of a Strategic Flood Risk Assessment, the JCS Councils will be required to appoint a suitably qualified specialist in this area of work who will assess all available relevant information before reaching any conclusions in a report. As stated previously, the Local Plan process requires an independent Examination in Public to be held, the technical evidence the Council relies on to justify a proposed allocation with the development plan has to be technically and soundly justified with the Council’s evidence being capable of withholding scrutiny.

6.0 CONCLUSION

6.1 The Local Plan review is at an advanced stage with the Inspector's report due imminently. The Council will therefore be seeking to allocate local sites in due course; however, these have been subject to a Strategic Flood Risk Assessment. The Council is currently in the process of reviewing the JCS (as set out in paragraph 4.4 above), which will include allocating strategic sites. The JCS review will require the commissioning of a Strategic Flood Risk Assessment which will include a detailed pluvial and fluvial flood risk assessment as requested by the petition.

7.0 OTHER OPTIONS CONSIDERED

7.1 None.

8.0 CONSULTATION

8.1 None.

9.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 9.1**
- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031, adopted December 2017.
 - Emerging Tewkesbury Borough Plan.
 - The saved policies of the Tewkesbury Local Plan to 2011, adopted 2006.
 - Flood and Water management SPD, March 2018.

10.0 RELEVANT GOVERNMENT POLICIES

- 10.1**
- Planning and Compulsory Purchase Act 2004.
 - National Planning Policy Framework (2019).
 - Local Democracy, Economic Development and Construction Act 2009.
 - The Flood and Water Management Act (FWMA) 2010

11.0 RESOURCE IMPLICATIONS (Human/Property)

11.1 Officer time. Consultants appointed to undertake Strategic Flood Risk Assessment.

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

12.1 Any site allocation proposed within a Development Plan will be subject to a Strategic Environmental Assessment incorporating a Sustainability Appraisal.

13.0 IMPACT UPON (Value for Money/Equalities/E-Government/Human Rights/Health and Safety)

13.1 The proposed plan review process and comments from statutory consultees/stakeholders will be cognisant of equalities/HRA issues.

14.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

14.1 None.

Background Papers: None.

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Appendices: 1 Council's petition scheme.
2 Extract from NPPF.