

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of an Extraordinary meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Wednesday, 8 June 2022 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor J W Murphy
Councillor A S Reece

and Councillors:

K Berliner, R A Bird, G J Bocking, C L J Carter, C M Cody, K J Cromwell, M Dean, R D East, P A Godwin, D W Gray, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, H C McLain, P D McLain, C E Mills, J P Mills, C Reid, J K Smith, P E Smith, V D Smith, C Softley, R J Stanley, P D Surman, M G Sztymiak, S Thomson, M J Williams and P N Workman

CL.19 ANNOUNCEMENTS

- 19.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 19.2 The Mayor advised that he had attended the start of stage three of the Tour of Britain cycle race that morning, along with other Members and the Town Mayor, it had been a great event and a fantastic advert for Tewkesbury Town, the Borough and Gloucestershire.

CL.20 APOLOGIES FOR ABSENCE

- 20.1 Apologies for absence were received from Councillors G F Blackwell, M A Gore, H S Munro, P W Ockelton, R J G Smith and R J E Vines.

CL.21 DECLARATIONS OF INTEREST

- 21.1 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.
- 21.2 There were no declarations of interest made on this occasion.

CL.22 TEWKESBURY BOROUGH PLAN - REPORT OF THE INSPECTOR AND ADOPTION OF THE PLAN

- 22.1 The Mayor reminded Members of the rules of debate and indicated that he would be adhering to them throughout the meeting.
- 22.2 The report of the Interim Planning Policy Manager, circulated at Pages No. 1-314, recommended that Members formally adopt the Tewkesbury Borough Plan 2011-2031, incorporating the Inspector's recommended Main Modifications, so that it formed part of the Statutory Development Plan for Tewkesbury Borough.
- 22.3 In introducing the report, the Interim Planning Policy Manager was pleased to bring the Borough Plan to the Council which was the culmination of many months and years of work involving a large number of Councillors and Officers, extensive evidence gathering, public consultation and public examination. The recent receipt of the Inspector's report had found the Borough Plan to be sound subject to a

number of Main Modifications and could now be formally adopted. This was the reason for the report to Council. On adoption, the Borough Plan would form part of the two-part development plan in the area along with the Joint Core Strategy (JCS) which set out the strategic policy and allocations for Tewkesbury, Cheltenham and Gloucester. The Borough Plan looked at the non-strategic allocations (consistent with the JCS) and a number of policies which were locally distinctive. The Independent Examination had been rigorous, with 12 sitting days, and had concluded in March 2021. It had encompassed matters of housing, employment, settlement boundaries, gypsies and travellers, landscape matters etc. The role of the Inspector was not to look at individual objections but to consider the overall “soundness” of the plan, including whether it had been positively prepared, had been accompanied by a sustainability appraisal, was consistent with the National Planning Policy Framework (NPPF) and had been prepared in cooperation with neighbouring Councils. At the conclusion of the public hearings, the Inspector had submitted an informal conclusion that the Plan was unsound but could be made sound by Main Modifications. Some plans were found to be so defective that they could not even be made sound with modifications so this was good news for the Council, especially given the relatively few Main Modifications required. The Council had considered the Main Modifications in November 2021 and formal consultation had concluded in January 2022 with all responses being sent straight to the Inspector to consider in his final analysis. The Inspector had confirmed that, with very minor changes to the Modifications, the Plan could proceed to adoption. All key documents in the pack were included in the Council report: the report of the Inspector, the list of Main Modifications required, the Schedule of Additional Modifications, the policies map and the sustainability appraisal adoption statement. The Interim Planning Policy Manager suggested it was important to reflect on how vital it was that the Borough Plan should be adopted as it had a particular status once adopted, alongside the Neighbourhood Development Plans when they were ‘made’. In recommending the Plan be adopted, he felt it was worth remembering that the Inspector’s list of Modifications must be accepted or rejected as a whole and it was not within the Council’s gift to pick out or add its own changes.

- 22.4 In proposing the recommendation, the Leader of the Council indicated that all Members were aware of the considerable demand for housing within the Borough and the pressure from developers on that land meaning there was a significant need for the Plan to be adopted. The current Plan was the result of hard work over the last five years (two Council terms) between Members and Officers. He indicated that the list of Modifications was not too significant compared to some, which was an accolade to all who had worked on it. There was now a need to adopt the Borough Plan in order to gain security for the Council against unwanted development. In seconding the proposal, the Chair of the Borough Plan Working Group advised that every Member had had the opportunity to attend the meetings of the Working Group and the Plan was the culmination of the work undertaken by that Group.
- 22.5 A Member queried that, if work had begun on the Borough Plan in 2013 and it ran until 2031, when would the Council have to start on the next Borough Plan. She also questioned whether adoption would give the Council a five-year housing land supply. The Interim Planning Policy Manager explained that it was the nature of the system that Plans were reviewed every five years or so – the JCS was currently the subject of a review so, in time, the Borough Plan would need to be reviewed and updated to accord with that. The start date did not affect the currency of the Plan. The adoption of the Plan was an essential stage of demonstrating a five-year land supply which was reported on an annual basis. In addition to adopting the Plan, it would be necessary for Officers to update figures relating to planning permissions, lapses, starts and completions in the current year, as well as confirming realistic build-out trajectories with site promoters to get a full picture of housing land supply. Adoption of the Plan did not in itself mean the Council had a five-year supply; however, Officers were as confident as they could be that would be the outcome

after the calculations had been completed.

- 22.6 Referring to MM46 – removal of the Gloucestershire Wildlife Trust reserve – a Member noted that Appendix 3 talked about nature conservation sites and he was of the view that, in Tewkesbury, the Mythe Railway needed to be protected. In response, the Interim Planning Policy Manager advised that he did not have the information to hand but he would investigate it. If the deletion arose from a factual error in compiling the Council report version of the Main Modifications Schedule, it could be corrected under the delegation. In any event, its status as a local wildlife site would be a matter of fact and would not be determined by its inclusion or otherwise in the Appendix to the Local Plan. The Member also questioned whether, based on experience, Officers were able to say how likely it was that a developer would lodge a legal challenge against adoption of the Plan. In response, the Interim Planning Policy Manager explained that the provision was there for challenge within six weeks but this would only be successful if it related to an error in law rather than someone not liking something that was in it. There had been no indication from anyone that they planned to challenge but it was not something that could be ruled out. One Member expressed concern that the wording in the Borough Plan in relation to the climate change emergency could be misleading as the Plan applied to the whole of the Borough and it could therefore be inferred that the Borough's declaration had been amended to also apply to the whole Borough rather than just the Council's own buildings. In response, the Chief Executive clarified that the Council had passed a motion to declare a climate emergency and that related to the Council's estate – work was ongoing on that through the Climate Change and Flood Risk Management Group and then through Council. The Borough Plan related to the whole of the Borough and the policies in that, as amended with the Main Modifications, meant it complied with all national guidance. The situation with the Council's climate change motion had not changed. There was a relationship between the two but the Borough Plan set out the policies that were needed to comply with national guidance as well as local policies. In addition, the Interim Planning Policy Manager advised that the Council obviously wanted to do all it could to help address the national climate change strategy and the policies in the Borough Plan were designed with that in mind. The policies were supported by Reasoned Justification which provided contextual information for the policies related to climate change. Whilst this helpfully noted the Council's declaration as relevant background information, the Local Plan was concerned with planning permissions and the development of land which was a separate matter to the Council declaring a climate emergency.
- 22.7 During the debate which ensued, a Member expressed the view that the Inspector had added many sensible Modifications relating to sustainable initiatives, building with nature, climate change mitigation, reducing light pollution etc. - she appreciated the work of all involved in producing the plan and understood the need to get the Borough Plan adopted; however, there were many constituents who were unhappy with the Plan which left her in a very difficult position. Another Member indicated that, in October, he had put forward a proposal to remove land at Mitton (policy MM8) from the Plan but that had not found support. He continued to be of the view that the site was not necessary and that it would have significant consequences on flooding, traffic and services in Tewkesbury Town. In response to a query regarding the land at Mitton, the Interim Planning Policy Manager confirmed that the planning permission for that site would be considered by Wychavon District Council because it fell within that local authority boundary although the numbers would be counted within Tewkesbury Borough Council's figures in line with the Memorandum of Understanding. The site was not therefore being allocated in the Borough Plan, but the Plan nevertheless noted that it would be likely to be a source of some housing supply which would go to meet Tewkesbury Borough's housing needs.
- 22.8 A Member expressed the view that this was one of the most important decisions to be made in the four-year term of this Council and he felt Members owed it to

residents to adopt the Plan and end some of the speculative development which had occurred until now. Another Member agreed, he understood that parts of the Plan were unpalatable for some residents, but felt that, if the Plan was not adopted, any and all pieces of green land would potentially be developed on appeal and to prevent that the Council must have a five year housing land supply.

22.9 Having received a proposal and seconder, a recorded vote was requested and, upon receiving the appropriate level of support, voting was recorded as follows:

For	Against	Abstain	Absent
K Berliner	M G Sztymiak	C M Cody	G F Blackwell
R A Bird	P N Workman	M L Jordan	J H Evetts
G J Bocking		P E Smith	M A Gore
C L J Carter			H S Munro
K J Cromwell			P W Ockelton
M Dean			R J G Smith
R D East			R J E Vines
P A Godwin			
D W Gray			
D J Harwood			
E J MacTiernan			
J R Mason			
H C McLain			
P D McLain			
C E Mills			
J P Mills			
J W Murphy			
A S Reece			
C Reid			
J K Smith			
V D Smith			
C Softley			
R J Stanley			
P D Surman			

S Thomson

M J Williams

22.10 With 26 votes in favour, two against and three abstentions, it was

RESOLVED

- a. That the conclusions of the Tewkesbury Borough Plan Inspector's Report (Appendix 1) be **NOTED**.
- b. That the content of the Sustainability Appraisal adoption statement at Appendix 6 be **NOTED**.
- c. That the adoption of the Tewkesbury Borough Plan 2011 – 2031 will revoke all saved policies of the Tewkesbury Borough Local Plan to 2011.
- d. That the Tewkesbury Borough Plan 2011 – 2031 (Appendix 4), incorporating all of the Main Modifications recommended by the Inspector (Appendix 2) together with the additional modifications as set out in Appendix 3, be **ADOPTED** as part of the Council's statutory Development Plan.
- e. That authority be delegated to the Head of Development Services, in consultation with the Lead Member for the Built Environment, to make minor spelling, grammatical, cross-referencing or typographical errors and presentational changes (including the addition of a Foreword) to the Tewkesbury Borough Plan prior to publication; and to prepare and publish an updated and consolidated version of the Policies Map as it related to the Tewkesbury Borough Plan.

22.11 The Leader of the Council announced that this was the last Council meeting for the current Chief Executive who would leave the authority on Friday 10 June 2022. He thanked the Chief Executive on behalf of the Council for the 13 years' service he had given to the Council since his appointment. In offering his thanks, the Chief Executive indicated that it was 13 years this month since he had been appointed as Tewkesbury Borough Council's Chief Executive and, since then, he had been on an amazing journey. When he began, the Council had just started voluntary engagement with the government and had quite a low reputation; however, over the years that reputation had developed and the Council now had a good standing as a local authority and had achieved some amazing things. The hardest job in the last two years had been keeping services running whilst also dealing with all the additional issues raised by the COVID pandemic. He stated that the last 13 years had been a privilege and he had enjoyed working with Members and Officers and the feeling of family which the Council had. He loved the Council and the Borough and representing it had been a real pleasure. On Monday, the Council would get its new Chief Executive who was a very capable individual and he felt sure he would be a great person to assist the Council in facing its ongoing challenges.

The meeting closed at 7:00 pm