

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 9 November 2023 commencing at
10:30 am**

Present:

Chair	Councillor R J Stanley
Vice Chair	Councillor S Hands

and Councillors:

C M Cody, C F Coleman, S R Dove, D W Gray, D J Harwood, A Hegenbarth, M L Jordan,
J K Smith, M G Sztymiak and R J E Vines (Substitute for J R Mason)

also present:

Councillor P W Ockelton

EX.40 ANNOUNCEMENTS

40.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

EX.41 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

41.1 Apologies for absence were received from Councillor J R Mason. Councillor R J E Vines would be a substitute for the meeting.

EX.42 DECLARATIONS OF INTEREST

42.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

42.2 There were no declarations made on this occasion.

EX.43 MINUTES

43.1 The Minutes of the meeting held on 6 September 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.44 ITEMS FROM MEMBERS OF THE PUBLIC

44.1 There were no items from members of the public.

EX.45 COUNCIL PLAN PERFORMANCE TRACKER QUARTER ONE 2023/24

- 45.1 The report of the Chair of the Overview and Scrutiny Committee, circulated at Pages No. 14-75, asked Members to review and respond to the findings of the Overview and Scrutiny Committee's review of the quarter one 2023/24 performance management information.
- 45.2 In the absence of the Chair and Vice-Chair of the Overview and Scrutiny Committee, the Director: Corporate Resources advised that the performance information had generated questions across a broad range of issues and activities as exemplified in the report. Members had raised particular queries regarding the cessation of the trade waste service, an update on which was due to be provided at the Transform Working Group meeting the following week, as well as complaints with the annual complaints report subsequently being presented to the last meeting of the Overview and Scrutiny Committee which had demonstrated that the authority received a low number of formal complaints given the amount of customer transactions. The Committee had been particularly concerned regarding the Key Performance Indicator (KPI) around the number of planning appeals overturned and that it may at some point exceed the government threshold of 10%. During the discussion, Members had been informed that over £600,000 had been spent on appeals in 2022/23 against a budget of £60,000. This had led to the unusual step of the Chair raising the matter with the Leader and Deputy Leader of the Council and offering the Overview and Scrutiny Committee's support in undertaking any additional investigations felt necessary. It would be interesting to see whether performance had improved during quarter two and it was possible the Committee may ask for a separate report in relation to this matter.
- 45.3 A Member drew attention to Page No. 15 of the report which indicated that the Committee had discussed the action around ensuring that Council Tax remained in the lowest quartile nationally and asked whether Members were aware there was a limit in terms of how much Council Tax could be increased without a referendum. The Executive Director: Resources advised that those discussions had begun at the Overview and Scrutiny Committee and would continue at the Medium Term Financial Strategy seminar which would be arranged for all Members in due course. With regard to Page No. 37 of the report and the action around working with Cotswold Tourism and Visit Gloucestershire to promote the borough, the Member was aware that a lot of visitors came from America and Asia and she felt that care needed to be taken in terms of how this action was achieved given that the Council had declared a climate emergency. The Executive Director: Place felt it would be worth contacting the Local Visitor Economy Partnership (LVEP), which carried out benchmarking against categorisation of visitors and destinations and had historically set targets in relation to this, to establish whether it had reviewed its position due to climate emergency objectives and priorities. The Member went on to draw attention to Page No. 39 of the report, KPI 8 in relation to the number of workshops/events delivered through the Growth Hub and asked whether more could be done to make Members aware of these events in order to promote them to their communities. The Director: Corporate Resources undertook to establish if the Growth Hub had a programme of events which could be shared with Members.
- 45.4 With regard to Page No. 41 of the report, Objective 1, Action b) Increase the temporary housing accommodation supply, a Member was aware of rough sleepers who would not move from under a bridge, despite it being at risk of flooding, as they would be taken off the homeless list; similarly, anyone who sofa surfed were also removed from the list as things stood and she felt this needed to be changed. The Executive Director: Place undertook to check the situation following the meeting and to update Members accordingly. In respect of Page No. 48 of the report, KPI 16 - New affordable housing properties delivered on Joint Core Strategy (JCS) sites by tenure type, a Member raised concern that no social

rented properties had been delivered. The Chair indicated that, in the absence of the relevant Officers and Lead Member, a response would be provided following the meeting. With regard to Page No. 66 of the report, Objective 2, Action b) Promote a healthier lifestyle through working with Active Gloucestershire through the 'We Can Move' programme, a Member raised concern that she was unaware of the schemes which had been initiated despite being one of the Lead Members and the Chair indicated that an update would be sought from Officers following the meeting. In terms of Page No. 69 of the report, KPI 39 – Number of reported enviro-crimes, a Member raised concern that the number of reports was quite low in some areas, particularly dog fouling which continued to be a significant issue for local residents despite the Council having a Public Space Protection Order. The Chair agreed this must be massively underreported as there would have been more than two incidents of dog fouling, as suggested by the report. He had raised this matter previously, as had other Members, but he recognised this was partly due to resources with Officers focusing on other priorities. A Member indicated that she had taken this up with the Director: Communities who had looked into the possibility of Town and Parish Councils jointly financing a Dog Warden; however, indicative costs suggested this would not be feasible. The Lead Member for Clean and Green Environment indicated that she would raise this at her next Portfolio Briefing and update Members accordingly. Another Member noted that the number of abandoned vehicles had increased to 33 from 12 in the previous year and he asked what responsibilities the Council had in relation to recovering abandoned vehicles and if it incurred costs as a result of that. The Chair advised that a response would be provided to Members following the meeting giving the context around the increase and whether any specific locations were problematic. A Member felt it would be useful to know the definition of an abandoned vehicle as some may not actually be abandoned and she asked for that to be included in the response.

45.5 It was

RESOLVED: That the findings of the Overview and Scrutiny Committee's review of the quarter one 2023/24 performance management information be **NOTED**.

EX.46 FEEDBACK FROM CHAIR OF AUDIT AND GOVERNANCE COMMITTEE

46.1 The Vice-Chair of the Audit and Governance Committee provided feedback from the last meeting of the Audit and Governance Committee held on 27 September 2023.

46.2 The Vice-Chair of the Audit and Governance Committee advised that the Committee had received training in relation to the Statement of Accounts prior to the meeting and the accounts had subsequently been approved at the meeting. A range of Officers had been in attendance to answer questions in relation to the various items of business along with a representative from Grant Thornton who had advised that no significant issues had been identified during its audit of the accounts which was a positive outcome for the authority. It was noted that Grant Thornton was yet to complete its work on the value for money element of the audit which was due by the end of December but no significant risks were expected. It was clear that local authorities were finding it difficult to get audit work completed so it was a considerable achievement for Tewkesbury Borough Council to have done this in line with the expected timescales. It was noted that Bishop Fleming had been appointed as the Council's external auditor going forward. The Committee had been presented with the corporate risk register and several suggestions had been made around improving its presentation. The Head of Service: Audit and Governance had presented the internal audit monitoring report around work undertaken to date, which included audits of garden waste and

Disabled Facilities Grants (DFGs), as well as the plan for the next six months. The Annual Governance Statement had been approved by the Committee with suggestions made regarding its layout, style and accessibility for those who were not on the Committee. Based on the reports presented, the Vice-Chair of the Audit and Governance Committee was confident the authority was in a good place.

46.3 A Member noted that Grant Thornton was being replaced by Bishop Fleming as the Council's external auditor and asked who had made that decision. In response, the Executive Director: Resources advised that Grant Thornton was coming to the end of its second five-year contract with the authority. Public Sector Audit Appointments (PSAA) was used to procure a contract on behalf of the majority of local authorities, including Tewkesbury Borough Council - Grant Thornton had no particular interest in smaller district audits and, as a result, more players had entered the market including Bishop Fleming which had picked up many of the districts in the South West including all of those in Gloucestershire.

46.4 It was

RESOLVED: That feedback from the Chair of the Audit and Governance Committee on matters discussed at its last meeting be **NOTED**.

EX.47 CHELTENHAM, GLOUCESTER AND TEWKESBURY STRATEGIC AND LOCAL PLAN PUBLIC CONSULTATION (REGULATION 18)

47.1 The report of the Interim Planning Policy Manager, circulated at Pages No. 76-122, attached, at Appendix 1, the Strategic and Local Plan Consultation Document which was proposed to be used for public consultation on broad spatial options and policy issues in line with the relevant legislation. Members were asked to recommend to Council that the Strategic and Local Plan Consultation Document be approved for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and that authority be delegated to the Associate Director: Planning, in consultation with the Lead Member for Built Environment, to prepare diagrams illustrating the general location of development options for inclusion in the consultation document, and to make any other necessary minor amendments, corrections and additions to the document prior to publication for consultation.

47.2 The Lead Member for Built Environment advised that, as Members were aware, the Council had agreed to formally work together with Cheltenham Borough and Gloucester City Councils on a Strategic and Local Plan (SLP). This was the start of a long journey and, as had been discussed many times, there would be important decisions and choices to make on the way. The formative Regulation 18 stage was about asking people what they thought the plan should contain and obtaining views on broad policy options and issues – it was about big questions such as how and where to respond to the needs of a growing population and how to address climate change and nature recovery through the planning system. It was therefore proposed that the draft document, attached at Appendix 1 to the report, be published to form the basis of a wide ranging round of public consultation and engagement starting in December. This included a draft vision and strategic objectives which had been discussed at various points with Tewkesbury Borough Council's Planning Policy Reference Panel, and equivalent Member panels across the partnership. It also set out a range of issues and posed 31 questions to start the conversation with communities and the development industry. The Planning Policy Reference Panel recently met jointly with the Member Working Groups from Cheltenham Borough and Gloucester City Councils and a large number of helpful comments and suggestions were made on an earlier version of the document. To a large extent, these were reflected in the revised

draft consultation document set out in the Committee papers. She reiterated that one of the recommendations was that the document be further refined before being published in December. This would include concept diagrams, which were currently being drawn up, which will attempt to generally illustrate – without showing site details – the patterns of development that would arise from the various growth options presented in the document. Gloucester City Council's Cabinet had approved the document the previous night and Cheltenham Borough Council will be considering the document at its Council meeting on 11 December 2023. It was proposed to launch the consultation immediately after Tewkesbury Borough Council's meeting on 12 December 2023, to ensure that documents were in the public domain before Christmas, with active engagement commencing early in 2024. It was proposed that the consultation should be for no less than eight weeks in part to recognise the interruption of the Christmas break. In terms of the approach to consultation - which would be an important part of this process, as had previously been discussed by the Committee - although there were minimum standards in the Statement of Community Involvement, it was intended to be ambitious and creative and work was underway to reach as many people as possible, including young people who traditionally did not take part in such consultations; this would include a mixture of face to face, digital and targeted methods. The proposed approach to consultation would be discussed at another joint Planning Policy Reference Panel meeting to be arranged shortly. This marked the early stages of the SLP, and it was recommended that Council should be asked to resolve that the document at Appendix 1 be published for consultation; as a number of minor amendments and corrections would be needed, including inclusion of the diagrams, delegated authority was also being sought for these to be made by the Associate Director: Planning in consultation with the Lead Member for Built Environment prior to issuing the final document.

- 47.3 In response to a query as to whether there was any update in relation to Page No. 88, Paragraphs 1.17-1.19 of the report in respect of planning reform, the Interim Planning Policy Manager advised that the document acknowledged there were multi-layered reforms being proposed, some of which may happen whereas others may not in terms of planning. Most significantly, the enactment of the Levelling Up and Regeneration Bill would have an effect on the way things moved forward but nothing had happened which would fundamentally alter the approach being taken in respect of this document.
- 47.4 A Member expressed the view that it would be beneficial to have a 10 week consultation given the Christmas break. She noted that the document would be subject to minor revisions prior to publication and indicated that she had noticed several spelling and punctuation errors as well as some jargon which Members would understand but lay persons may not. In addition, she pointed out that the links included within the document were not currently active. With regard to Page No. 83 of the report, which talked about the way people lived in the area, she did not think it was mentioned that Tewkesbury, in particular, was an attractive rural area. Page No. 84 of the report referred to 10% Biodiversity Net Gain and she felt this should also mention that 25% would be expected for a Garden Town; in addition, Officers had undertaken to find out whether the same percentage applied to Garden Villages. The Associate Director: Planning advised that 25% Biodiversity Net Gain for Garden Towns was not set through legislation; it may be that the government was pushing Garden Towns to go further but that decision would be through policy made at a local level, through a local plan, and would be considered through the plan-making process. The Interim Planning Policy Manager confirmed that the document posed a specific question as to whether the SLP should require more than the mandatory minimum 10% Biodiversity Net Gain through development.

- 47.5 The Member went on to draw attention to Page No. 87 of the report, which referred to working with other Councils and stakeholders and the duty to cooperate, as she felt this needed to be made much clearer. Residents did not understand why there was so much building in Tewkesbury Borough but it still did not have a five year housing land supply. Page No. 91, Paragraph 2.7 of the report did not seem to contain a full sentence and Paragraph 2.9 of the report was confusing in the way it was written. The Interim Planning Policy Manager acknowledged that the document would need to be reviewed in terms of grammatical corrections and he referred to the ambitious timetable Officers had faced in order to go out to public consultation before the end of the year following the Council resolution in July. Several Officers had been working on the document in tandem in order to get it to a point where it could go into the respective Council's Committee cycles and it may be that some of the paragraphs identified had already been made into Plain English. It was a real challenge to express technical concepts which were aimed as much at the development industry as members of the public and there would come a point where the document could not be made any more straight forward; however, he provided assurance that Officers would continue to endeavour to make such improvements where possible. In terms of Paragraph 2.7 specifically, this related to the concept that, although the Council had resolved to go forward with Cheltenham Borough and Gloucester City Councils, there would be issues for Tewkesbury Borough, or parts of Tewkesbury Borough, only which must not be lost – Cheltenham Borough and Gloucester City would also have their own issues. The document asked which matters were strategic and needed to be addressed jointly and which were locality based. With regard to Paragraph 2.9, the important principle at this stage was that no decisions were being made about sites, or the approach as to where sites ought to be. At some point there was a duty to publish a Housing and Economic Needs Assessment, and a call for sites had been issued to identify suitable land, but this consultation document was in very broad terms, albeit there would be site specific evidence underpinning it. The Lead Member for Built Environment indicated that the duty to cooperate had been discussed by the Planning Policy Reference Panel and there was a general opinion that the Joint Core Strategy had not benefited Tewkesbury Borough Council in the way it should have done. There was a need to improve upon the last agreement and it was up to Members to ensure there was a better outcome from this process.
- 47.6 With regard to the climate change objectives at Page No. 94 of the report, the Member pointed out that nothing was included in respect of insulation and Page No. 95 of the report made no reference to pool cars which she felt needed to be promoted. The Chair explained that sustainable transport and active travel was a priority and this focused on reducing the need to travel and creating real options for healthy and accessible and walkable neighbourhoods where key services were available without the need to use motorised transport. The Member pointed out that people would still need to use cars but there should be a focus on sustainability – people did not need to own a car, they could use a pool car as and when it was appropriate to do so. The Lead Member for Built Environment reminded Members this was a consultation document so it was important not to get caught up on the detail; the Regulation 18 stage was about asking people what they thought the plan should contain and residents should be encouraged to input into the consultation which would form the basis of what was ultimately taken forward. The Member took the point this was a consultation but expressed the view that the document was making suggestions. Page No. 109 of the report talked about people shopping online or at retail parks but did not refer to the movement of people who had stopped consuming and she felt the Council had a responsibility to include some of those options in the document. In response, the Associate Director: Planning explained it was a stylistic choice in terms of how Officers had put together the consultation document to offer a flavour of what some of the responses might be to the issues identified, for example, reducing the need to travel or moving to sustainable modes of travel would certainly have an impact

on climate change but he felt that car pooling was probably a separate category and he suggested including a statement to cover all sections of the document to clarify it was not intending to be exhaustive. In his experience, whilst there were documents which did not go as far as providing examples, these did not tend to get the best responses so a balance needed to be struck. The Member made reference to Page No. 111 of the report which talked about “green infrastructure”, and Page No. 113 of the report which referred to six development scenarios, and felt these were good examples of jargon which members of the public may not be familiar. The Chair suggested this could be addressed through the consultation exercises but the Member pointed out that some people would engage online rather than in-person and others would not be able to attend the events at all. In response to a query, confirmation was provided that a glossary of terms would be included in the document prior to publication. The Associate Director: Planning reminded Members that part of the delegation being sought from the Committee was for himself, in consultation with the Lead Member for Built Environment, to prepare diagrams and all six of the development scenarios could be shown easily on an A4 plan. The final document for publication would include plans, maps and diagrams which could explain concepts far better than words.

- 47.7 A Member acknowledged the time pressures to bring this document forward and expressed his gratitude to Officers. In his view, although it was a consultation he questioned how far it needed to go to prompt residents to think about the issues they needed to tell the Council about – he would not have read the document and thought about pool cars unless prompted. He asked whether the Communication teams from the three authorities were working together and suggested there should be greater reliance on them in terms of the appropriate style and language for the document. He was unconcerned about the consultation period falling over the Christmas period as this could be a good opportunity to engage with people when they did not have as much to think about. He asked which organisations, businesses and schools etc. had been lined up to assist with the consultation and whether there was a target for the level of engagement which could be monitored so that something could be done if the required amount of responses had not been reached mid-way through the consultation. The Member noted that the document would be going to Council for approval and he asked that it be recirculated to Members as soon as there was any significant amendment so they had as much time as possible to feed into the process. With regard to the iterations between now and publication, the Interim Planning Policy Manager explained that, in order to expedite the timetable, this document would be going to the Extraordinary Council meeting on 21 November 2023 in its current form and the recommendation to delegate authority to the Associate Director: Planning and the Lead Member for Built Environment would enable them to make those changes before publishing – Officers were not envisaging changes ahead of Council as a result of conversations today. The Member indicated that he did not want to get to the point before Council where Members felt they had not had their say. In response, the Chief Executive reiterated the astonishing amount of work from Officers to produce the document in accordance with the timescale – work had been done at pace and he reminded Members that Gloucester City Council had already approved the document. It was intended to use video clips alongside the document to explain what each question was trying to achieve, which would go some way to assist with the concerns being raised. A joint approach was being taken to communications across the three authorities which was being led by Tewkesbury Borough Council’s Associate Director: Transformation and he provided assurance that the amendments could be pulled together prior to publication. The Interim Planning Policy Manager advised that a sub-team was currently putting together a consultation strategy and it was intended to take this to a joint meeting of the Planning Policy Reference Panel at the end of November for discussion. He provided assurance that the consultation was going well beyond the statutory minimum and the communications platform would be capable of hosting videos

and map-based solutions with built-in benefits of Artificial Intelligence (AI) to gather what people were saying and feed this back. There would also be face to face sessions and facilitated sessions run on Teams. It was intended to engage young people in a way they had not been before and work was ongoing with youth engagement teams on use of peer to peer techniques. He undertook to provide a list of all of the proposed consultees for engagement so that Members could notify Officers of any gaps or organisations they were aware of which ought to be involved.

- 47.8 Another Member was pleased to see education included but felt that the document could go further and asked whether secondary schools could do more to get families talking about it – the SLP would ultimately be something which affected people with school age children on a daily basis. Similarly, the document said very little about leisure and sport – health was mentioned but not physical activity. He expressed the view that it was important to use schools, colleges and universities to engage with young people. University students had chosen to come to Gloucestershire, many of whom lived in student accommodation for at least a year, but were subsequently not staying in the area due to the lack of jobs and places to live - they were an essential part of this but would feel the document was not written for them. If students were to engage in the consultation, there needed to be recognition of the Christmas break when the majority left the county.
- 47.9 A Member noted that Page No. 105, Paragraph 5.24 of the report stated “In total, this process resulted in XX sites being submitted and these are currently being assessed...” and she asked if the number of sites would be included prior to publication. The Interim Planning Policy Manager advised that an enormous amount of evidence-based work, including a call for sites, was behind this document and he provided assurance that these placeholders would be populated by the end of December. Page No. 106, Paragraph 5.33 of the report indicated that the evidence in the Gloucestershire Economic Needs Assessment had been prepared at a time when the implications of Brexit and COVID-19 had not been fully known, therefore, it was intended to review that evidence to inform subsequent stages of the SLP and a Member asked when that would be done. The Interim Planning Policy Manager advised that the document did explain what the next steps would be but he reiterated the ambitious timetable to drive forward a draft plan to be ready for adoption in early 2025 which gave just over a year to update the entire evidence base. There were project management tools in place for this specific piece of evidence so it was intended to update this during the first quarter of 2024/25. All of this information would be hosted on a new website which was about to go live. With regard to Page No. 108, Paragraph 5.40 of the report, which referenced the diverse range of economic sectors within Tewkesbury Borough, the Member was surprised there was no mention of agriculture, ecology, biology etc. and she felt these needed to be added.
- 47.10 A Member raised concern at the lack of emphasis on building on brownfield land; Page No. 114, Paragraph 6.16 of the report included “supports maximum use of previously developed land and urban regeneration” as a benefit of urban concentrations but that was as far as it seemed to go. He questioned whether this needed to be drawn out more explicitly in the document; in his view, it was less intrusive to the environment to develop brownfield sites. The Lead Member for Built Environment advised that Cheltenham Borough and Gloucester City had a limited space for development so density of development had to be greater than in other areas and that was possibly one reason. The Interim Planning Policy Manager explained that the consultation presupposed there would be more effective use of brownfield land before looking at greenfield options. Scenario 1 - Urban Concentrations was asking whether to go beyond the comfort zone in Cheltenham and Gloucester to supersize the brownfield contribution to the overall plan. He undertook to review the wording to ensue this came across clearly in the document. The Associate Director: Planning advised that, although the

consultation document framed it as a choice between a number of broad brush options, or 'scenarios', in moving to a formative strategy, the reality would be an element of a number of these options.

- 47.11 A Member recognised the considerable amount of work which had gone into the production of this detailed document; his concern was around the ability to quantify the written responses to the 31 questions and whether the strength of feeling would be captured. For instance, the document could pose a question around whether people thought it was a good idea for the three authorities to work together but it was presented as if that had already been decided. He appreciated the tight timescales but felt it was almost giving people the answers but then asking for their opinion and pointed out that people would be looking for maps. He felt this needed to be a long term document – the Council should not be going through this process every three years if it was a 10 year plan – so it required a deep-dive and Council should not be presented with this as a final document on the basis that Gloucester City Council had already approved it. In his view, the success of the consultation relied on how the three authorities brought forward the key issues. The Lead Member for Built Environment pointed out that the Council had already voted in favour of working with the other two authorities on the SLP and establishing what was in the plan was a separate issue. Officers had stated there was a concerted need to quantify responses and this would be presented to Members in due course. As had already been mentioned, there was a joint Planning Policy Reference Panel meeting at the end of the month, which any Member could attend, where the issues would be debated – there had been considerable discussion and feedback at the first meeting so she urged Members to take that opportunity to express any strong opinions. The Interim Planning Policy Manager reiterated that the document intended to get the ball rolling and the representations, both formal and informal, would be gathered together in the New Year to work out what this meant in terms of priorities in order to produce a preferred options document. This would take place over a 12 month period and assurance was provided that adequate time had been allocated for this to be done properly. The Member indicated that he would be uneasy voting to approve a document that included maps which he had not seen. In response, the Chief Executive clarified they would be illustrative diagrams, rather than maps, which were indicative of the different proposals as opposed to geographical locations which could be perceived as where development was going to go. He explained that the diagrams were due to be considered by the Chief Executives and Leaders of the three authorities at their next meeting, prior to consultation, as such, he suggested an amendment to the recommendation on the papers to delegate authority to the Chief Executive, in consultation with the Lead Member for Built Environment, to prepare those diagrams.

47.12 It was proposed, seconded and

RESOLVED: That it be **RECOMMENDED TO COUNCIL:**

1. That the Strategic and Local Plan Consultation Document (Appendix 1) be **APPROVED** for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
2. That authority be delegated to the Chief Executive, in consultation with the Lead Member for Built Environment, to prepare diagrams illustrating the general location of development options for inclusion in the consultation document, and to make any other necessary minor amendments, corrections and additions to the document prior to publication for consultation.

EX.48 TEWKESBURY INTERIM HOUSING POSITION STATEMENT

48.1 The report of the Interim Planning Policy Manager, circulated at Pages No. 123-135, attached, at Appendix 1, a draft Interim Housing Position Statement to provide informal guidance in clarifying the Council's approach to decision making for applicants and the community in the absence of being able to demonstrate a five year housing land supply.

48.2 The Lead Member Built Environment indicated that this Agenda item was in response to the recent Planning Inspectorate appeal decisions that confirmed Tewkesbury Borough Council was now unable to demonstrate a five year housing land supply. Members had previously received informal briefings on this issue, including discussing the consequences of applying the "tilted balance" to planning decisions on housing applications, in line with the National Planning Policy Framework (NPPF) rules; however, this was a highly technical area and one which often gave rise to confusion and concern amongst communities, members of the public and even some developers. The situation was often mischaracterised as one where the local plan policies were out of date and planning permissions for housing had to be granted but the truth was much more measured. The NPPF certainly introduced a presumption in favour of granting sustainable development for many - although not all - housing applications as a result of the shortfall. This meant that policies on matters such as settlement boundaries were to be treated as out-of-date and the overall outcome must be that more approvals were given in order to generate the deliverable sites to make up the shortfall. Nevertheless, the starting point for making decisions was the policies in the development plan, many of which remained fully up to date. In judging whether in an individual case the adverse impacts would "significantly and demonstrably" outweigh the benefits, it was still necessary to consider the Joint Core Strategy, Tewkesbury Borough Plan and relevant Neighbourhood Development Plan policies which were an important part of that balancing exercise. This meant looking carefully at important matters such as highway safety, unneighbourly amenity impacts, design and layout, accessibility, harm to valued landscapes and so on. With all this in mind, it was considered it would be helpful to publish an Interim Housing Position Statement clarifying the position in some detail, and this was set out at Appendix 1 to the report. One of its purposes was to confirm there was a housing shortfall, and to acknowledge the need to remedy that, but it also highlighted the types of location and housing schemes which were more likely to be considered acceptable by the Council, and by appeal Inspectors, in making up the shortfall under the tilted

balance. The document also pointed to actions the Council could take, and encourage others to take, in approving and building out suitable housing schemes as quickly and effectively as possible, for example, encouraging early engagement with Parish Councils and seeking pre-application advice from Planning Officers as well as considering attaching conditions to planning permissions requiring development to be commenced more quickly than the standard timescales. It was important to be clear that the document was not in any way new “policy”; instead, it succinctly clarified the existing policy and practice and provided reassurance to communities that good quality development remained the expected standard at all times. On that basis, it was being recommended to Council that the document be approved and published. As it was not policy, formal public consultation was not necessary; however, a briefing for Town and Parish Councils had been arranged for that evening and a summary of any views raised could be provided to all Members. She indicated that she had asked for a minor amendment to be made to Page No. 134, Paragraph 4.2 of the report prior to publication to state: “In bringing forward future applications, the Council would encourage applicants to undertake early and meaningful engagement with **relevant Ward Members, Town and Parish Councils**, the local community and relevant stakeholders regarding their proposals for development”.

- 48.3 A Member recognised the Council could not demonstrate a five year housing land supply and the need to publish a statement in relation to that; however, he was concerned as to how the situation would be monitored in terms of understanding how many more houses needed to be delivered in order to be able to demonstrate a five year supply. There was suggestion of reviewing the situation after one year but he felt that more active monitoring was necessary. The Lead Member for Built Environment clarified that planning applications would continue to be determined based on sound planning grounds. It was her understanding that the five year housing land supply was a rolling calculation but she believed Officers would be monitoring the situation closely. The Associate Director: Planning advised that there were elements to consider; as the Lead Member had alluded to, it was a moving picture and, unfortunately, even the reported picture the Council had recently published as at March/April 2023 would no longer be accurate as more planning consents had been granted and there may also be sites where the developers position had changed in relation to bringing forward a scheme in a particular area. In addition, the other practical challenge would be the resources needed for more regular monitoring weighed against the benefits of undertaking the activity – to track in live terms would require a dedicated full-time Officer who would need to be in constant dialogue with developers, tracking both the large and small schemes. Page No. 135 of the report included a section on future review of the statement which set out that monitoring would take place periodically and no later than 12 months following adoption – there was nothing to say it would not be reviewed before that if, for example, there was a considerable amount of development consented in the meantime. For an authority the size of Tewkesbury Borough, and for most authorities generally, it would probably never be feasible to do more than an annual review of the housing land supply position; even if it was calculated prior to that, for instance, to ensure evidence was up-to-date for an appeal, it would not be the published position consistent with the NPPF, therefore, it was conceivable that an Inspector would not place too much emphasis on a ‘between the lines’ position. Whilst Officers would informally track the position, given the order of the shortfall, it was highly unlikely it would be addressed in year so the interim position would be for at least 12 months in reality. The Member recognised the lack of resources to be able to monitor the situation and expressed the view that this was part of the problem - the authority was not spending money on ensuring that everyone knew what the housing figures were as demonstrated by the inability to demonstrate a five year housing land supply less than 12 months after the Tewkesbury Borough Plan was approved. This was of great importance to constituents as it was possible that, without regular monitoring, more planning

permissions would be granted than would normally be the case and he questioned whether more resources needed to be put in for that purpose. The Chair reiterated that, given the shortfall that was faced, even with monthly or weekly monitoring, the situation was unlikely to change – if the authority did end up with a five year housing land supply within six months it would not be useable as calculations were done on a 12 month rolling basis so this would not change the outcome of appeal decisions and how applications were viewed by Inspectors. In terms of the historic situation, there had been a number of significant concerns about the five year housing land supply and there were questions over why the strategic plan had been put on the backburner in favour of the local plan – these should have been done the other way around, hence why work was commencing on the Strategic and Local Plan. There was a new Leadership Team in place and it was clear that Members were now being given the uncomfortable truths, which had not necessarily happened in the past, so there was renewed confidence in the team as well as oversight and assurance from an active Lead Member.

- 48.4 A Member queried who the document was aimed at; if it was meant to reassure residents there was nothing about the Council defending its position and how it would work towards establishing a five year housing land supply and therefore had no statement of intent. The Chair advised it was not a document to reassure, rather its purpose was to ensure the Council could defend appeals and reduce the risk of costs being awarded against it by stating the expectation in terms of developments coming forward. He drew attention to Page No. 130, Paragraph 1.5 of the report which set out that no specific actions were required other than the application of the tilted balance and that the Council recognised the pressing need to reestablish a satisfactory housing supply position. The Associate Director: Planning explained that the Council had recently lost a number of appeals and, at the most recent of those, the Inspector had labelled the Council's position bizarre in terms of its approach to the housing land supply and referred to the improper use of public money and expense incurred by the private industry in challenging the case. The approach set out in the document would allow Officers to give the Planning Committee a stronger steer in terms of the likely success of an appeal which would filter through into more consents being granted to supplement the housing land supply and ensure the Council would be able to uphold its position on those grounds which did not meet local planning policy, or if there was an identified harm which outweighed the benefits. It was not a communication document to provide assurance, it was an attempt to be honest and state the position and what the authority was proposing to do; it had to stop short of stating there would be a five year housing land supply by a certain time as it was unclear how successful forthcoming appeals would be. If the Council was still unable to demonstrate a five year housing land supply in 12 months there may be a subsequent iteration of the document aligned to the plan-making process which could potentially go further in terms of action and response to supplement supply. As the new local plan gained assent, it may be appropriate to look at actual sites and say something more positive but that was not possible at the moment. Other Councils produced this type of document in these situations so it was not wholly unusual and it was felt it was better for the authority to set out its stall. The Interim Planning Policy Manager indicated that the document had an important message on a complex topic; the tilted balance was not mentioned anywhere in the NPPF and was nuanced and complicated. The Council had a housing land supply shortfall which needed to be remedied and some potential applicants may think that meant the authority had an obligation to grant planning permission for housing, which was worrying for Town and Parish Councils and residents – the document aimed to put in a succinct way, without introducing new policy, that was not the position; the shortfall needed to be addressed but it was not a free for all.

- 48.5 A Member welcomed the addition of the amendment suggested by the Lead Member in terms of working with local Ward Members and Town and Parish Councils from the outset as, regardless of the five year housing land supply position, they knew what residents would object to in terms of planning and this would give more reassurance that Ward Members may be able to have an input which would ease concern for residents. Another Member indicated that people just wanted to know how many houses needed to be built and when the Council would have a five year housing land supply; she recognised this was not simple and was pleased to hear it would not be a free for all but she was perplexed as to why there was no simple IT solution in terms of monitoring. The Chief Executive reiterated there were a number of variables and it might be possible to map some of those for Members so that, when asked by residents, they would be able to explain what those were along with context as to why it was not possible to monitor the situation in real time. The Associate Director: Planning pointed out that developers were under no obligation to respond to requests for information and, once planning permission had been granted, Officers were often dealing with the people managing the site rather than an agent and there was little incentive for them to provide information. The government had recently enacted changes via the Levelling Up and Regeneration Act 2023 which meant the Council would be able to take account of developers' track records in delivery when granting planning permission; however, as planning permission was granted to the land, not the person applying, its effectiveness as a measure to address land banking was questionable.
- 48.6 A Member indicated that, prior to publication, he would like to see an amendment to Page No. 133, Paragraph 3.7, Point 7 of the report, to read: "Development which would be located in areas at lowest risk of flooding **and not lead to increased flood risk elsewhere**". Another Member indicated that, in her experience, Parish Councils wanted greater involvement with developers but found that they would only deal with Planning Officers. In response, the Chair advised that it did happen, albeit not enough, for instance, Stoke Orchard Parish Council had worked very closely with developers in the area which had resulted in a fantastic community building. When developers were engaged with Parish Councils, the planning application often had a smoother journey through the planning system so, when it did happen it was successful but the Member was right in saying it did not happen enough. The Chief Executive advised that the document was for the development industry and to serve as an aide memoire to Officers in terms of how to determine applications, for instance, to ensure engagement with local Ward Members – this was best practice regardless of the five year housing land supply position and one of the early tests of its success would be whether local Ward Members knew about applications in their areas and if they had been engaged during the process. The Associate Director: Planning indicated that the NPPF encouraged early engagement on development and this was one way of mitigating risk; objections would still be received but it put the applicant, the Local Planning Authority and the community in a position where there was a prospect of issues being aired and a correct understanding of the application being determined – it did not automatically follow that planning permission would not be granted if that approach was not followed but setting out the expectations could add value and would hopefully mean there would be fewer objections.

48.7 Upon being proposed and seconded, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL:**

1. That the Interim Housing Position Statement be **APPROVED** and published to explain the Council's approach to decision-making on planning applications involving the provision of housing.
2. That authority be delegated to the Associate Director: Planning, in consultation with the Lead Member for Built Environment, to make any necessary minor amendments and corrections to the document prior to publication.

EX.49 EXECUTIVE COMMITTEE FORWARD PLAN

49.1 Attention was drawn to the Executive Committee's Forward Plan, circulated at Pages No. 136-151, which Members were asked to consider.

49.2 Accordingly, it was

RESOLVED: That the Executive Committee's Forward Plan be **NOTED**.

EX.50 SEPARATE BUSINESS

50.1 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.51 SEPARATE MINUTES

51.1 The separate Minutes of the meeting held on 6 September 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

The meeting closed at 1:23 pm