

Tewkesbury Borough Plan Examination

Robert Weaver
Deputy Chief Executive
Tewkesbury Borough Council
Gloucester Road
Tewkesbury
GL20 5TT

6 February 2021

Dear Mr Weaver

TEWKESBURY BOROUGH PLAN (TBP) EXAMINATION

As you are aware, a number of letters have been received by the TBP examination office in recent days from various representatives of the development industry, copies of which have been passed to the Council. The office has also been copied into a letter to the Borough Council dated 3 February from the County Council.

As the TBP is a secondary, non-strategic plan, the forthcoming examination will not be revisiting the policies or background assumptions of the Joint Core Strategy (JCS) adopted in December 2017, and of course the Tewkesbury Community Infrastructure Charging Schedule which came into effect in January 2019 following examination in summer 2018 will not be reviewed. However, the TBP alongside the JCS 'should set out the contributions expected from development... such policies should not undermine the deliverability of the plan' (National Planning Policy Framework paragraph 34).

The recent letters claim that the Council has recently commenced a new approach in dealing with planning applications, which seems to be a new formulaic approach and that educational contributions in particular are now being sought through Section 106 agreements rather than being funded through CIL. This is said to be a change from the previous approach, the basis on which the CIL charging schedule was examined and the way in which the viability of the TBP has hitherto been assessed.

I am therefore writing to establish if there has been any recent change in the Council's approach to developer contributions, if so what it is, and whether the viability evidence before the examination (Document EB024a in the examination library) remains valid and up to date. That report, from PorterPE dated September 2019, takes into account various 'Policy Costs' from paragraph 5.42 onwards. In addition to the then agreed CIL charges, paragraph 5.54 states that for testing purposes an estimate of £5,000 per unit for site specific S106 costs has been used to cover JCS/TBP policy requirements including 'biodiversity net gain...open space and amenity spaces...local green space and highways and minor transport works..' School places are not mentioned in this list.

The £5,000 per unit figure seems to have been arrived at following a review of earlier S106 agreement costs which averaged £7,710 per unit between 2010 and 2015, the figure then scaled back as the introduction of CIL would reduce use of S106. According to paragraph 5.53, the review excluded off site affordable housing and 'education costs as requirements are expected to be offsite for the allocated sites and covered by CIL'. It would appear this may not now be the case. Are educational contributions now being sought under S106 for allocated and other non-strategic housing sites, how much is this per unit, and is this in specific locations or across the whole Borough? To be consistent with this, does the viability

assessment prepared by PorterPE as part of the evidence base for the TBP examination need to be updated?

I would be grateful if you could reply to this letter by Friday 12 February prior to the opening of the examination hearings on Tuesday 16 February. As you can appreciate, this issue may affect the examination of the TBP against the NPPF paragraph 34 requirement.

Please place a copy of the recent letters and this letter on the examination website for information. I am not inviting any further representations on this matter from interested parties until the way forward has been established.

Yours sincerely

David Reed

INSPECTOR