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1 July 2022

Dear Member

Council – 6 July 2022

I am now able to enclose, for consideration at the next meeting of the **Council**, the following reports that were unavailable when the agenda was printed.

- Minutes of the Cabinet meeting held on 28 June 2022 together with the Annual Treasury Management Strategy
- Minutes of the Planning Committee held on 29 June 2022

Yours sincerely

Sally Gabriel
Member Services Manager

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 28 June 2022 at 10.00 am

Present

Councillors

R M Deed (Leader)
C J Eginton, Mrs C P Daw, D J Knowles,
B A Moore and C R Slade

Apologies

Councillor(s)

R J Chesterton

Also Present

Councillor(s)

S J Penny, J Buczkowski, R J Dolley, B G J Warren and
Mrs N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Richard Marsh (Director of Place), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Deborah Sharpley (Solicitor), Philip Langdon (Solicitor), Nicola Cuskeran (Interim Corporate Performance Manager & Safeguarding Officer), Paul Deal (Corporate Manager for Finance), Matthew Page (Corporate Manager for People, Governance and Waste), Sarah Lees (Member Services Officer), Jessica Watts (Member Services Apprentice) and Sally Gabriel (Member Services Manager)

9. **APOLOGIES**

Apologies were received from Cllr R J Chesterton.

Cllr S J Penny attended the meeting via Zoom.

10. **PUBLIC QUESTION TIME (00-03-00)**

The Chairman read a set of questions from Mr Elstone referring to Item 9 on the agenda (Revenue and Capital Outturn 2021/22):

1. Line item No. CA 720 - HIF Schemes of the MDDC 2021/2022 Capital Outturn accounts states the following;

"Per Cabinet report 03/08/21 Tendering process required for this project and revised report to be brought back to Cabinet regarding delivery contract and associated funding at this stage forecast additional cost circa £1.9 million".

Has the Phase 2 junction tender process been completed by Devon County Council and with MDDC's full engagement?

2. If not, what is the target date for the tender process completion and MDDC Cabinets acceptance?
3. In an email dated the 4th December 2020 from the former MDDC Head of Planning and Regeneration to the MDDC Cabinet Member for Planning and MDDC Council Leader the Head of Planning states the following.

DCC has produced two versions of a revised project programme.

Programme 1 starts construction a year later than originally intended [September 2022] avoids summer construction embargo on the A361 and completes construction July 2023.

Programme 2 starts construction January 2022 but will need pulling off site for the summer period and remobilisation autumn 2022 before construction completion February 2022. This 2nd programme already cannot be met as tender documents would require issue mid - December [2020].

Email also states: "Both alternative programmes take construction beyond the funding availability period of the end of December 2022"

Will the Phase 2 junction be constructed and fully operational before of the Housing Infrastructure Fund rebate of £8.2 million deadline date expires?

4. Do MDDC have all the funding arrangements fully in place including in reserve to enable the complete construction of the Tiverton EUE Phase 2 junction, including the bridge over link?
5. What in fact is the current Housing Infrastructure Fund rebate deadline date? Has formal agreement been received for any extension?
6. The original cost of the EUE Phase 2 Junction was estimated it is believed at £10.5 million. Given the massive increase in cost for the Cullompton Relief Road has the cost estimate for the EUE Phase 2 junction increased? If so what is the current cost estimate?
7. What is the revised MDDC target date for having both phases of the Tiverton EUE junctions fully available for public use ?
8. It is believed that the most recent plan was to have the first phase of the Tiverton EUE junction fully available for public use in the autumn of 2022. Is this still the case?

The Director of Place provided the following responses:

With regard to question 1 - The tendering exercise has been undertaken by DCC as MDDC's delivery partner for the project. MDDC has been engaged throughout the tendering exercise.

Question 2 - A report is to be brought before Cabinet in July. This report will provide an update in relation to the tender exercise and seek decisions regarding progression of the scheme. The report will address the other questions (3,4, 6 & 7) raised.

Question 5 - The Government's Housing Infrastructure Fund (HIF) programme runs until March 2024. The Government has not announced any extensions to timetable for the HIF programme.

Question 8 - The current expectation is that still that the link road will open for use in Autumn 2022.

11. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-09-22)

Members were reminded of the need to make declarations of interest if and when necessary.

12. MINUTES OF THE PREVIOUS MEETING (00-9-22)

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

13. UNAUTHORISED ENCAMPMENT POLICY (00-10-00)

Following consideration of a *report of the Corporate Manager for Property, Leisure and Climate Change, the Community Policy Development Group had made the following recommendation: that the updated Unauthorised Encampment Policy and procedure for managing and enforcing unauthorised encampments as detailed in Annex A be adopted.

The Cabinet Member for Housing and Property Services and the Corporate Manager for Property, Leisure and Climate Change outlined the contents of the report stating that this was a 3 yearly review of the policy and procedures for unauthorised encampments on Council owned land.

Consideration was given to:

- The timescales for eviction from Council owned land
- The number of sites available for gypsies and travellers in Mid Devon
- The number of evictions that had taken place
- Whether the policy and procedures could be condensed

RESOLVED that the updated Unauthorised Encampment Policy and procedure for managing and enforcing unauthorised encampments as detailed in Annex A be adopted.

(Proposed by Cllr C R Slade and seconded by Cllr Mrs C P Daw)

Reason for the decision – there is a need for an updated policy to be in place.

Note *Report previously circulated, copy attached to minutes.

14. **LGA PEER CHALLENGE REPORT (00-20-28)**

The Cabinet had before it a *report from the Local Government Association (LGA) as part of their peer challenge sector-led improvement programme and were requested to consider the action plan proposed by means of addressing the recommendations from the peer team.

The Leader outlined the contents of the report providing information with regard to the peer review that had taken place.

The Chief Executive highlighted the recommendations, his responses and timeframes for action.

Discussion took place regarding:

- The need for improved communication across the authority
- Improvement required with regard to Member/Officer relations and how that was proposed to be addressed
- The climate change action plan highlighted within the report was already being progressed as was the climate change website

RESOLVED that:

1. The LGA report at Appendix A be noted, including the nine specific recommendations contained therein, which was produced as a result of the recent peer challenge process.
2. The action plan at Appendix B be approved with the Cabinet requesting a further update in six months to review the implementation and/or progress of these actions.

(Proposed by the Leader and seconded by Cllr C R Slade)

Reason for the decision – the views of colleagues, partners and peers are critical in helping the Council to deliver its ambitions.

Note: *Report previously circulated, copy attached to minutes.

15. **LEVELLING UP FUND BID AND CULLOMPTON TOWN CENTRE RELIEF ROAD - UPDATE (00-32-11)**

The Cabinet had before it a *report of the Director of Place informing Members about the second round of the Levelling Up Fund and seeking Members endorsement of resubmitting a bid for the Cullompton Town Centre Relief Road (including associated pedestrian and cycling improvements to the proposed new station site). The bid being updated to include key information and addressing issues raised through bid evaluation.

The Director of Place outlined the contents of the report stating that favourable feedback from Government had been received following the previous bid. He explained that the submission of the Cullompton Town Centre Relief Road to the LUF2 bidding round was considered necessary as it needed to be delivered as soon as possible because:

- Its delivery would unlock environmental and air quality improvements within Cullompton town centre, building on other key initiatives such as the Cullompton railway station and the Heritage Action Zone;
- The scheme provided key infrastructure to unlock the forecasted strategic growth within Cullompton, including the Culm Garden Village.
- The scheme would unlock early capacity at J28 M5 in advance of more significant junction intervention, allowing for planned growth within the adopted Local Plan to come forward. This planned growth was considered vital to sustain the pipeline of housing delivery in order to meet future Housing Delivery Test requirements and as such was critical to the delivery of the adopted Local Plan.
- Historic England had made it clear that the award of the Heritage Action Zone monies in Cullompton was predicated by a clear expectation of its delivery.

The Relief Road scheme was still considered to be a prime candidate scheme for submission given:

- It addressed existing town centre issues which would support the levelling up of Cullompton, to the benefit of existing residents and businesses;
- It would support the unlocking of significant amounts of future growth in and around Cullompton;
- It was well placed for delivery within the required timescale, already benefitting from planning permission and being at an advanced stage of scheme development, and;
- Given the favourable feedback received with regard to the last submission.

He referred to the funding already in place and the support of Devon County Council in the project.

Consideration was given to:

- Questions relating to the short time frame to submit the bid and whether the work had commenced prior to a decision of the Cabinet; the LUF Funding required support of the MP and had that been acquired from the newly elected MP; the estimated costs for delivery and at what point did the balance tip from this scheme being value for money to being unviable and if the bid failed what other options were available. Reference was also made to the conditions of the £10m HIF award already received.
- A bid being put forward by East Devon District Council for the Axminster area and the fact that the MP could only support one project

RESOLVED that it be agreed to submit a bid to the second round of the Levelling Up Fund in respect of the gap funding required to deliver the Cullompton Town Centre Relief Road.

(Proposed by the Leader and seconded by Cllr B A Moore)

Reason for the decision – The Levelling Up Bid is sought to provide gap funding to supplement those funding sources already identified.

Note: *Report previously circulated, copy attached to minutes.

16. **MID DEVON (PUBLIC SPACES PROTECTION) (DOG CONTROL) ORDER 2021 - VARIATION (00-49-57)**

The Cabinet had before it a *report of the Operations Manager for Street Scene and Open Spaces requesting consideration of whether to make a proposed variation to the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 (the “PSPO”) by adding two locations to the list of areas in the PSPO where dogs are only allowed if on a lead; add one location to the list of areas in the PSPO where dogs are excluded; and correct a plan within the existing PSPO which shows the wrong area of land.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report stating the PSPO had been agreed the previous year however there were omissions that required attention and therefore a variation to the Order was required. He reported that a full public consultation had taken place.

Consideration was given to ways in which small changes to the PSPO could be addressed without the need for major variations to be considered and whether any enforcement had taken place in line with the PSPO.

RESOLVED that:

1. On being satisfied that the statutory grounds for varying the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 are met as detailed in the Report, delegated authority be granted to the Operations Manager for Legal and Monitoring to make the Variation Order (subject to any minor variations as he/she considers appropriate) which will:
 - (a) designate the locations in Hemyock, as shown on the plans attached to this report at Appendix B and Appendix C, as areas where dogs are only allowed if on leads,
 - (b) designate the location in Kentisbeare, as shown on the plan attached to this report at Appendix D, as an area where dogs are excluded, and
 - (c) amend Plan 82 of the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 to show the play area at Siskin Chase, Cullompton attached to this report at Appendix E.

(Proposed by Cllr C R Slade and seconded by Cllr C J Eginton)

Reason for the decision – an up to date PSPO is required to allow enforcement if necessary to take place.

Note: *Report previously circulated, copy attached to minutes

17. **REVENUE AND CAPITAL OUTTURN 2021/22 (00-55-04)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) presenting the Revenue and Capital Outturn figures for the financial year 2021/22 for both the General Fund and Housing Revenue Account.

The Cabinet Member for Finance outlined the contents of the report stating that the report had previously been received by the Policy Development Groups and Accounts have been passed to Grant Thornton to audit. The 2021/22 year had presented challenges with regard to reduced income but had produced underspends for both the General Fund and the Housing Revenue Account which had highlighted the sound and realistic proposals within the budget. He made reference to the Capital Programme and the ear marked reserves, the returns on loans and the need to now consider the Medium Term Financial Plan and next year's budget.

RESOLVED that:

1. The General Fund Outturn achieved in 2021/22 which shows an overall under spend of £29k and the Housing Revenue Account which shows an under spend of £67k be noted.
2. The transfer of the General Fund surplus to the General Fund Reserve be approved which will increase the balance to £2,215k; above the minimum recommended level of £2,000k. Similarly, the transfer of the £67k Housing Revenue Account surplus to the ring-fenced HRA Earmarked Reserves be approved.
3. The Net Transfers to Earmarked Reserves of £408k detailed in the General Fund Service Budget Variance Reports shown in Appendix 1a and 1b and summarised in Appendix 3 be approved,. Note this includes a £1,658k net drawdown of Section 31 Grant to smooth the Collection Fund deficits as legislated by the Government and separately identified on Appendix 1a. Similarly, the Net Transfers to HRA Earmarked Reserves of £1,665k be approved as detailed in the HRA Budget Variance Report shown in Appendix 2 and summarised in Appendix 3.
4. The virement as explained in para 4.6 and the addition to the Revenue Budget of £750k funded from Earmarked Reserves for the purchase of c. 38,000 new waste bins for households as part of the implementation of 3 weekly waste collections, in line with the 1 February Cabinet decision (para 4.7) be approved.
5. The carry forward of £30,763k from the 2021/22 Capital Programme be approved as all of the schemes will be delivered in 2022/23 or later years; long with the transfer to Earmarked Reserves of the unspent £174k.
6. The transfer of Post Hill from the General Fund to the HRA as explained in para 8.8 be approved.
7. The procurement waivers used in Quarter 4 of 2021/22, as outlined in Section 10 be noted.

(Proposed by Cllr B A Moore and seconded by Cllr C R Slade)

Reason for the decision – there is a need for the outturn to be considered together with the carry forward of any surpluses into the following financial year.

Note: *Report previously circulated, copy attached to minutes.

18. **ANNUAL TREASURY MANAGEMENT REPORT (00-59-00)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) providing Members with a review of activities and the prudential treasury indicators on actuals for 2021/22.

The Cabinet Member for Finance outlined the contents of the report.

RECOMMENDED to Council that:

1. The treasury activities for the year be noted
2. That the actual 2021/22 prudential and treasury indicators in the report be approved.

(Proposed by Cllr B A Moore and seconded by Cllr D J Knowles)

Note: *Report previously circulated, copy attached to minutes.

19. **PERFORMANCE AND RISK OUTTURN (1-01-06)**

The Cabinet had before it and **NOTED** a *report of Corporate Manager for People, Governance and Waste providing Members with an annual review of the Council's performance against the corporate plan, local service targets for 2021/2022 as well as providing an update on the key business risks.

Consideration was given to:

- Home Improvement Loans
- Additional homes provided and the number of affordable homes delivered
- The Community Land Trust site at Chawleigh
- The Risk Register

Note: *Report previously circulated copy attached to minutes.

20. **NOTIFICATION OF KEY DECISIONS (1-06-26)**

The Cabinet had before it and noted its rolling *plan for July 2022 containing future key decisions.

The clerk informed the meeting of a number of items that had moved within the plan.

Note: *Plan previously circulated, copy attached to minutes.

(The meeting ended at 11.09 am)

CHAIRMAN

Cabinet
14 June 2022

Annual Treasury Management Review 2021/22

Cabinet Member: Councillor Andrew Moore
Responsible Officer: Deputy Chief Executive (S151), Andrew Jarrett

Reason for Report: To provide Members with a review of activities and the prudential treasury indicators on actuals for 2021/22.

Recommendations(s):

1. That Members note the treasury activities for the year.
2. That the actual 2021/22 prudential and treasury indicators in this report be approved.

Relationship to the Corporate Plan: Maximising our return from all associated treasury activities enables the Council to support current levels of spending in accordance with our Corporate Plan.

Financial Implications: Good financial management and administration underpins the entire strategy.

Legal Implications: Authorities are required by regulation to have regard to the Prudential Code when carrying out their duties under Part 1 of the Local Government Act 2003.

Risk Assessment: The S151 Officer is responsible for the administration of the financial affairs of the Council. Implementing this strategy and the CIPFA Code of Practice on Treasury Management manages the risk associated with the Council's treasury management activity.

1. Introduction

- 1.1 This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2021/22. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.2 During 2021/22 the minimum reporting requirements were that the full Council should receive the following reports:
- an annual treasury strategy in advance of the year (Council 24/02/2021)
 - a mid-year (minimum) treasury update report (Council 15/12/2021)
 - an annual review following the end of the year describing the activity compared to the strategy (this report)
- 1.3 The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.
- 1.4 This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by Cabinet before they were reported to the full Council. Member training on treasury management issues was undertaken during 2019 in order to support members' scrutiny role.

2. The Council's Capital Expenditure and Financing

- 2.1 The Council undertakes capital expenditure on long-term assets. These activities may either be:
- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
 - If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.
- 2.2 The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

Capital Expenditure & Financing	2020/21 Actual £000	2021/22 Actual £000
General Fund		
Capital expenditure	6,086	7,479
Financed in year	2,130	1,545
Unfinanced capital expenditure	3,956	5,934
HRA		
Capital expenditure	2,714	4,241
Financed in year	2,637	4,195

Unfinanced capital expenditure	77	46
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3. The Council's Overall Borrowing Need

3.1 The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR).

3.2 **Gross borrowing and the CFR** - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2020/21) plus the estimates of any additional capital financing requirement for the current (2021/22) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2021/22. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

Capital Financing Requirement	31 March 2021 Actual £000	31 March 2022 Actual £000
CFR General Fund	18,295	21,525
CFR HRA	39,550	39,603
Total CFR	57,845	61,127
Gross borrowing position	39,467	37,424
(Under) / over funding of CFR	-18,378	-23,703

3.3 **The authorised limit** is the "affordable borrowing limit" required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2021/22 the Council has maintained gross borrowing within its authorised limit.

3.4 **The operational boundary** is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.

Borrowing Limits	2021/22 £000
Authorised limit	91,000
Maximum gross borrowing position during the year	39,467
Operational boundary	82,000
Average gross borrowing position	38,446

4. Treasury Position as at 31 March 2022

4.1 At the beginning and the end of 2021/22 the Council's treasury (excluding borrowing by PFI and finance leases) position was as follows:

Debt Portfolio	31 March 2021 Principal £000	31 March 2022 Principal £000
Fixed rate funding:		
-PWLB	37,104	35,234
Total debt	37,104	35,234
CFR	55,409	58,938
(Under) / over borrowing	-18,305	-23,704
Total investments	17,500	27,000
Net debt	19,604	8,234

4.2 The maturity structure of the debt portfolio was as follows:

Debt Maturity Structure	31 March 2021 Actual £000	31 March 2022 Actual £000
Under 12 months	1,870	1,924
12 months and within 24 months	1,924	1,937
24 months and within 5 years	5,944	6,100
5 years and within 10 years	11,095	11,420
10 years and within 20 years	16,271	13,853
20 years and within 30 years	0	0

4.3 The Council's investment portfolio as at 31 March was as follows:

Investment Portfolio	31 March 2021 Actual £000	31 March 2021 Actual %	31 March 2022 Actual £000	31 March 2022 Actual %
Treasury investments				
Banks	0	0%	12,000	38%
Local authorities	15,500	69%	15,000	47%
Other Government Organisations	2,000	9%	0	0%
Total managed in house*	17,500	78%	27,000	84%
Property funds (CCLA)	5,000	22%	5,000	16%
Total managed externally	5,000	22%	5,000	16%
Total Treasury Investments	22,500	100%	32,000	100%

*See Appendix 1 for a breakdown of internally managed investments held as at 31 March.

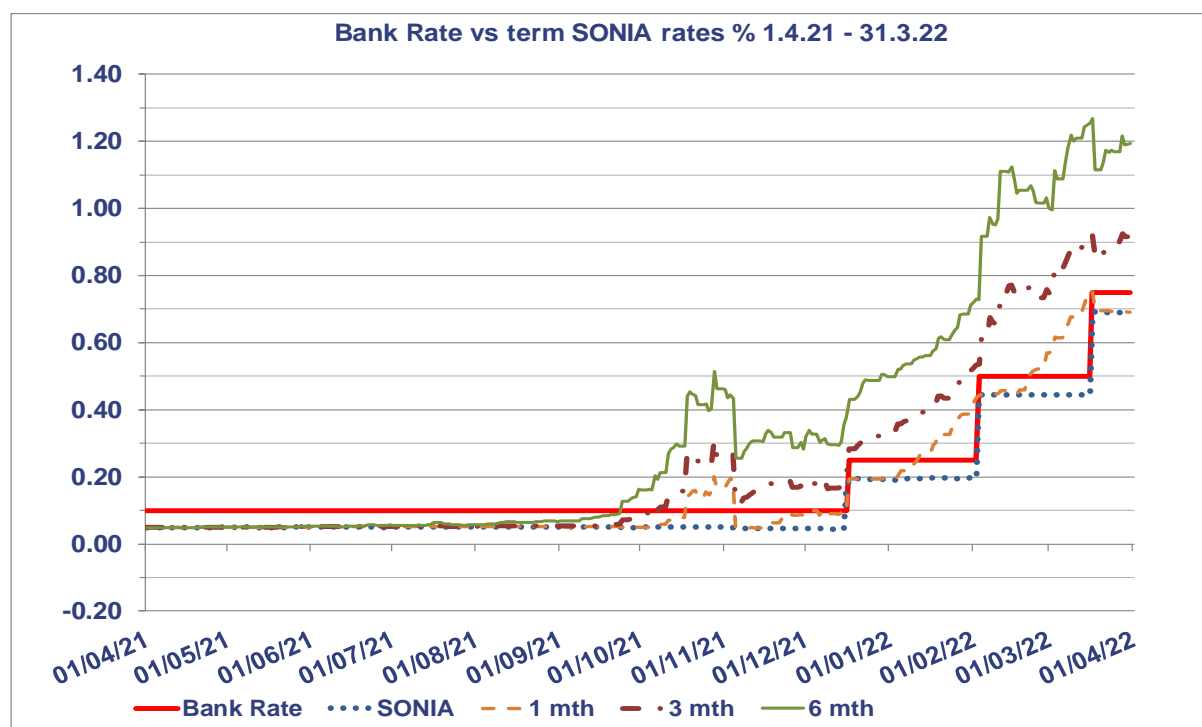
Investment Portfolio	31 March 2021 Actual £000	31 March 2021 Actual %	31 March 2022 Actual £000	31 March 2022 Actual %
Non Treasury investments				
Subsidiaries (3 Rivers Developments Ltd)	10,163	100%	13,590	100%
Total Non Treasury Investments	9,061	100%	9,061	100%

- 4.4 The value shown in the above table for the Council's CCLA investment is the amount paid by the Council on share acquisition. This differs to the carrying amount in the year end accounts of £5,554k (£4,725k in 2020/21) as there is a requirement to carry the investment at fair value. The fair value of the fund will continue to change over the longer term, and so this increase in value may only be temporary in which case it would not be realised as a gain to Council funds.

5. The strategy for 2021/22

5.1 Investment strategy and control of interest rate risk

- 5.1.1. The following chart shows how Bank Rate and SONIA (Sterling Overnight Index Average) rates have changed during the year.



- 5.1.2. Investment returns remained close to zero for much of 2021/22. Most local authority lending managed to avoid negative rates and one feature of the year was the continued growth of inter local authority lending. The expectation for interest rates within the treasury management strategy for 2021/22 was that Bank Rate would remain at 0.1% until it was clear to the Bank of England that the emergency level of rates introduced at the start of the Covid-19 pandemic were no longer necessitated.

5.1.3. The Bank of England and the Government also maintained various monetary and fiscal measures, supplying the banking system and the economy with massive amounts of cheap credit so that banks could help cash-starved businesses to survive the various lockdowns and the negative impact on their cash flow. The Government also supplied huge amounts of finance to local authorities to pass on to businesses. This meant that for most of the year there was much more liquidity in financial markets than there was demand to borrow, with the consequent effect that investment earnings rates remained low until towards the turn of the year when inflation concerns indicated central banks, not just the Bank of England, would need to lift interest rates to combat the second-round effects of growing levels of inflation (CPI was 6.2% in February).

5.1.4. While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.

5.1.5. Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates as illustrated in the charts shown above and below. Such an approach has also provided benefits in terms of reducing counterparty risk exposure, by having fewer investments placed in the financial markets.

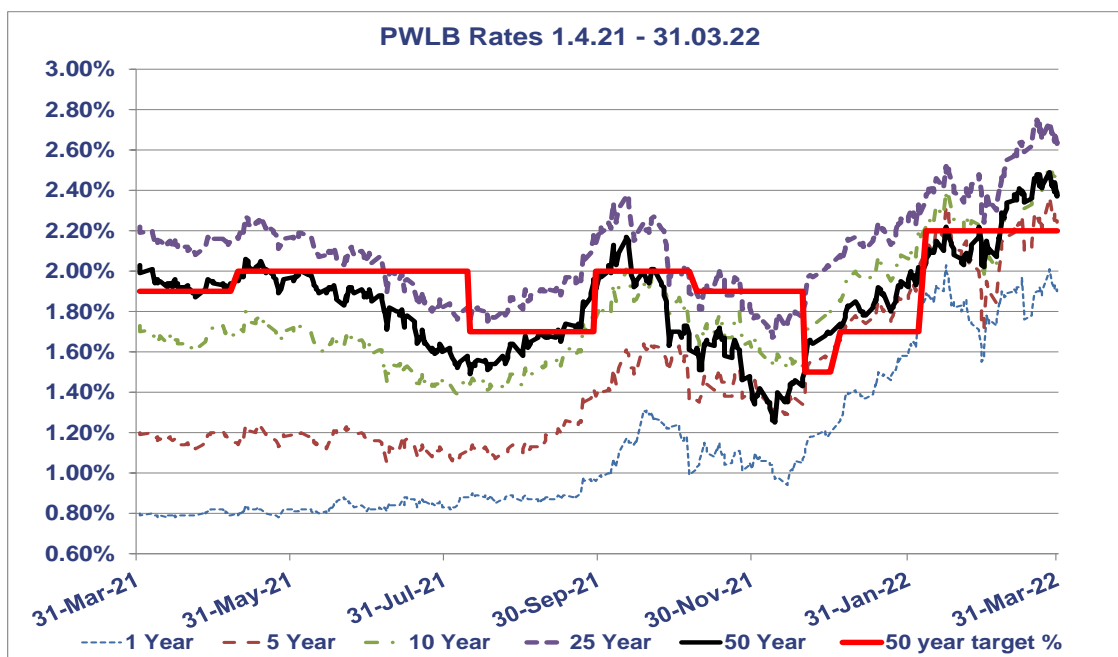
5.2 Borrowing strategy and control of interest rate risk

5.2.1. During 2021-22, the Council maintained an under-borrowed position. This meant that the capital borrowing need (the Capital Financing Requirement) was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were low and minimising counterparty risk on placing investments also needed to be considered.

5.2.2. The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when this Authority may not be able to avoid new borrowing to finance capital expenditure.

5.2.3. Interest rate forecasts expected only gradual rises in medium and longer term fixed borrowing rates during 2021/22 and the two subsequent financial years until the turn of the year, when inflation concerns increased significantly. Internal, variable, or short-term rates, were expected to be the cheaper form of borrowing until well into the second half of 2021/22.

5.2.4. PWLB rates during 2021/22 are illustrated by the following chart:



	1 Year	5 Year	10 Year	25 Year	50 Year
01/04/2021	0.80%	1.20%	1.73%	2.22%	2.03%
31/03/2022	1.91%	2.25%	2.43%	2.64%	2.39%
Low	0.78%	1.05%	1.39%	1.67%	1.25%
Low date	08/04/2021	08/07/2021	05/08/2021	08/12/2021	09/12/2021
High	2.03%	2.37%	2.52%	2.75%	2.49%
High date	15/02/2022	28/03/2022	28/03/2022	23/03/2022	28/03/2022
Average	1.13%	1.45%	1.78%	2.10%	1.85%
Spread	1.25%	1.32%	1.13%	1.08%	1.24%

5.2.5. The following table shows forecast interest rates over the next three years:

Link Group Interest Rate View 7.2.22													
	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25
BANK RATE	0.75	1.00	1.00	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25
3 month av. earnings	0.80	1.00	1.00	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
6 month av. earnings	1.00	1.10	1.20	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30
12 month av. earnings	1.40	1.50	1.60	1.70	1.70	1.60	1.60	1.50	1.40	1.40	1.40	1.40	1.40
5 yr PWLB	2.20	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30
10 yr PWLB	2.30	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40
25 yr PWLB	2.40	2.50	2.50	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60
50 yr PWLB	2.20	2.30	2.30	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40

5.2.6. PWLB rates are based on gilt (UK Government bonds) yields through H.M.Treasury determining a specified margin to add to gilt yields. The main influences on gilt yields are Bank Rate, inflation expectations and movements in US treasury yields. Over the last two years, many bond yields up to 10 years in the Eurozone have turned negative on expectations that the EU would struggle to get growth rates and inflation up from low levels. In addition, there has, at times, been an inversion of bond yields in the US whereby 10 year yields have fallen below shorter term yields. In the past, this has been a precursor of a recession. Recently, yields have risen since the turn of the year on the back of global inflation concerns.

5.2.7. Gilt yields fell sharply from the spring of 2021 through to September and then spiked back up before falling again through December. However, by January sentiment had well and truly changed, as markets became focussed on the embedded nature of inflation, spurred on by a broader opening of economies post the pandemic, and rising commodity and food prices resulting from the Russian invasion of Ukraine. At the close of the day on 31 March 2022, all gilt yields from 1 to 5 years were between 1.11% – 1.45% while the 10-year and 25-year yields were at 1.63% and 1.84%.

5.2.8. Regarding PWLB borrowing rates, the various margins attributed to their pricing are as follows:

- **PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB Certainty Rate** is gilt plus 80 basis points (G+80bps)
- **PWLB HRA Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB HRA Certainty Rate** is gilt plus 80bps (G+80bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

5.2.9. There is likely to be a further rise in short dated gilt yields and PWLB rates over the next three years as Bank Rate is forecast to rise from 0.75% in March 2022 to 1.25% later this year, with upside risk likely if the economy proves resilient in the light of the cost-of-living squeeze. Medium to long dated yields are driven primarily by inflation concerns but the Bank of England is also embarking on a process of Quantitative Tightening when Bank Rate hits 1%, whereby the Bank's £895bn stock of gilt and corporate bonds will be sold back into the market over several years. The impact this policy will have on the market pricing of gilts, while issuance is markedly increasing, is an unknown at the time of writing.

6. Borrowing Outturn

- 6.1 **Borrowing** – due to investment concerns, both counterparty risk and low investment returns, no borrowing was undertaken during the year.
- 6.2 **Borrowing in advance of need** – the Council has not borrowed more than, or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed.
- 6.3 **Rescheduling** – no rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

7. Investment Outturn

- 7.1 **Investment Policy** – the Council's investment policy is governed by DLUHC investment guidance, which has been implemented in the annual investment strategy approved by the Council on 24/02/2021. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data from our treasury advisers (Link Asset Services).

7.2 The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

7.3 Investments held by the Council

- The Council maintained an average balance of £29.8m of internally managed funds.
- The internally managed funds earned interest of £54k giving an average rate of return of 0.18%.
- The comparable performance indicator is the 365 day backward looking SONIA rate, which was 0.0605%.
- The Council held £5m invested in Churches, Charities and Local Authorities (CCLA) property funds earning dividends of £183k (3.66%) in 2021/22.
- Interest received from 3 Rivers Ltd amounted to £558k in 2021/22.

8. Other Issues

8.1 IFRS 9 fair value of investments

8.1.1. Following the consultation undertaken by the Ministry of Housing, Communities and Local Government (MHCLG, now renamed the Department of Levelling Up, Housing & Communities [DLUHC]) on IFRS 9 the Government previously introduced a mandatory statutory override for local authorities to reverse out all unrealised fair value movements resulting from pooled investment funds. This came into effect on 1 April 2018 for 2018/19. The statutory override applies for five years from this date. Local authorities are required to disclose the net impact of the unrealised fair value movements in a separate unusable reserve throughout the duration of the override in order for the Government to keep the override under review and to maintain a form of transparency.

8.1.2. Risk management will need to take account of the 2018/19 Accounting Code of Practice proposals for the valuation of investments. Whilst for many authorities, this may not be a significant issue, key considerations include:

- Expected credit loss model. Whilst this should not be material for vanilla treasury investments such as bank deposits, this is likely to be problematic for some investments such as property funds, loans to third parties or loans to subsidiaries.
- The valuation of investments previously valued under the available for sale category e.g. equity related to the “commercialism” agenda, property funds, equity funds and similar, have been changed to **Fair Value through the Profit and Loss (FVPL)**.

8.2 Non-treasury management investments

8.2.1. As shown in the non-treasury investments table in section 4, the Authority holds a 100% interest in 3 Rivers Developments Limited, a private limited company engaged in construction in the Mid Devon area. The Authority advances funds to the Company to facilitate operations with the intention that they are repaid from the proceeds of the sale of the developments.

8.2.2. During the year ended 31 March 2022, £4.636m was loaned to the Company and £1.209m of existing loans was repaid. This brings the total loan value at 31 March 2022 to £13.590m. During the year £558k interest was paid to the Authority in respect of these loans.

8.2.3. These loans are subject to overarching management review on a regular basis. This is reflected in the impairments of £790k made in both periodic monitoring reports and in the year end financial statements for 2019/20. The year-end review, carried out in compliance with IFRS 9 Financial Instruments, determined that no further impairments were required for the year ending 31 March 2022.

Contact for further information:

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Appendix 1: Investment Portfolio

Internally managed investments held as at 31 March:

Bank/Building Society/Local Authority/PCC	Term		Fixed Interest Rate %	31/03/2021	31/03/2022
	From	To		£000	£000
Blackpool Borough Council	22/09/2020	06/04/2021	0.23%	2,000	
Spelthorne Borough Council	27/07/2020	26/07/2021	0.42%	1,500	
Broxbourne Borough Council	02/09/2020	01/09/2021	0.40%	2,000	
Salford City Council	14/09/2020	14/06/2021	0.20%	2,000	
Staffordshire Moorlands DC	16/10/2020	15/10/2021	0.22%	1,000	
South Somerset	20/10/2020	20/07/2021	0.20%	3,000	
Surrey Heath Borough Council	10/12/2020	10/06/2021	0.10%	2,000	
Nottinghamshire PCC	21/12/2020	21/06/2021	0.12%	2,000	
Ashford Borough Council	25/02/2021	25/11/2021	0.08%	2,000	
Surrey Heath Borough Council	10/12/2021	10/06/2022	0.10%		2,000
Thurrock Council	26/04/2021	25/04/2022	0.40%		2,000
NBK International PLC	27/07/2021	27/07/2022	0.23%		1,500
NBK International PLC	22/10/2021	21/10/2022	0.56%		1,500
Lancashire County Council	25/10/2021	24/10/2022	0.15%		3,000
Coventry BS	24/11/2021	24/05/2022	0.17%		4,000
Surrey Heath Borough Council	16/12/2021	16/06/2022	0.10%		2,000
Thurrock Council	16/12/2021	16/09/2022	0.18%		2,000
Thurrock Council	14/01/2022	14/07/2022	0.20%		2,000
Goldman Sachs International Bank	01/02/2022	01/08/2022	0.82%		3,000
NBK International PLC	04/02/2022	03/02/2023	1.30%		2,000
Slough Borough Council	15/02/2022	14/02/2023	1.10%		2,000
Total				20,000	27,000

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 29 June 2022 at 2.15 pm

Present

Councillors

P J Heal (Chairman)
E J Berry, S J Clist, Mrs C Collis,
L J Cruwys, Mrs C P Daw, C J Eginton,
B Holdman, D J Knowles, F W Letch and
B G J Warren

Apologies

Councillor(s)

Mrs F J Colthorpe

Also Present

Councillor(s)

J Buczkowski

Present

Officers:

Angharad Williams (Development Management Manager), Maria De Leburne (Operations Manager for Legal and Monitoring), Adrian Devereaux (Area Team Leader), John Millar (Acting Area Team Leader), Jake Choules (Planning Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.29)

Apologies were received by Cllr Mrs F J Colthorpe who was substituted by Cllr C Eginton.

2 PUBLIC QUESTION TIME (0.03.50)

Hayley Keary, referring to No 3 on the plans list stated:

My name is Hayley Keary, I live at 44 Higher Town a heritage asset at the NE end of the site and have done for 44 years. Due to its position facing full on to the site, and its close proximity, it gets the worst of the impacts. Our main room is the kitchen, the window itself is about 2m from the boundary, the floor level is about 1.5m below the nearest onsite land.

This means we have very limited light reaching our only two downstairs rooms. The planning is deeply distressing due to harm to our living conditions via impact on light, outlook and privacy.

We have repeatedly invited planning committees to make an internal visit as we are at a distinct disadvantage without one, but a visit has not yet taken place. Without seeing the outlook from inside, Members cannot get the full picture: it is hidden due to these unusual levels and close proximity.

The plans before you are inaccurate in the way 42-46 Higher Town are shown. Our kitchen window at 44 is actually located within the area marked 46. The case officer and developer do now accept this. On 13 June the developer met with us and agreed to talk with the officer about a Condition for changes to landscaping at the NE: this led to Condition 7, which we much appreciate.

This Condition accepts what has already been done to keep our privacy and not obstruct our open skyline outlook. It also allows for further changes to reposition trees and guarantee hedge heights and boundary treatment nearby.

We therefore welcome Condition 7, and seek that you ensure that if the application is approved today, then this Condition is accepted, but we respectfully ask for one addition: after the word 'referencing' in line 4, please add the words 'path levels'. This would allow the possibility of lowering, by about 50 cms, the path that will run across the front of 42-46 Higher Town.

This would protect our privacy at 44 by limiting overlooking of our windows from the path. The officer has told us that he has asked the developer previously to do this, so please can the committee add the words 'path levels' to Condition 7.

We fully support community calls for the play area to be removed from its proposed position because, as planned, it would extend some distance across our outlook. The inevitable noise and overlooking from a playground so close is unacceptable and harmful to the setting of heritage assets.

One final point –The applicant wants to locate the car park, storage area and site offices on the skyline directly in the view from this same window during the 3 year construction period. Please do not allow this.

My question is to the Chair: Please will you ensure that my request to amend the wording of Condition 7 by adding the words 'path levels' is directly addressed by the Committee during this meeting?

Greta Tucker also referring to No 3 on the plans list stated:

I am Greta Tucker of Sampford Peverell. My question concerns the development at Higher Town.

The first plans for this development went out to consultation in January of this year. Those plans had no pedestrian connection to the south east access that followed a natural desire line. The January plans required pedestrians from the south of the site to make a detour of 150 metres, taking them north of the allotments. This would involve making their way 50 metres up a steep road, along a narrow footway with barriers across it and over 80 metres down the steep, shared cycleway before reaching a point near the south east access, just 12m away from where this detour started.

In response to our objections, the applicant simply added thirty steps that connect the onsite road to the south east access. The officer assures us in his report that these steps are Part-M compliant. He may be right – but that does not mean they are good design.

Policy SP2 requires improved access to the village for pedestrians.

The National Planning Framework paragraph 130 and your own Policy DM1 say developments must be safe, inclusive and accessible.

Paragraph 112 of the Framework says applications for development should give priority first to pedestrians and cyclists.

I remind you that the thirty steps were added after the first plans were published. At first, there was no provision for pedestrians to follow the natural desire line to the south east access and the bus stop nearby.

Adding the steps afterwards cannot disguise the fact that the design did not and does not put pedestrians first. The onsite road and housing at the south east were obviously designed first and the steps were only retro-fitted as a late compromise.

Those who cannot use the steps, such as wheelchair users and people with walking disabilities or using pushchairs will all still have to use the long, steep detour I have already described.

This arrangement will make more people use their cars to access the village. This, in turn, will divorce the new development from the rest of the village. By making those with walking impairments travel an extra 150 metres up and down steep slopes, well away from the natural desire line, you risk failing to comply with your Public Sector Equalities Duty if you approve these plans.

My question to the officer.

Are you telling Members that access arrangements at the south east are high quality design?

Gerald Dinnage, again referring to No 3 on the plans list stated:

I am Gerald Dinnage of Sampford Peverell. My question is about the Higher Town development.

The application proposes a 200-metre, shared-use cycleway at the east.

The law does not allow cyclists to use footways, so this shared path must be designed to standards set for cycleways.

The National Planning Framework says decision makers must ensure that the design of streets and other transport elements ‘... reflects current national guidance’.

The government’s national guidance for cycleways sets a maximum gradient of 5% and requires a level, 5 metre ‘landing’ after each 30 metre slope at that maximum.

This application proposes eight slopes AT OVER 8% with seven short 'landings' between them - but these landings are NOT level. Their gradient is 5% - itself the maximum allowed. As designed, the cycleway would have about 35m at the maximum 5% and over 180m at 8%.

The cycleway design fails to comply with national guidance in other ways:

- It has blind bends
- It is too narrow
- It does not have a sealed surface
- It passes just 1 metre away from a very steep drop into a large attenuation area – the guidance says the minimum distance to water hazards is 4.5m.

All these failings have been pointed out in objections - but the officer's report has only addressed concerns over gradient.

On page 46 of the Public Report Pack, he tells you that Highway Authority officers have accepted these gradients subject to the addition of landing points. He says that these highway officers will ensure that the landings are included in the S278 Agreement drawing. But there are problems here:

- The officer says nothing about blind bends and other such failings
- The Highway Authority's consultation responses say nothing about landing points
- The plans you are being asked to approve have no level landings
- Adding level landings must lengthen the cycleway and require its route to change, causing landscape issues.
- Routes within the site are part of Reserved Matters. It is not acceptable to delegate these design decisions to the Highway Authority and the Section 278 process.

Finally, we have Freedom of Information evidence that the applicant's engineer says it is impossible to stop surface water from by-passing the SUDS scheme and flowing from the site along the cycleway at the north-east and south-east accesses. This fails to comply with Policy SP2c.

Question to the officer –

Why have you delegated Reserved Matters decisions on layout and routes to the Highway Authority without authorisation from the Planning Committee?

3 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.14.01)

Cllrs P J Heal, E J Berry, S J Clist, Mrs C Collis, C Eginton, L J Cruwys, Mrs C P Daw, B Holdman, D J Knowles, F W Letch and B G J Warren all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 22/00040/MARM as they had received correspondence from objectors.

Cllr B Holdman made a personal declaration for application 22/00040/MARM as he knew neighbours of the application site

Cllrs Mrs C Collis, Mrs C P Daw, E J Berry and B G J Warren made personal declarations for application 22/00040/MARM as they had represented the Authority at appeal.

4 **MINUTES OF THE PREVIOUS MEETING (0.15.07)**

The minutes of the meeting held on 18th May 2022 were agreed as a true record and duly signed by the Chairman

5 **CHAIRMAN'S ANNOUNCEMENTS (0.15.38)**

The Chairman reminded the Committee of the meeting dates of 13th and 27th July.

6 **WITHDRAWALS FROM THE AGENDA (0.16.01)**

There were no items withdrawn from the agenda

7 **THE PLANS LIST (0.16.05)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes

Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- a. Application 22/00431/FULL - Change of use from public convenience to office/storeroom (Class E (g) (i) and B8) at Public Conveniences, Footpath from Bus Station to Phoenix Lane, Tiverton*** be approved subject to conditions as recommended by the Development Management Manager.

(Proposed by the Chairman)

Reason for the decision: As set out in the report

- b. Application 22/00599/HOUSE - Erection of single storey extension at Lower Warnicombe House, Warnicombe Lane, Tiverton*** be approved subject to conditions as recommended by the Development Management Manager.

Reason for the decision: As set out in the report

(Proposed by the Chairman)

- c. Application 22/00040/MARM - Reserved Matters for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site (with access reserved) following outline approval 17/01359/MOUT at Land and Buildings at NGR 302469 114078, Higher Town, Sampford Peverell.***

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial view, site layout, affordable housing layout, street scenes, housing types, green infrastructure, cross sections and photographs of the site.

The officer explained that the application before Members was Reserved Matters following outline approval 17/01359/MOUT granted by the Planning Inspectorate on 7th April 2021.

The officer explained that a Design Review Panel had been involved at the pre application stage and had made a number of recommendations for changes to the final application which the developer had considered. This had included a change of position for the LEAP (Play Area) from the south west corner of the site.

He explained that the Highways Authority had no objections to the gradients of walkways and cycle ways proposed on the site. The surface of the cycle way had been conditioned at there had been no objections from the statutory consultee regarding water run off or proximity to the attenuation pond.

With regard to the LEAP (Play Area) the officer explained that, in consultation with the developer, Planning Officers had considered the current location to be the most suitable and that the area was in excess of the 90sqm required at 400sqm.

Consideration was given to:

- An Open Space Specification Scheme had yet to be agreed but would include management plans of the LEAP (Play Area) equipment and the allotments
- Concerns that as the estate roads would not be adopted by the Highways Authority that no Waste Management Plan had been submitted
- Concerns that the access into the site appeared to cross private roads and that this needed to be identified clearly
- Concerns that the access steps into the site would exclude disabled people
- Concerns that there would be overlooking from plots 57 & 58 into existing properties
- Concerns about the ongoing maintenance of the roads if they were not adopted by the Highways Authority
- Concerns that the properties were to have gas boilers installed instead of greener alternatives
- Concerns that no Construction Management Plan had been provided but was a condition of the outline planning permission
- Concerns that the Landscaping Plan should be extended to 10 years and that the planting of semi mature trees should be conditioned
- The views of the objector who stated that the proposed position of the LEAP (Play Area) was within the Green Infrastructure and was inappropriate and no Open Spaces Specification had been submitted
- The views of the agent who stated that access to the site had been granted via the Planning Inspectorate and that the applicant had consulted with the Parish Council, residents and Planning Officers
- The views of the Parish Council who felt that the application had flaws and that they had concerns with regard to the highways into the site, the proposal to install gas boilers and with the street lighting proposed. There were also concerns with the size and location of the play area

- The views of the Ward Members who had concerns with regard to the proposed steps to the South East of the development that would impose a barrier for wheelchair and pushchairs, the encroachment of the play area into the Green Infrastructure, the size of the play area, the lack of a lightning plan and concerns about the height of some of the buildings
- That planning permission would be required for any separate buildings on the allotments
- Concerns with overlooking properties at 42 & 44 Higher Town

It was therefore **RESOLVED** that a decision on the application be deferred so that further information could be provided on the following:

- The Design Panel Report
- Gradients of pathways and the removal of steps to the South East of the development to enhance disabled access to the site
- Move the LEAP (Play Area) from the Green Infrastructure and reduce in size
- Confirmation of the classification of public and private roads leading into and from the site
- Consideration of a reduction of height of plots 57 & 58 and installation of bungalows instead of 2 storey houses
- Lighting Plan
- Open Spaces Specification Scheme
- Waste Management Plan
- Highways Maintenance Plan
- 10 Year Landscaping Plan with planting of semi mature trees conditioned
- Phasing Plan
- Construction Management Plan
- Condition to remove permitted development rights to all properties on site
- Consideration that greener alternatives be installed than the gas boilers proposed

(Proposed by Mrs C Collis and seconded by Cllr S J Clist)

Notes:

- i. Cllr C Eginton left the meeting at 16.15pm and did not participate in discussions or voting from this point
- ii. Cllr P J Heal requested that his abstention from voting be recorded
- iii. J Byrom spoke as the objector
- iv. S Davies spoke for the agent
- v. Cllr H Culpin spoke on behalf of Sampford Peverell Parish Council
- vi. Ward Member Cllr J Norton provided a statement which was read out by the Chairman and Cllr Mrs C Collis spoke
- vii. The following late information was received:

24th June 2022

Further to discussions with the Housing Enabling Officer it is considered that there should be an additional condition with respect to the self-build units to specifically agree the timings for plots to be serviced and made available for sale. Therefore the following condition is recommended to be included:

Condition:

10. A phasing plan for the construction of the development shall be submitted to the Local Planning Authority prior to above ground works associated with the house building in the first phase being undertaken. Prior to the occupation of the first open market dwelling within the phase that contains the self-build plots a marketing strategy for the self-build plots shall be submitted to and approved in writing by the Local Planning Authority. No more than 50% of the open market dwellings within the phase that contains the self-build plots may be occupied until the self-build plots have been fully serviced and made available for sale.

Reason:

For the avoidance of doubt and in the interests of proper planning.

In light of comments raised to a number of the planning conditions where retention has not been specified, it is advised that the following sentence is added to the end of conditions 4 and 6 'Once provided the approved facilities shall thereafter be retained'. Therefore conditions 4 and 6 would read as follows:

4. The development hereby approved shall not be occupied until refuse/bin storage facilities have been provided in accordance with the refuse and cycle strategy plan with details submitted to and approved by the Local Planning Authority to include proposals for maintenance and management of the refuse storage areas and provision of bins to serve the public open spaces on site. Once provided the approved facilities shall thereafter be retained.

6. The development shall not be occupied until the Locally Equipped Play Area has been provided in accordance with the details which have first been submitted to and approved in writing by the local planning authority. Relevant details shall include the specifications of play area equipment to be used including at least one item of play equipment suitable for children with disabilities as well as the use of locally sourced and sustainable materials. Once provided the approved facilities shall thereafter be retained.

Representations:

Further to the writing of the Committee Report three additional letters have been received, two of which relate to a discharge of condition application submitted for the outline planning permission 17/01359/MOUT requiring the submission and approval of a Construction Method Statement. This is a separate matter to the reserved matters application which is currently being considered by the LPA.

However the third letter was addressed to the Ward Member where they raise a number of points which they believe have been omitted from the Committee Report. The six points are included in full below:

1. The main outstanding problem relates to the decision of DCC, as Highway Authority, not to require the reduction in the speed limit, from 60 to 30 mph,

around the entire perimeter of the site. I attach for your information my complaint to DCC regarding this matter but the response is not due until the middle of July as I have just agreed an extension to the period for response. In my view the position of DCC is contradictory and appears to be at the whim of the officers as the other officer [Sorenson] who agreed it was necessary, with which the Inspector concurred, has now retired. Although not directly related to the reserved matters application [as highways matters were agreed at outline stage], any pressure you can bring to bear in this matter would be appreciated even though it will impact us, in Turnpike, much less than those who use Higher Town and hence travel via Battens Cross.

2. With regard to the reserved matters application the main issue outstanding is the absence of new planting around the perimeter of the site. Contractors for Edenstone removed and/or substantially cut back hedges around the site in the early part of the bird breeding season. These works appear to have been done in anticipation of certain highway works but some of those works are no longer proposed and yet the developer is not proposing any replacement planting. One example is on the bank above the road running north of Battens Cross. You might recall that at one stage they proposed to remove that bank and hedge for forward visibility on the corner coming down the hill but they were forced to change this proposal because we pointed out that the bank was covered by a condition on the outline planning permission that protected reptiles. The hedge has grown back in part but is now gappy whereas it was formerly a continuous hedge. A second example is opposite us [No 16, Manleys B&B] where the pedestrian access has changed position but the hedge was removed along a circa 20 m stretch and needs replacing, and the sparse hedge on the bank opposite the cemetery also needs supplementing. Do not be fooled by the vegetation that is visible in June as it is largely seasonal [nettles etc] and comprises little of substance. The report has noted but not addressed the removal of existing vegetation, even though it was raised in previous comments.

3. There is also a need to address surface water run-off from the internal footpaths where they emerge onto the highway network. The section of the report entitled "Drainage and Flood Risk" suggests this can be dealt with exclusively by a filter drain along one edge and I accept this is shown on the engineering drawing but this is not an answer near the junction because the drain stops short of that. In my final comments I said the following, which might explain this but the crucial point is that the officer's report has not addressed the matter: "Turning to the vicinity of the SE access, an outstanding concern relates to surface water drainage. Recently a survey has been undertaken along Turnpike and the nearest surface water drain is approximately 50-60 m down Turnpike from the SE access. At this point the contractors have annotated the road and, separately, the pavement with the words "Possible collapse". Photographic evidence has been sent to the Agent. I have suggested that the surface water drain was never installed past this point when the road was improved in the 1960s, such that what has been identified as a collapse is the end of the surface water drainage system. Even if this might be wrong it is clear that remedial action is required in this respect. I appreciate that the PHG Drainage Engineers report says "To prevent runoff from the footpaths connecting to the wider highway network discharging over the site boundary, these will be provided with a filter drain along one edge", but this is not a practical solution in the vicinity of the junction of the SE access with Turnpike. At this point the footway/cycleway will be set down beneath a

high retaining wall on one side and a hedgebank on the other, which is shown most clearly in the section on the drawing entitled "Footpath Link to S278 3 of 3". The practical effect of this canyon, taken together with the associated steps, will be to give rise to a surge of surface water running down onto Turnpike at a fair speed and volume. We already experience a stream of water down the gravel path at the side of our house during peak events due to the volume of water running down our driveway. In order to address this I would need to be persuaded that any sort of trench drain or slot drain would be adequate parallel to the road unless it was connected up to the existing surface water drainage system in the highway. For the avoidance of doubt the manhole shown 2 near the SE crossing on the drawing entitled "Engineering Layout Sheet 1" [Drawing No 100-1 Rev K] serves the foul drainage system rather than surface water."

4. There is no condition with regard to the materials of the allotment shed. In my final comments I said the following: "I cannot see details of the elevation of the allotment shed, for example no materials are specified on the drawing entitled "Materials Layout". Assuming this is going to be of standard wooden or brick construction such details could be required by a suitably worded condition but such a condition is required because the structure would be prominent above the hornbeam hedge proposed around the allotment due to the topography". I acknowledge that condition 5 in the report covers materials but the crucial point is that the drawing [No 102 Rev B] does not specify the materials for the allotment shed and having raised the matter the officer should have addressed it in his report.

5. Paragraph 203 of the appeal decision said "Whilst the Appellant was content to accept a condition withdrawing permitted development rights for dormer windows and alterations to roofs including roof lights, on reflection I am not satisfied that at this outline stage I have sufficient evidence to demonstrate that such a condition would be necessary.". However the officer's report has not revisited this issue and a condition should be imposed to address this, specifically precluding any form of roof window on plots 24-29. I specifically requested this in my original comments on the reserved matters application [paragraph 27, comments posted on 31 January 2022] and the report is seriously negligent in not addressing this issue. Please note it is also likely to be relevant to all of the plots along the Turnpike frontage because of the vast difference in levels.

6. Finally, there is no retention clause on a number of the conditions, including 4 and 6.

In response to the above, Members should be aware that point 1 relates to highway matters dealt with through the outline planning permission 17/01359/MOUT and associated S106 agreement. This is not a matter to be addressed through this reserved matters application. Points 2 and 3 relate to landscape planting and drainage which are matters which have been referred to within the committee report and will be addressed further in the presentation to Members of the Planning Committee on the 29th June 2022.

With regard to plans for an allotment shed raised in point 4, the layout plan identifies the required area for allotments with the drawing of a shed being illustrative within this area. The requirements for shed(s) to serve allotment plots would need further approval. Point 5 relates to the removal of permitted development rights for certain plots along the southern boundary. Given the

separation distances involved to neighbouring properties, a condition was not considered to be necessary but Members would be able to impose a condition should they believe it would be required. With respect to point 6, an update has been recommended for an extra sentence to conditions 4 and 6.

8 **MAJOR APPLICATIONS WITH NO DECISION (2.23.50)**

The Committee had before it, and **NOTED**, a *list of major applications with no decision.

The Committee agreed that:

22/00868/MFUL- Land at NGR 299621 112764 (Red Linhay) – Removal of condition 13 of planning permission 17/01142/FULL be brought to Committee if the officer recommendation was minded to approve – No site visit required

22/00969/MOUT – Land at NGR 295508 103228 (Silverdale) – Removal and/or variation of conditions 5,6,7,8,9 and 10 of planning permission 18/02019/MOUT be brought to Committee if the officer recommendation was minded to approve – No site visit required

Note: *list previous circulated and attached to the minutes

9 **APPEAL DECISIONS (2.28.30)**

The Committee had before it, and **NOTED**, a *list appeal decisions

Note: *list previously circulated and attached to the minutes

(The meeting ended at 4.54 pm)

CHAIRMAN

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