

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 30 May 2019 at 2.15 pm

### **Present Councillors**

R M Deed, G Barnell, S J Clist,  
D J Knowles, A White and Mrs N Woollatt

### **Apologies Councillor(s)**

L D Taylor

### **Also Present Councillor(s)**

E J Berry, R Evans, F W Letch, C R Slade, R L Stanley  
and B G J Warren

### **Also Present Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Jenny Clifford (Head of Planning, Economy and Regeneration), Adrian Welsh (Group Manager for Growth, Economy and Delivery), John Bodley-Scott (Economic Development Team Leader), Paul Brockway (Culm Garden Village Project Manager), Tina Maryan (Area Planning Officer) and Sally Gabriel (Member Services Manager)

## **1. APOLOGIES**

Apologies were received from Cllr L D Taylor.

## **2. PUBLIC QUESTION TIME (00-01-42)**

Catherine Penharris, Chairman of the CCA in Cullompton referring to Item 6 (Housing Infrastructure Fund) on the agenda stated that she had read the very interesting report by the Head of Planning, Economy and Regeneration; highlighted within the Risk Assessment section she outlined the views of the Inspector for the Local Plan Review in that he would wish to be assured that the Plan was sound and provided deliverable housing sites in the early years of the Plan and that he had concern about housing trajectory in the early years before the Relief Road was complete and concerns with regard to the five year land supply for deliverable sites if the Town Centre Relief Road was delayed. She asked whether the Cabinet could make an informed decision if all the information was not available.

Mr Emmett referring to Item 6 (Housing Infrastructure Fund) on the agenda stated that the Leader had highlighted in his speech to Council on 22 May, the need to put the people of Mid Devon first. He felt that it was important to put people first in Cullompton by improving the air quality issues, for children to be able to walk to school and not have to breathe in fumes and be threatened by heavy traffic passing

them. The relief road would alleviate the queuing back onto the motorway. The relief road would provide a suitable route for farm vehicles to bypass the town. The historic buildings were at risk because of vibration from heavy lorries and pollutants. He mentioned the outcome of a recent poll social media which highlighted that 85% of those taking part in the poll were in favour of the town centre having less traffic and 88% in support of a relief road.

Cllr Guest from Cullompton Town Council referring Item 5 (Culm Garden Village) on the agenda asked the following questions:

1. The Cullompton Neighbourhood Plan has extensive evidence supporting a wide range of development in the parish of Cullompton which included the principle support for the Garden Village (Policy SD06). Will MDDC take note of this support for the Garden Village and so inform the Neighbourhood Plan?
2. In April 2019, Cullompton Town Council voted by a large majority to include positive statements relating to the large scale housing development planning for Cullompton, including the principles of support for the Cullompton Garden Village (Policy SD06). Will MDDC pay attention to and take note of the positive view of Cullompton Town Council in relation to the development of the Garden Village and so inform Cullompton Town Council.
3. In the various Garden Village workshops run by the Cullompton Neighbourhood Plan and separate workshops run by MDDC, a key concern has been to keep as much of the Garden Village within the parish of Cullompton as possible. Maps have been produced showing the Garden Village reaching down towards Mutterton and making use of the local road network. Will MDDC continue to explore the Mutterton option and keep the Town Council up to date and informed?

Referring to Item 6 on the agenda (HIF) he asked the following questions:

1. The Cullompton Neighbourhood plan has extensive evidence supporting a wide range of development in the parish of Cullompton, including the urgent need for a town centre relief road, most likely through the CCA fields (Policy WL02), will MDDC take note of the views and evidence of the Neighbourhood Plan which support a relief road?
2. In April 2019, Cullompton Town Council voted by a large majority to include positive statements in the Neighbourhood Plan relating to the relief road through the CCA fields, will MDDC pay attention to and take note of the views of Cullompton Town Council in relation to the relief road?
3. MDDC has secured the opportunity for a 10 million pound loan from Central Government to partially fund the Cullompton Relief Road. This is a significant amount of money, will MDDC assure Cullompton Town Council that they will progress the relief road as fast as possible so as not to lose that £10 million of funding.

Honorary Alderman Mrs Campbell referring to Item 6 (HIF) on the agenda addressed the Cabinet stating that traffic congestion in Cullompton was not a new thing; traffic had always been an issue from Willand Road through to Cockpit Hill and in Station Road before the motorway was built. Once the motorway opened people realised just how much traffic still went through the centre of Cullompton either side of the motorway junction. Due to incidents with lorries in Higher Street a weight restriction was put on the road from Willand to Cullompton. However no weight restriction could

be put on the High Street as it acts as an alternative route in the event of motorway closure. This had an impact on the life of people in Cullompton, the pavements are narrow, vehicles are large and children in buggies are at the level of the vehicle fumes. The people of Cullompton cannot live a relaxed life; there can be no road closures for events, little or no encouragement to invest in the town because of traffic issues. Devon County Council first consulted on traffic issues in the town in 1989 which included a road route through the CCA fields and there have been numerous consultations since. Continuous consultation without actions leads to apathy in the town. The cricket and football clubs recognise that there is a need for change and time is of the essence. Please do not delay your decision, we will lose the funding and we will lose the relief road, it is important to people.

Mrs Berry referring again to item 6 on the agenda, stated that the lack of a relief road impacts on the rural surroundings of Cullompton, do not under estimate how vital a relief road would be to the future of Cullompton, for the town, its residents and for future economic development and air quality, Cullompton has been waiting for this for 20/30 years, there should be no delay, do not waste the investments already made. She referred to school children walking to school and that people would be unforgiving if the funding was lost and she therefore requested that the chance of funding be approved.

Mr Qayam referring again to item 6 on the agenda stated that he was a property guardian and owned 3 historic buildings in the town. He outlined the history of the town, the heritage issues and the need to preserve the historic buildings. The vibration and fumes from large vehicles in the town had an impact on the historic buildings and that the town deserved better. He asked the Cabinet to consider the children and air quality issues and the message any rejection of the funding would have on private investors in the town.

Mr Dominy referring to Item 5 (Culm Garden Village) on the agenda read a letter from Mr Allan which stated that he had read through the paper on the Garden Village consultation being presented at the meeting. I would like to highlight presentational oddities which it seems to me is genuinely misleading. Paragraph 3.18 makes summary of the responses in respect of the proposed green buffer zone with Kentisbeare. It claims that a higher proportion of respondents want to see sports facilities included within the buffer zone. If one looks at the detail of the responses on Page 99 sport and formal recreation was supported in the buffer zone by 99 people, but the 3 categories below (non/farmland, woodland etc and bridleways etc) all represent a broadly similar desire for no meaningful development of any sort in the buffer zone a total 132 responses. I think it is quite clear that that is the most popular response.

Similarly on Page 98 the most cited location for the buffer zone is Dead Lane (with 55 responses) but each of the Kentisbeare and Cullompton boundaries and Horn Road are within a field of each other and significantly to the west of Dead Lane. The combined total of those is 64, which is more popular than Dead Lane. I would urge you to look at the substance of the responses, as they deliver different conclusions than the one which you might be led to at first sight.

Mr Dominy then added that he was waiting for a response to his question as to why MDCC were not releasing the responses to the consultation as they had with other consultations and why were the results being withheld?

3. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-32-42)**

The following declarations were received:

Cllr Mrs N Woollatt declared a personal interest with regard to item 6 (Housing Infrastructure Fund) as she lived nearby to 2 of the proposed routes for the relief road and close to Station Road.

All members of the Cabinet declared that they had received correspondence from a councillor and from the public with regard to Item 5 (Culm Garden Village) and Item 6 (Housing Infrastructure Fund).

4. **MINUTES OF THE PREVIOUS MEETING (00-34-00)**

Due to the new administration, the minutes of the previous meeting were noted.

5. **BLACKDOWN HILLS - AREA OF OUTSTANDING NATURAL BEAUTY (AONB) MANAGEMENT PLAN (00-34-29)**

The Cabinet had before it a report \* of the Head of Planning, Economy and Regeneration outlining the final draft of the Blackdown Hills Area of Outstanding Natural Beauty (AONB) Management Plan 2019-2024 following a period of formal consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report informing the meeting of the designated area for the AONB management plan covering an area of 370km<sup>2</sup> straddling the Somerset and Devon border and impacting of several parishes within Mid Devon. The core finances for the running of the AONB were from a DEFRA grant of £165k which amounted to 70% of the running cost, contributions from the six contributing authorities made up the remaining 30%. The contribution for this authority was £8,500 per annum. All partner authorities considered a review of the Management Plan every 5 years.

Consideration was given to the special qualities of the AONB and the importance of the Management Plan when it came to development within the AONB

**RECOMMENDED** to Council that the Blackdown Hills AONB Management Plan 2019-24 be adopted.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr S J Clist)

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

6. **CULLOMPTON EAST AND CULM GARDEN VILLAGE (00-39-22)**

The Cabinet had before it a report\* of the Head of Planning, Economy and Regeneration requesting the Cabinet to note the outcomes of the recent stage 1 public consultation on two documents: 1) a Vision & Concept for the Culm Garden Village; and 2) an East Cullompton Masterplan SPD Issues, Opportunities & Concepts in respect of Phase 1 of the Culm Garden Village.

The Cabinet Member for Planning and Regeneration outlined the contents of the report stating that a public consultation process had taken place on the two documents identified above; he outlined the timing of the public consultation, the number of events that had taken place and the number of people who had attended the events. A total of 423 responses had been received, 314 for the vision document and 109 for the Masterplan SPD as well as responses from the statutory and other consultees listed in the report. The report before members summarised the consultation responses and the key themes arising from the consultation.

The Area Planning Officer responded to questions posed in public question time: with regard to concerns about the number of responses, these were not based on the number of people responding but on the number of responses, therefore each suggestion was noted not just one per person. Further work would take place on the consultation responses and a further report would be put before the Cabinet as the scheme progressed. With regard to the responses being published, these would be published on the website in the near future.

Consideration was given to:

- The work that had gone into the report
- How the comments had been recorded
- The need to link the Garden Village with Cullompton and Willand via cycleways
- The railway station project
- The provision of sports pitches and the need for a sports pitch policy/strategy and engagement with the cricket and football clubs in Cullompton
- The need for sufficient and practical parking within the scheme
- The idea of using underground waste systems within the project
- The contribution requested by the NHS and how that would be considered
- The location of a new school for the development
- The need for a walkway/cycle route over the M5, the railway line and the river to link new Cullompton to the old Cullompton.

**RESOLVED** that the report be **NOTED**.

(Proposed by Cllr D J Knowles and seconded by Cllr Mrs N Woollatt)

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

## 7. **HOUSING INFRASTRUCTURE FUND (1-07-08)**

The Cabinet had before it a \* report a report of the Head of Planning, Economy and Regeneration updating Members on the progress of discussions with Homes England over the Council's two applications for funding under the Housing Infrastructure Fund (HIF) totalling £18.2 million, and seeking authority to enter into grant funding agreements with Homes England over these funds and to seek authority for the Council to forward fund the two infrastructure projects in question.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report informing the meeting that in July 2017 the Government launched its £2.3 billion Housing Infrastructure Fund (HIF) to finance infrastructure to unlock

housing delivery, the Council made 2 bids for HIF funding for infrastructure schemes which would unlock development sites identified within both the adopted Local Plan and the Local Plan Review. He outlined the 2 projects: the second phase of the new highway junction on the A361 to service the Tiverton Eastern Urban Extension for which £8.2m of HIF funding was sought and the provision of a town centre relief road in Cullompton which would provide additional capacity at Junction 28 of the M5 as well as reduce traffic in the town centre. £10m of HIF funding was sought towards the £15m scheme. Grant funding offer letters for both schemes had been received from Homes England and the funding was offered on the basis of a local recoverable grant.. Funding agreements for each project had to be entered into and separate agreements were also needed with Devon County Council to deliver the infrastructure. The Council would be responding to the Local Plan Inspector with regard to his queries about housing delivery within the early years of the plan given his specific concern over the timescale of the delivery of the relief road.

The Council would be required to forward fund the projects and the £5m balance for the Cullompton Scheme would need to be funded by the Council until such a time as the S106 monies could be collected from housing development that was unlocked by the provision of the road.

The Head of Planning, Economy and Regeneration provided answers to questions posed in public question time: with regard to the Inspector's concern regarding housing trajectory in the early years of the plan, the inspector had asked for further information and had not stated that the plan was unsound. It was intended to respond to the Inspector in order to provide him with more confidence over housing supply in the early years of the plan and greater certainty over the timescale for the delivery of the relief road. She also stated that other speakers at public question time appeared to have framed support for the delivery of the road as questions. Accordingly no further response was required.

Consideration was given to:

- The time limitations set by Homes England for the Cullompton project and whether negotiations could take place to alter the milestones
- The terms and conditions for recycling the money
- Further discussions with Homes England over the project and the possible flexibility that could be negotiated
- The need for the 'cloverleaf' junction to finish the project on the Tiverton Eastern Urban Extension
- Highway links at Tiverton Eastern Urban Extension
- The clawback of the £18.2m from S106 contributions, legal agreements with Devon County Council and the risk
- The anticipated timescale of housing coming forward in Cullompton up to 2033
- Whether developers who had to contribute to the relief road would try to reduce the percentage of affordable housing for developments.

**RESOLVED** that: the Cabinet agrees to:

1. Enter into grant funding agreements with Homes England to secure £18.2 million Housing Infrastructure Fund monies and grant delegated authority to

the Section 151 Officer in consultation with the Group Manager for Legal Services to finalise and sign the agreements;

2. Forward fund the Cullompton town centre relief road and Tiverton Eastern Urban Extension phase 2 junction projects as set out in paragraphs 5.1 and 5.4 of the report including taking out any associated borrowing.

(Proposed by the Chairman)

Notes:

- i) Cllr Mrs N Woollatt declared a personal interest as she lived nearly 2 of the proposed routes and close to Station Road;
- ii) All Cabinet Members reported that they had received correspondence from a councillor and from members of the public;
- iii) \*Report previously circulated, copy attached to minutes.

8. **TIVERTON EASTERN URBAN EXTENSION AREA B MASTERPLANNING (1-46-30)**

The Cabinet had before it a \* report a report of the Head of Planning, Economy and Regeneration advising it on the results for the procurement of a masterplan for the development of Area B of the Tiverton Eastern Urban Extension.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that a further masterplanning exercise was required for the south eastern part of the Tiverton Eastern Urban Extension allocation. It had previously been agreed to commission a masterplan for this area and the reports sought to award the contract following a procurement exercise. 3 tender submissions had been received and evaluated.

Consideration was given to:

- The budget for the work up to £143,000 had been set and included all such studies and reported required to update the evidence base as well as the masterplan.
- The planning permission already granted on Area A and that the work on Area B would complement the work that had already taken place.

**RESOLVED** that: the contract be awarded to Supplier 3 with an agreed cost of £121,580.

(Proposed by Cllr D J Knowles and seconded by Cllr A White)

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

9. **NOMINATION OF DIRECTOR FOR 3 RIVERS DEVELOPMENTS LIMITED (1-52-18)**

The Chairman informed the meeting that until the May elections the Cabinet Member for Housing had been the nominated Director for 3 Rivers Developments Limited. It was his view that the new Cabinet Member for Housing did not have the experience to fulfil the role of a director for the company. He therefore suggested that the link between the Cabinet Member for Housing and the Director for 3 Rivers Developments Limited be uncoupled and that the directorship remain with Cllr R L Stanley

**RESOLVED** that Cllr R L Stanley remain as a Director of 3 Rivers Developments Limited.

(Proposed by the Chairman)

10. **CABINET MEMBER DECISIONS (1-54-21)**

The following Cabinet Member decisions were noted.

- a) To grant a lease of Orchard Way Play Area, Willand to Willand Parish Council for a term of 25 years at a peppercorn rent.

**REASON FOR DECISION:**

Mid Devon District Council have completed a rationale of all play areas across the District and following consultation, Willand Parish Council have resolved to be financially responsible for the asset.

A s.123 Local Government Act 1972 (disposal of open space) notice was published in the local press for two consecutive weeks on 26<sup>th</sup> March 2019 and 2<sup>nd</sup> April 2019.

If the disposal were to be regarded in any way as at an undervalue, it would be approved in accordance with the General Disposal Consent Order 2003, because the play area/open space land will be preserved long term which is in the interests of the social well-being of Willand.

- b) To terminate the lease of Puddington Play Area, where MDDC is the tenant.

**REASON FOR DECISION:**

Mid Devon District Council have completed a rationale of all play areas across the District and following consultation, Puddington Parish Council have resolved to be financially responsible for the play area/open space land.

It has been agreed with the current owner of the land that the play area/open space land will be transferred to Puddington Parish Council upon termination of the lease by Mid Devon District Council, thus ensuring it will remain open to the public.

11. **NOTIFICATION OF KEY DECISIONS (1-55-10)**

The Cabinet had before it and **NOTED**, its rolling plan\* for June 2019 containing future key decisions.

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

(The meeting ended at 4.12 pm)

**CHAIRMAN**