

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the CABINET held on 21 November 2019 at 6.00 pm

Present

Councillors

R M Deed (Leader)
L D Taylor, G Barnell, S J Clist,
D J Knowles, A White and Mrs N Woollatt

Also Present

Councillor(s)

E J Berry, R J Chesterton, Mrs C Collis, L J Cruwys,
Mrs C P Daw, R J Dolley, R Evans, F W Letch,
Miss J Norton, R F Radford, B G J Warren and A Wilce

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), 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), Tristan Peat (Forward Planning Team Leader), Aarron Beecham (Forward Planning Assistant) and Sally Gabriel (Member Services Manager)

80. APOLOGIES

There were no apologies.

81. PUBLIC QUESTION TIME

Cllr Cutts representing Sampford Peverell Parish Council and referring to item 7 on the agenda stated that: According to the Main Modifications in your pack, the tie between Policy SP2 and Policy J27 is to be cut. I am concerned by the consequences of this proposed change.

Without the tie to J27 I can no longer see any need for 60 houses anywhere in the village.

In the Local Plan submission, your emerging policy S13, identifies Sampford Peverell as one of 23 villages where there will be '*... small scale housing and other limited development which enhances community vitality or meets a local social or economic need*'.

Using figures from the table on page 47 of your pack, calculations show that the proportion of housing allocated to our village is almost twice as high as that for any of the other 22 villages listed for 'limited development'.

The Inspector has indicated that the tie to J27 should be removed. He says that SP2's 60 houses are needed to meet the '*overall*' housing supply. Apparently he has

failed to note that emerging Policy S2 requires that housing in Sampford Peverell must meet *'local needs'*, not *'overall'* needs. He is surely creating an internal inconsistency in the emerging Plan.

So, my question is ...In the light of emerging policies S2 and S13, and without the justification provided by the proposed development at Junction 27, what precise evidence does the Council now have for a 'local need' to justify 60 houses at Higher Town, Sampford Peverell?

Jamie Byron speaking in relation to item 7 on the agenda stated I trust you have all been able to consider the paper that I circulated to you on Tuesday evening. Thank you for giving time and consideration to that. It asks you to explore the deletion of Policy SP2. Please try to make it work. We are trying to avoid any possibility of legal challenges.

Paragraph 47 of the National Planning Policy Framework sets down a requirement that only 'deliverable' sites should appear in the first five years of a plan. To be 'deliverable' a site must be *'... available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years'*. This must be based on *'robust up to date evidence'* (PPGuidance). A mistake could lead to months of delay.

Your officers assure you that SP2 is 'deliverable' and have told the Inspector that it will be fully built-out by March 2023 (in document ED20). I cannot see how this is possible. The five year period in question started in April 2018. Eighteen months have gone already and no applicant has secured even outline planning permission.

Officers apply the so-called HELAA model to calculate delivery times. To meet HELAA requirements, building should be starting five months from now - but ten months of drainage testing is still needed, as officers recognise (in document ED22).

Planning Practice Guidance lists evidence that can support claims of deliverability. These include *'a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates'*. There is an agent for SP2, but no developer. There is, therefore, no such written agreement with the Council.

Another issue is that the Devon Historic Environment Team has required a full programme of archaeological works to be carried out on the SP2 site. Results must be analysed before any outline permission can be granted. That work has just started. The Inspector does not know about this potential obstacle to deliverability.

My questions are:

1. Cabinet, will you please ask officers to publish, for all of us, a robust, up to date break-down to support their assertion to you and to the Inspector that 60 houses will be built-out at SP2 by March 2023 while keeping to the HELAA model?
2. (This is a separate issue that may require a Main Modification). Does the Head of Forward Planning stand by his statement to the Inspector that

development at SP2 will lead to 'no harm' to the setting of the Canal Conservation Area, given the conservation officer's contradictory assessment of this matter as part of the application that has gone to appeal?

Peter Dumble speaking about item 7 on the agenda In the report you have before you today, the Sustainability Appraisal for SP2 has incredibly been re-scored by +1 on the basis of adding a statement that there must be '*improved*' access for pedestrians moving between the site and the village.

Easy to say, impossible to do.

An experienced member of your planning committee in July 2018 when first voting against the planning application stated that he felt "*misled*" by Planning Officers.

There is a pattern.

From 2014 to 2016, the Sustainability Appraisal stated that '*Turnpike is a dangerous road for pedestrians*'. But in late 2016, when the site was brought into the Local Plan to justify the J27 development, the reference to Turnpike *being dangerous* was dropped. Why? No evidence has ever been given.

The text was then replaced with the assertion that '*There is a footpath [from the site] which leads into the village*'. That wording is still there. Again it is untrue and misleading. Local schools' risk assessments do not allow children to walk along Turnpike. The reality is that to walk from the site to the village there is a need to cross dangerous sections of road on 3 occasions including crossing on a blind bend approaching the canal bridge.

Few of your planning officers dared do this during a site visit – and I seriously ask all of you today in Cabinet to walk that route before you agree to recommend keeping SP2 in the local plan.

The failed planning application for 60 houses on the site provides new information which should be taken into account. Officers say this application complies with elements of SP2 and have recommended approval. Your fellow Councillors on the Planning Committee are adamant that permission should be refused. They have seen the evidence.

Highway experts have considered the applicant's plans for highway improvements to make access to the village safe. Every one of them describes the proposed improvements as 'substandard'. One says '*severely substandard*' and "*unsafe*". If that is the best that can be achieved, how did this policy ever get into your plan?

Removing or adding words does not remove the problem. Your Planning Committee Members know this.

Please, listen to your colleagues on the Planning Committee. Two differently composed Committees have been convinced that development at SP2 would be wrong. Only 1 vote in 22 cast was in favour.

In summary

There is no evidence that safe access for pedestrians is achievable and you will be undermining the considered judgements of your own Planning Committee.

Please will you take steps today to delete SP2 from the Plan?

Hayley Keary referring to item 7, stated I live at 44 Higher Town which is a designated heritage asset in its own right. I am the third generation of my family to live there and I have lived there 43 years.

I live approximately one metre away, and six foot below the level of the site known as SP2.

My question concerns Agenda item 7, the proposed Main Modifications, and how to resolve the fact that SP2 is unsound.

Three years ago, to the day, I asked officers why the Higher Town site was being included in the revised Local Plan proposals when it had not appeared in the 2015 version. I was clearly told that the reason was that the 60 houses were not needed in 2015 but that the Junction 27 allocation had created the need for additional housing. It even says this in the paragraphs below the policy wording. It cannot be denied. No other justification has ever been given for the SP2 allocation.

We have also been told time and time again by officers that this site was selected from a shortlist of sites that were all 'proximate to' Junction 27. This is made very clear in the 2018 Sustainability Appraisal Update.

But if the sites chosen had to be proximate to J27, why now are we being told that the housing serves district-wide need? If that is the case, this Council was wrong to apply the 'proximity test'. The houses could just as well have been built in some other more distant location.

As Mr Cutts has reminded us, this village is listed as being suitable for 'small scale' housing. Your Sustainability Appraisal defines small-scale as 1-19 dwellings. Even these are only allowed to meet 'local needs'.

If Sampford Peverell was always an appropriate place for district wide housing provision, why was it not allocated more housing in 2015? The answer is clear: not only was there no need, there could be no justification for 60 extra houses at Sampford Peverell without the J27 allocation.

Pressing ahead with this allocation will take Grade 2 farmland without any justification. The Framework is very clear that this should not be done where lower grade land is available. It is - at Willand, where 83 extra houses have been confirmed. They are also within the 'proximity' of J27. You have no need for SP2.

There is clearly no local need. It will do harm. There should be no allocation.

My question is to Cabinet Members:

Please will you stand up for us and do what is right and fair by seeking the deletion of SP2? We are depending on your integrity to protect us.

Referring to Item 7 on the agenda, Greta Tucker stated Residents of Sampford Peverell understand that the request to delete policy SP2 may raise concerns over creating a precedent. Other allocations may ask why this opportunity to seek deletion was not open to them. There are, however, strong justifications for saying that SP2's situation is unique.

1. It appears that all other Main Modifications to housing policies are being made either by agreement or by amendments that were set out long ago in document SD14. This is not the case with SP2.
2. Policy SP2 has been contentious from the moment it was belatedly proposed for allocation. It missed the first full consultation. No other housing allocation has brought such a degree of consistent opposition within the plan-making process. Consultation data and minutes of meetings will prove this.
3. The proposed Main Modification amendments would remove criteria that were explicitly included by officers and Councillors in order to ensure the site was sustainable. Without them there is every reason to believe the policy would not have been allowed by full Council on 1 December 2016.
4. SP2 has been the focus of specific sessions at the Inspector's Hearings in September 2018 and February 2019. No other housing allocation can claim this. Similarly, no other proposed allocation was invited to comment on the proposed wording of the Main Modifications in July 2019 (other than a contingency site).
5. No other site in the Plan submission includes wording that ties it to another policy in the way that SP2 and J27 are linked. There is clearly something very different about this unique arrangement. It deserves special attention.

So, my question is ...

Please will the Council and its officers pass on to the Inspector

- these reasons for respectfully suggesting that no other allocation matches the unique situation of Policy SP2 and
- our view that no other allocation can reasonably claim a right to request that it be deleted at this stage?

David Barnes addressing the Cabinet in relation to the Local Plan Review asked in considering the review the Inspector questions whether the Local Plan review will meet delivery targets for housing and along with 3 other proposals he asked that consideration be given to bringing forward the contingency sites previously identified in the Plan. The amended Local Plan Review being considered today does not include bringing forward the contingency site at Tidcombe Hall TIV13. My question is does this mean that MDDC delivery targets for housing can be met without the land at Tidcombe Hall TIV13 being developed?

Stephen Pugh stated he was a resident near Tidcombe Hall and stated that he would like to refer to 2 documents. The first one, refer to pages 121 and 122 where it mentions in the modified proposals that TIV 13 the Tidcombe Hall proposal is not deliverable and there appears to be significant land assembly issues. My question though referring to page 80 is that I note in this Local Plan Review that the Tidcombe

Hall contingency site has been expanded from its original 5 hectares to 8.4 hectares. I have three related questions regarding this change:

What was the reason for this change?

Was there a requirement to consult on the change?

If there was a requirement to consult did this take place?

Vicky Macaulay-Pugh speaking with regard to the site at Tidcombe Hall TIV13 asked: is the Cabinet aware that the Secretary of State for Housing is currently reviewing the screening decision in relation to the requirement for a full Environmental Impact Assessment of the Tidcombe site. Is the Cabinet therefore aware that this review will determine if Tidcombe is classifiable as a sensitive site as defined by the National Planning Framework due to 3 pertinent factors: the nearby SSSI, the area floods and that the site contains heritage features

Judy Tucker stated she wanted to talk about item 10 on the agenda. First of all I welcome the fact that the Cabinet has dipped a toe, all be it a very small toe, into the water of governance review. At least there is acknowledgement that there is room for improvement in the present situation. However I can't help contrasting Mid Devon's minimalist and reluctant approach with that of our neighbours in East Devon, they are also conducting a review of governance but appear to be embracing it with openness and enthusiasm and inclusivity. They claim its part of their policy to become and outstanding council. Does Mid Devon really aspire to less? I urge the Cabinet and Council to undertake a full and proper review of all governance options and not to be held back by scare stories of past problems with the committee system for instance. We are in a different time, different Council and even a different committee system if other Councils experiences is to be examined. What are you afraid of? I would suggest to use a well-worn phrase you have nothing to fear but fear itself. I would ask you please, therefore, to continue with a full and extensive review of governance.

Mary Nation speaking on Item 10 stated I would like to ask this meeting are you aware that the people of Crediton are extremely concerned and hurt about the decision that was made to sell their Council building and they continue to be upset and hurt about that. The 4 options in this report do not address their concerns that the Cabinet made a decision which went against the wishes of the whole council and therefore it is needed that the Cabinet extends the review to consider different forms of committee structure of the Council or some other element which will prevent the same thing happening either to places in Crediton or within the whole of Mid Devon district.

Alderman David Nation also referring to item 10 stated we're pleased to see the review, obviously, and hugely disappointed that it fails to address the concerns expressed by so many members of the public not only in Crediton but elsewhere in the district at the failure of the last authority to demonstrate an adequate determination to see that democracy is done. Our major concern is that a council of whatever complexion which can override the wishes of the Full Council is not democracy in action. The Cabinet system here is not working as originally intended and as some of you know I was very closely involved in the introduction of the Cabinet system and the first Chair of the Scrutiny Committee; the powers of which now seem to be quite inadequate, certainly in respect in the way in which the Constitution legally now seems to operate. I want you all to be aware, and I would ask you to bear this in mind please, that unless your system of governance can be

changed to take account of these concerns there is still such great strength of feeling in the Crediton area in particular but in the district I believe as a whole that we will be seeking public support for a referendum if you fail to switch to a Committee system voluntarily. There has to be some way of ensuring that the decisions of this authority operates in an open and transparent way but I think your report states you wish to achieve that, but also in a way which takes in to account the feelings of the majority of councillors and provides opportunity for all Councillors including back benchers to have an influence and for their voices to be heard in these matters. I hope very much that you are able to find a way of achieving that and we don't want to put the authority to the expense and the trouble that would be involved in a referendum if indeed you cannot adequately address our concerns.

Cllr Nick Way, DCC, stated that as you know I was also involved in the transfer from the Committee to the Cabinet system all those years ago and at that time I was quite a fan of the Cabinet system. To some extent I still am but the thing is times do change and in those days when we all sat here as Councillors as I did then with many of you we had a lot of other things to think about. We provided a lot more services than we do at the moment and things have changed. I do think that needs to be taken into consideration when you consider changing your governance. I think it's an important thing that you should seriously think about because when all's said and done it affected a lot people's opinion of this Council in my area which I still represent as the County Councillor. It has had a very bad effect on people, notwithstanding it was a Conservative administration that allowed our Council offices to be sold off in Crediton it did give local Government a very bad name as far as the democratic process goes. I hope when you consider this you consider the fact that it's something that needs to be thought of. PR is important for the Council as it is for all organisations and I do think that redeeming yourself would be a good thing to do. I am a little bit disappointed in the report because it does mention in a couple of places about going back to a Committee system would make decisions making longer, that I am not sure is correct but it could do to some extent. It would depend on what system you went back to but what I am concerned about is it doesn't say anything about democracy and I think that's important. It important that residents actually believe that there is a democratic process that they can use and their voices can be heard through their local Members. Unfortunately in my mind it's something that doesn't happen at the moment as well as it should. Going back to a Committee system will go a long way to put that right.

The Chairman indicated that questions would be answered during the debate.

82. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

Cllr Mrs N Woollatt declared a personal interest as a supporter of the Campaign for Local Democracy for item 10 (Governance Arrangements) on the agenda.

All Members of the Cabinet declared that they had received an email from the objectors to policy SP2 within agenda item 7 (Local Plan – Main Modifications).

83. MINUTES OF THE PREVIOUS MEETING (00-35-03)

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

84. **MOTION 560 (COUNCILLOR R J CHESTERTON – 23 OCTOBER 2019) (00-35-35)**

The following motion had been referred by Council to the Cabinet for consideration:

Review of Development Management Policies on Parking

This Council requests that officers start work on undertaking a review of Mid Devon's development management policies regarding parking on our new estates. These should include the number of parking spaces per property as well as how development management can help ease the transition to electric or hybrid vehicles in the future.

In addition to this, this Council requests that at the earliest available opportunity, and no later than three months after this motion is agreed, a paper is brought to the Planning Policy Advisory Group and Cabinet highlighting some of the possible changes members might have to consider and the best mechanism to bring these about.

The Chairman invited Cllr Chesterton to speak to the motion.

Cllr Chesterton addressed the meeting stating that he felt that a review of Development Policies were required for parking on new estates, he understood the process for reviewing policies but felt that a start could be made on those policies and maybe others in line with the climate declaration. There was a need to recognise the use of electric cars and plug in hybrid vehicles and clearer parking policies would be useful, there was also a need through policy to recognise the opportunity for electric vehicles.

Consideration was given to the timescales mentioned within the motion and it was felt that negotiation was required on this.

It was therefore:

RECOMMENDED to Council that Motion 560 be supported subject to further discussion prior to Council with regard to the timeframe for any report to the Planning Policy Advisory Group.

(Proposed by Cllr G Barnell and seconded by Cllr S J Clist)

85. **SINGLE EQUALITIES POLICY AND EQUALITY OBJECTIVE (00-42-47)**

Arising from a report of the Group Manager for Performance, Governance and Data Security outlining the Council's statutory duties under the Equality Act 2010, the Community Policy Development Group had made the following recommendation: that the Equality Policy and Objectives for 2019-2021 be approved.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that under the Equality Act 2010 local authorities had a duty to have 'due regard' to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Consideration was given to the importance of mental health and dementia awareness.

RESOLVED that the recommendation of the Policy Development Group be approved.

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

Note: *Report previously circulated, copy attached to minutes

86. **LOCAL PLAN EXAMINATION - MAIN MODIFICATIONS (00-45-28)**

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration seeking a recommendation from Cabinet to Council that Proposed Main Modifications and Additional (Minor) Modifications to the Mid Devon Local Plan Review, Addendum to the Sustainability Appraisal, Addendum to the Habitat Regulations Assessment, and Addendum to the Equalities Impact Assessment 2017 are approved for public consultation and, with the exception of the Additional (Minor) Modifications and consultation responses on these, these documents would be submitted with consultation responses received on them to the Planning Inspectorate together.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that a package of 55 Main Modifications were proposed. The package followed the Inspector's advice in his Post Hearings Advice Note in order for the Plan to be found sound and for it to be capable of being adopted by the Council.

The Main Modifications followed the Inspector's suggested remedies to overcome his significant concerns about the housing trajectory in the early years of the Plan. They were based on realistic assumptions about the delivery of the Town Centre Relief Road and housing allocations at Cullompton, and they avoided looking for new housing sites and the risk this would bring of further significant delay to the Local Plan through the need for technical assessment work and the potential for further examination hearings to be held.

The Main Modifications included:

- Bringing forward development on the allocation at Higher Town, Sampford Peverell sooner because the Inspector had found there were no good reasons for restriction in terms of timing and where he had made clear that the tie to J27 and the requirement for the completion of improved access works to the A361 should be removed. This had followed the Inspector's careful

consideration of the site allocation policy including two specific hearing sessions.

- Bringing the contingency site at Colebrook Lane, Cullompton into the early years of the housing trajectory following Devon County Council's highway advice,
- Providing some flexibility for allocated Gypsy and Traveller pitches to be provided off-site away from urban extensions provided that a more favourable outcome for Gypsies and Travellers could be achieved.
- Making necessary modifications to clarify the requirements of some development management and other policies in the Plan

The strong feelings of residents of Sampford Peverell and others about the inclusion of SP2 in the Local Plan Review were noted. Those strong feelings had also been recognised by the Inspector. However, Members should be aware that once the plan had been submitted for independent examination further changes could only be made if they were necessary to make the plan sound and/or legally compliant, provided that such modifications were recommended by the Inspector (highlighted within Section 23 of the Planning and Compulsory Purchase Act). The Inspector had already provided his conclusions in relation to the site at Higher Town, Sampford Peverell. There was therefore no provision in the legislation which allowed the Council to replace all or part of the submitted plan with a revised plan during the examination.

He stated that there was an urgent need for the new Local Plan to be adopted as soon as possible so that the Council had up to date policies and a five year supply of land for housing that would provide greater certainty to where development could take place in Mid Devon, and where planning applications would be refused. He proposed that an amendment be made to the recommendation within the report, Schedule of Main Modifications (Appendix 1) so that Main Modification MM36 [page 58 of the reports pack] showed the deletion of the penultimate sentence in paragraph 3.149 in the Local Plan so that it was consistent with the deletion of the same sentence that was proposed in Main Modification MM35.

The Head of Planning, Economy and Regeneration answering questions posed in public question time stated that it was very important that the meeting looked at the allocation policy within the Local Plan and not at specific planning applications, many of the arguments heard from the speakers on policy SP2 had already been made as part of the Local Plan process, 2 separate hearings with regard to the SP2 allocation had been considered by the inspector, he had considered issues with regard to the relationship with J27, the impact on heritage assets, the site selection process and the scale of the allocation, all those issues and more had been considered by the inspector when coming to his conclusion and this was available in his post hearing advice note. The inspector had also visited the site and heard evidence from the Highway Authority before he had come to his conclusions. Mitigation measures had been suggested by the inspector in his post hearing advice note which specifically referred to policy SP2 and that he was of the view that the policy was sound and could be delivered in the early years of the plan. He specifically suggested that this site be brought forward in the housing trajectory. With regard to any deletions at this stage in the timetable she referred to legislation and the options available to proceed

with a sound and legally compliant plan. Main modifications were the only route to amend a plan once submitted and as they could only be used to make a plan sound or legally compliant, there appeared to be no scope in law for the Inspector to recommend a main modification for any other purpose even if the Local Authority were to ask him to do so.

Referring to Tidcombe Hall and the Environment Impact Assessment she advised that this was part of the pre app discussions with regard to a planning application. A sustainability assessment had been considered separately as part of the Local Plan process. With regard to considering policy TIV13 as part of the main modifications, the authority did not believe that the land could be easily assembled as there was a restrictive covenant on the land which had an impact on deliverability. She stated that the extend of the allocated site had been correct on the maps, but with a drafting error in the text. This had been corrected prior to the 2017 consultation. With regard to the housing trajectory, this was covered in the report and did not include policy TIV13 being made a main allocation in the plan.

She added that following a decision of the Council, the Main Modifications consultation would begin and that this would be a further opportunity for representations to be put the inspector.

Consideration was given to:

- There was a need for the Local Plan to move forward for the benefit of the whole of Mid Devon
- The site at Colebrook Lane, Cullompton had been removed from a contingency site status and included as an allocation within the plan and why the Highway Authority views had changed
- Flood plains and flood storage areas in Cullompton
- The impact of 60 houses to the village of Sampford Peverell and a request for the deletion of policy SP2 from the plan and to leave the settlement limit in the village as it was in 2015.
- The previous lack of a 5 year land supply, policies being out of date and the need to rely on the NPPF
- Applications at Uffculme and Willand which had been granted because of the lack of a 5 year land supply
- The removal of the need for development at Colebrook Lane, Cullompton to be delayed until the relief road and the north West Cullompton Link Road were in place
- The unlinking of employment development at J27 and policy SP2
- The planning application at Higher Town, Sampford Peverell
- The need for the Local Plan to be progressed
- The risk of an unsound plan

It was therefore:

RECOMMENDED to Council that

1. The Council requests the Inspector to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant.

2. The following documents are published for a minimum 6 week period of public consultation:
 - i) Schedule of Proposed Main Modifications to the Mid Devon Local Plan Review (Appendix 1 with amended Main Modification MM36 to show the deletion of the penultimate sentence to paragraph 3.149 in the Local Plan)
 - ii) Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review (Appendix 2)
 - iii) Addendum to the Sustainability Appraisal (Appendix 3),
 - iv) Addendum to the Habitat Regulations Assessment (Appendix 4), and
 - v) Addendum to the Equalities Impact Assessment 2017 (Appendix 5)
3. Following this consultation the documents listed in recommendation 2, excluding 2ii) are submitted to the Planning Inspectorate together with the consultation responses received on them.

(Proposed by Cllr G Barnell and seconded by Cllr L D Taylor)

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

87. **LOCAL DEVELOPMENT SCHEME (1-34-17)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration updating the Local Development Scheme (LDS) to take account of the new Greater Exeter Strategic Plan timetable agreement.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Local Development Scheme provided interested people and organisations with the Council's project plan for the preparation of local development documents, namely the Local Plan Review 2013 -2033, the Greater Exeter Strategic Plan and a New Local Plan for the area.

The paper also sought approval on the proposed scope and timetable for the Greater Exeter Strategic Plan. With changes in administration arising from the local elections, it had been necessary to ensure that the GESP was proceeding in a way and on a timetable which continued to meet the objectives of the four councils. Discussions between lead officers and members had therefore been taking place. The Council's leaderships had now confirmed their commitment to continuing GESP preparation with a revised table. The plan would cover the local authority areas of East Devon, Exeter, Mid Devon and Teignbridge and would be prepared jointly by those four local planning authorities with the support of Devon County Council. It would set an overall vision and strategy for the area, contain policies and proposals for strategic and cross boundary issues, set the overall amount of growth for the period 2020 – 2040, promote the Liveable Exeter vision, implement the overall vision and strategy by allocating strategic sites and provide district's local plans with targets for non-strategic developments. The timetables for each local development document was set out in full in Appendix 1 of the report.

RESOLVED that:

1. The revised Local Development Scheme attached as Appendix 1 to come into effect on 29 November 2019 be approved.
2. The proposed scope and timetable for the Greater Exeter Strategic plan as detailed in the report and summarised in Appendix 1 be agreed.

(Proposed by Cllr G Barnell and seconded by Cllr D J Knowles)

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

88. **DRAFT DESIGN SUPPLEMENTARY PLANNING DOCUMENT (1-38-45)**

The Cabinet had before it a * report of the Head of Planning Economy and Regeneration requesting it to approve the draft Mid Devon Design Guide Supplementary Planning Document for Public Consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Draft Design Guide would expand on local plan policy for design and provide detailed guidance on urban, village and rural design issues in Mid Devon. It was intended to raise design awareness and standards throughout the planning process and he outlined the consultants used for the exercise. He continued by adding that regular and meaningful stakeholder engagement had been essential in shaping the design guide to date. A series of stakeholder sessions had been held with local agents, architects, developers, statutory consultees, neighbourhood plan groups, town and parish councils, and elected members. Those sessions had usefully helped shape both the methodological approach and usability of the Design Guide

As a result, the Draft Design Guidance was structured into four volumes and a pocket toolkit as follows:

- Volume 1 – Procedural guidance: This sets out the overarching core principles for the Design Guide as well as some background information and context. It also explains how to navigate through the guide.
- Volume 2 – Designing for Landscape and Settlement Form: This volume provides a step by step guide to preparing design responses to landscape, settlement form and site situation. It also provides framework design guidance for each of the 3 main towns and additional guidance for development in the countryside,
- Volume 3 – Compendium of District Design. This volume represents a study of the built environment in Mid Devon and provides a summary of the treatment of each feature and the contribution it can make to good design.
- Volume 4 – Special Topic Guides – This final section provides guidance on specific ‘special topics’ (e.g. custom and self build).
- Pocket ‘toolkit’ enabled the Council’s officers and applicants easy ‘table-top’ use of the Design Guide to inform discussions at the pre-application stage and throughout the application process.

Subject to approval, a six week public consultation was proposed to be undertaken, commencing on a date to be agreed. Once the consultation had ended and all

comments have been taken into account, the final version of the Design Guide would be presented to a future meeting of the Cabinet with a recommendation to adopt the document as an SPD.

Consideration was given to how useful the initial workshops had been in formation of the guide.

RESOLVED that:

1. The draft Mid Devon Design Guide Supplementary Planning Document (comprising Appendices 1 to 5 to this report), the Strategic Environmental Assessment Screening Report (Appendix 6 to this report) and the Habitat Regulations Assessment Screening Report (Appendix 7 to this report) be approved for public consultation.
2. That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the material and arrangements for consultation.

(Proposed by Cllr G Barnell and seconded by Cllr Mrs N Woollatt)

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

89. **GOVERNANCE REVIEW (1-44-04)**

The Cabinet had before it a * report of the Group Manager for Legal Services and Monitoring Officer considering the current governance arrangements.

The Leader outlined the contents of the report stating that the report sought to offer options for consideration with regard to possible changes that could be made to enhance the current governance arrangements. Although the report did not consider a full review of the governance arrangements some of the options may be useful in the meantime.

Consideration was given to:

- The restrictions of the Cabinet system and that the report did not satisfy those who had concerns
- The need for a member led review to consider options available
- Doubts with regard to the Cabinet system and the need to include all members in decision-making
- The manner in which certain decisions had been made by the previous administration and the need to avoid such situations arising again

RESOLVED that the item be deferred to the next meeting to allow the report to be amended to include a recommendation for a full review of governance arrangements.

(Proposed by Cllr G Barnell and seconded by Cllr Mrs N Woollatt)

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

90. **FINANCIAL MONITORING (1-52-23)**

The Cabinet had before it and **NOTED** a * report of the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure to date.

The Cabinet Member for Finance outlined the contents of the report stating that the General Fund was now showing a surplus of £29k, the key items to note were savings made from the waste partnership and the receipt of a significant planning application. The Housing Revenue Account was forecasting an underspend of £486k made up of several deficits and surpluses as outlined in paragraph 4.3 of the report. He highlighted the slippage within the capital programme and the project timetable and the treasury management position.

Discussion took place regarding:

- The loan to 3 Rivers Developments Limited and the proposed impairment of this loan
- Accountancy requirements for both the Council and the company
- The difficult and complicated St Georges View scheme
- The need to consider delays in current projects included in 3 Rivers Business Plan and the Council's Capital Programme, working capital considerations and whether profits would be ploughed back into the company or provided as dividends to the council
- The savings made within the HRA relating to staffing within the repairs team and whether reduced staff equalled reduced outputs.

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

91. **SCHEDULE OF MEETINGS (2-11-34)**

This item was deferred to allow for a clear recommendation to be made to the January meeting of Council.

92. **NOTIFICATION OF KEY DECISIONS ((2-11-34)**

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

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

(The meeting ended at 8.17 pm)

CHAIRMAN