

Public Document Pack

MID DEVON DISTRICT COUNCIL

A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 24 July 2019 at 6.00 pm

ALL MEMBERS of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

[The next meeting is scheduled to be held in Tiverton on Wednesday, 11 September 2019 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

16 July 2019

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

Reverend Ian Johnson (Retired) will lead the Council in prayer.

AGENDA

1 Apologies

To receive any apologies for absence.

2 Public Question Time

To receive any questions relating to items on the agenda from members of the public and replies thereto.

3 Declarations of Interest under the Code of Conduct

Councillors are reminded of the requirement to declare any interest, including the type of interest, and the reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

4 Minutes (Pages 7 - 28)

Members to consider whether to approve the minutes as a correct record of the meeting held on 22 May 2019.

Members to consider whether to approve the minutes as a correct record of the extraordinary meeting held on 26 June 2019.

The Council is reminded that only those Members present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

5 Chairman's Announcements

To receive any announcements which the Chairman of the Council may wish to make.

6 Petitions

To receive any petitions from members of the public.

7 Notices of Motions

(1) Motion 554 (Councillor R J Chesterton – 20 March 2019)

The following Motion had been referred to the Community Policy Development Committee for consideration and report:

In light of recent press articles on the subject, this Council believes that

- (i) Parish and town councils should, in reply to any street naming proposal from a developer, be allowed to recommend to this Council that a street be named after an individual, including the living.

The Community Policy Development Group at its meeting on 25 June 2019 considered the Motion and recommended that it be supported.

The Policy Development Group also recommended that the following wording be placed in the Council's procedure:

In exceptional circumstances should a proposal be made to name a Street after a living individual, on the grounds of them having made an outstanding contribution to the locality and/or its people, these will be permitted if both approval by the individual and unanimous agreement between the Cabinet Member with delegated authority for the service and appropriate Ward members is received.

(2) Motion 556 (Councillor N A Way – 8 April 2019)

The following Motion had been referred to the Environment Policy Development Committee for consideration and report:

Mid Devon District Council has a record of environmental protection and protecting wildlife.

Council is greatly concerned by the growing trend across the country of developers using netting over hedgerows and trees at development sites to stop birds nesting and other wildlife using the hedges and trees.

This is wrong and runs against the best interests of supporting and enhancing local wildlife.

We call on all developers not to use netting in Mid Devon. Additionally, we call on Government to ban the use of netting at all sites with planning consent, those sites identified in the Local Plan and the emerging Greater Exeter Strategic Plan.

The Environment Policy Development Group at its meeting on 11 June 2019 considered the Motion and recommended that it be supported.

(3) Motion 557 (Councillor J Downes – 9 July 2019)

The Council has before it a **MOTION** submitted for the first time:

'That this council instructs the Head of Planning, Economy and Regeneration to take the earliest available opportunity in planning policy terms to embed a zero-carbon requirement on all future development taking place in Mid Devon in order to respond to the climate emergency.'

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided to allow this motion (if moved and seconded) to be dealt with at this meeting.

8 Reports (Pages 29 - 206)

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

(1) Cabinet

- 30 May 2019
- 27 June 2019

(2) Scrutiny Committee

- 10 June 2019
- 8 July 2019

(3) Audit Committee

- 25 June 2019
- 15 July – to follow

(4) Environment Policy Development Group

- 11 June 2019
- (5) Homes Policy Development Group
- 18 June 2019
- (6) Economy Policy Development Group
- 13 June 2019
- (7) Community Policy Development Group
- 25 June 2019
- (8) Planning Committee
- 5 June 2019
- 3 July 2019
- (9) Standards Committee
- 19 June 2019
- (10) Licensing Committee
- 4 July 2019
- (11) Regulatory Committee
- 4 July 2019

9 **Questions in accordance with Procedure Rule 13**

To deal with any questions raised pursuant to Procedure Rule 13 not already dealt with during the relevant Committee reports.

10 **Outside Body Appointments**

To seek nominations and appoint one Member of the Council to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee (the Terms of Reference state that this must not be a Cabinet member or a County Councillor). The Joint Scrutiny Committee will provide a strategic overview and scrutiny of the activities of the Heart of the South West Local Enterprise Partnership (LEP).

To seek nominations and appoint two Members of the Council to the Mid Devon Locality Committee

11 **Questions to Cabinet Members**

Cabinet Members will answer questions from Members on their Portfolios.

12 **Members Business**

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 22 May 2019 at 6.00 pm

Present Councillors

Mrs E M Andrews, G Barnell, E J Berry,
W Burke, J Cairney, R J Chesterton,
S J Clist, Mrs C Collis, Mrs F J Colthorpe,
D R Coren, L J Cruwys, N V Davey,
W J Daw, Mrs C P Daw, R M Deed,
R J Dolley, J M Downes, C J Eginton,
R Evans, Mrs S Griggs, Mrs I Hill,
B Holdman, T G Hughes, D J Knowles,
F W Letch, B A Moore, Miss J Norton,
S J Penny, D F Pugsley, R F Radford,
C R Slade, Mrs M E Squires, R L Stanley,
L D Taylor, B G J Warren, A White, A Wilce,
Mrs N Woollatt, J Wright and A Wyer

Apologies Councillors

E G Luxton and Miss E Wainwright

1 Chairman of the Council (00-03-15)

Councillor L D Taylor nominated Councillor L J Cruwys for election as Chairman of the District Council for the year 2019/2020. This nomination was seconded by Councillor F W Letch.

Councillor C R Slade nominated Councillor R F Radford for election as Chairman of the District Council for the year 2019/2020. This nomination was seconded by Councillor E J Berry.

The Chairman then **MOVED** in accordance with Procedure Rule 19.4:

“THAT the vote in respect of this item shall be by Roll Call”

A roll call of Members present at the meeting was then taken.

Those voting for **COUNCILLOR L J CRUWYS**: Councillors: Mrs E M Andrews, G Barnell, W Burke, J Cairney, S J Clist, L J Cruwys, R M Deed, R J Dolley, J M Downes, Mrs I Hill, B Holdman, D J Knowles, F W Letch, D F Pugsley, L D Taylor, B G J Warren, A White, A Wilce, Mrs N Woollatt, J Wright and A Wyer.

Those voting for **COUNCILLOR R F RADFORD**: Councillors: E J Berry, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, W J Daw, C J Eginton, R B Evans, Mrs S Griggs, T G Hughes, B A Moore, S J Penny, R F Radford, C R Slade, Mrs M E Squires, and R L Stanley.

Those abstaining: Councillor Miss J Norton.

It was then:-

RESOLVED that Councillor L J Cruwys be elected Chairman of the Mid Devon District Council for the Municipal Year 2019/2020

In accordance with Section 83 of the Local Government Act 1972, Councillor L J Cruwys then made a Declaration of Acceptance of Office.

2 Retirement of Chairman

The Chairman thanked the retiring Chairman, Mr P J Heal for the way in which he had carried out the duties of his position and presented a past Chairman's badge. The retiring Chairman thanked the Council.

3 Chairman's Address

The Chairman addressed the Council and thanked the Members for electing him as Chairman.

4 Apologies (00-24-16)

Apologies were received from Councillors: E G Luxton and Miss E Wainwright

5 Public Question Time (00-24-32)

There were no questions from members of the public present.

6 Minutes (00-24-55)

The Minutes of the Meeting of the Council held on 24 April 2019 were approved as a correct record and **SIGNED** by the Chairman.

7 Vice Chairman of the Council (00-25-35)

Councillor R M Deed **MOVED**, seconded by Councillor C R Slade:-

"That Councillor R F Radford be elected as Vice Chairman of the Council for the Municipal Year 2019/2020".

Upon a vote being taken it was then:

RESOLVED that Councillor R F Radford be election Vice Chairman of Mid Devon District Council for the Municipal Year 2019/2020

In accordance with Section 83 of the Local Government Act, 1972, Councillor R F Radford then made a Declaration of Acceptance of Office and thanked the Council for having elected him as its Vice Chairman.

8 **Leader of the Council (00-29-47)**

Councillor R L Stanley nominated Councillor R B Evans for election as Leader of the Council for the four years until 2023. This nomination was seconded by Councillor B A Moore.

Councillor Mrs N Woollatt nominated Councillor R M Deed for election as Leader of the Council for the four years until 2023. This nomination was seconded by Councillor D J Knowles.

Both nominees addressed the Council.

The Chairman then **MOVED** in accordance with Procedure Rule 19.4:

“THAT the vote in respect of this item shall be by Roll Call”

A roll call of Members present at the meeting was then taken.

Those voting for **COUNCILLOR R B EVANS**: Councillors: E J Berry, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, W J Daw, C J Eginton, R B Evans, Mrs S Griggs, T G Hughes, B A Moore, S J Penny, R F Radford, C R Slade, Mrs M E Squires, and R L Stanley.

Those voting for **COUNCILLOR R M DEED**: Councillors: Mrs E M Andrews, G Barnell, W Burke, J Cairney, S J Clist, L J Cruwys, R M Deed, R J Dolley, J M Downes, Mrs I Hill, B Holdman, D J Knowles, F W Letch, Miss J Norton, D F Pugsley, L D Taylor, B G J Warren, A White, A Wilce, Mrs N Woollatt, J Wright and A Wyer.

It was then:-

RESOLVED that Councillor R M Deed be elected Leader of the Council until 2023.

Councillor R M Deed then made a Declaration of Acceptance of Office and thanked the Council for appointing him as Leader.

9 **Chairman of the Scrutiny Committee (1 - 03)**

Councillor B A Moore nominated Councillor R B Evans for election as Chairman of the Scrutiny Committee. The nomination was seconded by Councillor T G Hughes.

Councillor L D Taylor nominated Councillor F W Letch for election as Chairman of the Scrutiny Committee. The nomination was seconded by Councillor J M Downes.

The Chairman then **MOVED** in accordance with Procedure Rule 19.4:

“THAT the vote in respect of this item shall be by Roll Call”

A roll call of Members present at the meeting was then taken.

Those voting for **COUNCILLOR R B EVANS**: Councillors: E J Berry, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, W J Daw, C

J Eginton, R B Evans, Mrs S Griggs, T G Hughes, B A Moore, S J Penny, R F Radford, C R Slade, Mrs M E Squires, and R L Stanley.

Those voting for **COUNCILLOR F W LETCH**: Councillors: Mrs E M Andrews, G Barnell, W Burke, J Cairney, S J Clist, L J Cruwys, R M Deed, R J Dolley, J M Downes, Mrs I Hill, B Holdman, D J Knowles, F W Letch, Miss J Norton, D F Pugsley, L D Taylor, B G J Warren, A White, A Wilce, Mrs N Woollatt, J Wright and A Wyer.

It was then:-

RESOLVED that Councillor F W Letch be elected Chairman of the Scrutiny Committee for the Municipal Year 2019/2020.

10 **Appointment of Committees, Sub Committees, Working Groups and other Internal Bodies (1-43)**

The Council had before it Tables setting out the proposed allocation of seats on Committees and other Council bodies.

Arising thereon:-

Appointment of Committees and Allocation of Seats on Committees and other Council Bodies

The Chairman **MOVED THAT**,

(a) the Tables be approved with regard to the allocation of seats on Committees and other bodies;

Councillor Mrs N Woollatt then put forward an Amendment seconded by Councillor A Wilce:

Section 15(4) and (5) Local Government and Housing Act 1989 provides for the following principles to apply to the appointment of seats to on committees and sub-committees. Broadly, the allocations should be in politically balanced as far as reasonably practicable:-

(a) All the seats on a committee/sub-committee or a joint body must not be allocated to the same political group.

(b) Any political group which has a majority on the full Council must be allocated the majority of seats on each committee, sub-committee and relevant joint body.

(c) Subject to the two principles in (a) and (b) above the number of seats, in total, for all the ordinary committees allocated to each political group must bear the same proportion to each group's proportion on the full Council.

(d) Subject to the three principles in (a) to (c) above, the number of seats on each committee, sub-committee and relevant joint body must be allocated to each political group in proportion to the political group's membership of the Council."

I am concerned that the rounding on the political balance figures for the total committee seats has been rounded in a way that has resulted in the loss of 1 committee seats for the Greens and a gain of 1 committee seat for the

Conservatives. In the interests of fairness and a wish to see this council as a whole politically balanced I suggest the following:

Amendment to 8 (a)

That the Council approve the allocation of seats on Committees and other Council Bodies as shown on the attached document headed 'Corrected Calculation of Committee Seat Allocations May 2019' (see attached) with the Conservative Group to subsequently agree which seat they would like to lose to the Greens.

The Chairman **MOVED** to suspend Procedure Rule 16(b) of the Council Procedure Rules to allow the Amendment to be heard: Procedure Rule 16 (b) requires that: (in the case of an Amendment (other than an Amendment moved in accordance with Rule 15), notice in writing of the Amendment shall have been delivered to the office of the Chief Executive of the District Council by no later than 9.30am on the day before the day of the meeting and a copy of it shall be circulated to each Member of the District Council by the Chief Executive at the commencement of the meeting at which it is to be discussed).

Following discussion and further amendment the final wording of the Amendment moved was "that the Council approve the allocation of seats on Committees and other Council Bodies as shown on the attached document headed 'Corrected Calculation of Committee Seat Allocations May 2019' (see attached) with the Conservative Group agreeing to lose a place on the Community Policy Development Group, to the Greens".

Upon a vote being taken, the **AMENDMENT** (as amended) was declared to have been **CARRIED**.

The Chairman **MOVED THAT**,

(b) Members be appointed to Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined in (a) above;

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

The Chairman **MOVED THAT**,

(c) Members also be appointed to Working Groups and other Internal Bodies in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined in (a) above;

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

The Chairman **MOVED THAT**,

(d) the Chief Executive be authorised to give effect to such changes to membership of Committees, Working Groups and other internal bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

11 Appointment to Outside Bodies (1-52-13)

The Chairman **MOVED**,

“**THAT** Members be appointed to outside bodies in accordance with the list circulated”

Upon a vote being taken the **MOTION** was declared to have been **CARRIED** and the following appointments **APPROVED**.

Outside Body Appointments 2019/20

| Outside Body | Representative/s | Appointment Length |
|--|---|------------------------|
| Blackdown Hills AONB Partnership | Cllr S J Clist | Annual |
| Broadpath Landfill Liaison Committee | Cllr R B Evans | Annual |
| Building Control Joint Committee | The Leader Cabinet Member for Planning and Economic Regeneration | Annual |
| Business Forum Mid Devon | Cabinet Member for Planning and Economic Regeneration | Annual |
| Culm Garden Village Delivery Board | The Leader Cabinet Member for Planning and Economic Regeneration | Annual |
| Citizens Advice Bureau – Torridge, North, Mid & West Devon | Cllr G Barnell | 4 years until May 2023 |
| Community Safety Partnership | Cabinet Member for the Working Environment and Support Services | 4 years until May 2023 |
| Council for the Protection of Rural England Devon Area Executive Committee | Cllr A Wilce | Bi-annual |

| | | |
|--|--|---------------------------|
| Cullompton Town Team 2 Members | Cllr Mrs E M Andrews Vacant | Annual |
| Cullompton Traffic Issues & Environment Working Group | Cllr Mrs N Woollatt | 4 years until May 2023 |
| Dartmoor National Park Authority Forum 2 Members | Cllr D R Coren Cllr S J Penny | 4 years until May 2023 |
| Devon Authorities Strategic Waste Committee (formally known as 'Devon Authorities Waste Reduction & Recycling Committee') | Cabinet Member for the Environment (plus a deputy) | 4 years until May 2023 |
| Devon Districts Forum / Devon Local Government Steering Group | Leader | Annual |
| Devon Historic Buildings Trust | Cllr G Barnell | Annual |
| Devon Rail Forum | Cllr J M Downes | Annual |
| LGA General LGA Assembly / Annual Conference | Leader | 4 years until May 2023 |
| Gypsy and Traveller Forum | 1. Cabinet Member for Planning and Economic Regeneration 2. Cabinet Member for Housing 3. Cllr F W Letch | Annual |
| Heart of the South West Joint Committee | Leader | Annual |
| INVOLVE – Voluntary Action in Mid Devon | Cllr B A Moore | Annual |
| Mid and East Devon Children's Centres Advisory Board (2 Members) | Cllr S J Penny Cllr Mrs I Hill | 4 years until 2023 |

| | | |
|--|---|-----------------------------------|
| <p>Community Safety Partnership, Operational Delivery Group (ODG)</p> <p>3 Members needed for the following areas:</p> <ul style="list-style-type: none"> • Exe area • Creedy area • Culm area <p>Please note: Members will only be called to a meeting if there is something specific to their area (in which case they would have been contacted beforehand) or the Member wishes to raise a concern about something which is in their local area).</p> | <p>Exe Cllr L J Cruwys</p> <p>Creedy Cllr D R Coren</p> <p>Culm Cllr L D Taylor</p> | <p>4 years until 2023</p> |
| <p>Mid Devon Highways and Traffic Orders Committee (2 Members)</p> | <p>Cllr J Cairney Cllr L J Cruwys</p> | <p>Bi-annual</p> |
| <p>Most Sparsely Populated Councils Group (part of the RSN Rural Services Network)</p> | <p>Cllr Mrs M E Squires</p> | <p>4 years until May 2023</p> |
| <p>PCC Councillor Advocate Scheme</p> | <p>Cllr A Wilce</p> | <p>4 years until 2023</p> |
| <p>South West Councils</p> | <p>Leader</p> | <p>Annual</p> |
| <p>South West Councils Employers Panel</p> | <p>Cabinet Member for the Working Environment and Support Services</p> | <p>Annual</p> |
| <p>3 Rivers Developments Limited</p> | <p>Delegated to the Cabinet to agree a Member for this post.</p> | <p>Annual</p> |
| <p>Tiverton Adventure Playground Committee</p> | <p>Cllr B Holdman</p> | <p>4 years until May 2023</p> |
| <p>Tiverton & District Community Transport Association</p> | <p>Cabinet Member for Community Well-Being</p> | <p>4 years until May 2023</p> |
| <p>Tiverton & Mid Devon Museum Trust Executive Committee</p> | <p>Cllr Mrs F J Colthorpe</p> | <p>4 years until May 2023</p> |

12 Scheme of Delegations (2-17-59)

The Chairman **MOVED:-**

“THAT the Council agree the existing scheme of delegations as set out in Part 3 of the Constitution.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

13 Programme of Meetings (2-18-59)

The Chairman **MOVED:-**

THAT the following programme of ordinary meetings of the Council for the year 2019/20 be approved:-

24 July 2019, 11 September 2019, 6 November 21019, 8 January 2020, 26 February 2020, 29 April 2020.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

(The meeting ended at 8.35 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 26 June 2019 at 6.00 pm

Present Councillors

G Barnell, E J Berry, W Burke, J Cairney,
R J Chesterton, S J Clist, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, L J Cruwys,
N V Davey, W J Daw, R M Deed,
R J Dolley, J M Downes, R Evans,
Mrs S Griggs, Mrs I Hill, T G Hughes,
D J Knowles, F W Letch, E G Luxton,
B A Moore, Miss J Norton, S J Penny,
D F Pugsley, R F Radford, C R Slade,
Mrs M E Squires, R L Stanley, L D Taylor,
Ms E J Wainwright, B G J Warren, A White,
Mrs N Woollatt and A Wyer

Apologies Councillors

Mrs E M Andrews, Mrs C P Daw,
C J Eginton, B Holdman, A Wilce and
J Wright

14 Apologies

Apologies were received from Councillors: Mrs E M Andrews, Mrs C P Daw, C J Eginton, B Holdman, A Wilce and J Wright.

15 Public Question Time

All the public questions raised were in relation to item 5 on the agenda, 'Devon Climate Declaration':

Gill Gale stated that she very much welcomed the Council calling this Extraordinary Council Meeting and continued.... I trust that Mid Devon will follow Devon County Council's recommendation and declare a Climate Emergency tonight. Which leads me onto: how quickly should we cut our emissions to net zero? Should it be 2050, as both Devon County Council and the UK national Government has signed up to but can we listen to Maria Garcés from the General Assembly of the IPCC who stated that "We are the last generation that can prevent irreparable damage to our planet, we must address this global emergency with ambition and urgency, 11 years are all that remain to avert catastrophe. So setting a target of zero carbon by 2050 is a death sentence for humanity. It's a target that means we'll sail past 450ppm of CO₂ in the atmosphere within a decade, the point at which catastrophic change will occur. We'll sail past 2° warming by 2030, which means we'll be witnessing 100's of millions of climate related deaths as the southern hemisphere becomes uninhabitable. We'll be staring extinction itself in the face by 2050 if we don't change course rapidly."

With this in mind my question is: what is your justification for the 2050 target? I urge you councillors to please find the courage and ambition to join your colleagues in Teignbridge District Council by instead declaring a target of 2025.

The Leader of the Council replied by saying that clearly, given that 49% of Carbon emissions in Mid Devon are transport-related, it would be a nonsense to progress work separate to that of the highways and transport authority, Devon County Council, recognising the targets adopted by DCC and very recently the amended-intent of the UK Government. However, recognising this council's ambition to seek reductions as quickly as possible, an amendment has been proposed to provide for members to make a decision on bringing that date forward if they so wish.

Teresa Pointing addressed the Council by saying that I am speaking on behalf of Sustainable Tiverton, whose hundreds of members and supporters are spread throughout this town and surrounding villages, volunteering in projects such as repair cafes, education about energy saving and healthy soils, the redistribution of surplus household objects, and tackling food waste through community cafes and the new community fridge.

We welcome the Climate Emergency Declaration, but while incremental change in public policy is how government usually works, you will now have to plan a journey to become net carbon neutral for which 'business as usual' just won't get the job done fast enough. So my question to the council is this:

You have many resources available to you to make rapid change possible, if you use partnership with local expertise, green businesses, innovators in housing, transport and energy, re-generative agriculture and forestry, and community engagement through citizen champions like our members. How will you ensure that you use all these partners and these resources effectively so we can all move forward together?

The Leader responded by stating that there was a significant degree of sympathy with the views expressed but if there was a degree of repetitiveness with his answers he did apologise in advance. In response to Dr Pointing's question he stated that If the recommendation is approved, this will commit the council to the declaration which states that 'In collaboration, we will engage Devon's residents, businesses and visitors to develop and implement a plan to facilitate the reduction of Devon's production and consumption emissions to meet IPCC recommendations at the latest. We will openly report progress on its delivery.'

Franny Armstrong, a citizen of Tiverton, stated that the latest science states that if we do not completely rethink and rebuild human civilisation we now have a 1:20 chance of causing the extinction of all life on earth. Now I am sure that nobody here would get on a plane if it had a 1:20 chance of crashing, yet we are strapping our children and our grandchildren onto that plane. As you can see by the turn out here tonight, there is great concern about the climate crisis here in Mid Devon. We understand that the task of cutting Mid Devon's emissions to net zero is immense. It is the biggest task this Council will ever face and we also understand that you do not have the funds to do it so we welcome the amendment submitted today which includes pressing central government for more funding to tackle this. Encouragingly as we have just heard from Teresa from Sustainable Tiverton there are many action groups springing up here in Mid Devon. People want to get involved, they want to help. I understand that Devon County Council will be holding a Citizen's Assembly to allow the public to be

involved in the formation of the Devon Carbon Plan, which is great. Please will you harness the enthusiasm and energy of the local people and allow everyone to be a part of re-thinking how we live our lives here in Mid Devon by holding a climate change Citizen's Assembly specifically for Mid Devon this coming Autumn?

The Leader responded by stating that once we understand how Devon County Council 's proposed Citizen's Assembly will work in practice, the Council's Environmental Policy Development Group may wish to propose that we duplicate a similar forum solely for Mid Devon. However, that will need to be a recommendation from the Policy Development Group to Cabinet in due course. This matter will be referred to the PDG for very detailed discussion as to how we would go forward and obviously having a forum assembly would be part of that discussion.

Dave Wood stated that although 75 councils round the country have now declared Climate Emergency - which is a brilliant first step, there's a lot of confusion about what this means and I suspect, many people living in those areas will not even have heard the news. If ordinary people are not kept up to speed with what is happening, and why, I think there will be hostility when these changes start happening and that hostility could slow down our collective effort, so my question is: Will Mid Devon be leaders in this respect by firstly, contacting every citizen directly - either by email or letter - to inform them that we are now in a Climate Emergency and, secondly, following up regularly, keeping everyone informed about the changes that are being made and what they can do to cut our own emissions?

The Leader stated that the council intends to issue a press release following this meeting and we will seek to keep people informed both through regular updates via media channels and also through the work of our local councillors. We do write to every household once a year linked to council tax and we always consider whether there is additional information that we might seek to include in that large mail distribution. Whether we use that to advise on anything related to climate will be something for the Environment PDG to consider in due course.

Sally Chapman stated that the Devon Climate Declaration says we should be 'changing agricultural practices to reduce emissions associated with farming operations, manage soils sustainably and replenish soil carbon'. Mid Devon is an agricultural area which is principally dairy and beef cattle which is one of the main contributors to climate change. The UK is reliant on 70% food imports which will be impacted by the increasing drought and water shortages across the world. How can Mid Devon District Council encourage farmers to diversify their food production, both to reduce our carbon footprint and to ensure that we avoid the nightmare scenario of running out of food?

The Leader stated that around 95% of Mid Devon is agricultural land, therefore what actions the council takes in relation to encouragement of changed agricultural practices, or indeed consumer demand, will be something that the Environment PDG will wish to consider very carefully, no doubt in conjunction with the Economy PDG, prior to any recommendations being made to Cabinet.

Adam Wishhart stated that, as you know, transport is the largest single source of emissions in Devon and will be one of the key areas you'll be focussing on in getting our collective emissions down to net zero. I would like to propose a quick, visible and positive move you could make immediately. These are my children, Eva and Zac.

They attend Bolham Primary School. In a school of just over 100 kids, almost everyone is driven to school by car every day. (I think 8 take the school bus and a few who live in Bolham itself walk). Why? Because there is no safe route for the children to walk or cycle to school. There is a pavement linking Tiverton and Bolham, but it is extremely narrow and the surface is dangerously uneven: one slip-up and a cycling child would fall into the path of the cars and lorries speeding along the A361. The cost of building a mixed-use bicycle and pedestrian path between Tiverton and Bolham is minimal and would have immediate positive impacts on our children's health, on air pollution, on parking problems and, most importantly, on decreasing carbon emissions.

My question is: please will you urgently approach Devon County Council's Highway Department and Highways England to make a bike lane between Tiverton and Bolham and also launch an investigation into a strategic policy for cycling through Tiverton and Mid Devon.

The Leaders stated that the county councillor for that area is also a district councillor (Councillor Polly Colthorpe), so I am sure we can raise this issue with colleagues at DCC.

Councillor Mrs Colthorpe stated that she had raised this on more than one occasion in response to parents who had concerns, anxieties and difficulties in taking their children to school. So far I have not been able to achieve what you would like and what I would like to see there. I will keep trying and I can only promise that. I can't actually make it happen, I haven't got a magic wand but I can keep trying.

Arthur Shenton stated that today Mid Devon will hopefully sign up to Devon County Council's "Climate Declaration", which says "We know this transformational change will... include divesting from fossil fuels". Thousands of organisations all around the world - including New York City, the British Medical Association, the World Council of Churches, the Environment Agency have already pulled their investments out of coal and gas and instead put their money into climate friendly investments.

Question One: Can Mid-Devon council list the steps it will take to ensure that the 10s of millions of pounds it holds in current accounts will be divested from fossil fuels within the next three months?

Question Two: I note that one of our councillors here at Mid Devon, Colin Slade, is Chair of the Devon County Pension Board, which administers the Local Government Pension Scheme. Can Councillor Slade confirm that he will use his powers as Chairman to ensure that the board urgently divests all our pensions - which, as a former teacher at Tiverton High, includes mine - from fossil fuels?

The Leader responded to the first part of the question by stating that as noted by Mr Shenton, the monies that the council holds in current accounts or savings accounts are held with banks and building societies, with no links to fossil fuels. We do not hold funds other than investments with the Churches, Charities and Local Authority fund, which has a strict stewardship and ethics approach, with an adopted Climate Change and Investment Policy.

Councillor Colin Slade stated that although I am Chair of the Devon County Pension Board I am here this evening as a District Councillor. First Mr Shenton, I must correct

you, the Devon Pension Board does not administer any pensions funds or investments that is the job of the Investment and Pension Fund Committee of which I am not a member. They are two completely separate organisations and the Pensions Board is an overview function, so we monitor compliance with the LGPS rules and monitor performance of our partners, so I have no influence over that. My job as Chairman is not ensure that things get done, it is to make sure that during the course of a meeting all the topics on the agenda are addressed openly and fairly and that everybody present has a chance to ask their questions. You actually quoted from the Climate Change Declaration which states that we know this transformational change will include divesting from fossil fuels. You have it there straight from the horse's mouth from Devon County Council so you can be assured that that will become part of the Council's policy. That will no doubt come before the Investment and Pension Fund Committee in due course and of course if you want to ask this question again the time to do it is at a meeting of Devon County Council where you and your friends who came last time can come and have your say in the public forum there.

Marie Yexley stated that, together with my partner, I run a renewable energy company in Sampford Peverell called 'Sol Electrical'. My question is this: given that we need to take emergency action on climate change and that, along with large-scale solar, onshore wind is the cheapest and fastest renewable energy to deploy then (a) what will Mid Devon District Council do to urgently ensure that suitable areas for onshore wind are identified under Local Plans, so onshore wind projects can be rapidly proposed and approved? and (b) seeing as the national government is excluding new onshore wind from competitive long-term low-carbon electricity contracts, will you write to the Secretary of State at the Department for Business, Energy and Industrial Strategy calling for onshore wind to be given the same opportunity as offshore wind to provide increasingly low-cost clean energy via "pot 1 contracts for difference auctions"?

The Leader stated that the process of reviewing the local plan is well advanced with examination hearings held in February. Policies within this plan already seek to maximise renewable energy, whilst ensuring that any adverse impacts are addressed. In terms of onshore wind, the Council is required to apply the June 2015 Ministerial Statement requiring such applications to only be granted where suitable areas are identified in a local or neighbourhood plan. Local communities therefore have the ability to allocate such areas within their own neighbourhood plans. We also expect further consideration of the potential for onshore wind and other renewable energy within the next generation of development plans. In answer to the second question, we can consider this if on-shore wind is something the Council wishes to encourage.

Toby Wibberley-Wood stated that the River Exe is just next to us could we have a system of turbines under water for electricity for our town?

The Chief Executive responded stating that the Council has been working on potential hydro-electric power along that stretch of waterway alongside a number of others across the district. We have been working with research students at Exeter University to establish what can be done and we have already had discussions with the Environment Agency to that effect so we are looking to progress that as fast as we can.

Sarah Jewell stated that she was a recent resident to Uffculme and wanted to be part of a rural community. It is absolutely amazing that we are having this meeting, 6 months ago it was unthinkable and congratulations to those of you across the Chamber and all the activists behind us and local residents who have brought us here, it is amazing. My comments are about the Mid Devon Local Plan which was published well before the Declaration of Climate Emergency and it states that the Council area committed to preserving the unique rural character of this area of Mid Devon. In the light of this declaration, which was negotiated two years ago, what assurances can you give us that you indeed will reject new proposals that threaten to make a mockery of this commitment.

An example of this is on the edge of my small village of Uffculme, 90 relatively unaffordable new homes have been built on a high flood risk despite huge local opposition. J27, the designer retail knock off park that we had been brainwashed into think would be some kind of Eden project, has now been approved. It covers 175 football pitches of erstwhile green space. About a mile to the south on the Uffculme/Willand roundabout a huge 'Pallex' distribution centre expansion has been approved. Now across the road from us we are staring at further green field destruction in the form of four expanded Hitchcocks Business Parks, 4 times the size it currently is which will be an on-line distribution centre. This involves 700 new car parking spaces and 16 new lorry spaces. How can the council in the light of declaring a climate emergency preserve a shred of integrity if they allow this further development, one that hopelessly dwarfs the original sizes of the villages that we elected you to protect?

The Leader stated that planning decisions are made in accordance with adopted planning policy of the council. Without commenting on specific development proposals, clearly any future planning policy would need to reflect the greater weight that local planning authorities gave to carbon reduction – i.e. we would expect to see that reflected in the formulation of new planning policy.

Sarah Jewell further asked, can the Council look at applications that were pending and say, last year we would have passed those but this year, having promised to reduce carbon significantly, we can no longer pass them?

The Group Manager for Legal Services responded stating that the Planning Committee are fully aware of the constraints on what they can consider and this has to be in accordance with the Development Plan and any material considerations. They recognise the concern but the Planning Committee has to abide by the law.

Gill Westcott stated that she appreciated the opportunity to speak and understood that there was an amendment suggesting the date of 2030. In the section regarding lobbying Government for finances, I hope that councillors will also do their utmost to lobby for increased planning powers to create low carbon development in such a way that it becomes meaningful?

The Leader responded by stating that we always strive in this Council for transparency and will continue to do so. In terms of our contact with central government, we are in touch with ministers on a regular basis and I am sure we will be on this particular item.

John Dominy stated that this council had a good reputation for leading on green energy, recycling and in other green issues. Mid Devon District Council is already ahead of other district councils and for that you should be congratulated. I am going to ask you to keep it that way and to not adopt the Devon Climate Change Declaration as it stands. Cllr Wright has tabled a motion amending clause 512 to say we will aim for Mid Devon to be carbon neutral by 2030 and that all decisions made by the Council will be considered in the light of the climate crisis. He has added a new clause that the Council will lobby central government to give it the finance and powers to act effectively to undertake the necessary measures to ensure the climate crises can be limited to 1.5 degrees and be carbon neutral by 2030, this is laudable and I hope you will adopt that. I would like you to go further. You are planning to build thousands of new homes in new developments starting in the very near future, in fact they are already popping up in Cullompton. I don't believe you can wait for central government to legislate on planning laws, you have to take the initiative now and negotiate or insist with developers who as we know were making £70k profit on every £240k house they sold last year having paid their directors something like a £30k or £40k per house bonus. I want you to tell them that all new houses have to be carbon neutral not just energy efficient and that employment is put where the houses are or vice versa. Put houses where the jobs exist.

As James Brokenshire, Secretary of State for Housing said at a recent CPRE meeting, it is up to the council's planning departments to stop the developers bullying them. Will the council do that?

The Leader responded by stating that as the Head of Legal has explained there is sometimes a slight gap between what we would like and what we have to approve by law. Having said that this motion, assuming it is passed with the amendments, will be passed to the Environment PDG for in-depth discussion and all aspects of how we can proceed to achieve what you are after will be discussed. After that everybody will be contacted, whether it be in Westminster or elsewhere, to ensure that we achieve the aims as quickly as possible but I cannot be specific as to say we can immediately change our approach overnight. We would have to do so with some caution because although with planning there is obviously some ambiguity sometimes within the statute, on this issue we would have to look at it and I cannot give you an answer straight away to say that we can give a dictat to developers that they must include something that we are not able to insist upon but we will do our best.

16 Declarations of Interest under the Code of Conduct

Members were reminded to make any declarations of interest.

17 Chairman's Announcements (00-41-40)

The Chairman had no announcements to make.

18 Devon Climate Declaration (00-41-48)

The Council had before it a *report of the Chief Executive requesting Members to consider the declaration of a climate change emergency.

He outlined the contents of the report stating that Devon County Council had declared a climate emergency. They had committed to facilitating the reduction of

Devon's carbon emissions to net-zero by 2050 at the latest and had formed the Devon Climate Emergency Response Group to enable strategic partners to collaborate on producing a Devon-wide Carbon Plan.

The Chairman **MOVED** that:

- a) The council adopts the statement at Appendix A outlining the Devon Climate Change Declaration.
- b) The council agrees to work to the Devon-wide target of net-zero carbon emissions by 2050.
- c) The council continues to work, through the DCERG and other mechanisms as appropriate, to collaborate on producing a Devon-wide Carbon Plan.
- d) The council directs the Environment Policy Development Group (PDG) to act as the initial owner of this policy activity within the council; with future PDG meetings considering how best to determine the council's own policy response(s) such as may then be subsequently recommended to cabinet and council in the normal way.

Councillor L D Taylor **MOVED AN AMENDMENT** (on behalf of Councillor J Wright), seconded by Councillor Miss E Wainwright

This council is significantly concerned that the environmental crises must be a priority. We will aim for Mid Devon to be carbon neutral by 2030 and all decisions made by the council will be considered in light of the climate crisis.

This council will lobby central government for the finances and powers to act effectively to undertake the necessary measures to ensure the climate crises can be limited to 1.5 degrees and be carbon neutral by 2030.

It is recommended that:

The council adopts the statement at Appendix A outlining the Devon Climate Change Declaration.

The council agrees to work to the Devon-wide target of net-zero carbon emissions by 2050 but will aim for Mid Devon to be carbon neutral by 2030 and all decisions made by the council will be considered in light of the climate crisis

The council continues to work, through the DCERG and other mechanisms as appropriate, to collaborate on producing a Devon-wide Carbon Plan.

This council will lobby central government for the finances and powers to act effectively to undertake the necessary measures to ensure the climate crises can be limited to 1.5 degrees and be carbon neutral by 2030

The council directs the Environment Policy Development Group (PDG) to act as the initial owner of this policy activity within the council; with future PDG meetings considering how best to determine the council's own policy response(s) such as may then be subsequently recommended to cabinet and council in the normal way.

A debate then took place with the following issues arising:

- The need to act now to protect children and grandchildren
- 2050 was too far away and that the amendment suggesting that Mid Devon aim to be carbon neutral by 2030 should be supported
- The growing support for action
- The need for organisations as well as the public to respond to the emergency
- The need for the Government to provide the resources and powers to address the issue
- Planning applications on greenfield sites
- The need for a coherent approach and the work that had already taken place by the Council with regard to solar power
- Whether working together with other authorities on a national policy was the best way forward
- The need to make challenging targets
- The need for non-carbon developments and the need for amendments to planning policy
- Whether committee reports could have a climate change impact assessment as part of the implications at the beginning of all reports
- The need to use local markets and encourage market traders not to provide plastic bags

Following discussion, Councillor Mrs N Woollatt then **MOVED** in accordance with Procedure Rule 19.4:

‘**THAT** the vote in respect of this item shall be by roll call’

There being more than 10 Members in favour of the **PROCEDURAL MOTION** that was **AGREED** by the Council.

Those voting **FOR** the **AMENDMENT** Councillors: G Barnell, E G Berry, W Burke, J Cairney, R J Chesterton, S J Clist, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, L J Cruwys, N V Davey, W J Daw, R M Deed, R J Dolley, J M Downes, R B Evans, Mrs S Griggs, Mrs I Hill, T G Hughes, D J Knowles, F W Letch, E G Luxton, B A Moore, Miss J Norton, S J Penny, D F Pugsley, R F Radford, C R Slade, Mrs M E Squires, R L Stanley, L D Taylor, Miss E J Wainwright, B G J Warren, A White, Mrs N Woollatt and A Wyer.

The **AMENDMENT** was declared to have been **CARRIED**.

Notes:

- i) The Council had before it questions* submitted by Councillor Mrs S Griggs in accordance with Procedure Rule 13.2 together with responses from the Cabinet Member for the Environment.
*Questions previously circulated, copy attached to minutes;
- ii) * Report previously circulated copy attached to minutes.

19 Local Government Boundary Commission Submission (1-14-56)

The Council had before it a *report of the Chief Executive requesting Members to consider the cross-party Working Group's submission to the Local Government Boundary Commission for England which will be considering the number of Councillors required for Mid Devon District Council from 2023.

The Chairman **MOVED** that: the submission outlined in Appendix A of the report be agreed.

The Leader **MOVED AN AMENDMENT** seconded by Councillor B A Moore:

That the Council agrees the revised appendix A as its formal submission to the Local Government Boundary Commission for England, incorporating electorate projections to 2025 as per LGBCE requirements.

Upon a vote being taken, the **AMENDMENT** was declared to have been **CARRIED**.

Councillor B G J Warren **MOVED THE FOLLOWING AMENDMENTS** seconded by Councillor C R Slade:

- a) Question 1.17 Second Paragraph, Second Sentence. Amend to read "In the 2019 district elections all but one of the wards were contested....." therefore the paragraph should read

In the 2019 district elections all wards but one were contested and there have been no instances where the Council has been unable to discharge its duties due to lack of councillors.

- b) Question 4.2 the 'eg' in the second line be amended to read "eg. Public conveniences, public open spaces, play areas and grass cutting....." therefore the paragraph should read

The Council has implemented a programme of devolving local facilities to some town and parish councils, eg public conveniences, public open spaces, play areas and grass cutting, where there has been a desire to take these on.

Upon a vote being taken, the **AMENDMENTS** were declared to have been **CARRIED**.

Councillor F W Letch **MOVED THE FOLLOWING AMENDMENTS** seconded by Councillor B G J Warren:

Question 1.10 - To remove "most of the Committees meet monthly" and add the following wording: "The Cabinet, Scrutiny Committee and the Planning Committee meet monthly and the Policy Development Groups and the Audit Committee meet every 2 months....."

To remove "Chairmen of the Scrutiny Committee"" and replace with "Chairman of the Scrutiny Committee".

Therefore the following paragraphs should read

The Cabinet, Scrutiny Committee and the Planning Committee meet monthly and the Policy Development Groups and the Audit Committee meet every 2 months unless there is insufficient business to discuss or determine, with the exception of the Standards and the Regulation Committees which tend to meet on an ad-hoc basis.

The Chairman of the Scrutiny Committee is appointed at the annual Council meeting in May; chairs of other committees are appointed by each committee at the first meeting of the annual cycle.

Upon a vote being taken, the **AMENDMENTS** were declared to have been **CARRIED**.

The Chairman **MOVED** that the submission **AS AMENDED** be approved

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

Note: * Report previously circulated copy attached to minutes.

(The meeting ended at 7.35 pm)

CHAIRMAN

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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 MDDC 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 370km² 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 26th March 2019 and 2nd 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

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REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

THE BLACKDOWN HILLS AREA OF OUTSTANDING NATURAL BEAUTY
MANAGEMENT PLAN 2019 - 2024

Cabinet Member: *****

Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy & Regeneration.

Reason for Report: To receive the final draft of the Blackdown Hills Area of Outstanding Natural Beauty (AONB) Management Plan 2019-2024 following a period of formal consultation.

RECOMMENDATION:
That Cabinet recommend to Council that the Blackdown Hills AONB Management Plan 2019-2024 be adopted.

Relationship to Corporate Plan: The AONB Management Plan is relevant to all 4 corporate priorities: economy, homes, community and environment and in particular to Aim 3 Environment - protecting the natural environment and Aim 3 Homes – planning and enhancing the built environment.

Financial Implications: The cost of reviewing the management plan is budgeted as part of the AONB service's core functions, for which Defra contribute 75% of the funding; the remaining 25% is provided between all the local authorities on the Partnership and these contributions are set out formally in a Memorandum of Understanding from 2016/17 -2019/20.

Legal Implications: There is a legal duty on all statutory authorities under the Countryside and Rights of Way Act 2000 (section 89) to ensure AONB Management Plans are prepared and reviewed periodically. There is a further statutory duty under section 85 on all 'relevant authorities' to have regard to the purpose of conserving and enhancing natural beauty when exercising or performing any function affecting land in AONBs.

Risk Assessment: There is a legal risk associated with not having an up-to-date management plan in place; and financial risk if Defra was to reduce or remove their contribution to AONB running costs as the risk would fall on the contributory statutory authorities.

Equalities Assessment: The AONB Management Plan is subject to its own Equality Impact Assessment.

1.0 BACKGROUND

- 1.1 A review of the Blackdown Hills Area of Outstanding Natural Beauty Management Plan was considered by Cabinet on the 30th August 2018 at which time it was resolved to agree public consultation on the review of the management plan.

- 1.2 Under Part IV of the Countryside and Rights of Way (CROW) Act 2000, Mid Devon District, together with the other contributing local authorities, Devon and Somerset County Councils, East Devon and South Somerset District Councils and Taunton Deane Borough Council are required to produce a Management Plan for the Blackdown Hills AONB and subsequently review it at intervals of not more than five years. Accordingly, Mid Devon District Council, together with the other partner organisations authorised the Blackdown Hills AONB partnership to carry out a review on its behalf; co-ordinated by the AONB team.
- 1.3 The CROW Act 2000 and guidance from Natural England /Defra provides advice on the scale, nature and content of Management Plans: A Management Plan should serve to highlight a vision for the AONB and contain objectives, policies and targets for the delivery of the Plan. The Plan should be reviewed every five years. The delivery of the Plan is coordinated through the AONB Partnership and subject to availability of funding from Defra, the Local Authorities, and other parties.
- 1.4 The review of the Blackdown Hills AONB Management Plan followed former guidance to ensure a broadly consistent approach both nationally and locally. The partnership agreed that the reviews should be conducted with as light a touch as possible given the status of the UK's relationship with the EU and potential changes over the next five-year period, particularly in environmental policy and programmes, including the current Government review of National Parks and AONBs (the Glover review).

2.0 THE REVIEW

- 2.1 The review process has been a participatory one, with members of the Partnership Management Group, local authority officers and other stakeholders involved in identifying key matters and considerations, in advance of a wider six-week public consultation on the revised draft (held October – November 2018).
- 2.2 The Plan was also screened under Strategic Environmental Assessment and Habitats Regulations Assessment regulations to ensure policies in the Plan meet these assessment requirements.
- 2.3 Following public consultation, the draft Plan has been revised and the final version of the Management Plan has undergone a formal consultation with the statutory consultee, Natural England before local authority adoption. It has been confirmed that the Management Plan meets the legislative requirements of the Countryside and Rights of Way Act 2000.

3.0 THE MANAGEMENT PLAN 2019-2024

- 3.1 The draft plan attached at **Appendix 1** to this report sets out a vision for the Blackdown Hills AONB in 2029, which was first set out in 2009 to provide the long term goal for management of the AONB. The management plan also sets out the policy framework for the conservation and management of the Blackdown Hills AONB for the next five years. Its purpose is to:
- Highlight the special qualities and significance of the AONB
 - Present a vision for the future of the AONB
 - Set out objectives and policies to secure the vision

- Identify what needs to be done, and by whom
- State the condition of the AONB and how the effectiveness of its management will be monitored
- Reflect the views and aspirations of a wide range of AONB stakeholders and parties with an interest in it
- Co-ordinate the work of different partner organisations

3.2 The Blackdown Hills AONB Partnership recommends the attached AONB Management Plan for adoption by the Council as the statutory Management Plan for the Blackdown Hills Area of Outstanding Natural Beauty for the period 2019-2024. The plan has already been adopted by East Devon District Council and Devon County Council. It will be formally confirmed to Defra following local authority adoption.

Contact for more Information:

Mrs Jenny Clifford, Head of Planning, Economy and Regeneration
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Background papers: Blackdown Hills AONB Management Plan 2019-2024
Cabinet 30th August 2018

Circulation of the Report:

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Blackdown Hills

Area of Outstanding Natural Beauty

MANAGEMENT PLAN 2019 – 2024

ADOPTION DRAFT

March 2019



Vision for the Blackdown Hills Area of Outstanding Natural Beauty

In 2029:

The Blackdown Hills remains an ancient landscape of small villages and farms, deep valleys and high hedges shaped by its unique geology.

Its sense of tranquil timelessness and lack of change provides reassurance in a polluted, overcrowded world and gives a sense of well-being to residents and visitors alike.

Its wildlife is thriving and heritage conserved due to sympathetic management that is keeping alive traditional skills. They are enjoyed and understood by local people and visitors alike.

Vibrant, diverse communities, with a strong sense of identity, live and work sustainably, supporting the local economy and conserving and enhancing the area's rich resources for future generations.

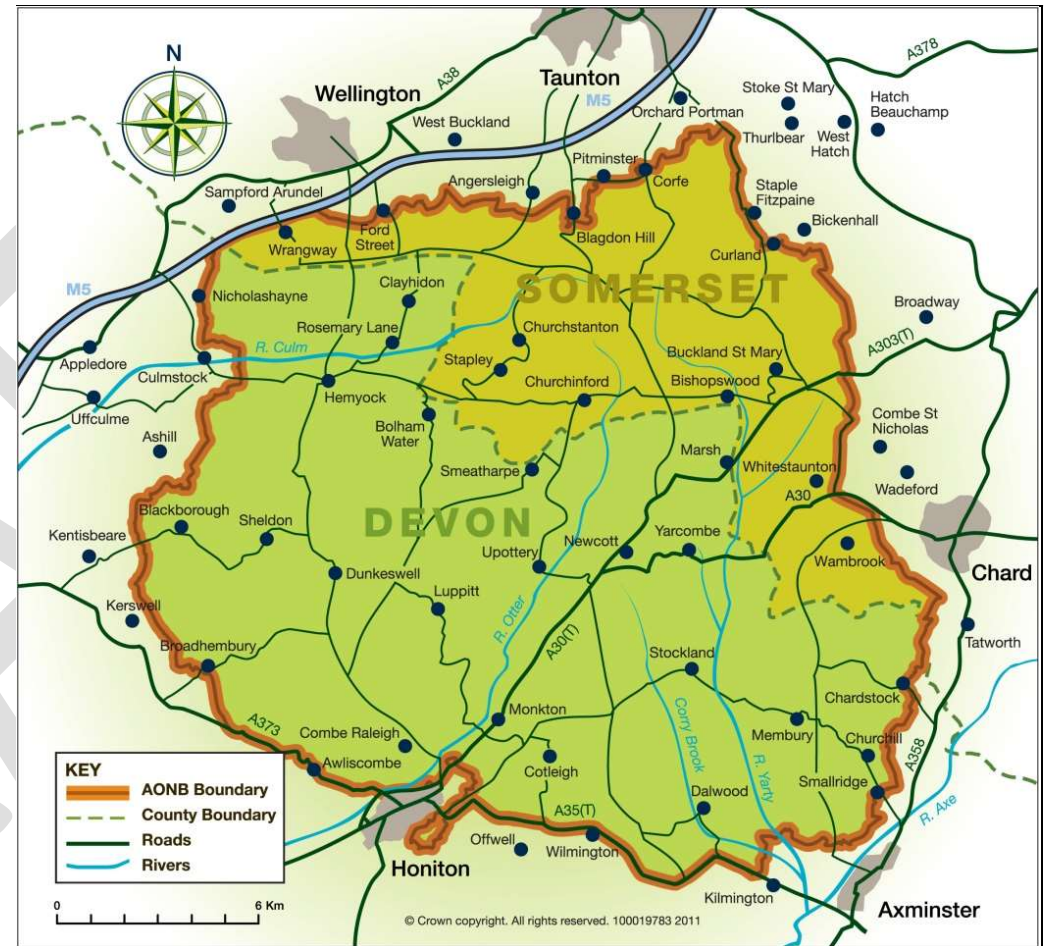
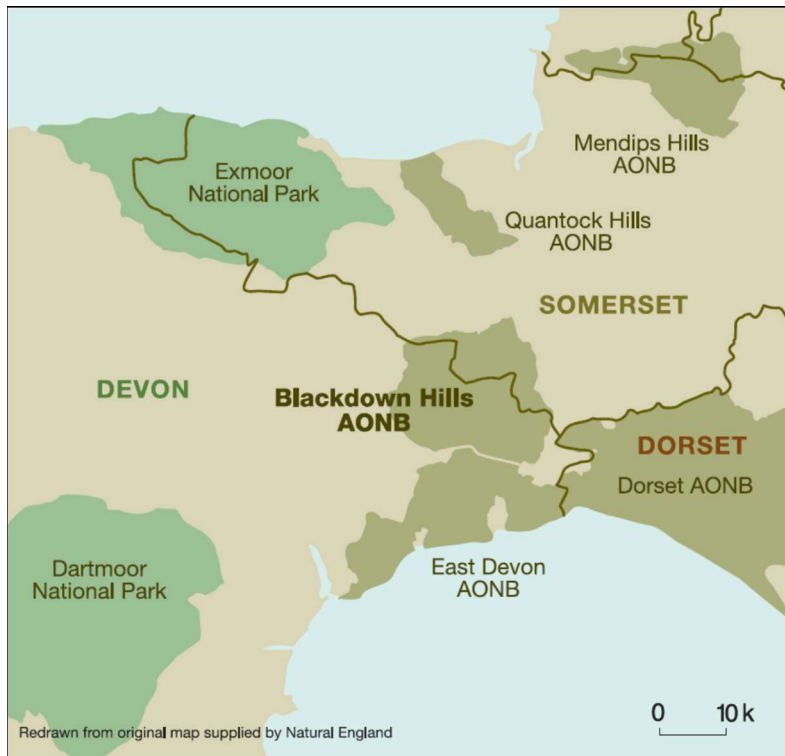
This Vision was first set in 2009, providing a long-term goal for management of the Blackdown Hills AONB.

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CHAPTER 1

LOCATION OF THE BLACKDOWN HILLS AREA OF OUTSTANDING NATURAL BEAUTY

The Blackdown Hills Area of Outstanding Natural Beauty (AONB) covers 370 square kilometres (143 square miles) of unspoilt countryside straddling the Somerset and Devon border, and embracing part of four separate district council areas.



Ministerial Foreword

I am fortunate that England's Areas of Outstanding Natural Beauty are part of my Ministerial responsibilities. Whether it be rolling hills, sweeping coastline or a tranquil village, spending time in an AONB can stir the heart and lift the spirit.

This is a pivotal moment for all AONBs. The Government has set its ambition in the 25 Year Environment Plan which states clearly the importance of natural beauty as part of our green future, while AONBs retain the highest status of protection for landscape through national planning policy. Leaving the EU brings with it an opportunity to develop a better system for supporting our farmers and land managers, who play such a vital role as stewards of the landscape. And the Review of National Parks and Areas of Outstanding Natural Beauty led by Julian Glover - the first of its kind for generations - will make recommendations to make sure our designated landscapes can flourish in the years ahead.

In my visits to AONBs around the country, I have been struck by the passion of many people - farmers, volunteers, and hard-working staff - for the beautiful places they live and work in. In this spirit I am delighted to welcome publication of this Statutory Management Plan for the Blackdown Hills AONB. It is significant that this plan will be delivered in partnership by those who value the Blackdown Hills AONB. I would like to thank all those involved in the preparation of this document and wish you the best of success in bringing it to fruition.

Lord Gardiner of Kimble - Parliamentary Under Secretary of State for Rural Affairs and Biosecurity

AONB Chairman's Foreword

The next five years offers considerable opportunity for the Blackdown Hills Area of Outstanding Natural Beauty (AONB) Partnership, as well as many challenges. Recent government policy reflects the value that high quality landscapes have to society and this strengthens our mandate to continue to work through our partnerships to conserve and enhance the nationally important and very special corner of England that is the Blackdown Hills.

We anticipate that the government's Review of Designated Landscapes will reflect the value to society that designated landscapes can deliver and we hope that future rural support mechanisms will enable our cherished landscape to be further enhanced and reward custodians, thereby mitigating against challenges such as climate change whilst optimising public goods and services.

We feel confident that this AONB Management Plan will provide the direction and focus to work collaboratively to make a difference to the Blackdown Hills and act to bring communities together to celebrate, understand and engage with the rich heritage that makes the area so distinctive and cherished.

I am proud to be chair of the AONB Partnership and I look forward to rewarding and inspiring times ahead, through the life of the AONB Management Plan period.

Cllr Paul Diviani - Chairman, Blackdown Hills AONB Partnership

AONB Partnership Commendation:

This management plan is endorsed by partnership organisations as the guiding framework for maintaining the special character of the Blackdown Hills AONB, while recognising the need for a thriving future for the area and its communities.

NATIONAL AND REGIONAL CONTEXT

Areas of Outstanding Natural Beauty (AONBs) are nationally important protected landscapes. The 46 Areas of Outstanding Natural Beauty (AONB) in England, Wales and Northern Ireland cover just under 20% of the UK. The distinctive character and natural beauty of AONBs make them some of the most special and cherished places in which to live and to visit.

In England AONBs are living, working landscapes that contribute some £16bn every year to the national economy. Although home to less than half a million people (under 2% of England's population), over two thirds of England's population live within half an hour's drive of an AONB and around 150 million people visit English AONBs every year, spending in excess of £2bn.

Together with National Parks, AONBs represent our most outstanding landscapes; unique and irreplaceable national assets, each with such distinctive character and natural beauty that they are recognised internationally as part of the global Protected Areas Family to be managed in the interest of everyone – local residents, businesses, visitors, and the wider public - and protected for future generations.



The south west of England has a particularly rich landscape and environmental resource, with 12 AONBs and part of two others and two National Parks covering more than a third of the region. The Blackdown Hills is one of nine AONBs that lie entirely or partially within the counties of Devon and Somerset. In Devon the AONBs and National Parks together cover 38% of the county, while the figure is 24% in Somerset.

To the south, between Honiton and Axminster, the Blackdown Hills AONB shares a boundary with the East Devon AONB, and not far to the east is Dorset AONB. Looking north, there is a strong visual relationship across the Vale of Taunton with the Quantock Hills AONB and Exmoor National Park. A population of around 150,000 live in the towns close to the AONB.

AONBs and National Parks in South West England
(Redrawn from original map supplied by Natural England)



The purpose of AONB designation

AONBs are designated under the National Parks and Access to the Countryside Act 1949.

The purposes of the AONB designation were updated and confirmed by the Countryside Commission in 1991 as follows:

- The primary purpose of the designation is to conserve and enhance natural beauty.
- In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry, other rural industries and the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.
- Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

The Countryside and Rights of Way Act 2000 confirmed the significance of AONBs and created improved arrangements for their management. There are two key sections of the Act for AONBs:

- Section 85 places a statutory duty on all 'relevant authorities' to have regard to the purpose of conserving and enhancing natural beauty when exercising or performing any function affecting land in AONBs.
- Section 89 places a statutory duty on local authorities to prepare and review a Management Plan for each AONB in their administrative area.

CHAPTER 2

2.1 ABOUT THIS PLAN

What is the Plan for?

This statutory Management Plan sets out the policy framework for the conservation and enhancement of the Blackdown Hills AONB for the next five years. It is a revised and updated version of the previous Management Plan 2014-2019. Its purpose is to:

- Highlight the special qualities and significance of the AONB
- Present a vision for the future of the AONB
- Set out objectives and policies to secure the vision
- Identify what needs to be done, and by whom
- State the condition of the AONB and how the effectiveness of its management will be monitored
- Reflect the views and aspirations of a wide range of AONB stakeholders and parties with an interest in it
- Co-ordinate the work of different partner organisations

Working together with others to achieve success underscores all AONB Partnership work. As the principal strategic guidance for the Blackdown Hills AONB, the plan therefore provides the basis to:

- Inform and influence decisions
 - Stimulate and prioritise action
 - Promote collaboration
 - Help prioritise resources
- in respect of the AONB.

The plan is based on robust evidence that is regularly reviewed, to give an up-to-date status of the 'health' of the AONB and to underpin decision making. In 2017, a State of the Blackdown Hills¹

report was produced to provide base line and trend data to inform the Management Plan review process.

Who is the Plan for?

It has been prepared by the AONB Partnership on behalf of local authorities but it is a plan for the AONB, not an organisation and provides a framework to help guide all activities affecting the AONB. All those that have an active interest and role in the management of the Blackdown Hills landscape and in supporting the communities that live and work within it have a role in implementing the Management Plan through individual action as well as partnership working. Its audiences include:

- Local authorities – the organisations that are required to prepare, adopt and review the Management Plan, and who carry out key functions, such as planning, that affect the AONB
- AONB Partnership organisations (see appendix D) – these organisations will have a key role in delivering and championing the Management Plan
- Relevant authorities – all public bodies and statutory undertakers have a duty to have regard to the primary purpose of the AONB; this Management Plan will guide them in fulfilling their statutory duties
- Landowners, land managers and developers – those who own and manage land in the AONB have a vital role to play; the plan aims to guide, support and attract resources for sensitive management of the AONB
- Local communities and businesses – all who live and work in the Blackdown Hills can play an active role in caring for the AONB; the plan identifies some of the priorities for action and ways to become involved

¹ Available on AONB website

How does it relate to other plans, strategies and activities?

As the statutory policy document for the AONB, this plan can be used to guide, inform and support all other plans and activities developed by public bodies and statutory undertakers that may affect the AONB, in line with their duty to have regard to conserving and enhancing natural beauty. It doesn't override the plans and policies of other organisations, who may also be the lead body in respect of responsibility for decision making and implementation. It can also be used as a guide and information base for other organisations, groups and people in and around the Blackdown Hills.

Some of the key links are:

- Local plans: it provides part of the evidence base for local plans including those for transport, waste and minerals
- Development management: local planning authorities have a statutory duty of regard for the AONB when making planning decisions; this Management Plan can be a material consideration and provide the depth of information to support relevant planning decisions
- Community-led planning: it can help inform neighbourhood and parish plans and similar tools
- Local nature partnerships and catchment partnerships: it provides part of the evidence base for their own plans and offers a basis for working in an integrated way at a landscape scale
- Land management and economic investment: it can guide the targeting and prioritising of environmental stewardship grants and other rural economy programmes

2.2 KEY EXTERNAL INFLUENCES FOR THE AONB

Environmental change

While primarily concerned with climate change, environmental change also encompasses local threats resulting from increased global trade and travel, including new or advancing pests and diseases (e.g. Ash Dieback, *Hymenoscyphus fraxineus*). Coping with climate change is likely to be one of the greatest challenges of the 21st century as global warming makes its impact. The latest climate change projections for the south west indicate there are likely to be warmer wetter winters, hotter summers, more extreme weather events (e.g. heat waves, torrential down pours of rain, extreme wind and storm events) and rising sea levels. These changes in climate are likely to create significant impacts which will affect all aspects of the south west's economy, society, infrastructure and the natural environment.

Political uncertainty

This plan was prepared as negotiations continued to remove the UK from the European Union (EU) and establish a new trading relationship with it. This has significant implications for the UK's rural areas and their management, particularly around:

- national legislation for environmental protection to replace those agreed at EU level
- future investment in agriculture, the environment and rural communities to replace those arising from Common Agricultural Policy and potential changes in policy
- the potential for future cross-Channel co-operation, trade and future marketplace impacts on land-based businesses.

At the time of writing two other processes are in progress:

- Changes in local authority structures and operation

- A review of protected landscapes (the Glover review) will make recommendations to Government in 2019 on the purposes, funding, governance and coverage of England's National Parks and AONBs.

Economy and reduced public finance

Since the last Management Plan was adopted in 2014, the UK economy, as with many western economies, has experienced lengthy periods of recession and slow growth. There has also been a significant reduction in public spending over this period and the voluntary sector is experiencing a fall in income. There is and will continue to be a knock-on effect in terms of delivery of conservation and enhancement; reduced guaranteed income and increased competition for available funds are making delivery more difficult via the 'traditional' means. Increasingly, the 'civil society' is being expected to adopt responsibility for the parts of their local environment that were supported to a greater extent by public bodies.

Development pressure and changes to planning policy context

There is a need for additional housing and associated infrastructure to accommodate a growing population and a growth in low-occupancy households. This presents challenges to the AONB's landscape in terms of:

- Land-take for building and infrastructure provision with associated potential landscape and visual impacts
- Increased nutrients being introduced to sensitive river catchments
- Increased recreational pressure from a growing population.

While many areas of the AONB are robust and afford ample opportunities for outdoor recreation, some are particularly sensitive to such disturbance. Meanwhile, to address housing supply and delivery recent years have seen an increased emphasis on neighbourhood planning, the revision of the National Planning Policy Framework (NPPF), and the emergence of joint local plans to

address major urban extensions and expansion (such as the Greater Exeter Strategic Plan).

2.3 KEY CONCEPTS WITHIN THIS PLAN

Sustainable development

This Management Plan is underpinned by, and contributes towards delivery of, the United Nations Sustainable Development Goals².

Natural capital and the ecosystem approach

Put simply, natural capital is about nature's assets, while ecosystem services relate to the goods and services derived from those assets. By bringing together three core principles of the ecosystem approach, we can ensure that the threats to the AONB are adapted to or mitigated against and that the benefits we derive from the natural environment (ecosystem services) are safeguarded and enhanced. The principles are:

- The natural systems that operate within the AONB are complex and dynamic, and their healthy functioning should not be taken for granted.
- Those that live, work and visit the AONB benefit from services provided by the natural environment. These services underpin social and economic wellbeing and have a value – both monetary and non-monetary
- Those that benefit from the services provided by the AONB and those who are involved in the management of them should play a central role in making decisions about them. Natural and cultural capital and their relation to natural beauty is more fully discussed in Chapter 3.

Using the Ecosystem Approach and applying the 'bigger, better, more and joined' principles³ means that the AONB Partnership is helping deliver the aspirations of the Government's 25 Year Environment Plan, its commitment to the delivery of the Aichi Biodiversity Targets under the Convention on Biological Diversity and Biodiversity 2020. The mission for Biodiversity 2020 is "to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent [and resilient] ecological networks, with more and better places for nature for the benefit of wildlife and people"

Landscape approach

The landscape approach and an understanding of landscape character guide the AONB Partnership's work. This fits well with the ecosystems approach as both encourage consideration of the links between various elements of the landscape in their management.

The European Landscape Convention (ELC) promotes the protection, planning and management of landscapes and seascapes and reinforces the approach to landscape character assessment. In line with the convention and the principles of sustainable development, this Management Plan uses an understanding of landscape character to help guide local activity and ensure that planning decisions and management practices conserve and enhance the distinct character and quality of the AONB's landscapes.

Using landscape as a guide the ELC applies to all landscapes; it includes open countryside and urban areas, as well as the coastal and marine environment. Landscape character assessment recognises the holistic nature of the landscape, defined as "part of

² <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

³ Making Space for Nature, Lawton et al, 2010

the land, as perceived by local people or visitors, which evolves through time as a result of being acted upon by natural forces and human beings.” Landscape character goes beyond landscape and scenic beauty - it is about the interaction of people and place over time, encompassing a suite of perceptual and aesthetic qualities and historical, cultural, ecological and economic aspects.

Conservation and enhancement of the character and quality of the AONB landscape lie at the heart of all the chapters in this Management Plan. There are four landscape management strategies that can be used:

- Conserve - for landscapes in good condition with strong character where the emphasis is on protecting the key characteristics of the area
- Enhance - for landscapes where some features have fallen into decline. Management should aim to reintroduce features, improve their management and remove features that detract from the overall character
- Restore - for landscapes where features have been lost or are in a severe state of decline. Management should aim to repair and re-establish characteristic features
- Create - for landscapes where condition is poor and character weak beyond repair. Management should consider creation of a new landscape.

In taking forward these approaches, AONB management tends to focus on large or ‘landscape scale’ initiatives which also tend to be integrated to include many different interests. Smaller, more local projects also have great value in being able to focus on specific issues and secure ongoing community engagement. Here AONB management is about making connections and contributing to a bigger picture.

CHAPTER 3

STATEMENT OF SIGNIFICANCE – WHAT’S SPECIAL ABOUT THE BLACKDOWN HILLS

3.1 Natural Beauty

‘Natural beauty’ is not just the look of the landscape, but includes landform and geology, plants and animals, landscape features and the rich history of human settlement over the centuries (Countryside Agency, 2001). These aspects of natural beauty are key physical components of the landscape. However, landscape is also about tranquillity, sensory experiences, cultural associations and the relationship between people and place. It is therefore important that the cultural, perceptual and aesthetic dimensions of landscape are also recognised as elements of natural beauty. Natural England has developed a list of factors that contribute to natural beauty:

| |
|--|
| <i>Landscape quality</i> - a measure of the physical state or condition of the landscape |
| <i>Scenic quality</i> - the extent to which the landscape appeals to the senses (primarily, but not only, the visual senses) |
| <i>Relative wildness</i> - the degree to which relatively wild character can be perceived in the landscape makes a particular contribution to sense of place |
| <i>Relative tranquillity</i> - the degree to which relative tranquillity can be perceived in the landscape |
| <i>Natural heritage features</i> - the influence of natural heritage on the perception of the natural beauty of the area. (Natural heritage includes flora, fauna, geological and physiographical features.) |
| <i>Cultural heritage</i> - the influence of cultural heritage on the perception of natural beauty of the area and the degree to which |

associations with particular people, artists, writers or events in history contribute to such perception

3.2 Special Qualities

The Blackdown Hills Area of Outstanding Natural Beauty has a suite of special qualities that together make it unique and outstanding, underpinning its designation as a nationally important protected landscape. Special qualities may be considered as specific components of ‘natural beauty’, distilling out the key attributes that combine in particular ways to form the natural beauty of the AONB. These are the special qualities individually and in combination that we need to conserve and enhance for the future and they should be considered in all decisions affecting the AONB.

3.3 Overview of the AONB

The Blackdown Hills are a distinctive, diverse rural landscape stretching from the prominent scarp above the M5 in the north to Honiton and Axminster in the south, and from Chard in the east to Culmstock in the west. Ranging from around 50 to 310 metres above sea level, the area is characterised by a sense of relative remoteness and tranquillity, and was designated as an AONB in 1991.

From the dramatic, steep, wooded north-facing scarp, the area dips gently southwards as a flat-topped plateau deeply dissected by valleys. This is the northern part of the East Devon Plateau – one of the finest, most extensive in Britain. The tops are open and windswept; in the valleys villages and hamlets nestle among ancient patterns of small, enclosed fields and a maze of winding lanes lined with high hedgebanks. The steep valleys support a patchwork of woodland and heath, nationally and regionally important habitats

which support a wealth of charismatic and priority species and interesting plant communities.

Statement of Significance

3.4 The Special Landscape Character

Key to the Blackdown Hills designation as an AONB is the subtle combination of four aspects of the landscape (*The Blackdown Hills landscape: A landscape assessment*. Countryside Commission, 1989):

It is an isolated and unspoilt rural area and remains relatively undisturbed by modern development and so ancient landscape features, special habitats, historical and archaeological remains have survived intact. There is a sense of stepping back in time in the winding lanes, the hidden valleys and relatively remote villages. The traditional pattern of villages, hamlets, paths and roads remains largely unchanged and there is an identifiable and characteristic vernacular, pastoral landscape.

There is a diversity of landscape patterns and pictures. The visual quality of the landscape is high and is derived from the complex patterns and mosaics of landscapes. Although the scenery is immensely varied, particular features are repeated. Ancient, species-rich hedgerows delineate the fields and define the character of the landscape, enclosing narrow twisting lanes. There are long views over field-patterned landscapes. The high plateau is dissected by steep valleys, supporting a patchwork of woodland and heath, and fine avenues of beech along the ridge. The history of medieval and parliamentary enclosures has resulted in an

individual, patchwork landscape of small fields in the valleys and larger fields with straight hedges on the plateau.

A unique geology. The composition of the underlying geology of the Blackdown Hills and the adjoining East Devon AONB is unique in Britain and is one of the area's strongest unifying features. It has given rise to the distinct topography of a flat-topped plateau, sharp ridges and spring-lined valleys. The springs have created the characteristic pattern of rough grassland, mire and woodland vegetation on the valley sides. The nature of the Greensand rock has meant that plant communities are particularly diverse. Moreover, the geology has provided a local building material, chert, which is uncommon elsewhere.

It is a landscape with architectural appeal. The landscape pattern is punctuated by a wealth of small villages, hamlets and isolated farmsteads of architectural value and distinctive character. Devon and Somerset are recognised nationally for their fine rural architecture, but the Blackdown Hills contain a special concentration of buildings where the vernacular character is particularly well preserved. Predominant materials are chert and cob with thatch, often now replaced by corrugated iron, or clay-tiled roofs. The appeal lies in the way in which the buildings fit so naturally into their surroundings.

3.5 The Special Historic Landscape

The Blackdown Hills landscape has great time depth, from prehistoric through to modern:

Prehistoric to Roman times There are significant concentrations of early prehistoric evidence in the AONB. Large numbers of Mesolithic flint and chert tools have been found, along with Neolithic causewayed enclosures. Later prehistoric features include Bronze Age round barrow cemeteries and isolated barrows, and large Iron Age hillforts that take great advantage of the local topography. Of the 25 Scheduled Monuments in the area, 10 are Bronze Age barrows or barrow cemeteries and seven are hillforts.

Peat deposits in springline mires provide information back to prehistoric times, and the preserved pollen records show changes from woodland to pastoral and arable farming.

The Roman period is represented by military use of the Iron Age hillfort at Hembury, the later bath-house at Whitestaunton and several 'Romanised' farms.

Medieval period Key medieval sites include Castle Neroche, an early Norman earthwork castle built on an earlier Iron Age defended site, and Hemyock Castle, a fortified manor house of the late medieval period. Dunkeswell Abbey, founded in the 13th century, had a significant influence on the landscape through its grange farms and probable involvement in iron production.

The Blackdown Hills' distinctive field patterns and many dispersed farmsteads and hamlets originate from medieval times. Across the area are properties and settlements that were recorded in the Domesday Book. Historic landscape characterisation projects have

identified a high proportion of the landscape as being of medieval origin. Enclosed, former medieval strip fields are well preserved throughout the AONB. Irregular fields and massive hedges in the valleys represent land taken directly into cultivation from woodland in the medieval period.

There is an extraordinary concentration of medieval buildings in the villages, as well as many deserted or shrunken medieval and post-medieval settlements, which reflect the ebb and flow of agriculture on marginal land. Ancient woodland, surviving from the medieval period, is still well represented, particularly on the northern escarpment. The Royal Forest of Neroche was finally enclosed in the 1830s but traces of the old woodbanks still survive.

Modern Parliamentary Inclosure of former commons on the plateau tops in the 19th century has created distinctive landscapes of large regular fields with straight roads and beech hedges. Beacon Hill in Upottery was the last area of England to be enclosed some 100 years ago.

The Wellington Monument, a prominent feature on the northern skyline, commemorates the battle of Waterloo. The AONB also contains important evidence from the World War Two – the three airfields at Culmhead (Trickey Warren), Dunkeswell and Upottery (Smeatharpe). As well as the runways, a wide range of structures still survives at all three sites including pillboxes, aircraft dispersal pen and technical and domestic buildings. Some have been designated as Scheduled Monuments or Listed Buildings. Since World War Two, there has been a substantial loss of hedgerows and orchards to meet the needs of modern agricultural; simplifying parts of the landscape and masking their early origins.

These landscapes of the Blackdown Hills have been created by the interplay of people and the land over many centuries:

The **unique geology** of the area has had a strong influence on the industrial archaeology and landscape. Iron production is thought to have started locally in the later Iron Age, it was an important Roman industry and continued into the Middle Ages. Recent finds in Hemyock suggest an intensive iron industry existed in the late 9th and early 10th centuries. The iron ores were found at the junction of the Upper Greensand and the capping clay layer. The cratered landscape of opencast iron workings can still be seen in places on the plateau tops, such as Culm Davy, and heaps of iron slag are widespread.

Mining of a hard seam of stone within the greensand for whetstone production reached its heyday in the 18th and 19th centuries. Indications of the mines can still be seen on the western escarpment around Blackborough and Broadhembury. There are claypits associated with medieval and post-medieval pottery production (a vast hoard of medieval pottery pieces found in Hemyock suggests it was an important local industry) and a number of largely 18th and 19th century limekilns particularly around the Bishopswood and Wambrook area.

In terms of **literature and the arts**, over the centuries the Blackdown Hills landscape has inspired writers and artists who have left a legacy of cultural associations. Celia Fiennes, Daniel Defoe and Rev John Swete all travelled through the area providing informative descriptions and historic perceptions of the landscape.

In the early 20th century the Camden Town Group of artists, including Robert Bevan, Charles Ginner and Spencer Gore used the patterned rural landscape as inspiration for their impressionist

paintings that provide records of the past. Today the texture, colour and light of the Blackdown Hills continue to influence artists.

The AONB has a distinctive **local style of architecture**. Local materials such as chert, cob, thatch and clay tiles are used extensively, as well as limestone and Beer stone. The large number of surviving late medieval houses is exceptional. Many are Grade II* Listed Buildings and contain particularly fine woodwork screens, ceilings and jetties; there are fine examples in Broadhembury.

Historic farmsteads are a key part of the AONB's architectural, agricultural and social heritage, and they too still survive intact and with unchanged associated farm buildings in exceptional numbers. Most farmsteads and hamlets are in sheltered valleys, often terraced into the hills. Villages are often at river crossings and crossroads in the valley floors, generally clustered around the parish church. Small stone houses often directly front or butt gable-end on to the narrow lanes. Topography often influences settlement pattern, such as Membury where the village straggles along the valley and Blackborough, where it follows the escarpment.

In terms of **landscape features**, although designed landscapes are not widespread within the AONB, there are some features that make a significant contribution. The Wellington Monument built between 1817 and 1854 is iconic, defining the north-west escarpment. Much of a Victorian designed landscape including walled garden, lakes and leats, still survives on the Otterhead Estate. Similarly, the large Victorian manors at Upottery and on the Tracey Estate, Awliscombe have gone, but their parkland, formal garden features and ancillary buildings can still be seen.

3.6 The Special Natural Environment

The biodiversity of the Blackdown Hills is one of its greatest assets. The unique geology and landscape patterns of the area have combined with traditional land management, climate and clean air to support a rich diversity of habitats and species. This immense variety, with patches of valuable habitat scattered throughout the landscape, is notable; these include flower-rich meadows, ancient hedgerows, springline mire, wet woodland, heathland, calcareous grassland, ancient woodland, fen and bog. At a micro-scale there is an abundance of lichens, mosses and fungi. Bees, butterflies, birds, bats and many other animals, some nationally scarce, thrive in the Blackdown Hills, feeding and breeding in the habitats the area provides. These habitats and wildlife bring colour, texture, sound and life to the landscape, epitomising the mental picture of the 'English Countryside', which has, in reality, long since disappeared elsewhere.

The AONB is characterised by its intricate patchwork of semi-natural habitats, scattered throughout the landscape. This includes patches of woodland habitat, although there are larger concentrations of woodland to the north of the AONB. Of particular note are the valuable plant communities that arise along the springlines, where the Greensand meets the clays, supporting wet grassland, heathland, mire (i.e. purple moor-grass and rush pastures) and woodland habitats. Linear features such as hedgerows, rivers and streams help to link habitat patches, forming a network that allows species to move through the landscape. The majority of habitats are under agricultural or forestry management and in private ownership.



Bog flora

3.7 Summary of the special qualities and distinctive characteristics of the Blackdown Hills AONB

From the diverse characteristics, features and qualities outlined previously, the table on the next pages summarises the special qualities that combine to create the particular sense and spirit of place that gives the Blackdown Hills its distinctive identity in relation to natural beauty factors. These special qualities require protection, conservation and enhancement if the AONB is to retain its character and status among England's finest landscapes.

The AONB's Landscape Character Assessment adds further understanding of the contrast and diversity of the AONB landscape and its management requirements.

| Natural Beauty | Special qualities (including distinctive characteristics and key features) |
|--------------------------|---|
| Landscape quality | <ul style="list-style-type: none"> • A managed landscape sculpted and maintained by the stewardship of generations of those who work the land • Undeveloped skyline of the northern scarp slope is a prominent feature in views from the Vale of Taunton and beyond • Rich mosaic of diverse and interconnected semi-natural habitats; a patchwork of woodland, heathland, meadow and mire linked by hedgerows • Clear, unpolluted streams that meander down the valleys to feed the Yarty, Otter, Culm rivers • Ancient and veteran trees in hedgerows, fields and woodland • A settled landscape with a strong sense of time-depth containing farms and small scattered villages well related to the landscape |
| Scenic quality | <ul style="list-style-type: none"> • The elevation and long, panoramic views out from the Blackdown Hills create a sense of detachment from surrounding towns and transport corridors • Unspoilt, panoramic views across flat-topped plateau and straight undisturbed ridge tops and over hidden valleys • A well-wooded pastoral landscape with a strong pattern of hedges and hedgerow trees • Pattern of regular, large-scale enclosure fields on the plateau contrasts with the smaller, curving medieval fields on the valley slopes • Majestic avenues of beech trees along northern ridges • Long straight roads across the plateau with verges and low, neat hedges give way to narrow, enclosed, high-hedged winding single-tracked lanes in the valleys • Wellington Monument is a key landscape feature identifying the Blackdown Hills over a very wide area in all directions |
| Relative wildness | <ul style="list-style-type: none"> • A sense of remoteness enhanced by the exposure of the plateau and more intimate extensive woodland of the upper slopes and hidden valleys |

| | |
|----------------------------------|---|
| | <ul style="list-style-type: none"> • Wide open spaces provide exposure to the elements; big sky, windswept places, contrasts of sunlight and shadow |
| Relative tranquillity | <ul style="list-style-type: none"> • Areas of high tranquillity spared many of the intrusions of modern life • Places to enjoy natural sounds; the melody of the song thrush and skylark, the call of buzzards • Dark night-time star-filled skies contrasting with the light pollution of the surrounding towns |
| Natural heritage features | <ul style="list-style-type: none"> • One of the finest, most extensive Greensand plateau in Britain; a distinctive landform that contrasts with the surrounding lowlands to the east, north and west • The presence of straight, uninterrupted ridges are evident as a visual backdrop over a wide area • Distinctive springline mires located around the upper slopes of the valleys • The varied landscape supports a rich assemblage of wildlife including many species of bats, butterflies and meadow flowers and healthy populations of ferns, lichens, mosses and fungi • Ancient, species-rich hedges with many hedgerow trees and flower-rich banks; colourful displays of primrose and bluebells in spring • A network of ancient semi-natural woodland linked by hedgerows support a thriving dormouse population • Streams and rivers are home to otters, lamprey and the vulnerable white-clawed crayfish |
| Cultural heritage | <ul style="list-style-type: none"> • The number and extent of well-preserved buildings in the local vernacular – chert, cob and thatch – are an important element of the landscape • Hillforts are prominent features on the ends of the plateau ridges • Mining remains from the once internationally significant whetstone industry and extensive evidence of iron-working • Three World War Two airfields and their associated buildings are found on the high, flat land of the plateau • A community with a strong sense place closely linked to the land and its management, with a particularly strong tradition of hedge laying • A landscape that has inspired artists from the early 20th century Camden Town Group to the Blackdown Hills Artists and Makers of today |

3.8 Natural Capital Stock and Ecosystem Service Flows

Why this is relevant to the AONB

Natural capital and the elements of natural beauty have a natural overlap: largely they are ways of categorising the landscape and some of the benefits we derive from it.

Understanding natural capital underlines the AONB commitment to delivering the Government's 'Biodiversity 2020 A Strategy for England's Wildlife and Ecosystem Services'. This identifies a series of 'desired outcomes' including that "by 2020, at least 17% of land and inland water, especially areas of particular importance for biodiversity and ecosystem services, [will be] conserved through effective, integrated and joined up approaches to safeguard biodiversity and ecosystem services including through management of our existing systems of protected areas and the establishment of nature improvement areas."

Definitions

Many of the elements which make up the natural beauty of the AONB can be described in terms of natural and cultural capital. Natural capital refers to both the living (e.g. fish stocks, forests) and non-living (e.g. minerals, energy resources) aspects of nature which produce value to people, both directly and indirectly. It is this capital that underpins all other capital in our economy and society, including cultural capital which is the historic environment and cultural landscape (as described in chapter 4). Cultural capital is increasingly being seen as a 'missing element' of a purely 'natural' approach to this way of categorising and defining the environment. Natural and cultural assets are the actual stock: living and non-living parts. From these assets we derive a flow of benefits known

as ecosystem services. Essentially, natural capital is about nature's assets, while ecosystem services relate to the goods and services derived from those assets.

The landscape of the AONB provides a lot to those that live, work and visit here, from the quantifiable benefits of fresh food and clean water to those that are harder to define such as mental health benefits from contact with the natural environment. These benefits can be defined as 'ecosystem services', all critical to maintaining human health and wellbeing. They are categorised into four:

- **Provisioning services:** the products we gain and use from the AONB, such as food, energy and water
- **Regulating services:** the natural functioning of the AONB purifies water, pollinates crops and maintains air quality
- **Cultural services:** non-material benefits derived from interaction with the AONB, such as inspiration, education and spiritual connection
- **Supporting services:** the foundations for all other services – primary production (carbon fixation), the formation of soil, nutrient cycling and water cycling.

A high-quality landscape (of rich natural and cultural heritage) delivers wide economic benefits. Some ecosystem services have related economic markets, some do not. Those that don't can be considered 'public goods.'

Public goods

Some ecosystem goods and services that flow from the landscape's natural and cultural assets have a market which rewards the producer. Farming and forestry, although frequently not high return

enterprises, are nonetheless producing goods for a functional marketplace.

However, some goods and services do not have a fully functional marketplace, for example farmers who maintain species rich grasslands are not rewarded by the market for the external value of that work. These are known as 'public goods' as they are non-excludable (i.e. no-one can be stopped from benefiting from that good) and nonrival (one person's enjoyment does not preclude another's). Private markets may develop for some of these goods in the future, but while they do not exist public investment should be made to adequately reward the conservation of natural assets.

Public goods for the AONB can be considered to include:

- conservation of biodiversity
- conservation of built heritage
- maintenance of characteristic landscape features such as hedges and tree clumps (these will vary by landscape character area)
- providing clean air and water by taking uneconomic land management choices to reduce pollution (e.g. stopping fertiliser applications)
- maintaining rights of way
- providing educational access

Some of the key goods and services provided by the Blackdown Hills include:

- AONB farmers and foresters produce food, fibre, timber and wood fuel.

- The AONB lies over an Upper Greensand aquifer providing water for both public and private supplies. The sources of the rivers Culm, Otter and Yarty and some of the river Tone headwaters are in the Blackdown Hills and wetland mires help attenuate flows and trap sediment
- Carbon storage in woodland, lowland heathland and peat deposits, for example in turbaries.
- Hedgerows, rough grassland, wood pasture and woodland help to regulate soil erosion and water flow and support nutrient cycling
- Species rich grasslands are biodiverse and support pollinating insects
- Historic heritage features link and add value to the natural heritage stock as well as having cultural heritage value in their own right
- Recreational opportunities support the health and wellbeing of both residents and visitors
- The characteristic and richly patterned landscape and ancient features provides a strong sense of place and history
- The distinctive landform and coherent landscape are inspirational at a personal, cultural and spiritual level.
- The AONB gives access to clean air, tranquillity and freedom from noise and light pollution.

CHAPTER 4

4.0 Introduction to Management Framework

This part of the Management Plan sets out the objectives and policies for managing the AONB over the next five years to work towards achieving the longer-term vision.

There are three main themes divided into several topics:

Place – topics related to the primary purpose of conserving and enhancing natural beauty:

- Landscape Character
- Historic Environment and Cultural Heritage
- Biodiversity and Geodiversity
- Natural Capital and ecosystem goods and service
- Farming, Forestry and Land Management

People – topics related to the secondary purposes of recognising the economic and social needs of the local community, promoting sustainable development and recreation:

- Access and Enjoyment
- Planning and Development
- Transport and Highways
- Rural Economy and Tourism
- Community and Culture

Partnership and Promotion – the core functions of AONB management:

- Communication, Education and Awareness
- Partnership and Management

Each *theme* starts with identifying the key issues, opportunities and challenges under Forces for Change. It is not a list of every issue facing the area.

Each *topic* is structured in the same way; the aim is stated and then background information describes the significance to the Blackdown Hills and the local context. An objective and set of policies are then identified.

Explanation of terms used:

Aim – the overall ambition for this topic area

Objective – what we want to achieve

Policy – what needs to be done to achieve the objective

The final section, **Chapter 5**, is *Delivery*, which explains the roles and responsibilities of the AONB Partnership, individual organisations and others in delivering the plan, and further information about monitoring and measuring progress. A *Strategic Delivery Plan* outlines the strategic priorities and associated actions for the next 5 years necessary to deliver the ambitions of this plan. The separate annual AONB Business Plans will translate these into specific roles for partners working in collaboration with the AONB team across key work areas.

The *appendices* set out detailed information in support of the management plan in relation to Planning and Development, the legislative background and lists AONB Partnership organisations. A separate *Annexe* of supporting information is also being prepared to provide a range of technical and statistical information, including Devon landscape character assessment, species, habitats and sites, Census data and other additional data.

Theme 1: Place

Forces for Change - key issues, opportunities and challenges:

- A range of opportunities through delivery of Defra's 25-year plan to improve the environment, including:
 - The review of protected landscapes
 - Delivering new Environmental Land Management Schemes
 - Planting new woodlands at appropriate locations
 - Promoting Natural Flood Management
 - Delivery of a Nature Recovery Network (and priority species recovery/ re-introduction)
 - Expanding forestry and woodland product markets (including woodfuel)
 - Delivery of Forest Design Plans and Open Habitats Policy
 - Increased recognition of natural assets and ecosystem services through adoption of a Natural Capital approach
 - Emerging markets for Payments for Ecosystem Services and Nutrient Offsetting
- Potential to use enhanced data and evidence (for example Historic Environment Records) to identify areas for externally funded projects to restore and protect features.
- Increase in catchment-scale approaches to water management including Natural Flood Risk Management schemes offers potential to restore natural ecosystems, improve water quality and reduce risk of flooding downstream but also pressure to change the character of the landscape.
- Climate Change, leading to:
 - Shifts in species ranges
 - Reduced species diversity and abundance
 - Increased pests and diseases
 - Extreme weather events
 - Changing growing conditions, affecting ability to grow certain crops but also offering new opportunities
- Market failure of rural businesses, leading to:
 - Biodiversity, natural assets and ecosystem services being undervalued in decision making
 - Inappropriate or lack of management
 - Poor succession planning and reduced opportunities for new entrants
 - Land abandonment/change to non-farmed use
 - Homogenisation of the landscape
 - Adoption of damaging practices
- Considerations around planting alternative tree species, to compensate for loss through ash dieback and other diseases, or more drought tolerant species in relation to climate change
- Development pressure, including major urban extensions in the setting of the AONB and recreation and traffic pressure, from both residents and visitors.

4.1 Landscape Character

Aim: The Blackdown Hills remains an unspoilt rural area, with a diversity of landscape patterns and pictures, a unique geology and buildings of architectural appeal, that are all understood and referred to. It is a truly 'living landscape' benefitting from its special landscape and heritage and is appreciated as such

Background

It is the diverse landscape, the distinctive villages, the historic environment and the tranquil rural setting that gives the Blackdown Hills its special sense of place. The relationship between people and the landscape is enshrined in the European Landscape Convention and recognises that landscapes evolve through time due to natural and human forces. The challenge for the AONB Partnership is to manage change to ensure that the AONB landscape remains special.

One of the special qualities of the AONB is its visual relationship with other landscapes, and in particular the view of the steep escarpment of the Blackdown Hills rising out of the Vale of Taunton. The wooded edge to the plateau provides a relatively wild, uninhabited backdrop to the flatter, low-lying farmed and settled Vale. The juxtaposition of these contrasting characters means that one enhances the other. The Wellington Monument provides a single focus to the scene and enriches the cultural history of this landscape. This scenery can be appreciated from much of the Vale but makes for dramatic views from southern slopes of the Quantock Hills AONB and the eastern fringes of Exmoor National Park. There are expansive and far-reaching views from the Blackdown Hills across much of Devon and Somerset, including views to Dartmoor from Culmstock Beacon and the Jurassic coast from Membury.

The setting of an AONB is the surroundings in which the influence of the area is experienced. If the quality of the setting declines, then the appreciation and enjoyment of the AONB diminishes. Large scale development, the construction of high or expansive structures, or a change generating movement, noise, intrusion from artificial lighting, or other disturbance will affect the setting. Views are one element of setting, being associated with the visual experience and aesthetic appreciation. Views are particularly important to the AONB. This is because of the juxtaposition of high and low ground and the fact that recreational users value them. Without husbandry and management, views within, across, from and to the AONB may be lost or degraded.

Landscape character describes the qualities and features that make a place distinctive. It can represent an area larger than the AONB or focus on a very specific location. The Blackdown Hills AONB displays a variety of landscape character within a relatively small, distinct area. These

local variations in character within the AONB's landscape are articulated through the Devon-wide "Landscape Character Assessment" (LCA)⁴, which covers the entire AONB. Hidden characteristics and past land uses are identified in county-based Historic Landscape Characterisation (HLC). These assessments are now extensively used in planning and land management to understand and describe the landscape and manage pressures for change.

Landscape character map

The distinctiveness of the Blackdown Hills includes the area's relative remoteness, timelessness and tranquillity. Its very character relies on retaining a natural feeling without being over managed. Although hard to quantify it is all too easily lost through, for example, increasing standardisation, creeping suburbanisation, changing agricultural practices and loss of distinctive elements of the natural and historic environment. Each individual case may not have a significant impact, but cumulatively they can erode the area's distinctive character.

Natural starry skies are one of the sights which make the Blackdown Hills so special. Night time darkness is a key characteristic of the area's sense of tranquillity and relative remoteness. The Blackdown Hills is the fifth darkest AONB in England, with very low levels of night time brightness; 95% of the AONB is in the two very darkest categories as evidenced by 2016 research by CPRE.

CPRE dark skies map

Management objective and policies

| Objective LC | Policies |
|--|---|
| To ensure that the distinctive character and qualities of the Blackdown Hills landscape are understood, conserved, enhanced and restored | LC1 Approach the conservation and enhancement of the AONB based on landscape character underpinned by comprehensive and up-to-date evidence bases that are also made widely available to decision makers and others |
| | LC2 Understand clearly the social, environmental and economic benefits of landscape and natural beauty and ensure this is reflected in decision making at every level, supported by sound evidence |
| | LC3 Promote high levels of peace and tranquillity with dark night skies by minimising noise, intrusive development and light pollution |
| | LC4 Support local distinctiveness |

⁴ To be detailed in online supporting annexe in final plan

| | |
|--|--|
| | LC5 The character of skylines and open views into, within and out of the AONB will be protected |
| | LC6 The deeply rural setting of much of the land adjoining the AONB boundary forms an essential setting for the AONB and care will be taken to maintain its quality and character |
| | LC7 Opportunities will be sought to strengthen landscape character by improving condition of landscape features in poor condition and reinstating landscape features identified as missing or fragmented |

4.2 Historic environment and cultural heritage

Aim: The AONB's cultural heritage, from its archaeological sites and historic buildings through to the unique arts and crafts produced today, is recognised as an intrinsic part of the landscape and special qualities of the AONB. It is conserved, enhanced and enjoyed and adds value to the local economy. Local communities are actively engaged in celebrating the cultural heritage, keeping the skills and traditions alive and sensitively shaping its future

Background

The Blackdown Hills AONB retains a strong sense of continuity with the past and the landscape has great time depth, from prehistoric through to modern. Centuries of human activity have created the intricate patterns of woods, heaths and fields, lanes and trackways, and hamlets and villages that contribute greatly to the AONB's unique historic character. Designated heritage assets in the AONB include 768 Listed Buildings (13 Grade I, 47 Grade II* and 708 Grade II), which is up from 762 in 2013. As a result of positive management, only three Scheduled Monuments from 26 are considered at risk, compared to eight in 2013.

The Blackdown Hills AONB has been a relatively under-studied landscape to date. To help address this between 2016 and 2018 an archaeological aerial investigation, centred on the AONB, was undertaken by a project team of staff from AC archaeology and Devon County Council. It was funded by Historic England and hosted by Devon County Council within the Historic Environment Team in partnership with Somerset Historic Environment Record. The survey area covered 564 square kilometres in Devon and Somerset, focused around the AONB, which has seen little systematic archaeological survey and where the archaeological resource was relatively poorly understood. In addition, the historic environment is under pressure from potential impacts as diverse as initiatives to reduce diffuse water pollution to road improvement schemes.

The project consulted over seven thousand hard copy aerial photographs loaned from the Historic England Archive and held by Devon County Council, as well as modern digital datasets of vertical aerial photographs. However, it was the remote sensing technique known as lidar that proved to be exceptionally useful during this project, enabling features obscured by tree cover and those that survived only as slight earthwork remains to be mapped and recorded. In total, 5052 archaeological or historic sites were identified from the aerial imagery and recorded on the relevant Historic Environment Record (HER); 87% of these had not previously been recorded.

A number of different 'themes' became apparent as the project progressed. These included: extractive pits, changing fieldscapes, cider making, fortification and control and religion and ceremony. Full details are available from <https://new.devon.gov.uk/historicenvironment/the-devon->

historic-environment-record/blackdown-hills-aim-project/ The individual monument records are all available online via either the Somerset Historic Environment Record⁵, the Devon Environment Viewer⁶ and Heritage Gateway⁷.

Surprisingly, by far the most numerous type of monument were extractive pits, which made up over a third of all features recorded. These unprepossessing features make a huge contribution to the distinctive landscape of the AONB. They became wooded, sometimes by deliberate planting of orchard trees, producing the many small tree clumps that dot the hills. These scattered pits were for extraction of clay, marl, gravel, chalk and sand, reflecting the varied geology of the project area. Although difficult to date, the size and definition of the earthwork, type of vegetation cover, comparison with historic maps, field patterns, field names and other evidence can help to infer the date of use. Some pits may originate in the medieval period, whilst others were in use right up to the 20th century. Many of the gravel pits for instance might have been associated with improvements to roads in the 18th and 19th century, whilst chalk pits are often seen in conjunction with lime kilns of similar date, having been used to produce agricultural lime.

The scattered and often small-scale pits form a marked contrast to the much more intensive Roman-medieval iron ore and 18th-20th century whetstone mining industries on the western part of the AONB.

Changing fieldscapes: Relict or removed field boundaries were the second most numerous monument type recorded during the survey, at a fifth of the total. Many have a curvilinear form, enclosing small and irregularly shaped fields, which suggests a medieval origin. A high proportion were seen in areas recorded by Historic Landscape Characterisation as medieval enclosures, presumably having gone out of use during later land reorganisation and field amalgamation.

About 80% of the removed boundaries were recorded as earthworks, some of them very wide shallow ditches suggesting that there may have been substantial drainage banks associated with them in certain areas. Only an eighth were visible just as cropmarks, testament to the generally good survival of earthwork remains within the project area.

Cider making: parallel rows of tree planting banks for cider orchards were still very often visible in the more poorly draining mudstone areas. As well as assisting with drainage, these increased the soil depth and could be augmented with other helpful inclusions, such as sand and road scrapings known as 'waydrift'. Some of these orchards seem to have been long-lived, attributed by Marshall in 1796 to the Devonshire practise of replanting in between failed trees and so helping to avoid disease.

⁵ www.somersetheritage.org.uk/

⁶ <http://map.devon.gov.uk/dccviewer/>

⁷ <http://www.heritagegateway.org.uk/gateway/>

Fortification and control: Some of the earliest defended sites visible on aerial imagery were the Iron Age hillforts at prominent sites such as Hembury, and the mapping of their ramparts and ditches, as well as some internal features, emphasises just how imposing these sites must have been. Medieval defended sites are relatively rare, but alongside well-known places like the imposing Castle Neroche, examination of recent lidar data seems to confirm that three small motte and bailey castles were sited just to the south of the AONB at Widworthy, Bushy Knap and Buckerell Knap.

Religion and ceremony: Neolithic ceremonial or funerary monuments are rare and it was notable to add a possible long barrow at Broadhembury to the Historic Environment Record, which was first recognised from cropmarks on aerial photographs taken in 1989. More frequently observed were indications of the more familiar circular Bronze Age barrows, particularly on the prominent greensand plateau. Several additional examples were added, not just to known cemeteries such as Robin Hood's Butts but also potential 'new' clusters, eg at Hartridge.

Well-known sites such as Dunkeswell Abbey also benefit from the in-depth study of aerial imagery, and in this instance lidar was again crucial in mapping subtle features within the inner precinct that might relate to provisioning – perhaps a dovecote or stewpond, and other ancillary structures. Parchmarks of the east range, that had been noted since the 19th century, could finally be accurately plotted from aerial photographs taken in 1989. It is possible that the exact site of the monastic grange of Bowerhayes has also now been identified.

Management objective and policies

| Objective CH | Policies |
|--|---|
| To ensure effective conservation, management and understanding of the Blackdown Hills historic environment, including historic buildings, archaeological sites and heritage landscapes | CH1 Conserve and enhance the historic built environment and rural heritage assets and integrate into other land management initiatives in the AONB |
| | CH2 Regularly monitor the extent and condition of historic sites, features and landscapes in the AONB and promote the use of Historic Environment Record (HER), historic landscape characterisation and other tools to inform projects, policy-making and management activities |
| | CH3 Gain a comprehensive understanding of the reasons for heritage being 'at risk' and in declining condition and make direct interventions to bring Scheduled Monuments and unscheduled sites into positive management and improving condition |
| | CH4 Encourage and support training in traditional heritage skills. |
| | CH5 Promote the sensitive interpretation of the AONB's historic environment to ensure local communities and visitors gain a good understanding and experience of place |

4.3 Biodiversity and Geodiversity

Aim: The AONB's nationally important wildlife and unique geology are conserved and enhanced and there are thriving populations of important species. All the natural heritage of the AONB is understood and appreciated.

Background

The biodiversity of the Blackdown Hills is intrinsic to the area's character and aesthetic appeal. The wide variety of species and habitats⁸, reflects the complex landscape patterns, unique geology and traditional management of the area. Its mosaic of priority habitat includes spring line mire, heathland, woodland and species rich grassland, all connected via hedges and banks. The Blackdown Hills is noted for its butterflies (in particular marsh fritillary, small pearl-bordered, duke of burgundy, wood white and brown hairstreak) as well as dormice and its woodland bird assemblage. Its rivers contain water vole, white-clawed crayfish and lampreys.

The Blackdown Hills AONB is a connected landscape and supports coherent and resilient ecological networks, demonstrating the Lawton *Making Space for Nature* principles of bigger, better, more and joined. However, some habitats are fragmented and the condition of priority habitats are fragile and degraded in some areas, so restoration and connectivity of priority habitat is a high priority for both biodiversity and delivery of other ecosystem services. A greater age and species diversity in woodlands and hedgerow trees, for example, will benefit biodiversity and improve resilience.

Some areas of the highest conservation value are nationally important Sites of Special Scientific Interest (SSSIs), covering 639ha of the AONB. Under Biodiversity 2020, the desired outcome nationally is for at least 50% of SSSIs to be in favourable condition, while maintaining at least 95% in favourable or recovering condition. In the Blackdown Hills 2018 figures show that only 19% (122ha) are deemed to be in favourable condition, with 75% unfavourable recovering (477ha). There are some specific technical reasons for so few sites being favourable (often because parts of sites do not fully meet the 'standard' site/habitat expectations), but the large percentage of sites in a recovering condition is positive. This category has seen a significant increase since 2008 when 40% (254ha) were classed as unfavourable recovering, and over the same period the area considered unfavourable declining has moved from 118ha to none.

⁸ To be detailed in online supporting annexe in final plan

In addition to the sixteen SSSIs, there is one Special Areas of Conservation (SACs) of European importance for nature conservation.⁹ This is located at Quants in the north of the Blackdown Hills, selected for its population of marsh fritillary butterflies, that occur on spring line mire habitat mosaics. Maintaining a viable population for this species requires a landscape-scale approach to connect fragmented populations further south in the Bolham Valley. Just beyond the AONB boundary to the south east is the river Axe SAC and the river Yarty, a major tributary, rises and flows through the AONB for the vast majority of its length. The Axe is designated as a watercourse with a chalk influence with presence of water crowfoot species. The priority for the SAC is to reduce diffuse pollution (mainly phosphates and sediment largely from agriculture) to improve water quality.

The geology of the Blackdowns Hills AONB is dominated by one of the finest and most extensive plateaux in Britain – the East Devon Plateau – dissected by the long, deep valleys of the rivers Culm, Otter, Yarty and their tributaries. The AONB has two geological SSSIs covering 3.5ha – Furley Chalk Pit and Reed's Farm Pit.

The AONB might be likened to an irregularly cut layer cake, with near horizontal beds of soft rocks deposited one on top of the other, the youngest at the top. The lower layer, exposed in the river valleys, is marl (red Mercia Mudstone), replaced with Lias in the east. A 30-metre layer of Upper Greensand rests upon this, outcropping as an abrupt rim to the valleys and capping the conspicuous northern scarp slope. The composition of Upper Greensand layer, which underlies much of the East Devon Plateau, is unique in Britain. This is covered by a superficial deposit of Clay-with-Flints-and-Cherts.

At the junction of the greensand and clay iron ores were found and the chert-tempered local clay supported a medieval pottery industry around the Membury/Axminster area and later in Hemyock, while the almost indestructible chert is used extensively for buildings and walls. On the western edge of the AONB the Upper Greensand produced well-preserved fossils, and the area around Kentisbeare and Broadhembury was famed for its whetstone industry in the 18th and 19th centuries.

Soils provide a strong link between the physical environment and the wildlife, land use and cultural landscape. For example the dark-topped, organic and peaty soils found on the plateau gives an indication of the former extent of heathland vegetation, small remnants of which persist at Dunkeswell Turbary and North Hill. The freely draining land on the scarp with its dry, acid grasslands and woods, contrasts sharply with the perennially wet ground on the springlines. This supports wet woodlands, acid Rhôs pastures and other wet grasslands, with mire and bog communities in more restricted sites such as Hense Moor.

⁹ <http://jncc.defra.gov.uk/page-23>

Management objective and policies

| Objective BG | Policies |
|---|--|
| To ensure effective conservation, enhancement, expansion and connectivity of habitats, forming coherent and resilient ecological networks across the Blackdown Hills and beyond, facilitating movement of priority species across the landscape | BG1 Take a strategic landscape-scale based approach to the creation, restoration and maintenance of habitats within the AONB (focussing on designated and undesignated priority sites) in order to ensure resilience to climate change and other pressures |
| | BG2 Connect habitats at a landscape scale and ensure permeability for species movement within coherent and resilient ecological networks |
| | BG3 Priority species (including Section 41, Devon Special Species, Protected Species) will be conserved. Targeted action will be taken to support the recovery of priority species |
| | BG4 Ensure sites of geological and geomorphological importance are appropriately managed to conserve their special features and reduce impacts of development |
| | BG5 Opportunities will be sought to maximise the benefits for wildlife and people from the positive management of all types of land including farmland, gardens, parks and community green spaces |
| | BG6 A strategic approach to the control, or eradication where feasible, of invasive non-native species will be taken where they threaten or damage local habitats and species and where action is practicable |
| | BG7 Increased recreational pressure will be resisted at locations where unacceptable damage or disturbance to vulnerable habitats or species is likely to arise |

4.4 Natural Capital and ecosystem goods and services

Aim: The air, land, soils and water of the Blackdown Hills are of a high quality, are sustainably managed and support healthy ecosystems. Flood and drought events are mitigated against via nature-based solutions. The impacts of climate change are understood, mitigated against and the low carbon economy is thriving

Background

The water environment is fundamental to the character of the Blackdown Hills and has wider relevance:

- The plateau landscape dissected by long deep river valleys
- The source of the rivers Culm, Yarty and Otter within a small geographic area
- The steep scarp slope marks the watershed separating streams draining northwards to the Bristol Channel and south to the English Channel

Restoring a good quality and condition of the natural capital stock (land, soils, air and water) is the key to the outstanding environment of the Blackdown Hills, as well as delivering a range of multiple benefits and ecosystem services for society, including residents and visitors – as described in more detail in Chapter 3. Some of the rivers that rise in the Blackdown Hills provide domestic drinking water for both Devon and Somerset. The river Otter flows across the top of a large ground water aquifer and is a priority for improving water quality for drinking water through initiatives such as Upstream Thinking. South West Water and Wessex water are responsible for drinking water and waste water in the area.

Taking a catchment approach is vital as land management in the Blackdown Hills AONB affects areas downstream. A prime example of this is the effect that the river Culm has on the peak flows running through Exeter city, as the timing of the river Culm and river Exe peak flows align, leading to overtopping and flooding. Drought and low flows are also increasing due to our changing climate. Flood and drought are being exacerbated by climate change and implementing nature-based solutions by managing the natural resources of the Blackdown Hills (including mires that act as natural sponges and woodland planting in appropriate locations) that deliver multiple benefits by reducing and attenuating peak flows, maintaining low flows and trapping sediment is therefore vital.

Much of the wildlife interest of the AONB depends on water quality, the capacity of aquifers and on the rivers and their tributaries that rise in the Hills. Pollution and over-abstraction can have serious consequences. Surface water run-off can lead to soil erosion and flooding.

The Water Framework Directive¹⁰ seeks to ensure clean water across Europe, looking at water management at a river-basin scale in order to achieve a good environmental status across all water bodies by 2027. In England the implementation is through a catchment-based approach, on the basis that many of the problems facing the water environment are best understood and tackled at a catchment scale. In the East Devon Catchment (the rivers Exe, Otter, Sid and Axe and their tributaries) no water bodies are currently at high or good status and are classified as either moderate or poor. There is also new legislation that affects farmers including the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018¹¹

Pollution from rural areas is a significant factor in causing poor water quality in every catchment in the south west river basin district: phosphorus in rivers and sediment from agriculture are particular issues in the East Devon Catchment. Initiatives that offer practical solutions and targeted support to control pollution such as the Catchment Sensitive Farming programme¹² operate across the catchments which aim to control diffuse water pollution.

Parts of the eastern and western fringes of the AONB are within Nitrate Vulnerable Zones, where there are controls on some farming activities, particularly relating to manure and fertilisers, in order to tackle nitrate loss from agriculture.

The 2008 Climate Change Act committed the UK to reducing greenhouse gas emissions by 18% from 2008 levels by 2020 and 80% by 2050. In 2012, the AONB Partnership commissioned a research project to assess greenhouse gas emissions in the Blackdown Hills to provide a baseline assessment of which sectors are causing the most serious emissions and how patterns of emissions are likely to change over the coming years.

¹⁰ http://ec.europa.eu/environment/water/water-framework/info/intro_en.htm

¹¹ <https://www.gov.uk/government/publications/farming-rules-for-water-in-england>

¹² www.naturalengland.org.uk/csf

Management Objective and policies

| Objective NC | Policies |
|--|--|
| To conserve and enhance the natural capital stock of the AONB and maximise the flow of ecosystem goods and services they provide | NC1 Promote a catchment, multiple-benefit, collaborative based approach to soil conservation, water quality and flood alleviation improvements utilising the Otter, Axe, Culm and Parrett/Tone catchments |
| | NC2 Improve land management in respect of the control of surface water run-off, to mitigate against flooding during more extreme weather events. Where appropriate within the landscape, seek to reinstate or improve the management of woodland, wetland and hedges to slow and store run-off |
| | NC3 Support studies, research and improve understanding of the AONB's rich stock of natural capital and ensure that its value to society (in terms of flow of goods and services) is recognised and understood by decision-makers and others |
| | NC4 Encourage local communities, businesses and visitors to respect the environment and minimise their carbon footprint |

4.5 Farming, Forestry and Land Management

Aim: The 'Living Landscape' and Nature Recovery Network of the Blackdown Hills AONB is conserved and enhanced by sustainable and high nature value farming, forestry and land management enterprises. They are key providers of food, fuel and other public service benefits such as carbon storage

Background

Farming is fundamental to the character of the Blackdown Hills, as today's landscape is testimony to the stewardship of generations of farmers and landowners. There is a tradition of small-scale family farms based on mixed livestock husbandry (beef and sheep) with associated forage crops such as grass silage.

In 2016¹³, there were 629 farm holdings in the AONB, predominantly grazing livestock (lowland) but also significant numbers of dairy farms plus a smaller number of cereal, pig, poultry and horticultural units. Some of the poultry units are very large. The majority of farms are less than 50 hectares in size. Such marginal¹⁴ farming (due to topography, climate, distance from markets) and small farm size makes the agricultural and rural economy vulnerable to changes in land use policy.

Changes in land ownership and farming practices are influencing the landscape. Agriculture has faced considerable challenges in recent years such as disease (e.g. bovine TB), changes in support and reduced profitability. The number of small family farms are declining and there is an on-going trend towards the amalgamation of farm units and the separation of farmhouse from the land. Thus, farming is being concentrated on fewer, larger, sometimes dispersed units, while many farms are becoming essentially residential, for keeping horses or as small holdings. This risks not only reducing the opportunity for younger people to enter farming but also can lead to the countryside taking on a suburban appearance. However, new land managers can bring new opportunities and ideas that conserve and enhance the natural beauty. Contract labour is used more, often using larger vehicles and machinery and travelling between properties, which can have a wider landscape impact as these vehicles can easily damage the verges and banks of narrow Blackdown Hills lanes and lead to pressure to widen field gateways. The pattern of land management may also change as farmers seek new, profitable activities and markets. To boost profitability especially for dairy farms, there is a shift towards robotic milking, large livestock sheds and zero grazing (animals kept indoors all year). Forage crops that provide high protein/ high volume (such as maize) can be favoured that can result in more compacted soils, risk of runoff from bare soils on slopes and removal of permanent grassland. There is however now a greater awareness of the connection between land management and flood alleviation

¹³ 2016 Defra Agricultural Census data

¹⁴ as opposed to upland

with soil health, crop selection and measures such as hedge reinstatement recognised ways of addressing the issue (see also section 4.4 and policy NC2). New crops for energy generation (such as anaerobic digestion) are also a driver for change, including maize while other land is used for recreation or tourism activities.

The Blackdown Hills Rough Grazing Association and the Farming and Woodland Group (facilitation fund) bring together farmers and landowners to work collaboratively to manage the important heritage features of the Blackdown Hills whilst maintaining farm viability, building farm resilience and supporting farm diversification. High nature value farming is encouraged through agri-environment schemes and the signs are that this will continue or even be strengthened through future support mechanisms.

Sustainable woodland management provides economic benefits and a range of ecosystem services including for wildlife and recreation, woodfuel and the storage of carbon. Many of the characteristic ancient broadleaved woods, which support priority species, were previously managed as coppice but are now undermanaged or have been planted with conifers. There is still such scope elsewhere to enhance the landscape and wildlife through restoration of Planted Ancient Woodland Sites (PAWS) and this will also provide increased opportunities for recreation, while still producing timber, wood fuel and other woodland products. Tree diseases pose an increasing and significant pressure on the natural beauty of the AONB, for example ash dieback especially where ash is a dominant tree in and outside woods and/or hedgerow component.

More productive forestry, including conifer crops where appropriate to the AONB landscape, has a role to play in sustaining economically viable landholdings that can continue to provide a wide range of ecosystem services.

The Blackdown Hills Woodland Association and Axe Woods have done much to encourage the cooperative management of smaller woodlands and there is considerable scope for continuing this work, including potential for reconnecting the supply chain, in local markets in particular. Community woodland schemes, such as Neroche Woodlanders, are encouraging new ways of working woods, as well as bringing a wide range of other benefits from wood fuel to health and wellbeing.

In a similar way the Blackdown Hills Hedge Association has promoted the traditional management of hedgerows through training courses, hedge-laying competitions and other events.

Orchards were a significant element of the Blackdown Hills landscape and are important for biodiversity especially where old trees survive. But most are no longer managed surviving only as a few old trees or have disappeared completely. With the increase in interest in local produce, apples, apple juice and cider are all being produced in the AONB. Furthermore, changing ownership of farms has caused a renewal of interest in restoring or replanting orchards on traditional sites with local varieties of fruit trees.

Management Objective and policies

| Objective FLM | Policies |
|---|--|
| To support sustainable farming and forestry practices that conserve and enhance the special qualities of the AONB and deliver a range of ecosystem services | FLM1 A profitable, sustainable and environmentally beneficial farming and land management sector providing a range of public goods and services will be fostered as one of the principal means of maintaining the special qualities and distinctive landscape of the AONB |
| | FLM2 Encourage a high take-up of agri-environment schemes especially high quality environmental land management that help conserve and enhance the natural beauty through sustainable farming and forestry practices |
| | FLM3 Support will be sought for clusters of land managers who sustain land of exceptional landscape and nature conservation interest, in recognition of the value these systems provide to society |
| | FLM4 Encourage the production and marketing of local food and other agricultural products where these are compatible with the AONB designation. |
| | FLM5 Support and promote initiatives that encourage sensitive environmental management of field boundaries and hedgerow trees, woodlands, particularly those that conserve ancient woodland and veteran trees, orchards and restore the original broadleaved character of plantations on ancient woodland sites. |
| | FLM6 Give careful consideration to the landscape and visual impact of new woodland planting schemes |
| | FLM7 Control, mitigate and monitor damaging diseases such as ash dieback |
| | FLM8 Influence rural farm and rural business support mechanisms and act as a testbed for and monitor the impacts of agricultural policy reform on rural character |
| | FLM9 Wider community engagement with the farming and land management sector will enable a deeper understanding of the important role played by land managers in maintaining the AONB's special qualities |

Theme 2: People

Forces for Change - key issues, opportunities and challenges:

- Opportunities related to delivery of Defra's 25-year plan to improve the environment, including:
 - Recognition of value of natural environment for health and wellbeing
 - Cross sector working between health and environment
 - Nature based social prescribing
- Joined up promotion of existing public transport linking to walks, services and facilities
- Green infrastructure creating physical links with surrounding towns via footpaths or multi-user routes, opening up new recreation and tourism opportunities and potential links with nearby long distance recreational routes
- Managing recreational access to avoid damage to wet ground and steep areas
- Advances in communications technology offers greater potential to support business, education and provision of services
- Added value from local products, brand association and quality niche markets
- Impacts of local authority budget cuts, including rights of way, public and community transport, roads
- Urban expansion and housing development including major development proposals and plans for strategic allocations for urban extensions in the AONB setting, and managing associated noise, traffic and lighting
- High house prices, affordability and limited choice
- Increasing scale of agricultural development
- Decisions relating to the strategic road network (Road Investment Strategy), in particular A303/A30
- Increases in traffic volume and vehicle size
- Impacts of features such as pylons, masts, turbines and other alternative energy

4.6 Access and Enjoyment

Aim: Residents and visitors are able to appreciate and enjoy the tranquillity and other special qualities of the AONB, gaining inspiration and a sense of wellbeing through a range of quiet leisure activities. The public rights of way network is maintained and managed to meet the needs of all users.

Background

Access to the countryside and engagement with a high quality natural environment make an important contribution to physical and mental health and wellbeing. The Somerset AONBs Nature and Wellbeing project has been supporting mental wellbeing and physical activity, working with specific groups and individuals who may benefit from such engagement. The aim has been to tackle some of the barriers that prevent people from experiencing the health and wellbeing benefits that the AONBs can offer.

Within the AONB there is a balance to be struck in providing for recreational activities in a way that is consistent with conserving natural beauty and without damaging the environment and tranquillity people come to enjoy, while also recognising that it is a working environment with much of the land in agriculture and in private ownership. Near several market towns and within easy of larger centres such as Exeter and Taunton, the Blackdown Hills offer a range of opportunities for recreation. Walking, cycling and horse riding are popular, but many people come to the area for activities as diverse as sky-diving, gliding, motor sports and bushcraft.

The public rights of way (PRoW) network in the AONB is extensive (429 km) but fragmented, with limited off-road routes for horse riders and cyclists. The local road network provides other opportunities but the twisting, narrow lanes raise safety concerns for walkers, cyclists and horse riders and the terrain can be challenging for casual cyclists. The AONB Partnership has published some circular walks and rides guides, including on-road cycle routes. There is further scope to develop safer routes for horse riders and cyclists within the AONB, multi-user routes and all-ability access, for example short routes around villages, and to signpost suitable routes between surrounding settlements and the Blackdown Hills. Green infrastructure provision offers an opportunity to create physical links with surrounding towns via footpaths or multi-user routes, opening up new recreation and tourism opportunities. There is also potential to improve linkages with nearby long distance recreational routes such as the Stop Line Way.

Opportunities for access to 'open countryside' on foot is relatively limited in the area, although the Public Forest Estate adds to the extent of open access land, which totals 641 ha. The majority of the open access sites are registered commons, in some cases also SSSIs or local wildlife sites. Other sites with public access include National Trust land and Wildlife Trust reserves.

The county councils have Rights of Way Improvement Plans (RoWIPs) for their networks that reflect the modern patterns of demand and land use. They identify how the PRow network will be managed to meet the needs of all users. Each county has committed and active Local Access Forums that bring all interested parties together to improve opportunities and promote responsible access to the countryside for recreation and enjoyment.

Management Objective and policies

| Objective AE | Policies |
|--|---|
| To ensure that opportunities to explore and enjoy the Blackdown Hills countryside and special qualities are compatible with conserving and enhancing natural beauty. | AE1 Take a co-ordinated, strategic and planned approach to the management of public rights of way and publicly accessible land to achieve an accessible, well-connected network that conserves and enhances the special qualities of the AONB, avoids impact on sensitive sites and minimises conflict between different interests. |
| | AE2 Opportunities will be sought to extend and improve the rights of way network, including improving connections with surrounding settlements where this is compatible with conserving and enhancing natural beauty. |
| | AE3 Opportunities to use the Blackdown Hills AONB to benefit the health and well-being of residents and visitors will be sought and promoted, seeking a range of sensitive and sustainable access opportunities for users of all abilities to enjoy the special qualities of the AONB. |

4.7 Planning and development

Aim: All planning policies, strategies and decisions recognise and give great weight to the purposes of AONB designation as a nationally valued landscape, all development is in harmony with the landscape and in keeping with the strong local architectural style of the Blackdown Hills. New buildings are designed and built to the highest sustainable standards and affordable housing is available where needed.

Background

Villages, hamlets, individual buildings and their settings form a vital element of the character of the Blackdown Hills. The planning and design of development, both within the AONB and around it, is of key importance in maintaining the landscape and scenic beauty of the area. Decision-making is the responsibility of the local planning authorities within the context of the National Planning Policy Framework (NPPF) and local development plans, including Neighbourhood Plans. All local authorities also have a duty of regard to AONB purposes of conserving and enhancing natural beauty.

National Planning Policy Framework and planning considerations

The NPPF provides specific planning guidance for plan-makers and decision-takers in relation to AONBs. A revised NPPF was published in July 2018 and includes redrafting of paragraphs 115 and 116 (the main references to AONBs) as the revised paragraph 172. The revision confirms that AONBs [and National Parks] have the highest level of protection in the planning process and that great weight should be given to conserving and enhancing their landscape and scenic beauty. It adds that the scale and extent of development in AONBs should be limited, alongside retaining the policy that permission for major development should be refused in these areas other than in exceptional circumstances and where it can be demonstrated that it is in the public interest. Time and practice will reveal how this redrafting of controls on development in AONBs will address the growing pressure for development in protected areas like the Blackdown Hills.

The NPPF also references the importance of high standards of design and materials that reflect the identity of the local built and natural environment. The avoidance and reduction of noise and light pollution is addressed with references to protecting tranquil areas and intrinsically dark landscapes - special qualities of the AONB. Sustainable construction methods offer the potential to reduce the wider environmental impacts; this includes advocating sustainable drainage systems (SuDS), a natural approach to managing drainage in and around development. In the AONB, where possible, new developments should incorporate sustainable technology, renewable energy sources, and energy and water efficiency as standard; the use of locally sourced materials should be encouraged. However, this needs to be balanced with retaining a locally distinctive built environment with a strong local vernacular. There may also be implications related to sourcing local materials, for example extracting building stone.

As evidenced in neighbourhood plans and similar, meeting local housing needs should be the priority for new housing developments in the AONB. The availability of a range of affordable housing (see NPPF Annexe 2: Glossary), and other more affordable options, is a high priority for many local communities due to the limited choice of accommodation available and lack of affordability. Some have established Community Land Trusts to address provision. Whether on an exceptions site or part of a larger site, such development should pay full regard to conserving and enhancing natural beauty.

Major development

The NPPF does not define the meaning of the phrase ‘major development’ in respect of protected landscapes and there is no single threshold or factor that determines whether a proposal is major development for the purposes of paragraph 172. Assessing whether a proposed development is a major development is a matter of judgment for the local planning authority, based on an assessment of all the circumstances. What is clear from the case law and Planning Inspectorate decisions (made with reference to paragraphs 115 and 116 of the 2012 NPPF) is that the determination as to whether a development is major development or not, is to be considered in the policy context of those relevant paragraphs - the intent of which is to conserve landscape and scenic beauty in AONBs. As such, the potential for harm to the AONB should be foremost to the determination of whether development is major or not. This requires consideration of a range of site and development specific factors that include (but are not limited to) location, setting, quantum of development, duration, permanence or reversibility of effects. Harm to the Blackdown Hills AONB is any impact which causes loss, damage or detriment to its natural beauty, its special qualities or its distinctive characteristics or to the perception of natural beauty. **Appendix B** provides further information on the consideration of ‘major development’.

Role of the management plan

The Management Plan provides supporting evidence and complementary policy guidance for local plans and can be referenced to inform development proposals and decisions. The Management Plan is supplemented by topic-specific guidance, such as the AONB’s *Design guide for houses*, *What makes a view?* and *Good lighting guide*. It is expected that further design/planning guidance will be prepared during the life of this plan. The plan aims to promote consistency and co-operation between local planning authorities, both in setting policy and dealing with planning applications within the AONB, to conserve and enhance natural beauty across the area. AONB Management Plans can be a material consideration in planning decisions. Complementing the plan is the Devon landscape character assessment which provides key landscape evidence and guidance to inform policy and decision making.

Considering natural beauty

It is important that impacts on the AONB designation are properly recognised and accounted for in decision making. In an AONB like the Blackdown Hills where timelessness and escape from the modern world is written into the core qualities underpinning the designation, some degree of harm will inevitably occur as a result of development and needs to be explicitly recognised and assessed. The Management Plan and supporting documents should help planning authorities, developers and land/home owners understand the landscape’s capacity for change and

assess impact. Mitigation is a response to harm, a way of ameliorating but not eliminating impact, and should not be a justification for allowing inappropriate development. A clear understanding of the AONB's special qualities and distinctive characteristics will help to develop proposals which avoid or minimise harm.

The special qualities and defining characteristics of the Blackdown Hills AONB predominantly relate to the distinctive nature of the farmed landscape; the mosaic of land use types and hedges, and the isolated, dispersed type of development much of it driven by the topography of the area, which in turn is a product of the unique geology. Much of the appeal of the AONB stems from the relatively low level of 'modern' development. Essentially what we are considering in the Blackdown Hills are large tracts of an intact historic/cultural farmed landscape. The challenge therefore is to seek a sustainable approach to development that respects this inherent character and landscape assets whilst also fostering the social and economic wellbeing of local communities.

Informing sustainable development

The layout, form and density of all new developments needs to reflect the historic rural grain of the AONB. It is important that all new development, especially housing development, is of a scale and layout that conserves and enhances the distinctive pattern of built form found across the Blackdown Hills, specifically a low density, dispersed pattern of development.

Location and context are important; development should respect the importance of the setting of the AONB, of individual settlements, hamlets and historic farmsteads, maintaining the existing pattern of fields and lanes, the integrity of the hedgerows as well as open agricultural vistas, and enhance sense of place.

Development proposals in or affecting the AONB should avoid sensitive locations that will impact on the special qualities of the AONB – notably views – including prominent locations on the northern scarp slope, on skylines and hilltops, the open plateaux and ridgelines, and undeveloped valley slopes. Attention should be given to noise and activity arising from developments together with lighting to avoid having an adverse impact on the area's tranquillity and dark skies.

The sense of place is easily lost: suburbanisation and the cumulative effect of 'permitted development' break down local distinctiveness; replacing small-scale, locally distinct features with ones of a standard design erodes local character – for example the choice and style of gate, fence, wall or hedge around a house, or pavements, kerbs and driveways in new development.

In more rural areas of the AONB, agricultural buildings and development are significant issues and can be detrimental to natural beauty if not handled sensitively. As some agricultural practices continue to intensify and with an increasing awareness of animal welfare, the demand for modern large-scale agricultural buildings is continuing. To comply with environmental regulations comes large-scale slurry storage facilities

often in isolated and elevated locations with associated landscape and visual impacts, and the enclosure of open yards, often infilling the gaps between existing structures resulting in the visual massing of buildings.

Appendix A supports this section by providing a checklist for development proposals to help demonstrate how the proposal responds positively to the AONB designation.

Management Objective and policies

| Objective PD | Policies |
|---|--|
| To conserve and enhance the natural beauty of the Blackdown Hills by ensuring that all development affecting the AONB is of the highest quality, sensitive to landscape setting and conserves its wildlife, historic character and other special qualities. | PD1 All relevant local and neighbourhood plan documents and planning decision-making will have regard to the AONB purpose, the management plan and other AONB statements and guidance, and ensure that conserving and enhancing the special qualities of the AONB is given great weight. |
| | PD2 All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by: <ul style="list-style-type: none"> • Respecting landscape character, settlement patterns and local character of the built environment, • Being sensitively sited and of appropriate scale, • Reinforcing local distinctiveness, and • Seeking to protect and enhance natural features and biodiversity |
| | PD3 Support measures to improve energy efficiency and resource use and support appropriate small scale renewable energy schemes that do not detract from historic character or visual amenity, and do not conflict with the special qualities of the AONB or the conservation of natural beauty. |
| | PD4 Support the provision of affordable housing to meet identified local needs in locations with access to employment and local services, ensuring that developments are appropriately scaled and sited to respect landscape and settlement character, and avoiding impacts on nature conservation and historic interests. |

4.8 Transport and highways

Aim: Sustainable transport options are available in the area and used as an alternative to the private car, benefitting the tranquillity and natural environment of the AONB as well as local communities and visitors. The road network is maintained and in keeping with the unspoilt rural landscape of the AONB.

Background

Inevitably most people in rural areas need a car to access employment, services and other opportunities. 94% of households in the Blackdown Hills have at least one car (Census 2011). Nevertheless, reduction of unnecessary car use will contribute to both quality of life and conservation of the area's natural beauty. Much of the road network is made up of rural roads and lanes, not built or maintained for the volume, traffic size and use which they now must sustain. Devon County Council and Somerset County Council, as the highway authority, are responsible for the repair and maintenance of most roads in the AONB. Budget cuts will continue to affect their ability to effectively manage and maintain the rural road network and support bus services.

Highways England looks after the M5 and A35 trunk road, both which partly bound the Blackdown Hills, and the A303/A30 which passes through the middle of the AONB. Other major roads on the periphery are the A373 and A358, which are not part of the national strategic network, and are looked after by the respective county council.

Alterations or improvements to any of the above routes could have an impact on the special qualities and setting of the AONB, and affect local communities. Full consideration of the environmental and landscape impacts would be required as part of the feasibility and scheme development. Highway authorities and Highways England have a duty of regard to AONB purposes in carrying out their functions. Other strategic decisions regarding road and rail resilience in the South West could in the longer term also have implications for traffic and transport in the AONB, for example, improvements and upgrades to rail lines could shift passenger and freight traffic off the major roads.

Traffic speed and volume are a real concern in many communities. Routes across the AONB are frequently used as short cuts by through traffic, affecting both tranquillity and the environment. Although necessary, lorries and other large vehicles travelling to and from farms and small businesses along narrow lanes cause noise, risk to other users and damage to the roads, verges and hedgebanks. Traffic and transport is a focus topic for the Blackdown Hills Parish Network, who have been trying to secure cross-boundary co-operation on managing HGV traffic and work with the highways authorities to identify and tackle the issues.

The availability of public transport is limited in the AONB, and has seen reductions in services in recent times, which can leave those without access to a car at a serious disadvantage. Where there are bus services, they can be expensive, infrequent and do not operate at off-peak times. Nevertheless, certain routes that cross the area could provide better opportunities for tourism and recreation. In some places voluntary community transport schemes provide a valuable service, and could be used more. Rail services can be accessed at the nearby towns of Taunton, Tiverton, Honiton and Axminster. As noted in Section 4.6 there would be benefits to developing safer routes for non-motorised road users (including pedestrians and cyclists) within the AONB, and to 'signpost' suitable routes between surrounding settlements and the Blackdown Hills. This would help move towards creating places less dominated by motor vehicles and more welcoming for people - environmental benefits include cleaner air less greenhouse gas emissions and reduced congestion, social benefits include better physical and mental health and more equitable access to the AONB for visitors whether or not they are car-owners.

Both county councils have an approach of reducing unnecessary road signage where possible, which will have a positive impact on the landscape. However, loss of traditional roadside features, like fingerposts and milestones, and urbanising changes to the road corridor and streetscape of villages, are detrimental to the AONB's local character and distinctiveness.

Management Objective and policies

| Objective TH | Policies |
|---|---|
| To ensure that the impact on the landscape, environment and enjoyment of the AONB is considered in the planning, provision and management of transport networks and services. | TH1 Road and transport schemes (including design, maintenance, signage, landscaping and safety measures) affecting the AONB will be undertaken in a manner that is sensitive and appropriate to landscape character, having regard to the purpose of AONB designation and conserving and enhancing the area's special qualities. The landscape and cultural features of the AONB's road network (including hedge banks, flower-rich verges, and locally distinctive historic highway furniture) will be protected and conserved |
| | TH2 Traffic management measures will be supported which reduce the impact of large and heavy vehicles on the most minor roads and help to provide a safer environment for walking, cycling and horse riding, where this is compatible with conserving and enhancing natural beauty. |
| | TH3 Promote the development of high quality, integrated and sustainable transport services and initiatives in and around the AONB where they can be achieved without compromising the conservation of natural beauty and local character. |

4.9 Rural economy and tourism

Aim: A thriving and diverse Blackdown Hills economy provides jobs for local people, makes wise use of local resources and benefits local communities while conserving and enhancing the outstanding landscape.

Background

The high quality landscape has an integral part to play in sustaining economic growth, generating income, local jobs and products¹⁵. The key is for these aspirations to be consistent with the area's unique qualities.

The area is typically characterised by high numbers of small and micro enterprises and a high level of self-employment. Many of those who have established small businesses were attracted to the area by the high quality of life provided by the AONB environment. There is however still a strong agricultural sector; in 2011 accounting for 40% of businesses. Since 2014, £4.4 million has been brought into the AONB through agri-environment payments.

There is a common desire to develop a diverse and resilient local economy that is not over reliant on one particular sector, particularly one that could be heavily affected by external factors, such as agriculture and tourism for example. One of the implications of this, therefore, is a need to identify and support the training and development of new skills required to meet the needs of local employers and take advantage of new economic opportunities. The Blackdown Hills are not a self-contained economic area being heavily influenced by the surrounding market towns and larger settlements of Exeter and Taunton. These towns are inextricably linked with their rural hinterlands, both culturally and economically, providing opportunities and potential markets that can benefit small businesses within the area.

There is considerable local experience of the collaborative LEADER approach to rural development, with successful programmes operating in the AONB since 2002 seeking to strengthen the connections between the business sector, local services and markets, local employment opportunities and landscape management.

The Blackdown Hills Business Association (BHBA) aims to promote the interests of all businesses in the Blackdown Hills area. It is a not-for-profit membership-based organisation which was set up in the early 1980s to bring together small businesses for mutual support and promotion. This principle remains the core of the BHBA's activities today.

¹⁵ See for example www.heartofswlep.co.uk and www.naturaldevon.org.uk

Tourism in the AONB is largely characterised by high quality accommodation and quiet countryside pursuits and it is well established that there is a balance to be struck between realising the economic benefits of tourism and conserving the environmental wealth that is the attraction to visitors. The desire is to encourage and develop a tourism offer that is linked to local products and services that do not compromise the landscape and environment. This would bring benefits by encouraging visitors to explore the area; increasing their understanding and enjoyment, lengthening their stay and increasing the income for local businesses from both day and staying visitors. There is potential to improve the links between attractions, events and places, and to establish links with other more recognised tourist areas, for example the East Devon coast.

Rapidly evolving technology around modern communications enables new economic opportunities and ways of working that have a minimal environmental impact, as well as enabling rural businesses to link up for promotion and co-operation. The Government wants to see nationwide full fibre broadband coverage by 2033, and to be a world leader in 5G, with the majority of the population covered by a 5G signal by 2027¹⁶. Therefore it is important to ensure that the Blackdown Hills are well placed to take advantage of this technological revolution and not disadvantaged by poor communications infrastructure, in particular the availability and roll out of high speed (super- and ultra-fast) broadband. That said, broadband and mobile phone infrastructure needs to be sensitively sited and located within the AONB.

Management Objective and policies

| Objective RET | Policies |
|--|---|
| To sustain a local economy that makes wise use of the resources of the AONB and conserves and enhances the natural beauty of the Blackdown Hills | RET1 Support the principle of local markets and sustainable local products where it adds value to the local economy without compromising the conservation and enhancement of natural beauty and the special qualities of the AONB. |
| | RET2 Economic capacity, employment and skills in the area will be supported through training opportunities, community enterprise, business networking and cooperation especially where these assist businesses to contribute to AONB purposes |
| | RET3 Tourism and recreation provision will contribute to the local economy without harming the Blackdown Hills landscape, historic environment, biodiversity or tranquillity, and respecting the special qualities of the AONB. |
| | RET4 Support efforts to secure and improve superfast broadband and mobile phone coverage in the AONB without adversely affecting special qualities. |

¹⁶ www.gov.uk/government/publications/future-telecoms-infrastructure-review

4.10 Community and culture

Aim: The Blackdown Hills is home to flourishing communities, with a cohesive and diverse population who can access a range of services and facilities. The commitment of local people helps to conserve and enhance the environment and landscape of the AONB, maintaining the distinctive character of villages and countryside.

Background

Residents within the AONB identify strongly with the area and readily describe themselves as living in the Blackdown Hills rather than acknowledging administrative boundaries. There is a strong sense of the timelessness and traditions, expressed through community activities and events, arts, crafts and trades. Although sparsely populated (about 36 per square kilometre) with small settlements – the two largest are Dunkeswell and Hemyock, each with a population of some 2,000 – most are active communities with many social and interest groups and events, centred around parish halls, community centres, churches, schools and pubs.

The landscape of the AONB has in the past been an inspiration to artists and writers, and the present day Blackdown Hills artisans keep this tradition alive, strengthening the cultural associations with the landscape.

There is a particularly strong collaborative spirit among like-minded people in the area. The Blackdown Hills Business Association and Blackdown Hills Hedge Association are long established networks, but also more recent groups include a diversity of interests such as the Blackdown Hills Artists and Makers, Blackdown Hills Transition and Blackdown and East Devon Woodland Association.

Parish councils in the AONB form a collective voice through the Blackdown Hills Parish Network. The parish network produced a community plan in 2011¹⁷ that pulled together social and economic information about the area and identified shared priority issues among local communities. The focus of the network is on finding ways to collectively address some of these issues.

There is a long community planning history, with many villages having produced parish plans and village design statements to inform planning and other decisions, and some now have adopted neighbourhood plans to influence decisions. Many communities have also produced village guides, walks leaflets and organised heritage and environmental projects.

¹⁷ <https://blackdownsonline.org.uk/parish-network/>

Access to services and facilities such as health, libraries, education, childcare and shopping varies considerably but is generally limited, as might be expected in a rural area. While village shops and post offices are invaluable community assets, maintaining their long-term viability remains a real issue whether commercially- or community-run. In common with the rest of Devon and Somerset the population age profile is older than the national average; the combination of an ageing population, sparse numbers and limited local facilities brings challenges to ensuring ongoing wellbeing. There is no getting away from the fact that improved digital connectivity will continue to revolutionise quality of life, from how we work and how children learn, to how we spend our leisure time, shop, and engage with health and public services. It is therefore important to ensure that communities in the Blackdown Hills are not disadvantaged by poor broadband speeds and mobile coverage (see also Section 4.9 and policy RET4).

Management Objective and policies

| Objective CC | Policies |
|--|--|
| To foster vibrant, healthy and resilient communities who enjoy a high quality of life and feel connected to the AONB and its special qualities | CC1 Local communities will be supported to identify, plan, and provide for their own needs, in undertaking community activities to encourage sustainable lifestyles, reinforce local cultural traditions, and in celebrating their achievements and strengths. |
| | CC2 Community-led planning tools (neighbourhood plans, parish plans, village design statements and others) that contribute to conserving and enhancing the AONB will be supported. |
| | CC3 Support and promote initiatives that help to provide, retain or enhance community facilities and services where compatible with conserving and enhancing natural beauty. |
| | CC4 Support local community engagement in cultural and natural heritage initiatives within the AONB. |

Theme 3: Partnership and Promotion

Forces for Change - key issues, opportunities and challenges:

- Opportunities through delivery of Defra's 25-year plan to improve the environment, including:
 - Getting children close to nature
 - Encouraging volunteering
- AONB Partnership's strong track record in managing collaborative projects and community engagement
- Engagement with education providers (all ages)
- Harnessing and developing volunteer support and community involvement
- Social media and new digital technology
- Political and policy change and uncertainty, e.g. post-Brexit and outcome of Glover review of protected landscapes
- Local government transformation and budget cuts
- Financial pressures; reduced resources and capacity to deliver
- Increasingly competitive nature of external grant programmes
- Lack of current data specific to the AONB and regular monitoring

4.11 Communication, education and awareness

Aim: The significance of the AONB designation is well understood and widely appreciated. Local people, visitors and decision-makers are actively involved in caring for the countryside and heritage of the Blackdown Hills and there are diverse opportunities for enjoyment and learning.

Background

The continued protection and enhancement of the Blackdown Hills' landscape, biodiversity and historic assets can only be achieved by successful communication of their value, with the ultimate aim to influence behaviour and ensure that the significance of the Blackdown Hills AONB is widely understood and valued among a variety of audiences. This may involve:

- Equipping audiences with high quality, targeted information and interpretation resources
- Enabling outdoor learning and enjoyment to suit many different ages, interests and needs
- Creating opportunities for people to contribute knowledge, time and labour

One of the specific roles of the AONB Partnership is to communicate the purpose of designation, and to promote awareness of the AONB and its special qualities. The main tools available to the AONB Partnership in carrying out this work are:

- Outdoor events and activities
- Volunteering opportunities
- Curriculum-related activities with local schools
- Social networking and media presence
- Online and print information
- On-site interpretation, both static and live

Communicating AONB key messages consistently and in varied media helps to establish the AONB vision in the minds of the local community, surrounding populations and regular visitors. It is important to appeal to the range of audiences who are familiar with the area as well as informing and empowering less familiar audiences.

As well as being the central public point of communication about the Blackdown Hills, the AONB team facilitates communication between the member organisations of the Partnership.

Management Objective and policies

| Objective CEA | Policies |
|--|--|
| To promote a greater understanding, appreciation and enjoyment of the Blackdown Hills AONB and wider recognition of the designation and its purpose. | CEA1 Through promotion and education make more people aware of what makes the Blackdown Hills special, inspiring them to help care for the area and contribute to its conservation and enhancement. |
| | CEA2 Develop and support a range of opportunities for active engagement with the countryside, wildlife and heritage of the Blackdown Hills AONB, promoting the benefits that the natural environment provides to us. |

4.12 Partnership and management

Aim: All AONB Partnership organisations work together to conserve and enhance the natural beauty of the Blackdown Hills while also enabling, supporting and sustaining local communities and businesses.

Background

The AONB Partnership is made up of organisations and interest groups that work together towards achieving the AONB vision through delivering the aims, objectives and policies of the Management Plan. Policy direction and implementation of the Management Plan is guided by the Partnership Management Group. This is comprised of appointed representatives from the local authorities and a number of representatives elected from the statutory and non-statutory organisations, local groups and parish councils within the AONB.

The AONB Partnership is supported by a core staff team of two full-time and two part-time posts. The AONB manager is supported by an Officer Support Group, consisting of officers from the local authority funding partners and the AONB chairman, who advise on technical issues such as resources and staff. To co-ordinate action and help to deliver projects that conserve and enhance the AONB it is enormously valuable that the Partnership can call on topic-specific working groups or forums drawn from the local community, interest groups, businesses, and the statutory and non-statutory agencies.

In recognition that the Blackdown Hills AONB is a nationally important landscape the majority of AONB funding comes from Defra. Core funding, which maintains the staff team and services of the Partnership, is matched by the six local authority partners in the proportion 75% Defra: 25% local authorities. Other Defra funding is allocated to projects; it is used by the team to draw down match from a variety of sources to co-ordinate and deliver projects and other initiatives. It also provides a grant pot, the Sustainable Development Fund (SDF), to which organisations and individuals can apply to deliver sustainable initiatives throughout the AONB.

Many organisations and agencies such as Natural England, the Forestry Commission, DEFRA and the National Trust contribute to delivering the Management Plan, through policies affecting land management, heritage protection and public access and the need for partnership funding and support. Local authorities at county, district and parish level continue to have a major role, including active involvement in the management, financial and officer support for the AONB Service, co-ordination of policies and plans across the AONB, and involvement in projects implementing the plan.

Protected landscapes in the south west, including the two national parks, meet regularly to work collaboratively and learn from best practice. Joint working between the AONBs in Devon, particularly with the adjoining East Devon AONB, is supported and encouraged. Also, recent

years have seen successful collaboration with the Quantock and Mendip Hills AONBs in Somerset on nature and wellbeing, volunteer co-ordination and planning.

The National Association for AONBs (NAAONB) is a charity that provides a strong collective voice for the UK's 46 AONBs. Its objectives are to

- promote the conservation and enhancement of AONBs,
- advance the education, understanding and appreciation by the public of AONBs, and
- promote the efficiency and effectiveness of those promoting or representing AONBs, other protected areas and those areas for which designation might be pursued.

It does this by taking a collaborative and partnership-based approach to working at a national level to achieve shared goals. It provides a focus for exchanging information, promoting best practice and raising awareness of AONB issues with national decision-makers.

The Blackdown Hills AONB Partnership also works with a range of other partnerships, such as the Devon and Somerset Local Nature Partnerships, East Devon Catchment Partnership and Devon Landscape Policy Group, to streamline overlapping activities and explore areas where joint working would be beneficial.

Management Objective and policies

| Objective PM | Policies |
|--|--|
| To ensure that the special qualities of the AONB are better understood, valued, conserved and enhanced through an effective AONB Partnership | PM1 Encourage co-ordination and partnership amongst the wide range of national, regional and local agencies and organisations to secure funding for the care and enhancement of the AONB |
| | PM2 Promote and highlight good practice within the AONB and the role and activities of the AONB Partnership |
| | PM3 Monitor the state of the landscape to identify where erosion and enhancement of the quality of the AONB is taking place and develop feedback mechanisms for corrective management |

CHAPTER 5: Delivery

Aim: A landscape conserved and enhanced into the future, rich in natural/ historic/ cultural capital, understood and cared for by the community and providing services that people value

5.1 Implementation

Collaboration and working together with others to achieve success underscores all AONB Partnership work.

All those that have an active interest and role in the management of the Blackdown Hills landscape and in supporting the communities that live and work within it have a role in implementing the Management Plan through individual action as well as partnership working. This includes parish councils, landowners and managers, voluntary organisations and interest groups, local authorities, statutory agencies, advisory bodies and government departments – whether individually or as part of other partnerships. The need and importance of partnership working and community engagement has never been greater. New and innovative working relationships will be needed to deliver the priorities of the Management Plan and draw down new sources of funding that may become available.

By helping to implement this plan, government, local authorities, public bodies and other ‘relevant authorities’ will be contributing to their ‘Section 85’ duty to have regard to the purpose of conserving and enhancing the natural beauty of the Blackdown Hills AONB (see appendix C). It is therefore important that the strategies, plans and action plans of key local, regional and national authorities, agencies and organisations take account of and reflect the vision, objectives and policies of this plan.

A key function of this plan is to encourage co-ordinated action in the Blackdown Hills and ensure an integrated policy context. Sitting as it does across four districts and two counties, activities in the Blackdown Hills are often delivered by several different organisations – or different parts of the same organisation – based on administrative boundaries. This can lead to local issues being marginalised, different approaches being taken in neighbouring areas, and divergence of policy, for instance.

As such, one of the most important roles of the Blackdown Hills AONB Partnership, supported by other AONB-wide groups such as the Parish Network and Business Association, is to co-ordinate information and facilitate action across administrative boundaries to ensure that organisations collectively can meet the needs of the environment, landscape and communities of the Blackdown Hills. This will support local authorities and other public bodies in their ‘duty to co-operate’, and help to develop integrated, effective collaboration at a landscape-scale through, for example, the Local Nature Partnerships and Catchment Partnerships.

The AONB Partnership, both directly through the work co-ordinated by the AONB staff team and through its member organisations, will seek to achieve the vision for the AONB in the following ways:

- educating, communicating, advising and informing
- improving understanding of the AONB and the value of the designation
- providing leadership and co-ordination of the work of others locally
- using this plan to influence and inform decision making
- encouraging others to put the wellbeing of the AONB at the core of their strategies, plans and actions
- working jointly with the National Association for AONBs
- undertaking project work
- securing new grants and funding
- developing partnerships and co-operative programmes
- commissioning research and survey programmes to aid evidence-based decision making

Partner organisations may also:

- allocate grants and funding streams
- lobby for change at local, regional, national and international level
- exercise statutory and regulatory functions, such as local authority planning and development management, or Environment Agency pollution control

5.2 Monitoring and evaluation

We can only achieve the AONB purpose of conserving and enhancing the Blackdown Hills' natural beauty and promote understanding and enjoyment of the special qualities if we understand what makes the area special, the issues and challenges facing those special qualities, and the opportunities for celebrating, conserving and enhancing them, and telling their stories.

We also need to ensure that decisions are made based on the best available evidence so that we can make the most of the funding and resources available. It is therefore important to ensure that there are adequate mechanisms in place for monitoring, research and reporting.

A role of the Blackdown Hills AONB Partnership is to monitor and evaluate the actions that happen as a result of the implementation of this plan to demonstrate where management actions are making a difference on the ground - but without the monitoring process being overly burdensome.

Qualitative monitoring of action is relatively straightforward; partners regularly report to the AONB Partnership Management Group. This is the opportunity to highlight the work they are doing throughout the year. In addition, the AONB Partnership Annual Review is the mechanism for reporting on implementing the Management Plan and the AONB website highlights a range of project work.

Over the last plan period Natural England oversaw a national **framework for monitoring environmental outcomes in protected landscapes** which provided a consistent annual data set to help guide future management and this provided a body of supporting evidence for this plan. At the time of writing it is likely that Natural England will not be able to continue to collate and provide the data for all English AONBs and National Parks in the same way, and an alternative mechanism for securing relevant data will need to be explored.

The AONB family are working with Defra to produce a set of high-level **key performance indicators** (KPIs) that can be used to measure performance and outcomes. These have not yet been finalised, but the headlines are as follows:

1. Hectares of land enhanced for natural beauty through the work of AONB Teams
2. Number of heritage assets where the Condition or setting has been improved by the work of AONB Teams
3. Number of people engaged through the work of AONB Teams
4. Number of partnerships (e.g. steering groups, research projects) where the AONB Team promotes the delivery of the Management Plan
5. Number of Strategies or development schemes appraised by AONB Teams for compliance with the AONB Management Plan
6. Total value of work delivered directly or secured by the work of AONB Teams

A series of further indicators are also being developed that will sit under each of these headlines to add depth and may be more locally tailored.

5.3 Strategic Delivery Plan

The table on the following pages outlines strategic actions and associated delivery mechanisms for the next 5 years, necessary to deliver the ambitions of this plan. Focusing on outcomes and the strategic level rather than specific and detailed actions reflects uncertainty (spending review, Glover review, impact of Brexit, etc), but the approach is also intended to highlight opportunities to all relevant organisations, groups and others on ways they can contribute to managing the Blackdown Hills AONB. The annual AONB Partnership Business Plan will specify the expected roles for partners in more detail in relation to workstreams and specific projects.

There is a flow across the table, rather than a direct read across; in terms of the connections the table can be interpreted as follows:

Objectives – what we want to achieve within a specific topic area

Outcomes – what we want things to be like in the AONB as a result of implementing the management plan

High Level Actions – the core strategic actions required to be able to achieve the outcomes

Partnership Delivery – what organisations can do to contribute to delivery of the strategic actions.

| Blackdown Hills AONB Partnership 5-year Strategic Delivery Plan (2019-2024) | | | | | |
|---|--|---|--|---|--|
| Platform | Objectives | Outcomes (being sought as a result of delivering the objectives) | High Level Actions which need to be developed and supported | Partnership Delivery | Monitoring (Key Performance Indicators or KPI's) |
| | <p>LC To ensure that the distinctive character and qualities of the Blackdown Hills landscape are understood, conserved, enhanced and restored</p> <p>CH To ensure effective conservation and management of the Blackdown Hills historic environment, including historic buildings, archaeological sites and heritage landscapes</p> <p>BG To ensure the conservation, enhancement, expansion and connectivity of habitats, forming coherent and resilient ecological networks across the Blackdown Hills and beyond, facilitating movement of priority species across the landscape</p> <p>NC To conserve and enhance the natural capital assets of the AONB and maximise the ecosystem goods and services they provide</p> | <p>There is a resilient landscape, richer in wildlife</p> <p>Natural and cultural heritage assets are in a good condition</p> <p>Our natural and cultural heritage assets are valued for their own sake and all that they provide for us</p> <p>Communities are at a reduced risk of flooding and water quality is improved through co-created catchment solutions</p> <p>Farming and land management are economically viable while conserving and enhancing natural beauty</p> | <p>Build a robust evidence base</p> <p>Restore coherent and resilient ecological networks (i.e. wildlife corridors)</p> <p>Promote and co-create catchment-based approaches including nature based solutions</p> <p>Develop landscape scale projects (respecting landscape character), especially those promoting greater collaboration across sectors</p> <p>Quantify natural capital assets and enable the value to society to be measured</p> | <p>Fully understand the state of the AONB (including genetic diversity) and geodiversity resource</p> <p>Recording, consolidating and conserving built/ other cultural heritage features and increasing knowledge and understanding of the natural and historic environment</p> <p>Reverse the decline in biodiversity, focussing on priority habitats and species</p> <p>Take a catchment based & climate change adaptation approach to restore catchment function and natural processes, including restoration of features such as wetland mires via nature based solutions</p> <p>Develop and manage projects and initiatives to engage local communities in the management of their historic and natural environment</p> <p>Influence rural support mechanisms to ensure that they conserve and enhance and then promote them</p> | <p>1. Hectares of land enhanced for natural beauty through the work of AONB Teams</p> <p>2. Number of heritage assets where the Condition or setting has been improved by the work of AONB Teams</p> <p>3. Total value of work delivered directly or secured by the work of AONB Teams</p> <p>4. Number of Strategies or development schemes appraised by AONB Teams for compliance with the AONB Management Plan</p> <p>5. Number of people engaged through</p> |

| | | | | | |
|--------|--|--|---|--|--|
| | FLM To support sustainable farming and forestry practices that conserve and enhance the special qualities of the AONB and deliver a range of ecosystem services | | | Continue to build collaborations with farmers and landowners and help build resilient, sustainable businesses | the work of AONB Teams |
| People | <p>AE To ensure that opportunities to explore and enjoy the Blackdown Hills countryside and special qualities are compatible with conserving and enhancing natural beauty.</p> <p>PD To conserve and enhance the natural beauty of the Blackdown Hills by ensuring that all development affecting the AONB is of the highest quality, sensitive to landscape setting and conserves its wildlife, historic character and other special qualities.</p> <p>TH To ensure that the impact on the landscape, environment and enjoyment of the AONB is considered in the planning, provision and management of transport networks and services.</p> <p>RET To sustain a local economy that makes wise use of the resources of the AONB and conserves and enhances the natural beauty of the Blackdown Hills</p> | <p>High quality development has strengthened the character of the area bringing economic, social and environmental benefits</p> <p>Quiet enjoyment respects special qualities and contributes to quality of life</p> <p>Resilient communities have a strong sense of place and people share their environment and heritage with others</p> | <p>Planning policies that support the purpose of designation</p> <p>Promote a strategic approach to management of rights of way and access sites</p> <p>Initiatives that support health and well being</p> <p>Sustainable local transport initiatives</p> <p>Availability of local, sustainable economic opportunities</p> <p>Local communities have access to appropriate local facilities, services and amenities</p> | <p>Build a robust evidence base</p> <p>Continue to inform and influence the policy framework through additional planning guidance and tools to conserve and enhance landscape and natural beauty</p> <p>Projects which focus on using the natural and cultural environment to bolster people's health and wellbeing</p> <p>Influence rural economy support mechanisms to support local produce and natural capital</p> <p>Develop and support local supply chains and networks</p> <p>Responsive and well used community and public transport that links people, recreation and facilities</p> <p>Sensitive roll out of high quality broadband provision</p> | 6. Number of partnerships (steering groups, research initiatives, etc) where the AONB Team promotes the delivery of the AONB Management Plan |

| | | | | | |
|---------------------------|--|--|--|--|--|
| | CC To foster vibrant, healthy and resilient communities who enjoy a high quality of life and feel connected to the AONB and its special qualities | | | | |
| Partnership and Promotion | <p>CEA To promote a greater understanding, appreciation and enjoyment of the Blackdown Hills AONB and wider recognition of the designation and its purpose.</p> <p>PM To ensure that the special qualities of the AONB are better understood, valued, conserved and enhanced through an effective AONB Partnership</p> | <p>The special qualities of the AONB are widely appreciated, understood, conserved and enhanced</p> <p>Decisions are made based on a robust evidence base and change can be quantified</p> | <p>Identify and encourage opportunities for joint working and partnership delivery</p> <p>Ensure that people have a wider range of opportunities to explore, enjoy and learn about the Blackdown Hills</p> | <p>Collaborative communications campaigns</p> <p>Support countryside and heritage volunteering opportunities that contribute to the positive management of the AONB</p> <p>Promote, support and provide events and activities that offer outdoor experiences and learning that connect people with landscape, wildlife and heritage</p> <p>Encourage the appropriate use of the AONB for a wide range of education, study and research initiatives that will contribute to its conservation and enhancement and improve awareness of the potential impact of change on the landscape</p> <p>Produce a regularly updated State of the AONB report</p> <p>Review the AONB Management Plan every 5 years and ensure that the Delivery Plan element is reviewed annually</p> | |

APPENDICES

Appendix A: General Guidance for Development Proposals

All applicants of development proposals in the Blackdown Hills AONB should consider the following and where possible demonstrate, through the planning application process how the development has responded positively to the AONB designation:

Think Special Qualities - explain how the development will impact on the special qualities of the Blackdown Hills AONB and what actions you are taking both to conserve and to enhance landscape, scenic beauty and other factors of natural beauty;

Think Enhancement - positively set out to 'enhance' the natural beauty of the AONB with your development proposal – be proud of your contribution to this special place;

Think Location - avoid development that creates incongruous features in prominent and highly visible locations that detract from the long views and open character of the Greensand plateau and views from or to the ridge lines, undeveloped valley sides and scarps of the AONB. Fit development into the landscape not on top of it;

Think scale and massing - again this will help reduce harmful impact on the prevailing character of the AONB;

Think vernacular - consider how the development relates to the vernacular style of local building materials and styles;

Think biodiversity – explain how the development impacts on the biodiversity assets of the AONB and how you will avoid, mitigate, or as a last resort compensate for any residual impacts;

Think dark skies - consider the need for and impact of artificial lighting. Dark skies are recognised as important elements of tranquillity and contribute to the sense of wildness and remoteness as well as being culturally important;

Think geology, soil, air and water - explain how the development impacts on these natural capital assets of the AONB and how you will avoid, mitigate, or as a last resort compensate for any residual impacts;

Think cumulative effects – identify, describe and evaluate whether there are cumulative effects on the different natural beauty criteria which although alone may appear to be insignificant when considered together have a greater impact on the AONB. Identify and describe whether there are cumulative impacts from your development in combination with development already in place, or that which is reasonably foreseeable (such as allocated sites and sites with planning permission).

Acknowledgement D Dixon/South Devon AONB Unit

Appendix B: Major Development

Footnote 55 of the NPPF clarifies that:

- *'For the purposes of paragraphs 172 [relating to protected landscapes, including AONBs] and 173 [relating to Heritage Coasts], whether a development is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'.*

As such, it is not possible or appropriate to apply a blanket definition for what should be treated as major development in the Blackdown Hills AONB. Nevertheless, there are some key factors that help to define if a development is major, as outlined below.

The purpose for which the Blackdown Hills AONB has been designated is to conserve and enhance its natural beauty. Therefore, the judgement as to whether or not a development is major development depends, to a large degree, on whether or not the development could have a significant adverse impact on the natural beauty of the AONB. As outlined in Chapter 3, natural beauty incorporates a number of criteria, including landscape quality, scenic quality, tranquillity, natural heritage and cultural heritage. Within the context of the Blackdown Hills AONB, those aspects of the AONB's natural beauty which make the area distinctive and which are particularly valuable – the AONB's 'special qualities' - are also described in Chapter 3.

On this basis, a development should be considered 'major' if, by reason of its nature, scale, location and/or setting, it could have a significant adverse impact on any of the above criteria, including the AONB's 'special qualities'. As well as potential impacts within the AONB, consideration should also be given to impacts on these criteria within the setting of the AONB, particularly in the context of visual impact (i.e. views into and out of the AONB) and impacts on tranquillity.

As outlined in paragraph 172 of the NPPF, to help inform whether there are exceptional circumstances, and whether it can be demonstrated that the development is in the public interest, applications for such development should include an assessment of:

a. 'the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy';

The AONB Partnership would expect any such development proposal be accompanied by a statement of need in the context of national and local considerations and, ideally, in the context of needs arising from within the AONB. The impacts of permitting or refusing the development should be clearly identified in respect of the local economy, ideally including that of the local communities affected. Such a statement should be based upon objective assessment and clear evidence.

b. 'the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way';

The AONB Partnership would encourage any such development proposal to be accompanied by a report setting out a sequential approach to site selection. This should evidence the extent to which alternative sites have been assessed before the selection of sites within the AONB, and clearly identify why sites outside of the designated area could not be developed. The report should also identify and evidence why the need for the development could not be met in some other way. The report should include relevant evidence regarding the cost of developing outside the AONB. The AONB Partnership is mindful of the judicial review decision in relation to development in Cornwall AONB¹⁸ which confirmed that even if there are exceptional circumstances generally, such as the need for housing, this does not necessarily equate to exceptional circumstances for a particular development because there may be alternative sites that could result in less harm to the AONB. These can be outside the local planning authority's area. Thus the proper consideration of alternatives, (with a view to ascertaining if alternative(s) which would result in less harm to the AONB exist), is an essential component of exercising the assessments correctly.

c. 'any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated'.

The AONB Partnership would expect any such development proposal to be accompanied by a report identifying any detrimental effects upon the environment, the landscape and recreational opportunities. Such a report should relate directly to the natural beauty and special qualities of the AONB as a whole as well as those specific to the development site.

Any mitigation identified to moderate these impacts should be:

- clearly detailed, in line with the duty to conserve and enhance the AONB,
- be compatible with the objectives and policies of the AONB Management Plan,
- be compatible with special qualities and local landscape character, and
- be capable of realisation through robust planning conditions or obligation.

¹⁸ R (Mevagissey Parish Council) v Cornwall County Council [2013] EWHC 3684 (Admin)

Appendix C: Legal Framework for AONBs

AONBs exist within a legal framework which has been progressively strengthened since the first AONBs came into existence after the Second World War.

The **1949 National Parks and Access to the Countryside Act** first established the AONB designation, provided AONBs with protection under planning law against inappropriate development and gave local authorities permissive powers to take action for '*preserving and enhancing natural beauty*' in them.

The **Countryside Act 1968** placed a responsibility on local authorities, the statutory conservation bodies, and civil servants, in exercising their functions under the 1949 Act (as amended by subsequent legislation) to '*have due regard to the needs of agriculture and forestry and to the economic and social interests of rural areas.*' Within AONBs, this means a responsibility to acknowledge and, where appropriate, to promote farming, forestry and the rural economic and social context wherever this can be done without compromising the primary purpose of conserving natural beauty.

The **Environment Act 1995** introduced the phrase 'conserve and enhance' in place of 'protect and enhance' in relation to duties of local authorities, the Environment Agency and other bodies. No statutory duties were placed on local authorities actively to manage AONBs in any particular way.

The **Countryside and Rights of Way Act 2000** (CRoW) subsumes and strengthens the AONB provisions of the 1949 Act. It confirms the purpose and significance of AONBs, clarifies the procedure for their designation, and created a firm legislative basis for their designation, protection and management. In particular;

Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty.

Section 83 establishes the procedure for designating or revising the boundaries of an AONB, including Natural England's duty to consult with local authorities and to facilitate public engagement.

Section 84 confirms the powers of a local authorities to take '*all such action as appears to them expedient*' to conserve and enhance the natural beauty of an AONB, and sets consultation and advice on development planning and on public access on the same basis as National Parks in the 1949 Act.

Section 85 places a statutory duty on all 'relevant authorities' to '*have regard to the purpose of conserving and enhancing the natural beauty*' of AONBs when coming to any decisions or carrying out activities relating to or affecting land within these areas. 'Relevant authorities' include all public bodies (including county, borough, district, parish and community councils, joint planning boards and other statutory committees); statutory undertakers (such as energy and water utilities, licensed telecommunications companies, nationalised companies such as Network

Rail and other bodies established under statute responsible for railways, roads and canals); government ministers and civil servants. Activities and developments outside the boundaries of AONBs that have an impact within the designated area are also covered by the 'duty of regard'.

Sections 86 to 88 allow for the establishment in an AONB of a Conservation Board to which the AONB functions of the local authority (including development planning) can be transferred. Conservation Boards have the additional but secondary function of seeking to increase public understanding and enjoyment of the AONB's special qualities. They also have an obligation to '*seek to foster the economic and social well-being of local communities*' in co-operation with local authorities and other public bodies.

Sections 89 and 90 create a statutory duty on all AONB partnerships (local authorities and Conservation Boards) to prepare a Management Plan '*which formulates their policy for the management of their area of outstanding natural beauty and for the carrying out of their functions in relation to it*', and thereafter to review adopted and published Plans at intervals of not more than five years. Where an AONB involves more than one local authority they are required to do this '*acting jointly*'.

Section 92 makes clear that the conservation of natural beauty includes the conservation of '*flora, fauna and geological and physiographical features*.'

The **Natural Environment and Rural Communities Act 2006** (NERC):

Section 99 formally clarifies in law that the fact that an area consists of or includes land used for agriculture or woodlands, or as a park, or '*any other area whose flora, fauna or physiographical features are partly the product of human intervention in the landscape*' does not prevent it from being treated, for legal purposes '*as being an area of natural beauty (or of outstanding natural beauty)*'.

Schedule 7 asserts that an AONB joint committee of two or more local authorities, or a conservation board, can constitute a 'designated body' for the performance of functions allocated to Defra.

Appendix D: Organisations represented on the Blackdown Hills AONB Partnership

| | |
|---|---|
| Blackdown Hills Business Association | Forestry Commission |
| Blackdown Hills Hedge Association | Forest Enterprise |
| Blackdown Hills Trust | FWAG South West |
| Blackdown & East Devon Woodland Association | Historic England |
| Blackdown Hills Artist & Makers | Mid Devon District Council |
| Blackdown Hills Parish Network | National Farmers Union |
| Blackdown Hills Rough Grazing Association | National Trust |
| Blackdown Support Group | Natural England |
| British Horse Society | Neroche Woodlanders |
| Butterfly Conservation | Otterhead Estate Trust |
| Campaign to Protect Rural England | Parish councils (falling entirely or partially within the AONB) |
| Community Council for Somerset | Ramblers Association |
| Council for Voluntary Service (Mid Devon) | Royal Society for the Protection of Birds |
| Country Land and Business Association | Somerset County Council |
| Devon Communities Together | Somerset Environmental Records Centre |
| Devon Biodiversity Records Centre | Somerset Rural Youth Project |
| Devon County Council | Somerset Wildlife Trust |
| Devon Wildlife Trust | Somerset Women's Institute |
| Devon Women's Institute | Somerset Young Farmers Club |
| Devon Youth Association | South Somerset District Council |
| Devon Young Farmers Club | South West Heritage Trust |
| East Devon Council for Voluntary Service | Taunton Deane Borough Council |
| East Devon District Council | Transition Group (Blackdown Hills) |
| Environment Agency | Wessex Water |
| Ferne Animal Sanctuary | |

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 27 June 2019 at 2.15 pm

Present Councillors

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

**Apologies
Councillor(s)** L D Taylor

**Also Present
Councillor(s)** R J Dolley and F W Letch

**Also Present
Officer(s):** Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Andrew Pritchard (Director of Operations), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Nick Sanderson (Acting Manager Director of 3 Rivers Development Ltd), Catherine Yandle (Group Manager for Performance, Governance and Data Security) and Sally Gabriel (Member Services Manager)

12. APOLOGIES

Apologies were received from Cllr L D Taylor.

13. PUBLIC QUESTION TIME

Mr Quinn referring to Item 14 (3 Rivers Developments - Annual Accounts and Programme Update) on the agenda stated that when the idea of forming a building company was originally considered by Cabinet in October 2016, one of the potential uses put forward was using it to build affordable homes, as the commercial sector was not delivering.

By the time the report to form 3 Rivers was put to Cabinet in March 2017, this aim has been totally abandoned. The report was very clear when it stated "The council will not be purchasing or building properties to rent as affordable homes. The development company's role is to create income for the council, not to deliver affordable housing."

The current aim of 3 Rivers is to 'build premium houses for maximum profit', but I am asking you to revisit this.

I am not against the concept of 3 Rivers, as such, but after repayment of loans and reinvestment in future builds, I am not sure that there will be enough profit left for it to have any impact on Council Tax bills.

With the price of houses being what they are, people raised locally cannot afford to continue to live locally.

Our district does not need more large, detached, premium properties that produce the most profit for sale. We need low cost houses - homes built for young local people.

Why not use 3 Rivers to build small, low cost, homes and sell these to local people at minimal profit levels.

Doing this would provide homes in line with the low wages of our local workers and help to sustain local communities.

The Council would get more long term income from these homes - two band A properties will pay more Council Tax than one band D - and they would also generate more in New Homes Bonus income.

This new Cabinet could set a new direction for 3 Rivers and change a short term profit into long term benefits.

Can I ask the Cabinet to consider changing the aims of the 3 Rivers programme, from 'build for maximum profit' to "build for maximum community benefit".

The Deputy Chief Executive (S151) responded stating that 3 Rivers had always had a clear building aspiration which was agreed by Council. The company would develop a mixed portfolio, the most affordable housing that we can deliver, mixed affordable housing and market housing, the first development has been built out, that of 6 affordable houses in Burlescombe. 3 Rivers would continue with a mixed portfolio and is keen to deliver affordable homes for residents.

14. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

Members were reminded of the need to declare any interests when appropriate.

15. MINUTES OF THE PREVIOUS MEETING (00-06-35)

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

16. NATIONAL ASSISTANCE BURIAL PROCEDURE (00-07-13)

The Cabinet had before it a *a report of the Group Manager Corporate Property and Commercial Assets, the Environment Policy Development Group had recommended that the revised National Assistance Burial Policy be adopted.

The Group Manager for Public Health and Regulatory Services outlined the contents of the report stating that National Assistance Burials were sometimes referred to as "Paupers" Funerals. The Council may be informed by the Exeter Coroner's Office, a Nursing Home, a Housing Association, a relative or a friend when a resident of the district had died and there was no one able to make arrangements for the deceased's funeral, the burial fees were met by the Council.

Consideration was given to:

- The use of a funeral director outside of Mid Devon and how the contract had been procured
- Genealogy searches and how the cost of this was recovered.

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

(Proposed by the Chairman)

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

17. **REVENUE AND CAPITAL OUTTURN (00-12-00)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) presenting the revenue and capital outturn figure for the financial year 2018/19.

The Cabinet Member for Finance outlined the contents of the report stating that the report highlighted the overall outturn for the General Fund, the Housing Revenue Account (HRA) and the Capital Programme and he informed the meeting of the following highlights:

- He felt that it was a thorough report and gave a clear explanation of any budget variances.
- The authority had maintained good levels of service delivery with a reduced funding envelope.
- The General Fund had a net underspend of £19k and the HRA, an underspend of £613k.
- Detailed monitoring reports had been provided to senior managers and members throughout the financial year.
- He outlined the occupancy of and return received from property in Market Walk
- The new earmarked reserve for waste service requirements
- The excellent collection service for Council Tax and non domestic rates

Consideration was given to:

- Specific variances within the General Fund
- Income from Market Walk and the fact that the purchase of the area had been part of the Tiverton Town Centre Regeneration Project
- The joint working venture with Exeter City Council with regard to the purchase of vehicles
- The collection rates for Council Tax and whether any shortfall was spread across the recipient authorities
- The Capital Programme and views on options for the future

RESOLVED that:

- a) The General Fund outturn achieved in 2018/19 which shows an overall underspend of £19k be noted. This surplus to be transferred to the General Fund reserve to bring the balance above our minimum recommended level.
- b) The net transfers to earmarked reserves of £2.406m detailed in the general Fund service budget variance reports shown in Appendix 1 and summarised in Appendix 3 be approved.
- c) The transfer of £1.250m to a new earmarked reserve Waste Service Infrastructure from the Vehicle sinking fund reserve be approved.
- d) The positive position achieved on the Housing Revenue Account which shows a saving of £613k be noted and the earmarking of an extra £613k shown in paragraph 4.2 as well as the utilisation of reserves totalling £483k identified in Appendices 2 and 3 be approved.
- e) The carry forward of £12.077m from the 2018/19 capital programme (see paragraph 6.3 of the report) be approved as all of the scheme will be delivered in 2019/20 or later years. Also the transfer of earmarked reserves of the unspent £459k identified in Appendix 4 be approved.

(Proposed by the Chairman)

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

18. **ANNUAL TREASURY MANAGEMENT REPORT (00-35-25)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) providing Members with a review of activities and the actual prudential treasury indicators for 2018/19.

The Cabinet Member for Finance outlined the contents of the report stating that the report highlighted the overall treasury position, the performance of investments and the material changes in policy. The net debt had reduced and there had been no new external borrowing. The financial year 2018/19 overall was a good year for Treasury. The internally managed investments achieved income above budget of £147k, while the CCLA dividends of £214k were above budget by £9k.

RESOLVED that:

- a) The treasury activities for the year be noted;
- b) The actual 2018/19 prudential and treasury indicators in the report be approved.

(Proposed by the Chairman)

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

19. **DATA PROTECTION POLICY (00-39-13)**

The Cabinet had before it a report * of the Group Manager for Performance, Governance and Data Security requesting Members to review the existing policy after the first year since the Data Protection Act 2018 and the GDPR became law.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the review had been programmed following the new legislation in 2018 and that no further changes had been identified as being necessary after the first year of operation.

Consideration was given to the impact of Brexit.

RESOLVED that the Data Protection Policy be approved and the next review date set for 3 years hence unless legislation were to change earlier.

(Proposed by the Chairman)

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

20. **FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION REGULATIONS POLICY (00-43-48)**

The Cabinet had before it a report * of the Group Manager for Performance, Governance and Data Security requesting Members to review the existing policy after the first year since the Data Protection Act 2018 and the GDPR became law.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report highlighting the reviewed sections including the complaints procedure which required amendment to read “.....Complaints are to be passed to the IMO who will then arrange a review. The review will be conducted by the Data Protection Officer (DPO), or their nominated representative with relevant FOI/EIR and Data Protection knowledge in conjunction with the service and in contentious cases a member of Legal Services”.

RESOLVED that the Freedom of Information and Environmental Information Regulations Policy be approved as amended and the next review date set for 3 years time unless legislation were to change earlier.

(Proposed by the Chairman)

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

21. **PERFORMANCE AND RISK (00-46-41)**

The Cabinet had before it and **NOTED** a report * of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets for 2018/19 as well as providing an update on the key business risks.

Consideration was given to:

- The significant delay in delivering superfast broadband across Devon and Somerset
- Whether figures could be supplied alongside the percentages

- Whether the target for building of council houses was ambitious enough and the implications of the Right to Buy Scheme
- The Climate Change Declaration and the work that would need to be progressed to provide a baseline to work from
- The target for trim trails in Mid Devon
- GDPR compliance
- The risk register with regard to cyber security

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

22. **START TIME OF MEETINGS (1-11-02)**

The Cabinet **AGREED** that the meetings for the remainder of the 2019/20 municipal year would take place at 6.00pm.

23. **NOTIFICATION OF KEY DECISIONS (1-13-32)**

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

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

24. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-19-00)**

Prior to considering the following item on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

25. **3 RIVERS DEVELOPMENTS LIMITED - ANNUAL ACCOUNTS AND PROGRAMME UPDATE**

The Cabinet had before it a report * of the Deputy Chief Executive (S151) and the 3 Rivers Developments Limited Acting Managing Director presenting it with 3 Rivers Developments Limited Company Accounts and providing an update on current project performance and any key risks.

The officer outlined the contents of the report and a full discussion took place.

RESOLVED that:

- a) The 3 Rivers Developments Limited Annual Report and Financial Statements for the period from 1 April 2018 to 31 March 2019 be noted.
- b) The update report on current performance and key risks be noted and that an update be provided in 3 months time.

(Proposed by the Chairman)

Note: *Report previously circulated.

26. **DISPOSAL OF LAND AT PARK NURSERY, PARK ROAD- TIVERTON**

The Cabinet had before it a report * of the Chief Executive outlining options for the disposal of an asset.

The Cabinet Member for Housing and Property Services outlined the contents of the report and a full discussion took place.

Returning to open session, the Cabinet:

RESOLVED that the item to be deferred to allow for 3 valuations to be obtained and that a site visit take place prior to any decision being made.

(Proposed by Cllr S J Clist and seconded by Cllr D J Knowles)

Note *Report previously circulated.

(The meeting ended at 4.40 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 10 June 2019 at 2.15 pm

Present

Councillors

F W Letch (Chairman)
R J Chesterton, R J Dolley, J M Downes,
R Evans, Mrs S Griggs, B Holdman,
B A Moore, R L Stanley, Ms E J Wainwright,
B G J Warren and A Wilce

Apologies

Councillor(s)

Mrs C P Daw, Mrs I Hill and D F Pugsley

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leiburne (Solicitor) and Carole Oliphant (Member Services Officer)

1 ELECTION OF VICE CHAIRMAN (00.02.00)

Cllr B A Moore was duly elected Vice Chairman of Scrutiny Committee for the municipal year 2019-2020.

(Proposed by Cllr R Evans and seconded by Cllr B G J Warren)

2 APOLOGIES AND SUBSTITUTE MEMBERS (00.02.21)

Apologies were received from Cllr Mrs C P Daw (substituted by Cllr Mrs S Griggs) Cllr D F Pugsley (substituted by Cllr R J Dolley and Cllr Mrs I Hill (substituted by Cllr J M Downes)

3 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.02.47)

There were no declarations.

4 PUBLIC QUESTION TIME (00.02.59)

Members of the public, referring to the broadband agenda item, presented the following questions:

- Were members aware of the service that was being delivered in rural areas?
- How can rural area's make progress when they do not qualify under the current schemes?
- Why were there ongoing issues with the broadband service at Palmerston Park in Tiverton?
- Why was superfast broadband not installed when the new development was built at Rackenford?

The Chairman explained that the questions would be addressed when the agenda item was discussed.

5 MEMBER FORUM (00.09.44)

There were no issues raised under this item.

6 MINUTES OF THE PREVIOUS MEETING (00.09.53)

The minutes of the last meeting held on 15th April 2019 were approved as a correct record and **SIGNED** by the Chairman.

7 DECISIONS OF THE CABINET (00.10.34)

The Committee **NOTED** that none of the decisions made by the Cabinet on 30th May 2019 had been called in.

8 CHAIRMAN'S ANNOUNCEMENTS (00.10.41)

The Chairman reminded members that there was a Member briefing on the Council Tax Reduction Scheme on 20th June.

He asked the Committee if they wanted an informal Scrutiny Committee meeting to be organised and it was decided that this would be postponed to later in the year.

9 BROADBAND PROVISION GIGACLEAR (00.12.05)

Matt Burrow, Stakeholder Engagement Officer from Devon County Council addressed the Committee and gave an overview of the Connecting Devon and Somerset (CDS) work programme. He explained that it was a partnership programme between local authorities, telecom providers and Government departments and was primarily to assist regions where the installation of superfast broadband was not financially viable for commercial companies.

He explained that current contracts to provide a service were with Gigaclear who provided fibre optic options and Airband who provided wireless solutions. He gave an overview of the issues that were facing Gigaclear and explained that a decision should be made in July or August about a way forward.

In response to questions asked by members of the public he explained the various options available to rural communities including the broadband voucher scheme. He provided an overview of why superfast broadband had not initially been installed in new developments but explained that legislation had changed in 2017 and it was now a requirement of developers to ensure the provision of superfast broadband in all new developments with over 37 units.

In response to Members questions he explained that possible solutions were to apply for the better broadband scheme in which 4G was used to provide a broadband service. He explained the differences with mobile 4G and broadband 4G and incorrect perceptions that properties which could not currently get mobile 4G could also not get broadband 4G.

There was a general discussion about the way that CDS had communicated the different options to the rural communities and members felt that the strategy had been disjointed and the difference between all the different schemes was unclear.

In conclusion Members decided that they would like continuing insight into the superfast broadband rollout and the contract with Gigaclear and requested that the Stakeholder Engagement Officer return to give an update in September.

10 STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND COMBINED AUTHORITIES (00.59.26)

The Committee had a discussion on the implications of the *Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities which had been issued by the Ministry of Housing, Communities and Local Government.

Members decided that the Chairman and Vice Chairman should begin discussions with the Cabinet and the Leadership Team to establish an Executive Scrutiny Protocol.

Note: * Guidance previously circulated copy attached to minutes.

11 FORWARD PLAN (01.02.11)

Members discussed the Forward Plan and requested that the following items be brought before the Scrutiny Committee for further investigation before they were presented to Cabinet.

- Design Supplementary Document - To be presented to Scrutiny Committee after Public Consultation
- Cost Recovery & Commercialisation in Growth, Economy & Delivery – to be presented to Scrutiny Committee after Economy PDG have made their decision.
- Strategy Grants and Service Level Agreements – To be presented to Scrutiny Committee before being presented to Community PDG

Notes:

- i) * Plan previously circulated, copy attached to minutes
- ii) Cllrs F W Letch and B A Moore declared personal interests as they were involved with INVOLVE

12 START TIMES OF MEETINGS (01.12.23)

It was agreed that the committee continue to meet at 2.15pm for the rest of the municipal year.

(Proposed by Cllr R L Stanley and seconded by Cllr R J Chesterton).

13 IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (01.15.02)

The Committee agreed that the Cullompton Town Centre Contract Award should be brought before Scrutiny at the next meeting in July.

Members requested to look at the ICT arrangements currently being used by the Council and that a working group should be considered when the scope of this proposal had been agreed.

In response to a question about members being able to join in meetings remotely via Skype the Member Services Officer explained that current legislation did not allow members to participate or vote in meetings unless they were physically present.

(The meeting ended at 3.40 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 8 July 2019 at 2.15 pm

Present

Councillors

F W Letch (Chairman)
R J Chesterton, R Evans, Mrs I Hill,
B A Moore, R L Stanley, Ms E J Wainwright,
B G J Warren and A Wilce

Apologies

Councillor(s)

Mrs C P Daw and B Holdman

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (Solicitor), Alan Keates (Group Manager for ICT and GMS Services), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Catherine Yandle (Group Manager for Performance, Governance and Data Security) and Carole Oliphant (Member Services Officer)

14 APOLOGIES AND SUBSTITUTE MEMBERS (00.00.46)

Apologies were received from Cllr B Holdman and Cllr Mrs C P Daw

15 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.01.10)

There were no declarations made

16 PUBLIC QUESTION TIME (00.01.17)

There were no members of the public present.

17 MEMBER FORUM (00.01.36)

There were no issues raised under this item.

18 MINUTES OF THE PREVIOUS MEETING (00.01.42)

The minutes of the meeting held on 10th June 2019 were approved as a correct record and **SIGNED** by the Chairman.

19 DECISIONS OF THE CABINET (00.01.48)

The Committee **NOTED** that none of the decisions made by the Cabinet on 27th June 2019 had been called in.

20 **CHAIRMAN'S ANNOUNCEMENTS (00.01.57)**

The Chairman had no announcements to make.

21 **LEADER'S ANNUAL REPORT - ANNUAL REVIEW AGAINST THE CORPORATE PLAN FOR 2018/19 (00.02.07)**

The Committee had before it a *report of the Chief Executive presenting the Annual review against the Corporate plan for 2018/2019.

Members questioned the absence of the Leader to present the report and **RESOLVED** that the item be deferred to a future meeting when the Leader could attend.

(Proposed by Cllr R J Chesterton and seconded by Cllr R Evans)

Note: *report previously circulated and attached to the minutes

22 **REVENUE AND CAPITAL OUTTURN REPORT 2018-2019 (00.07.27)**

The Committee had before it and **NOTED** a *report of the Deputy Chief Executive (S151) presenting the Revenue and Capital Outturn 2018/2019.

He gave an overview of the report and explained it was the overarching position and had been presented to the Policy Development Groups and the Cabinet.

He explained that the Council had maintained sufficient reserves and that the levels of reporting by the Finance team had been extremely accurate.

Note: *report previously circulated and attached to the minutes

23 **UNIVERSAL CREDIT UPDATE (00.13.57)**

The Committee received an update from the Deputy Chief Executive (S151) on the roll out of Universal Credit across the district.

He explained that currently 1500 people were in receipt of Universal Credit across the district and this was expected to rise to 3500 when the roll out had been completed.

Cllr B G J Warren left the meeting at this point and did not take part in the following discussion.

Members discussed the effect of Universal Credit and stated that they were not receiving any complaints from the public about not being able to contact the Department of Work and Pensions. They had however noted that more people were contacting Citizens Advice and Churches Housing Action Team for advice.

Members agreed to invite Lee Tozer (DWP) Partnership Manager Greater Devon to host an evening Members briefing giving an overview of the roll out of Universal Credit.

Cllr B G J Warren returned to the meeting.

24 **CLIMATE CHANGE DECLARATION (00.28.24)**

Members discussed an appropriate response to the Climate Change Declaration adopted by Full Council on 26th June 2019 and agreed that the Scrutiny Committee should act as a catalyst for the Council to ensure that enough urgency was being focused on the issue.

The Chairman of the Audit Committee informed members that meetings had already begun with the internal audit team to free up officer time in the coming months to look specifically at the risks associated with the Council response. He confirmed that the internal audit programme was being investigated to see what could be added to support the Declaration.

The Deputy Chief Executive (S151) explained that as an immediate response to the Declaration all officer reports presented to members would detail a climate implication. He explained the Devon County Council (DCC) action plan and the monies which had already been put aside by DCC to establish a Net Zero Task Force and confirmed that MDDC officers would be involved. He confirmed that officers had been tasked with providing members with current baseline data. He stated that initial officer and members meetings were required and that whatever was agreed moving forward would be thought through and planned for.

The Chairman of the Environment PDG explained that he had called an informal meeting of the Group to discuss what could be done, the priorities involved and what was realistic. He stated that the PDG would be mindful of cost and officer time and he was keen that the Group produced something meaningful.

Members then discussed the lobbying which had taken place by members keen to be involved in the process which had been delegated to the Environment PDG. Some members felt that the current discussion was premature and that it should take place when the Environment PDG had devised a plan to move forward.

Members suggested that the Climate Change issue could be a topic for the next State of the District Debate. The Chairman agreed to suggest this as a topic with the Leader.

Members **AGREED** that the progress of achieving the Climate Change Declaration should be reported back to the Scrutiny Committee in 6 months' time.

(Proposed by Cllr B A Moore and seconded by Cllr B G J Warren)

25 **SCRUTINY PROPOSAL - INVESTIGATE DIGITAL INCLUSION AND DIGITAL TRANSFORMATION (00.46.15)**

The Committee had before it a *Scrutiny Proposal form proposing that the Committee investigate digital Inclusion and digital transformation.

Members discussed the proposal and highlighted the following:

- New Expenses software

- Telephone line failures
- Different departments using different software
- Website appearance and usability
- CRM management systems
- The ability to remotely attend Member briefings via skype

In response to questions the Group Manager for Business Transformation and Customer Engagement explained to members that the recent telephone issues had been caused by an offsite failure in the telephone exchange and were out of the Council's control.

She explained that the current website had adopted the Government guidelines for Council websites and the format was the same used by a majority of Councils in the UK. She did however welcome any suggestions from members.

Discussing the proposal she stated that she had concerns about the current scope of the suggested plan working group and that she would welcome further discussions with members to define the specific areas to be investigated.

The Chairman confirmed that he would meet with the officer and define the scope of the working group before bringing it back for agreement at a future Scrutiny Committee meeting.

The Group Manager for ICT and GMS Services informed the Committee that new software was due to be installed which would enable members to remotely attend Member briefings and he would provide further details of the timings of the introduction of the service.

Note: *Proposal form previously circulated and attached to the minutes

26 **FORWARD PLAN (01.00.32)**

Members discussed the Forward Plan.

Notes: * Plan previously circulated, copy attached to minutes

27 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (01.01.22)**

The Committee **AGREED** that the Devon and Cornwall Police and Crime Commissioner be invited to attend a future meeting of the Scrutiny Committee to discuss policing levels in the district and High Street security.

(Proposed by the Chairman)

(The meeting ended at 3.21 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 25 June 2019 at 5.30 pm

Present

Councillors

Mrs C Collis, R Evans, B A Moore, A Wilce,
J Wright and A Wyer

Also Present

Officers

Andrew Jarrett (Deputy Chief Executive (S151)), Catherine Yandle (Group Manager for Performance, Governance and Data Security), David Curnow (Deputy Head of Devon Audit Partnership) and Sarah Lees (Member Services Officer)

1. ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr R Evans be elected Chairman of the Committee for 2019/20.

2. ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr A Wyer be elected Vice Chairman of the Committee for 2019/20.

3. APOLOGIES

There were no apologies for absence.

4. DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

There were no interests declared under this item.

5. PUBLIC QUESTION TIME

There were no members of the public present.

6. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 19 March 2019 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

7. CHAIRMAN'S ANNOUNCEMENTS

The Chairman had three announcements to make:

- a) Since the publication of the agenda for this meeting there had been a change to the membership of the Committee. Councillor D F Pugsley had replaced Cllr

W Burke as a member from the Independent Group. Cllr W Burke would now become a substitute member of the Audit Committee.

- b) The South West Audit Partnership (SWAP) would be holding two training days in the local region at the beginning of October. One would be held at Buckfast Abbey on 1 October 2019 and the other one would be held at Sparkford Museum, Somerset on 2nd October. This was a free event had the Chairman stated he had attended several times and had found the sessions very worthwhile and informative. Further information was requested to be circulated to Committee members.
- c) There would be a short training session after the formal meeting had finished and Committee members were encouraged to stay.

8. **DEVON AUDIT PARTNERSHIP (DAP) REPRESENTATION FOR 2019/2020**

It was **RESOLVED** that the Chairman of the Audit Committee, Cllr R Evans, and Committee member, Cllr A Moore, be the Mid Devon District Council elected representatives on the Devon Audit Committee (DAP). It was noted that it was Mid Devon District Council's turn to chair DAP meetings during 2019/20.

9. **PERFORMANCE AND RISK FOR 2018-19**

The Group had before it, and **NOTED**, a report from the Director of Corporate Affairs & Business Transformation providing Members with an update on performance against the Corporate Plan and local service targets for 2018-19 as well as providing an update on the key business risks.

The Group Manager for Performance, Governance and Data Security outlined the contents of the report and discussion took place regarding the following areas:

- The Scrutiny Committee were monitoring the situation with regard to Gigaclear and the significant delay they were experiencing with delivering superfast broadband across Devon and Somerset. The Scrutiny Committee had requested that a Devon County Council officer report to them in the autumn with an update.
- Metric in relation to Trim Trails and whether or not any more Trim Trails were planned.
- Good results in relation to food premises complying with food safety law and a recent press release on the matter.
- The average number of days lost due to sickness was raised and the Committee queried how the action plan to address this was progressing. The Committee requested that they have sight of the action plan if at all possible. It was also suggested that the Chair and Vice Chair of the Committee have a meeting with the Group Managers for Human Resources to discuss the matter in more detail.
- There were still some missing review notes in the Risk Register although it was explained that mitigating actions in relation to all risks were now being included. It was **AGREED** that there was room for improvement in terms of the explanations provided from Group Manager in the Risk Register.
- Climate Change and the need for this to be included in the Risk Register although the language used to describe it needed to be thoroughly considered recognising the difference between risks, opportunities and investment in the

future. It was **AGREED** that this issue be brought back to the next ordinary meeting on 27th August 2019 for further consideration.

- Average number of days to re-let council owned properties having a very challenging target of 14 days. Consideration was given as to the current amount of resource that was being utilised in trying to achieve this target and whether this target could be reviewed in light of the need to prioritise resources in what were very challenging financial times.

It was **RECOMMENDED** that the Homes Policy Development Group be requested to look at this target and review the best use of available resource in this area.

(Proposed by the Chairman)

The Group **AGREED** that the performance information falling under the Environment portfolio represented an excellent set of results and it requested that this be fed back to the officers working in this area.

Note: * Report previously circulated; copy attached to the signed minutes.

10. **PROGRESS UPDATE ON THE ANNUAL GOVERNANCE STATEMENT ACTION PLAN**

The Group had before it, and **NOTED**, a report from the Group Manager for Performance, Governance and Data Security providing the Committee with an update on progress made against the Annual Governance Statement 2017/18 Action Plan.

The officer outlined the contents of the report highlighting the key areas which included the following:

- In the previous year ten action points had been identified and progress with each one had been monitored at each Audit Committee throughout 2018/19.
- Where an item had not been completed it would be carried forward into the action plan for the following year so that there was no chance it being 'lost'.
- A new project had been launched which includes the 'ethics' issue called 'Evolve'.
- It was suggested that the issue in relation to GDPR be removed from the AGS action plan as this was ongoing, could never have an end date and was already monitored through the Risk Register.

Note: * Report previously circulated; copy attached to the signed minutes.

11. **INTERNAL AUDIT ANNUAL REPORT 2018/19**

The Committee had before it, and **NOTED**, a report from the Audit Manager updating the Committee on the work performed by Internal Audit during the 2018/19 financial year as required by the Public Sector Internal Audit Standards.

The following was highlighted within the report and discussion took place with regard to:

- Overall, based on work performed during 2018/19, the Head of Internal Audit's opinion was of 'Substantial Assurance' on the adequacy and effectiveness of the Authority's internal control framework.
- The exception to this was in relation to the Council's governance arrangements over its investment exposure associated to its property development operation where the Internal Audit opinion was one of 'improvements required'. However, 'risks' were closely monitored through the Risk Register and AGS. Mitigations had been put in place from an agreed action plan. Some follow up work was listed in the Audit plan of work for the near future.
- Improvements required in relation to ICT service transition and better cross service communication. Lessons had been learnt from previous service transitions such as the cash payment system. It was stated that where significant changes were planned for a particular service a working group was established beforehand with officers from other service areas to assess the impact on the users of the revised service.
- A working group were progressing options for an alternate system in relation to the recording of developers' S106 agreements.
- There were still some outstanding audit recommendations from 2017. The Chairman asked again whether some or all of these were still relevant and for the Leadership Team to have a look at this again and speak to the relevant Group Managers. If recommendations were no longer relevant then they needed to be removed from the list.
- It was requested that in future the list of outstanding audit recommendations be sorted into date order with the oldest ones being at the top. In addition to this it was requested that of those that were overdue, they be sorted into red, amber and green in terms of their risk level.

Note: * Report previously circulated; copy attached to the signed minutes.

12. **START TIME OF MEETINGS**

It was **AGREED** to continue to hold meetings of the Committee at 5.30pm on Tuesday evenings.

13. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

In addition to the items listed in the work programme it was requested that the following be on the agenda for the next ordinary meeting:

- The inclusion of 'Climate Change' as an issue within the Risk Register and the language used in relation to this.

(The meeting ended at 6.55 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 11 June 2019 at 2.00 pm

Present Councillors

E J Berry, W Burke, D R Coren, B Holdman,
R F Radford, R L Stanley,
Ms E J Wainwright, B G J Warren and
J Wright

Also Present Councillor(s)

R M Deed

Also Present Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Andrew Pritchard (Director of Operations), Jenny Clifford (Head of Planning, Economy and Regeneration), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Stuart Noyce (Group Manager for Street Scene and Open Spaces), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Tristan Peat (Forward Planning Team Leader) and Carole Oliphant (Member Services Officer)

1 ELECTION OF CHAIRMAN (THE VICE CHAIRMAN OF THE COUNCIL IN THE CHAIR) (00.00.24)

Cllr B G J Warren was duly elected Chairman for the municipal year 2019-2020.

(Proposed by Cllr E J Berry and seconded by Cllr B Holdman)

2 ELECTION OF VICE CHAIRMAN (00.03.59)

Cllr J Wright was duly elected Vice Chairman for the municipal year 2019-2020.

(Proposed by Cllr B Holdman and seconded by Cllr Ms E J Wainwright)

3 APOLOGIES AND SUBSTITUTE MEMBERS (00.05.37)

There were no apologies

4 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.05.53)

There were no declarations made.

5 PUBLIC QUESTION TIME (00.06.19)

Mr Way urged members to support Motion 556 which called for the District Council to ban developers from using netting on hedgerows to stop nesting birds.

Alderman Lucas again referring to Motion 556 stated that this should be part of planning policy and that he was concerned with the perceived ease with which developers circumvented conditions set by the Council.

Mr Richardson, speaking on item 9 on the agenda, brought the issues of fly tipping and littering within Tiverton to the attention of the Group and stated that he had already brought forward suggestions to Full Council that camera's be installed in high risk areas. He asked how many fines for littering had been issued and questioned how and where this was being enforced. He asked if there was a dedicated phone number for people to call if they spotted littering and fly tipping.

The Chairman explained that the questions would be addressed at the appropriate agenda item

Note:

- Cllr R L Stanley declared a personal interest as he was a director of 3 Rivers Developments Ltd

6 MINUTES OF THE PREVIOUS MEETING (00.17.10)

The minutes of the meeting held on 5th March 2019 were agreed as a true record and duly signed by the Chairman

7 CHAIRMAN'S ANNOUNCEMENTS (00.18.25)

The Chairman had no announcements to make

8 MOTION 556 (COUNCILLOR N A WAY - 8 APRIL 2019) (00.18.34)

The Group had before it Motion 556 (Councillor N A Way - 8 April 2019)

Mid Devon District Council has a record of environmental protection and protecting wildlife.

Council is greatly concerned by the growing trend across the country of developers using netting over hedgerows and trees at development sites to stop birds nesting and other wildlife using the hedges and trees.

This is wrong and runs against the best interests of supporting and enhancing local wildlife.

We call on all developers not to use netting in Mid Devon. Additionally, we call on Government to ban the use of netting at all sites with planning consent, those sites identified in the Local Plan and the emerging Greater Exeter Strategic Plan.

The Head of Planning, Economy and Regeneration explained that the practice was not unlawful and there had been no instances of developers using netting in the district to date. She explained that from a planning perspective netting would not need planning permission in its own right and that the Council would need to investigate if the planning service had any control over such netting and what it could enforce.

Members advised the Head of Planning, Economy and Regeneration that the RSPB had issued guidelines for developers which could be utilised in any planning policy amendments.

RECOMMENDED to Council that Motion 556 be supported

(Proposed by Cllr R L Stanley and seconded by Cllr Ms E J Wainwright)

Note: Cllr Ms E J Wainwright declared a personal interest as she was a member of RSPB

9 **PERFORMANCE AND RISK (00.24.48)**

The Group received and **NOTED** the *Performance and Risk report from the Group Manager for Performance Governance and Data Security who explained this was the final out turn report for 2018-2019 and that it showed the highlights for the whole of the year. She highlighted key achievements including:

- Reduced costs
- Fixed penalty notices for the year
- Waste transfer station
- Reduction of carbon footprint
- Increased electric car charging points

In response to a question asked by members with regard to LED lighting she explained that this referred to changes to lighting in Council owned properties. The Director of Operations explained that the floodlights at the leisure centres were turned off when clubs had finished their activities but these did sometimes go on later in the evenings.

The Group Manager for Street Scene and Open Spaces explained that the measure for the amount of residual waste sent to landfill was determined during the last administration and that the Council no longer sent any waste to landfill and that the performance indicator description would be adjusted to reflect this.

He explained that enforcement for fly tipping was difficult as officers were reliant on intelligence from members of the public or evidence left. In some instances residents had paid a contractor to take rubbish away and this had subsequently been fly tipped by the contractor but that the household was still responsible for the correct disposal of their waste. A campaign had been run in 2018 to encourage people to use only registered waste carriers who supply paperwork of the end destination.

In response to a direct question he confirmed that he would provide the Group with a breakdown of the 17 fixed penalty notices issued in 2018-2019.

The Group Manager for Street Scene and Open Spaces then addressed the specific questions raised by the public and stated that there was a 2 man litter busting team introduced in 2018/2019 which responded to fly tipping and littering reports within 5 working days. With regard to enforcement he explained that 3.8 officers were employed by the Council to carry out enforcement and car parking enforcement and that the Environment PDG decided how much time was spent on each activity via the District Officer Discretionary Time report brought to the Group annually. He stated that littering enforcement was taking place in the towns but officers were in uniform and that enforcement activity was not covert. He explained to members that the Council could do whatever the Group wanted in relation to enforcement but they would need to be mindful of the cost of providing an increased service. With regard to the request for a dedicated telephone number for public to report littering he explained that the Council policy was to provide a single number for the public to contact the call was dealt with by the customer contact team (all calls are then logged. There was a dedicated email address streetscene@middevon.gov.uk where the public could report instances of littering and fly tipping.

There was a discussion about the amount of food waste which was not currently being recycled and Members felt that the Council should be taking a tougher stance. The Group Manager for Street Scene and Open Spaces explained that we already provide weekly food waste collection from residents but not for trade premises. That the Waste Education and Enforcement policy was adopted by the Environment PDG and that if Members wanted to make changes to current enforcement practices for homes and recycling they could recommend them at the review of the policy which would be coming back for review later in the year.

The Group then discussed further details on the report and gave consideration to:

- Devon Waste Authorities – working with other authorities and community groups to educate the public to reduce, reuse and recycle
- Clean Devon – a group being set up with county, district and local authorities to tackle litter issues jointly
- 3 weekly collections – Has not been proposed at this time. To make these changes would require changes to the waste fleet and that if the Council mandated receptacles such as wheelie bins for residents to store increased waste the Council would need to fund them
- Garden Waste figures were over target

Note: * Report previously circulated and attached to the minutes

10 **OUTTURN 2018-2019 (01.04.49)**

The Group received and **NOTED** the *Outturn report for 2018-2019 from the Deputy Chief Executive (S151) who explained that the Environment PDG controlled a significant amount of the Council's overall budget.

Consideration was given to the following:

- Service budget variances
- Non service income and expenditure
- Executive summary

- Earmarked funds
- Sinking fund for waste vehicles
- General Fund reserve
- Financial forecasting
- Retail portfolios
- Increased trade waste customers
- HRA
- Council tax collection rates

Note: * Report previously circulated and attached to the minutes

11 **UPDATE ON CAR CHARGING POINTS IN NEW DEVELOPMENTS (01.26.26)**

The Forward Planning Team Leader gave the Group an update on the proposal by the Group that the Council consider the introduction of home electric vehicle charging points in all new build properties across the district.

He outlined the contents of the report and explained that the Government's target was to end the sale of new petrol and diesel cars by 2040. He informed the Group that current national planning policy does not prescribe the standards for the provision of electric vehicle charging infrastructure in new development. This is a matter for Council's to set out in their local plans and needs evidentially based. The Forward Planning Team Leader referred to current standards (e.g. 1 charging point per 10 dwellings) in the adopted Local Plan and which will be rolled forward in the Local Plan Review that is currently being examined by a Planning Inspector.

He explained the options available through future plan making to introduce a new requirement for developers to install electric charging points in all new build properties constructed in the district:

- New Local Plan – this was timetabled for a review to be started 2020 and it would be unlikely that the review would be completed before 2023
- Greater Exeter Strategic Plan (GESP) – an 'options consultation' was due to take place in June 2019 and it is expected this plan would be adopted by April 2020
- Neighbourhood Planning – could be completed by a Town or Parish Council in a shorter timeframe and once adopted would carry full weight in planning decisions

The Group discussed the options and felt that the timeframes of all three presented were too long and that Mid Devon District Council should be leading the way and should be speeding up the installation of electric vehicle charging points.

There was further discussion on how the Group could speed up the process of changing policy to ensure that electric vehicle charging points would be installed in new builds in the future and consideration was given to:

- The need for up to date evidence that can be used to influence future plan making

- The length of time that it would take for new policy requirements through the preparation of the GESP or a New Local Plan, a that a quicker process was needed
- Changing technologies – current technologies may soon become out of date
- Increased usage of existing car charging points

The Forward Planning Team Leader explained that the quickest option was for the Council to seek a requirement for electric vehicle charging points in all new build properties through the preparation of the GESP.

The Group **NOTED** the report and agreed that the wishes of the Group should be included within the GESP consultation document.

(Proposed by the Chairman)

Note: * Report previously circulated and attached to the minutes

12 **NATIONAL ASSISTANCE BURIAL PROCEDURE (01.55.53)**

The Group received the 3 yearly review of the *National Assistance Burial Procedure from the Group Manager for Corporate Property and Commercial Assets presented by the Group Manager for Public Health and Regulatory Services.

He gave an overview of the policy and explained that there were instances when people passed away and there were no next of kin, family or friends who were able to organise the funeral. In these instances the Authority had a statutory duty to act and arrange for the burial of these individuals.

He explained that MDDC only ran cemeteries and therefore when the Council had to act they arranged a burial in one of the Council run cemeteries.

The Group agreed that the policy was required and therefore:

RECOMMENDED to the Cabinet that the revised National Assistance Burial Policy be adopted.

(Proposed by Cllr R F Radford and seconded by Cllr D R Coren.

Note: * Report previously circulated and attached to the minutes

13 **START TIME OF MEETINGS (02.16.11)**

Following discussion the Group **AGREED** to hold its meetings at 5.30pm for the remainder of the 2019/20 municipal year.

14 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (02.33.05)**

There were no items identified for a future meeting.

(The meeting ended at 4.35 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 18 June 2019 at 2.15 pm

Present

Councillors

J Cairney, D R Coren, L J Cruwys,
W J Daw, R J Dolley, C J Eginton, Mrs I Hill
and S J Penny

Apologies

Councillor

Mrs E M Andrews

Also Present

Councillors

S J Clist and R L Stanley

Also Present

Officers

Andrew Pritchard (Director of Operations), Andrew Jarrett (Deputy Chief Executive (S151)), Joanne Nacey (Group Manager for Finance), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Mark Baglow (Group Manager for Building Services), Simon Newcombe (Group Manager for Public Health and Regulatory Services), J P McLachlan (Principal Accountant), Michael Parker (Housing Options Manager), Lisa Harber (Neighbourhood Team Leader), Helen Carty (Housing Policy Officer) and Sarah Lees (Member Services Officer)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr R J Dolley be elected Chairman of the Group for the municipal year 2019/20.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr W J Daw be elected Vice Chairman of the Group for the municipal year 2019/20.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs E M Andrews

4 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

All members of the Group stated that they had received correspondence with regard to item 8 on the agenda, Syrian Vulnerable Persons Resettlement Scheme.

5 PUBLIC QUESTION TIME

Ms Ali Dominy stated in relation to item 8 on the agenda, Syrian Vulnerable Persons Resettlement Scheme, that she and her husband were the landlords of a house in Cullompton that has, since the autumn of 2017, been home to a family from Syria who were fleeing the horrors and destruction of war, a family who have been given this life saving and life changing opportunity by Mid Devon District Council decision to take part in the Syrian Vulnerable Persons Resettlement Scheme in which they and we thank you all so much. It was with great sadness that Mid Devon's commitment to take five families seemed to stall after the first two in 2017. This we were told was due to a lack of private landlords having suitable properties, so it was with pleasure that we had heard that Anthea had come forward with the offer to purchase a house to facilitate another family being offered a home. Like ourselves, Anthea took the route of involving Mid Devon District Council from the start and so chose a house that was suitable in an area that would also be suitable. All seemed to be going well until at the last moment Anthea was told that Mid Devon had changed their mind and would not be taking any more families on the resettlement scheme. It was obviously a cruel blow particularly as Anthea had gone so far down the line of purchase with the approval of the Council.

When we were asked to have a look at the report issued in preparation of this meeting we were confused and concerned about paragraph 4.3 in the report that states that the work with the existing landlords, us being one of them has been extensive. This really hasn't been the case. The report quotes concerns about possible issues that were raised before the first families arrived but did not accurately reflect the actual situation of the last two years. The report talks about consideration being given to the need for support that would need a minimum of two weekly visits by one or more officers. It also talks about twice weekly visits in the early months. We are pleased to say that both of these concerns proved unnecessary. Certainly there were initial visits required to welcome and settle the family and run through procedures but talking to those involved in our house and also those involved with the other Syrian family in Mid Devon we believe that two visits per family was all that was ever required.

As landlords we look after the maintenance of the property, Mid Devon are our tenants so as with any landlord/tenant relationship, we would expect them to leave any problems to us. Indeed we are more than happy to say that during the time that Mid Devon have rented the house from us, to our knowledge any problems with the house have been sorted out by us with no involvement from Mid Devon. There is a tireless band of volunteers who work with the families. We spoke to the lady who volunteers with our family in Cullompton, she is also involved with the family in Bradninch. She confirmed after setting up the property, Mid Devon had no further involvement with the families. All support is supplied by volunteers from the Refugee Support Group of Exeter.

We are all aware that things are unbelievably difficult for those juggling priorities within the housing services department of Mid Devon. However the commitment made by Mid Devon District Council to be part of the Vulnerable Persons Resettlement Scheme was a humanitarian decision of importance and should be honoured. Anthea and other volunteers are committed to make it happen. In 2018/19 the report states that there were 599 homeless approaches in Mid Devon, amid this vast number we are talking about one family. This is not a policy that is going to open

flood gates to a tsunami of extra commitment, its one house and one family and one that comes with funding and volunteers. With this in mind surely Mid Devon can see their way to honouring their commitment to provide a vulnerable family, who have been through more than we can ever imagine, a safe home.

Laura Conyngham, also in relation to item 8 on the agenda stated that, it was heartening to see new faces in this Council and on this committee and we hope for a new approach. Mid Devon as you have heard already has two families, one in Bradninch and one in Cullompton. As well as the moral imperative Mid Devon are part of this nationally funded scheme. Are councillors aware of the cultural wealth that a Syrian family will bring to our community?

Anthea Duquemin stated that she lived in Bradninch and that she would like to ask a question about the marginal differences it would make to the total work of the council's housing team if it accepts one more family under the Syrian Vulnerable Persons Resettlement Scheme? The Council made a pledge in 2017 to accept up to 5 families under this scheme and at the time it didn't seem like a lot but for those of us in the district who care a lot about being part of a community that makes this sort of commitment we felt very very positive about this. I understand there has been a change since that time and that the officers who are part of the housing team are having to work harder than they were before. However, since that time, as we know, the Council has already resettled two Syrian displaced families and in order to do that quite a lot of the tasks that were identified at the time that the scheme was originally discussed have already been undertaken so the scheme is already set up and ready to operate. We understood that until February this year the reason we couldn't have more families here was because there weren't enough private landlords ready to offer their houses for this scheme. Therefore, the house we are talking about in Crediton and which was chosen specifically for this scheme was chosen according to the directions we were given by the Council so that it would be suitable for a family and its already been approved. So lots of the work has already been done. In the discussion paper it says that twice weekly visits by Council officers are needed initially for a family at the start of their resettlement, I can accept that might be the case but as Ali says, how long does that go on for and really in the light of everything that the housing team do, what is the marginal difference of bringing in one more family? Particularly if you weigh up the additional amount of work for the housing officers against what it means for the family that is resettled and for those of us that really want to be part of a community that makes this sort of contribution.

Gerald Conyngham stated that he was the convenor of Welcoming Refugees in Crediton Group. I sent you all a letter as I wanted you to get a proper briefing beforehand. I just want to say that we did welcome the decision made by Mid Devon District Council in 2017. It was really great, we were overjoyed at the decision to take up to 5 families. Since then it has been really difficult to try to get private landlords, they can get more rents commercially than from people on housing benefit. So it was absolutely wonderful when we heard about this house and we were very upset when the decision was taken not to continue. We totally understand the pressure of homelessness, it is a big issue we are concerned about in Crediton. We understand that fully but we hope a way can be found going forwards. There is an alternative way that other councils use whereby they do it through an agency and they actually manage the house direct. I realise that also involves a bit of work but ultimately it would be less time consuming. What we are really saying is that we very much hope

that you will look at this again and reconsider your decision so that we can welcome a family into Crediton.

Natalia Letch stated that she represented an organisation called the 'Crediton International and Cultural Organisation'. We started in 2009 so we are not new in the business. We run free English lessons for migrant workers at the moment but refugees can also join our wonderful group. We have an advice centre, we have been trained by CAB and we run all sorts of social events like meeting with the Police if there are some hate crime issues. We also do a lot of cultural events like sharing food skills and special international crafts. Crediton is used to that, we are building this bridge between non English speakers and the host community and we certainly can welcome these people and we will be looking after them, so my question is would you consider that we can take a lot of this responsibility from you and only occasionally in very very serious cases would you need to be involved?

Ros Reeves, again speaking in relation to item 8 on the agenda stated that she also came from Crediton. Ever since she had volunteered at the Calais camp about three years ago I have wanted to be part of a group to rehouse a family here in Mid Devon. So, I am asking you, would you agree with us that there is a moral imperative for our communities to reach out to just this one family given the horrors endured by these people and our Government's own scheme to help councils achieve this. We have worked so long and hard to comply with the council's requirements and have come so close to being able to offer this house to a Syrian family only to see it disappear. It is tragic for us but most of all for a refugee family.

The Chairman thanked those who had spoken for their input and questions and stated that they would be addressed during discussion of the item.

6 MINUTES

The minutes of the meeting held on 12 March 2019 were confirmed as a correct record and **SIGNED** by the Chairman.

7 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

8 SYRIAN VULNERABLE PERSONS RESETTLEMENT SCHEME (SVPRS) (00:18:30)

The Group had before it a report * from the Group Manager for Housing Services updating it on the provision of housing for Syrian Refugees in Mid Devon.

The Chairman opened the discussion by stating that he had a lot of sympathy for the families involved and he congratulated those that had tried to help and who had worked so hard up until now.

The Director of Operations briefly outlined the contents of the reports.

Consideration was given to the following:

- The advantages and disadvantages of using a third party agency one being that the liability would still rest with the Council as they would own the tenancy. A lot of negotiations took place behind the scenes before a family was housed and there was only so much a charity or third party could be asked to do.
- The positive and welcoming nature of the Crediton community.
- CHAT being prepared to help set up and support these families.
- The legal obligations of the Council.
- The implications on the housing options team following the introduction of the Homelessness Act which placed extra responsibilities on councils in terms of its statutory obligations and a requirement to have to work with all eligible applicants regardless of any priority need. There was work that the team had to undertake statutorily and there was work that they didn't, participation in the resettlement scheme was not a statutory obligation. The local authority needed to act lawfully with limited resources.
- The need for a 'can do' attitude and a full appreciation of the challenges faced by Syrian families.
- A similar resettlement programme had existed for the Vietnamese Boat People back in the 1980's. One family had been rehoused in Tiverton but they had not stayed having felt isolated and preferring to move north where other Vietnamese families were living.

It was **AGREED** that the issue be brought back to the next meeting having taken on board the representations made and investigations taken place regarding the following:

- a) What could be achieved by working with a third party or parties such as CHAT and;
- b) How other local authorities were managing to resettle families given that they were also required to comply with the Homelessness Act and would be experiencing the same time constraints.

Note: * Report previously circulated; copy attached to the signed minutes.

9 **PERFORMANCE AND RISK REPORT FOR 2018/19 (00:44:00)**

The Group had before it, and **NOTED**, a report * from the Director of Operations providing Members with an update on performance against the Corporate Plan and local service targets for 2018/19 as well as providing an update on the key business risks.

The officer summarised the key highlights throughout the year which fell under the housing area. This included mention of the fact that 4 new housing units had been completed in November 2019 and 6 in March 2019. 26 units at Palmerston Park were due for completion in the autumn of 2019.

The Housing Department were congratulated for an excellent set of results and wished for this to be passed back to the wider team.

Note: * Report previously circulated; copy attached to the signed minutes.

10 REVENUE AND CAPITAL OUTTURN 2018/19 (00:49:08)

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151) presenting the revenue and capital outturn figures for the financial year 2019/20. The report also contained recommendations to the Cabinet which would be presented to them at their meeting on 27 June 2019.

The Deputy Chief Executive (S151) outlined the contents of the report and drew the Group's attention to the following areas:

- The external auditors were currently undertaking an audit of the 2018/19 accounts and their work was progressing well.
- The General Fund outturn for 2018/19 showed an overall underspend of £19k.
- The Council had managed to transfer some funds to ear marked reserves due to several factors including some additional payments in relation to New Homes Bonus.
- The Council had changed the way it financed the vehicle fleet making sure that it got better value for money.
- The General Fund reserve was held at 25% of the operational budget.
- Financial Monitoring presented to each Policy Development Group throughout the year had been very accurate.
- Investments had performed well.
- In December every single unit in Market Walk had been occupied although it was acknowledged that rents had been low.
- The Council Tax collection rate for 2018/19 was 97.8% demonstrating how effective the Revenues section had been in collecting the annual charge in extremely challenging economic times.

The Group were presented with a budget position paper summarising the key areas within the housing area. Particular mention was made of the following:

- Private Sector Housing was showing a variance of £59k. This had occurred as a result of receiving a rogue landlord grant. The intention was transfer to this to reserves for future years.
- The Housing Revenue Account (HRA) investment income had performed very well helped by a Bank of England rate change in December 2018.
- Staff vacancy savings in the Repairs and Maintenance area.
- Savings on the gas servicing contract.
- An underspend on the estates budget.
- The ongoing detrimental effect on the HRA of Right to Buy (RTB).
- The need to look at the overall budget position rather than just individual cost centres.

The following was requested to take place:

- a) That a precise breakdown of the budget position with regard to the Crediton building be circulated to all members of the Group.

- b) That some training with regard to finances in this area be provided to the Group before the next meeting and certainly before budget considerations were brought before it.

The Group congratulated the Finance team on an excellent set of results and wished for this to be conveyed to the wider team.

Note: * Report previously circulated; copy attached to the signed minutes.

11 **HOUSING REVENUE ACCOUNT (HRA) ASSET POSITION (01:12:43)**

The Group Manager for Building Services provided the Group with a presentation on the asset position of the Housing Revenue Account.

Discussion took place with regard to:

- The pressure on the HRA of Right to Buy and the inflexible nature of the Government's stance on this issue.
- On average there were 25 RTB's per year.
- The Council's responsibility to provide social housing.
- The lack of financial incentive to build properties.
- In order to maintain the housing stock it was vital that the Council collected all the rent that was due to it.
- Replacement kitchens and bathrooms would need to be prioritised.
- It was a priority of the Housing Department to reduce the numbers on the housing waiting list wherever it could. This was managed through Devon Home Choice system which categorised tenants in terms of their housing need.

The Group requested that they receive information with regard to Council owned garages; how many were fit to be let and how many were in a state of disrepair for example? Also, how many garages were let to charities at a reduced rate? It was explained that information could be provided as long as it was of a general nature and did not relate to specific lets.

12 **HOUSING UPDATE REPORT (01:46:09)**

The Group had before it, and **NOTED**, a briefing paper from the Group Manager for Housing providing a written briefing on the latest developments relating to social housing.

The Neighbourhood Team Leader briefly outlined the contents of the report with reference to:

- The Hackett Review
- A new deal for social housing with the development of key performance indicators and how these could help tenants to hold their landlords to account.
- Recent regulatory judgements demonstrating how important it was for Registered Providers to be compliant with both legislative and regulatory requirements.
- The consultation in relation to a new five year Rent Standard.

- Yarlington (a housing association) had announced that they were exploring options to form a partnership.
- Tenure Reform and the drive to simplify the tenancy process especially in relation to flexible tenancies.
- Leasehold Reform.
- Welfare Reform

Note: * Report previously circulated; copy attached to the signed minutes.

13 **START TIME OF MEETINGS (01:53:47)**

It was **AGREED** to continue to hold meetings of the Group at 2.15pm for the remainder of the municipal year.

14 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:55:25)**

In addition to the items already listed in the work programme for the next meeting, the Syrian Vulnerable Persons Resettlement Scheme was also requested to be on the agenda.

(The meeting ended at 4.15 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 13 June 2019 at 5.30 pm

Present

Councillors

N V Davey, R J Dolley, J M Downes,
Mrs S Griggs, T G Hughes, D F Pugsley,
R F Radford, J Wright and A Wyer

Also Present

Councillor(s)

G Barnell, F W Letch and Mrs N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Adrian Welsh (Group Manager for Growth, Economy and Delivery), John Bodley-Scott (Economic Development Team Leader), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Joanne Nacey (Group Manager for Finance), Chris Shears (Economic Development Officer), Alan Ottey (Tiverton Town Centre and Market Manager), Matt Auty (Communications Officer) and Sarah Lees (Member Services Officer)

1 ELECTION OF CHAIRMAN (VICE CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr J Downes be elected Chairman of the Group for the municipal year 2019/20.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr N V Davey be elected Vice Chairman of the Group for the municipal year 2019/20.

3 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies for absence.

4 PUBLIC QUESTION TIME

There were no members of the public present.

5 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

Cllr Mrs N Woollatt declared an interest in relation to item 11 on the agenda, 'Connecting the Culm Project', in that she is a mill owner.

6 MINUTES

The minutes of the meeting held on 14 March 2019 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

7 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that he was honoured to have been elected Chairman of the Group. He felt that it was a proactive forward thinking forum and that it had the potential to carry a lot of influence.

8 MOTION 555 (COUNCILLOR F W LETCH - 8 APRIL 2019) (00:08:00)

At its meeting on 24 April 2019, Council had referred the following Motion to the Economy Policy Development Group for its consideration.

Motion 555 (Councillor F W Letch):

“Mel Stride MP recently said: “Central Devon has market towns with a wonderful variety of high street shops selling high-quality local produce and offering a range of services. Many are doing very well, but others face stiff competition from out of town and on-line retailers. I know that the margin between success and failure can be very small and even a small increase in the number of people who make it a priority to shop locally more often can make a big difference.”

High Street Saturday was on 16th March. I propose that:- In order to encourage the high street shops in Mid Devon's 3 main towns, this council will not charge for Saturday parking in the long stay car-parks of Tiverton, Cullompton and Crediton.”

Cllr Letch stated that the original intention behind his Motion had been for Council to consider offering free parking in the towns on Saturdays. However, since submitting the Motion he had given more thought to the whole area of car parking across the district and now felt that perhaps a better way forward was for the Car Parking Working Park to reconvene and for it to continue its work bearing in mind the contents of his Motion in conjunction with car parking charges generally.

Discussion took place with regard to:

- The considerable amount of work that the Car Parking Working Group had already undertaken in the previous Council.
- The amount of income that would be lost if free parking on every Saturday was to be offered.
- The need to consider all possible options going forwards.

It was **AGREED** that the Car Parking Working Group be re-established and for it to meet as soon as possible so that a recommendation could be brought back to the next meeting of this Group. The members of that Group to comprise of Cllrs D F Pugsley, R F Radford and for Cllr B Evans to be asked to return as a co-opted member. It was also requested that Cllrs F Letch and Mrs N Woollatt be invited to attend the Working Group meeting as observers.

It was further **AGREED** that the Policy Development Group's decision as to whether or not to recommend that the Motion be supported or rejected be postponed until the next meeting so that this could be considered alongside the recommendation of the Car Parking Working Group.

9 **PERFORMANCE & RISK OUTTURN REPORT FOR 2018/19 (00:19:10)**

The Group had before it, and **NOTED**, a report * from the Head of Planning & Economic Regeneration providing Members with an update on performance against the Corporate Plan and local service targets for 2018/19 as well as providing an update on the key business risks.

The contents of the report were outlined with particular reference to the indicators in relation to the number of empty shops, business rate accounts, the number of businesses assisted and car park vends.

Consideration was given to:

- The challenging nature in the way performance information was presented and the need for officers to receive feedback from Members in order to try and find a more helpful format.
- A need to evaluate performance information retrospectively and to ascertain whether interventions had been successful; whether projects had been worthwhile and what had worked and what hadn't.

It was **AGREED** that an item be brought back to the next meeting providing an evaluation of past projects in this area.

Note: * Report previously circulated; copy attached to the signed minutes.

10 **OUTTURN 2018/19 (00:29:00)**

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151) presenting the revenue and capital outturn figures for the financial year 2018/19. The report contained a number of recommendations that would be made to the Cabinet at its meeting on 27 June 2019.

The contents of the report were briefly outlined with discussion focussing on the following areas:

- The final monitoring report presented to the Group prior to the election had predicted an end of year deficit of £65k for the General Fund. However, the final position had improved by £84k meaning that the General Fund for 2018/19 would finish with an underspend of £19k
- In year financial monitoring throughout 2018/19 had been very accurate.
- It had been possible to set aside funds to Earmarked Reserves where needed.
- The recommendation to the Cabinet to carry forward circa £12m from the 2018/19 capital programme to fund schemes in the years to come. In addition to this the recommendation to transfer to earmarked reserves £459k which had been unspent.

- Market Walk and Fore Street shops in Tiverton. There had been a number of voids throughout the year but in December 2018 every unit in Market Walk had been occupied although overall rents had been lower.
- The Collection Fund and how effective the Revenues section had been in collecting Council Tax and NNDR during extremely challenging economic times.
- Variances in each of the budget areas falling under the remit of this Group and the reasons for these being explained in the appendices to the report.
- This Group did not have control over a large proportion of the council's budget and that the larger variances were due to market forces rather than poor service delivery.

Notes:

- (i) * Report previously circulated; copy attached to the signed minutes.
- (ii) Cllr N V Davey declared a personal interest in that he is a member of the Moorhayes Community Association.

11 **CONNECTING THE CULM PROJECT (00:56:13)**

The Group had before it, and **NOTED**, a report * from the Head of Planning, Economy and Regeneration informing Members of the progress with the Connecting the Culm Project.

The Economic Development Team Leader outlined the contents of the report explaining that the project was essentially designed to get a better understanding of the whole catchment area of the River Culm.

Consideration was given to:

- Whether other water courses would be considered as well as a need to consider not just flooding issues but the fact that during dry spells there was insufficient water in these water courses. In addition to this, there was damage to weirs and silted up channels requiring ongoing maintenance. Some of these water courses had heritage value and were a rich habitat for wildlife. It was confirmed that the whole catchment area would be included in the project so this would indeed include all tributaries.
- Questions were asked in relation to the need for co-ordination between all the partners and stakeholder groups. It was also essential that the District Council had a strong presence in this project. It was explained that the project was in the very early stages and that the main people were not in post yet. However, once they were, they would be looking not only at flooding but also water quality, biodiversity and water effectiveness amongst other issues.
- The end point of the project was to develop ways of working and to create a management plan for the river. It was confirmed that the Environment Agency were fully behind this project. However, a large number of authorities would need to find a way of working together if the project was to be successful and these early stages were about finding a way to make this happen.
- Issues with a historic bridge in Culmstock which needed urgent attention.
- This was a European funded project and Members were able to access a 200 page document listing what the desired outcomes were.

- Water run-off from housing developments and the effect upon water courses.
- The report would also be reported to the Environment Policy Development Group as this was an issue that was of interest to both Policy Development Groups.

It was **AGREED** that:

- a) An update on this project be brought to the next meeting including a timetable showing the key steps involved and that all Members in the Culm catchment area be copied into this whether or not they were on this Group.
- b) The Economic Development Team Leader collate a list of Members' concerns so that evidence could be brought to the attention of the relevant authorities.

Notes: (i) * Report previously circulated; copy attached to the signed minutes.

(ii) In addition to the interest declared under item 5, Cllr Mrs N Woollatt also declared a personal interest in that she is a member of the Cullompton Leat Conservancy Board.

12 **ECONOMIC DEVELOPMENT SERVICE UPDATE (01:31:30)**

The Group had before it, and **NOTED**, a report * of the Head of Planning, Economy and Regeneration updating Members on progress with key Economic Development Service Priorities.

The Group Manager for Growth, Economy and Delivery informed the Group about the make-up of his team and explained that an informal meeting would be arranged so that Members could meet them and discuss the work programme for the Group for the coming year. He also provided a brief context to the report by reference to the key components of the Mid Devon economy and its challenges.

The objectives and key sectors within the Economic Strategy were outlined by way of presentation and reference made to projects under each area. Discussion took place with regard to:

Employment and Skills

- The demand for employment sites was high but there were not many sites coming forward.
- There had been interest from an international company wanting to work in Mid Devon and making use of the M5 corridor.
- It was the role of the team to support these initiatives and to help businesses fulfil their aspirations.
- It was vitally important to strengthen the relationship with education providers.

Place

The Masterplanning process for Crediton would take place next year. Crediton was experiencing strong economic and business growth and enquiries were received on a regular basis. However, parts of the High Street did need regeneration as did the infrastructure around the town.

Infrastructure

Money was being secured through a Section 106 contribution from Lidl to facilitate the installation of high quality wireless internet services to Tiverton town centre as a pilot scheme with the intention to roll-out across Cullompton and Crediton when suitable funding becomes available. The question was asked as to whether significant investment needed to be made in relation to WiFi within the towns when 4G or 5G might suffice. It was explained that having WiFi within the towns presented other opportunities such as encouraging and supporting local businesses. Not all the funding from the Lidl S106 had been allocated to the installation of WiFi as it contained other measures to support the town centre.

Hi Tech, Innovation and Green Energy

The possible use of the river behind the Town Hall as a source of useable power was briefly discussed. It was explained that whilst this was a viable site the cost implications would need to be examined, however, the amount of power that could potentially be generated could be used to great effect within the town. Early estimates show that such a project could generate all of Phoenix House's power needs when combined with the solar energy already captured by the solar roof panels, potentially enabling the council to utilise a fully carbon-free energy supply. It was further explained that a group of master's students had investigated ecological improvements as well as hydro engineering.

Agriculture, Food and Drink

More information would be provided to a future meeting regarding the destination website.

A number of questions were asked in relation to initiatives designed to increase footfall within the towns, particularly Tiverton. It was explained that initiatives were being generated through the Town Centre Partnership such as evening entertainment, craft and farmers markets. More needed to be done and the informal meeting of the Group would provide Members with an opportunity to discuss the year one actions within the Economic Strategy and consider a work programme for the Group to push forward over the coming year.

The Group considered that it was important for it to be proactive in its work, to take issues forward and to achieve successful outcomes where it could.

Note: * Report previously circulated; copy attached to the signed minutes.

13 START TIME OF MEETINGS (02:22:57)

It was **AGREED** to continue to hold meetings of the Group at 5.30pm for the remainder of the municipal year.

14 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:24:10)

In addition to the items already listed it was requested that the following be on the agenda for the next or a future meeting:

- Update on 'Connecting the Culm Project' including a timetable
- Evaluation of performance data in relation to Economic Projects
- Report from the Car Parking Working Group with their recommendations
- Initiatives for Tiverton Town Centre Regeneration.
- Crediton Park Project

The Group requested that consideration be given to condensing the Economic Projects report with only the key highlights being brought forward for Members attention and discussion. The Chairman also requested that agenda items be time limited where possible in future.

(The meeting ended at 8.00 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the COMMUNITY POLICY DEVELOPMENT GROUP held on 25 June 2019 at 2.15 pm

Present Councillors

W Burke, J M Downes, Mrs I Hill,
E G Luxton, C R Slade, Mrs M E Squires,
L J Cruwys and B A Moore

Apologies Councillor(s)

Mrs C P Daw, B Holdman and Miss J Norton

Also Present Councillor(s)

R J Chesterton and D J Knowles

Also Present Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Rob Fish (Principal Accountant), Corinne Parnall (Leisure Manager - Health & Fitness) and Sally Gabriel (Member Services Manager)

1 ELECTION OF CHAIRMAN (THE CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr C R Slade be elected Chairman for the municipal year 2019-2020.

2 ELECTION OF VICE CHAIRMAN (00-01-32)

RESOLVED that Cllr B Holdman (in his absence) be elected Vice-Chairman of the Committee for the municipal year 2019/20.

3 APOLOGIES AND SUBSTITUTE MEMBERS (00-02-33)

Apologies were received from Cllr Mrs C P Daw who was substituted by Cllr B A Moore and from Cllr B Holdman who was substituted by Cllr L J Cruwys.

4 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

Cllrs Mrs I Hill and B A Moore declared personal interests with regard to Item 9 (6 Month Leisure Update) as they held Zest Cards.

5 PUBLIC QUESTION TIME

There were no members of the public present.

6 MINUTES OF THE PREVIOUS MEETINGS

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

7 CHAIRMANS ANNOUNCEMENTS

The Chairman thanked the Group for electing him as Chairman and following the recent press release with regard to food inspection congratulated the Environmental Health Team for their hard work.

8 GRANT FUNDED AGENCY

Alison Padfield (Manager) from CHAT (Churches Housing Action Team) gave an overview by way of presentation on the work of the organisation. She explained that the organisation had been established for 24 years, had a team of 10 staff with 20 volunteers and worked across the whole of Mid Devon. She outlined the areas that the organisation focussed on which was primarily tenancy support, housing advice and debt and money advice.

Emergency help was provided for those in need which included:

- The foodbank, which was generously supported by the local community and referrals were made to the organisation from outside agencies which included Social Services, AGE UK, Citizens Advice, GP's , the job centre and schools.
- Hardship – mobile phones, home start up kits, travel and tents were made available
- The Fuel Poverty Fund – £2045 had been granted
- A warm welcome – the use of showers, clothes washing facilities and somewhere safe to be

She outlined the number of clients in the previous year and the general statistics available, the work of the volunteers, the fund raising that had taken place and the plans for the future.

Discussion took place regarding:

- The grant funding supplied by the District Council
- The impact of Universal Credit
- The work taking place in rural areas and how Councillors could raise awareness of the organisation
- How much the service was welcomed and the good work that it did

The Chairman thanked Mrs Padfield for her attendance.

9 6 MONTH LEISURE UPDATE (00-26-30)

The Leisure Manager gave the Group an update by way of a presentation highlighting the work of the Leisure Team and the number of staff (186 team members with 60 FTE) across the 3 leisure facilities at Exe Valley, Culm Valley and Lords Meadow which operated for 106 hours per week and 362 days of the year. In the last financial year 894,329 visits had been made to the facilities.

She explained the partnership work and health and wellbeing initiatives taking place on both the wet and dry side of the facilities and the GP referral scheme for specific rehabilitation that was also taking place.

She provided photographs of each site and explained the refurbishment that had taken place and the work that was proposed for the future.

The Chairman thanked the Leisure Manager for her presentation and update.

Notes:

- i) Cllrs Mrs I Hill and B A Moore declared personal interests as they both held Zest Cards;
- ii) *Report previously circulated, copy attached to minutes.

10 MOTION 554 (COUNCILLOR R J CHESTERTON - 20 MARCH 2019) (00-46-52)

At its meeting on 24 April 2019, Council had referred the following Motion to the Community Policy Development Group for its consideration.

Motion 554 (Councillor R J Chesterton - 20 March 2019)

Parish and town councils should, in reply to any street naming proposal from a developer, be allowed to recommend to this Council that a street be named after an individual, including the living.

The Group had before it a report* of the Group Manager for Legal Services for consideration. She outlined the contents of the report explaining the procedure in place, the guidance that was available, the possible implications of naming a street after a living person and how other Devon authorities dealt with the matter. She highlighted in particular the guidance from Plymouth City Council.

Cllr Chesterton explained the reasoning behind his motion as he felt there was a desire to name streets after people who had achieved something in their lifetime and that this should be recognised whilst they were still alive.

Consideration was given to:

- Achievements could be forgotten and naming a street after a particular person would be well received
- The need for the local community to approve any proposal and the consultation process that took place
- The checks and balances that would have to be in place prior to any recommendation

It was therefore

RECOMMENDED to Council that Motion 554 be supported.

The Policy Development Group also recommended that the following wording be placed in the Council's procedure:

In exceptional circumstances should a proposal be made to name a Street after a living individual, on the grounds of them having made an outstanding contribution to the locality and/or its people, these will be permitted if both approval by the individual and unanimous agreement between the Cabinet Member with delegated authority for the service and appropriate Ward members is received.

(Proposed by the Chairman)

Note *Report previously circulated, copy attached to minutes.

11 REVENUE AND OUTTURN REPORT (1-01-09)

The Group had before it and **NOTED** a *report of the Deputy Chief Executive (S151) presenting the Revenue and Capital Outturn report for 2018/19. He outlined the contents of the report informing the meeting of the following highlights

- The final monitoring report presented to the Group prior to the election had predicted an end of year deficit of £65k for the General Fund. However, the final position had improved by £84k meaning that the General Fund for 2018/19 would finish with an underspend of £19k
- In year financial monitoring throughout 2018/19 had been very accurate.
- It had been possible to set aside funds to Earmarked Reserves where needed.
- The recommendation to the Cabinet to carry forward circa £12m from the 2018/19 capital programme to fund schemes in the years to come. In addition to this the recommendation to transfer to earmarked reserves £459k which had been unspent.
- The positive position of the HRA which showed a saving of £613k and the transfer of the same to earmarked reserves.
- The Collection Fund and how effective the Revenues section had been in collecting Council Tax and NNDR during extremely challenging economic times
- Market Walk and Fore Street shops in Tiverton. There had been a number of voids throughout the year but in December 2018 every unit in Market Walk had been occupied although overall rents had been lower.

The Principal Accountant provided detailed information of the outturn for the specific budgets under the remit of the Group highlighting the major variances within the report.

Consideration was given to:

- The underspend on the Capital Programme and which projects had slipped and when they would be progressed
- Funding for the Garden Village
- Remittances received via Planning S106 agreements.
- Whether variances could be depicted minus the additional windfalls so that a clearer picture could be identified

Note *Report previously circulated, copy attached to minutes.

12 **PERFORMANCE & RISK (1-29-24)**

The Group had before it and **NOTED** a *report of the Group Manager for Performance, Governance and Data Security regarding the Outturn performance against the corporate plan and local service targets for 2018/2019.

The officer outlined the contents of the report highlighting the total refurbishment of the fitness studio at Lords Meadow, the completion of the trim trail at Amory Park, the compliance with food safety law, the announcement by Gigaclear regarding the delay in delivering superfast broadband across Devon and the digital inclusion work that had commenced.

Consideration was given to:

- The record number of food inspections that had taken
- With regard to scores on the doors, over 96% of food establishments were good or very good.
- The on-going risk of cyber security

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

13 **START TIME OF MEETINGS (1-38-04)**

It was agreed that the Group would continue to meet at 2.15pm for the remainder of the municipal year.

14 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1-39-00)**

There were additional items proposed to the work programme.

(The meeting ended at 3.55 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 5 June 2019 at 2.15 pm

Present Councillors

E J Berry, S J Clist, Mrs C Collis,
Mrs F J Colthorpe, L J Cruwys,
Mrs C P Daw, R J Dolley, D J Knowles,
F W Letch, R F Radford and B G J Warren

Apologies Councillor(s)

E G Luxton

Also Present Councillor(s)

D R Coren and S J Penny

Also Present Officer(s):

David Green (Group Manager for Development), Philip Langdon (Solicitor), Alison Fish (Area Team Leader), Daniel Rance (Principal Planning Officer) and Carole Oliphant (Member Services Officer)

1 ELECTION OF CHAIRMAN (00.01.00)

RESOLVED that Cllr F J Colthorpe be elected Chairman of the Committee for the municipal year 2019/20.

(Proposed by Cllr F W Letch and seconded by Cllr D J Knowles).

2 ELECTION OF VICE CHAIRMAN (00.03.56)

RESOLVED that Cllr D J Knowles be elected Vice Chairman of the Committee for the municipal year 2019/20.

(Proposed by Cllr B G J Warren and seconded by Cllr S J Clist).

3 APOLOGIES AND SUBSTITUTE MEMBERS (00.06.59)

Apologies were received from Cllr E G Luxton who was substituted by Cllr R J Dolley.

4 PUBLIC QUESTION TIME (00.10.58)

Martin Fishleigh –The Chairman advised Mr Fishleigh to raise his objections when the application was heard.

Tony Price, referring to item 3 on the plans list (AD plant at Lords Meadow, Crediton) asked the planning officer to explain if they were going to allow an on farm Anaerobic Digester to be sited on Lords Meadow Industrial Site next to a thriving blue chip

company manufacturing printed circuits when this should be on a farm? Could the planning officer make clear if they have employed any specialist consultant to advise of any effects of pollution to houses and factories close to this site? Should this plant be allowed what contingency plans do MDDC have to employ to ensure the plant is correctly monitored for the air pollution?

Cllr Lloyd Knight, Cullompton Town Council, referring to item 2 on the plans list (Siskin Chase, Cullompton) stated with the mistakes that had been made with the King Fisher Reach development Cullompton Town Council were very nervous about this development. We think that there is a major issue with the access at the development which is to use Siskin Chase as access to these 105 houses which does not have much room with parked cars either side of the cul de sac with a chicane as well which is a bit of a pinch point. We believe that Colebrooke Lane west of Swallow Way is going to be used for the construction vehicles. We are wondering if this could be a permanent access for the 105 houses as well as Siskin Chase. There is going to be a footpath anyway and it will be a standard of road for emergency vehicles so wouldn't it make sense just to have it as a permanent access? We think that this would help with the idea of the rugby club who maybe moving and that being turned to housing developments and the suggested access west of Swallow Way/Colebrooke Lane would help with the traffic alleviation.

Peter Heal who runs a business on Lords Meadow Industrial estate referring to item 3 on the plans list (AD Plant at Lords Meadow, Crediton) had six questions for the planning officers. As I understand it, the feed stock is going to be 32,500 tonnes and that equates to 89 tonnes a day or 560 tonnes per week. I downloaded some information from BIOGas Info.co.uk, the official information portal on Anaerobic Digestion, and one of the statements about digestate is that 90-95% of what goes into the digester comes out a digestate.

1. How much digestate will there be per week?
2. How much is liquid and how much is solid?
3. The application transport statement says the export trips are 4 per week. Is this for dry matter digestate only?
4. Why is there no application for a holding tank for the liquid digestate at Downs Home Farm seeing as there is where it is going to go. How large will it be and will it be a sealed tank? I know it's not part of this application but I assume they are going to need somewhere to store it?
5. The transport statement says at point 4.10 that grass import would not involve trips on a highway as it will be directly accessed off the Downs Home Farm site but at point 4.17 it says that this route is weather dependant so how will the grass get there if the previous off road site not available for use?
6. Why does that transport statement say that grass silage will be at Downs Home Farm yet the odour management plan which was submitted on 5th April says that the grass silage will be stored on the AD plant site?

Jamie Byrom referring to item 2 on the plans list (Siskin Chase, Cullompton) and in particular to page 35 of the public report pack where there is a statement made in the officers report about the 5 year housing land Supply. The statements made there are that the Council is satisfied that it can currently demonstrate a 5 year housing land supply but unfortunately because there was an appeal in 2016 in Uffculme and policies which relate to housing delivery are still subject to the tilted balance that can kick in where the supply is not sufficient. Because it wasn't sufficient in 2016 is that

still being applied now even though your officers say they are satisfied that there is sufficient 5 year land supply. Clearly a difficult situation for everyone. I wanted to make members aware that in November of last year officers postponed decision making on several applications that they believed would be affected by this ambiguity over the 5 year housing land supply and they were waiting for information from the Government due in November, which then came out in February. When that data came out my understanding is, that this is grounds of the confidence that there is sufficient 5 year housing land supply that no 20% extra was needed to be added in the case of Mid Devon. If I am right about those facts then I am confused because by announcing that delay in November the officers explanation said that for some applications the absence of a demonstrable 5 year housing land supply is a material consideration with significant implications, it's therefore prudent to wait for the publication, expected before the end of November and that appeared in February, and then test our review against those results for accuracy. I am puzzled by the officer report which is still applying a tilted balance and hasn't postponed this one as it has done for others. In February officers produced for the inspection examination calculations which assured the inspector that housing land supply was secure was 4 months ago so the delay in finding this calculation properly and officially leaves residents in Cullompton and elsewhere at the mercy of a 2016 calculation that prejudices the case in favour of would be developers through so called tilted balance. I want it noted that it was in July 2018 that the last figures on 5 year housing land supply were put before this committee just before their decisions were made on that day so almost a full year has gone by.

1. Will officers confirm what the necessary official calculations on housing land supply will have been made by the committee when it meets in July 2019?
2. If you can't give that confirmation please explain why that is?
3. Will the Councillors please consider this matter when you are discussing whether you are minded to refuse the Cullompton decision today I would hold that it cannot be unreasonable to do so in the knowledge that other sites have been postponed precisely because the 5 year land supply data had not made public?

Roger Harris again referring item 2 on the plans list (Siskin Chase, Cullompton) asked if the committee were aware that the road in Siskin Chase is at one stage only 3.55 meters wide? This is between the junctions of Starlings Roost and Linnet Dean which is not wide enough for two vehicles to pass. Permission to allow any higher flow of traffic who already uses this road will cause severe problems for road users and residents and I am mystified how the Highways department can justify putting 200 more extra vehicles a day now and maybe more in the future should there be future development through Siskin Chase and state that this is an acceptable means of access. Could someone please explain how this makes any sense in respect of road safety? I'm not sure what S106 agreements are but it appears to be document from items 1-10 of the proposal where money is allocated from this development to various departments and various people including £7500 per dwelling towards the town centre relief road. None of this appears to be of any financial benefit for Siskin Chase and I can't see why if this development is built, and the development above at the rugby club, the money cannot be used put a road from Knowle Lane down through to Colebrook Lane. That money could easily be used to improve that road which could be developed and used by the whole of the estate on this development and a future one and it would be not need to put the residents of Siskin Chase through all this turmoil.

5 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00.26.38)**

Members were reminded of the need to declare any interests when appropriate.

6 **MINUTES OF THE PREVIOUS MEETING (00.26.51)**

The Minutes of the meeting held on 23 April 2019 were approved as a correct record and **SIGNED** by the Chairman.

7 **CHAIRMAN'S ANNOUNCEMENTS (00.29.30)**

The Chairman had no announcements to make.

8 **DEFERRALS FROM THE PLANS LIST (00.29.46)**

There were no deferrals from the Plans List.

9 **THE PLANS LIST (00.30.05)**

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) 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 application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No1 on the Plans List (***19/00435/FULL – Siting of a storage building – Mid Devon District Council – Unit 3, Carlu Close, Hitchcocks Business Park, Willand***) be granted planning permission as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

(b) No 2 on the Plans List (***19/00118/MOUT – Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane – land at NGR 301216 106714 (West of Siskin Chase) Colebrooke Lane, Cullompton***).

The Area Team Leader outlined the contents of the report by way of presentation highlighting that all matters except the access arrangements would be matters for future applications. The officer gave an overview of the site by way of a presentation and photographs of the site and surrounding road access and explained that the plans were indicative at this point and that access was the only matter for consideration.

She explained that the access point through Siskin Chase was a policy decision and that a road safety audit had been completed and Devon County Council Highways Authority had no objections to the route.

She addressed specific questions raised by members of the public:

- She would confirm when the necessary official calculations on housing land supply would be completed
- The land at Colebrooke Lane was not under the control of DCC Highways or the developer and therefore permanent access at this point into the site was not viable
- Siskin Chase had been identified as the access point into the site and formed part of agreed policy and the road safety audit and DCC did not have any objections or concerns re increased traffic flow

Consideration was given to:

- The 5 year land supply and the housing test delivery results
- The views of the objector who felt that the development was not sustainable and that the access point through Siskin Chase was not wide enough to support additional traffic flow
- The views of the agent who had sited the access point in Siskin Chase in accordance with the Planning Authority's accepted policy
- The views of the Town Council who were not opposed to the development but felt that the access into the site from Siskin Chase was unsuitable because of the volume of traffic which would be generated by the development. An access point into the development from Colebrooke Lane was recommended
- The views of the ward member who felt that the photographs provided by the Planning officer were misleading and that the Colebrooke Lane entrance would be wider than the Siskin Chase entrance and would be more suitable
- The views of the Highways Officer who stated that the land along Colebrooke Lane was outside of the control of both DCC and the developer and therefore could not be widened to accommodate a permanent access point and a viable road junction
- Concerns from members who felt that the agreed local policy siting the access point through Siskin Chase was flawed as the road was too narrow
- The confirmation from DCC Highways that the Siskin Chase access was acceptable in terms of traffic volumes and flow and that they had no objections to the proposals
- The concerns of members who felt that if the Colebrooke Lane access flooded whilst the site was being developed that construction traffic would go into the site via Siskin Chase

It was therefore:

RESOLVED that the application be deferred for further discussions between Officers and the Agent to consider the possibility of a permanent vehicular access route from Colebrook Lane into the site.

(Proposed by Cllr S J Clist and seconded by Cllr B G J Warren)

Notes:

- i) Cllr R Dolley declared a personal interest as he was a sponsor of the Rugby Club which was situation next to the proposed development;
- ii) Cllr R Radford declared a personal as he was a sponsor of the Rugby Club which was situation next to the proposed development;
- iii) Mr Harris spoke on behalf of the objectors;
- iv) Mr Brown (Agent) spoke;
- v) Cllr E J Berry spoke as Ward Member (Cullompton South);
- vi) A proposal to support the application was not supported
- vii) Cllrs R Dolley and R Radford requested that their abstentions to the original proposal be recorded
- viii) Cllrs B G J Warren, S J Clist and E J Berry made declarations in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as they had received correspondence about the application

(b) No 3 on the Plans *List (18/01800/MFUL – Construction of an on-farm anaerobic digestion plan and associated infrastructure – land at NGR 285024 100245 (East of Lords Meadow Industrial Estate, Crediton))*.

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the site location and the proximity to Lords Meadow Industrial Estate.

He addressed specific questions raised by members of the public:

- Condition 9 stated that there shall be no storage of any feedstock other than silage within the application site except within the sealed digestate storage tanks
- The new access would be raised above the flood level and there were no objections from the Environment Agency
- Removed digestate would generally go over fields but local transport firms would be utilised to take it over the road network where required
- There was the potential to have liquid digestate pumped but it did not form part of this application
- Environmental Health did not have any issues with the proposal in terms of air pollution

Consideration was given to:

- The views of the objector who was concerned about dust and debris emitting from the proposed site and the effect this could have on a blue chip company

- The views of Crediton Hamlets Parish Council who were opposed to the application on the grounds of odour and airborne dust
- The views of the ward members who were concerned about the effect on the carbon footprint with material being brought in from different locations
- The concerns of members with regards to contracts with companies listed on the supplier list which could be amended or changed by the applicant
- The landscaping arrangements and how to ensure the plant was screened from view
- The views of a member with experience of an AD plant in the district which had been objected to but was now up and running well and that a liaison group had been implemented with local residents to ensure the plant operators kept local people informed

It was therefore:

RESOLVED that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with a further condition with regard to additional landscaping to be incorporated as part of the proposal and an informative note to encourage a voluntary liaison group to be created so that local residents and the operator could keep an open dialogue on the running of the plant.

(Proposed by the Chairman)

Notes:

- i) Cllrs F W Letch, B G J Warren, L J Cruwys, S J Clist, D J Knowles, R F Radford, Mrs C Collis, Mrs F J Colthorpe, D R Coren and S J Penny made declarations in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as they had received correspondence about the application
- ii) Mr Fishleigh spoke on behalf of the objectors;
- iii) Mr Kerslake (Agent) spoke;
- iv) Cllr Mortimer spoke on behalf of Crediton Hamlets Parish Council
- v) Cllr D R Coren and Cllr S J Penny spoke as Ward Members (Yeo)

10 MAJOR APPLICATIONS WITH NO DECISION (02.56.43)

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

It was **AGREED** that:

Application 19/00718/MOUT Land at NGR 270904 112818 (The Barton) Belle Vue, Chawleigh, Devon be delegated to Planning Officers

Note: *List previously circulated; copy attached to the Minutes

11 **APPEAL DECISIONS (02.59.44)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to Minutes.

12 **START TIMES OF MEETINGS (03.00.53)**

The Committee **AGREED** start times for meeting should remain at 2.15pm for the remainder of the 2019/20 municipal year.

(The meeting ended at 5.45 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 3 July 2019 at 2.15 pm

Present Councillors

Mrs F J Colthorpe (Chairman), E J Berry,
S J Clist, Mrs C Collis, L J Cruwys,
D J Knowles, F W Letch, R F Radford,
R J Dolley and B A Moore

Apologies Councillor(s)

Mrs C P Daw, E G Luxton and
B G J Warren

Also Present Councillor(s)

G Barnell and Mrs M E Squires

Present Officers:

Lucy Hodgson (Area Team Leader), Adrian
Devereaux (Area Team Leader), Helen
Govier (Principal Planning Officer), Maria De
Leiburne (Solicitor) and Sally Gabriel
(Member Services Manager)

13 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr B G J Warren.

Apologies were also received from Cllr Mrs C P Daw, who was substituted by Cllr B A Moore and E G Luxton, who was substituted by Cllr R J Dolley.

14 PUBLIC QUESTION TIME

Mrs Stannard referring to item 1 on the Plans List (Land adjoining Ruffwell Inn, Thorverton) on the agenda stated that the parish councils of Silverton, Rewe and Thorverton had opposed the application as they had concerns that the issues they had raised had not been addressed. There had been 19 letters of objection with major concerns covering traffic issues, sewage arrangements and incompatibility of the caravan site with the rural area. There were 4-5 caravans on site without permission and the application was for the siting of 3 permanent caravans, 5 touring caravans and 2 tent pitches. There was a condition in the report with regard the owner keeping a register of names and addresses of those visiting the site and that this information should be made available to the Local Planning Authority. She made mention of a proposal for 3 permanent pitches with a 6 month lease, this had been removed, this raised the question with regard to the length of time people were staying in the caravans and who would enforce this, would it be the planning officer?

The Chairman indicated that answers to the questions would be provided when the item was debated.

15 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-06-58)**

Members were reminded of the need to declare any interests when appropriate.

16 **MINUTES OF THE PREVIOUS MEETING (00-07-06)**

The minutes of the meeting held on 5 June 2019 were approved as a correct record and signed by the Chairman.

17 **CHAIRMAN'S ANNOUNCEMENTS (00-08-01)**

The Chairman had the following announcements to make:

- She informed the meeting that in respect of outline planning application 18/00504/MOUT relating to land north of Town Farm, Burlescombe, this had been refused under delegated powers on the 28th June 2019. Members may recall that this outline application was originally submitted for 10 dwellings in 2018 and when Members discussed the Major Applications list at Planning Committee decided to call in the application. Since the time of the initial submission, the applicant had revised the residential scheme, first down to 6 dwellings then down to 3 dwellings and finally down to 2 dwellings.

The application was therefore no longer a major planning application and back in November 2018, the Ward Member at the time (Councillor Bainbridge) confirmed that she would only wish to call in the application if officers were minded to approve. It was considered that this planning application should be refused given the objections received from the Local Highway Authority. Both Ward Members had confirmed that they were happy for this application to be refused under delegated powers on this basis.

- She reminded the committee that the next meeting would be on Wednesday 31 July.

18 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

19 **THE PLANS LIST (00-11-15)**

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) No 1 on the Plans List (**18/01840/FULL – change of use of land for the siting of permanent and touring pitches for tents and caravans – land adjoining Ruffwell Inn, Thorverton**).

The Area Team Leader outlined the contents of the report by way of presentation highlighting the location of the site, the nearest neighbours and the farm shop, the proposed site plan which depicted the permanent pitches and those to be used for

touring caravans, the elevations for the chemical disposal building and photographs from various aspects of the site.

She then addressed the question posed at public question time and provided the following answer: conditions would restrict the occupancy of all the pitches, if the applicant was to be found in breach of conditions, then planning enforcement powers would be used to seek compliance.

Consideration was given to:

- Policy DM24 – development for tourism
- Whether noise issues could be restricted by condition
- The number of days that a caravan could be occupied
- Landscaping issues
- Highways issues which included access to the site through the pub car park and possible difficulties accessing the campsite if the car park was full.
- The septic tank on the site (to be used for the 3 permanent pitches) and the chemical disposal unit (for touring vans)
- Whether there were any flooding issues in the area
- The caravans already on site
- The views of the applicant with regard to the successful public house business and the wish to expand facilities to include a camp site, the ideal location on the main road with good access and a central location for visitors who would also use the facilities of the public house and the location of the nearest neighbours
- The views of the Chairman of Silverton Parish Council with regard to the impact on the landscape, whether there was adequate screening in place, sewage facilities, the access on the busy junction, whether the caravans would be held on the road if the car park was full and that there were inadequate services on the site
- The views of the Ward Member (a written representation read by the Chairman) in which he voiced concerns raised by the Parish Council, whether this was a suitable application for the rural area, the distance between neighbouring properties, potential noise issues and that a poorly maintained site would have a negative impact on the local economy. He also highlighted the possible benefits to the area and that he had had discussions with the owner of the site
- The views of statutory consultees.

RESOLVED that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr R F Radford and seconded Cllr E J Berry)

Notes:

- i) Mr Cairns (applicant spoke);
- ii) Cllr Melville representing Silverton Parish Council spoke;
- iii) The Chairman read a written representation by the Ward Member (Cllr J Wright)
- iv) Cllr S J Clist requested that his abstention from voting be recorded.

(b) No 2 on the Plans *List (18/01935/MFUL – Erection of a 2-storey GP Practice – land at NGR 284429 99439 Joseph Locke Way, Crediton).*

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location plan of the proposed new shared facility for Crediton, the block plan of the proposal, the proposed parking areas, access, landscaping, the location of the bus stop, the ground and first floor plan, proposed elevations, section plans, the location of the attenuation area, the flood risk assessment, the design of the building and photographs from various aspects of the site.

Consideration was given to:

- The lack of objection from the statutory consultees
- The design of the proposal
- Sustainability issues
- The proposal had been well received by the majority of residents in Crediton

RESOLVED that: planning permission be granted subject to conditions and consideration of informative notes as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr F W Letch and seconded Cllr R J Dolley)

Notes:

- i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as she knew the agent for the application;
- ii) Cllr F W Letch declared a personal interest as he used the doctors surgery and was Chairman of the Health and Wellbeing Group in Crediton and in that role had received a presentation on the proposal.

(c) No 3 on the Plans *List (19/00795/FULL – Erection an extension and alterations to residential home (revised scheme) – Ridge House, Church Street, Morchard Bishop).*

The Principal Planning officer outlined the contents of the report by way of presentation highlighting an aerial photograph which depicted the site location, the neighbouring property and church. She explained that this was a revised scheme following the previous concerns of the Conservation Officer and that the current proposal had addressed the concerns raised. Members viewed the existing and proposed floor plans and elevations and considered photographs from various aspects of the site.

Consideration was given to:

- The views of the applicant's agent who stated that accommodation was very much in demand, the revised scheme had significantly amended the previous application having considered the views of the Conservation officer and that the proposal could be seen as an investment for the community.
- The views of the Ward Member considering the views of the Parish Council who had concerns regarding the loss of evening light to the neighbour and that they enjoyed their use of the patio in their garden
- Whether the loss of evening light was to an unacceptable degree

RESOLVED that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr B A Moore and seconded Cllr S J Clist)

Notes:

- i) Mr Taylor (Agent) spoke;
- ii) Cllr Mrs M E Squires spoke as Ward Member
- iii) Cllr L J Cruwys requested that his abstention from voting be recorded.

20 MAJOR APPLICATIONS WITH NO DECISION (1-27-34)

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

It was **AGREED** that:

Application 19/00928/MFUL – Hitchcocks Business Park, Uffculme be brought before committee for determination and that a site visit take place.

Application 18/00518/MFUL – Halberton Court Farm, Halberton, this had previously been considered in 2018 and it was agreed that the application should come to committee for determination, however Members **AGREED** that the application

should now only come before the Committee if the officer recommendation was one of approval.

Note: *List previously circulated; copy attached to the Minutes

21 **APPEAL DECISIONS (1-30-27)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to Minutes.

(The meeting ended at 3.47 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 19 June 2019 at 6.00 pm

Present Councillors

Mrs F J Colthorpe, C R Slade,
Mrs M E Squires, L D Taylor, C J Eginton,
A White, Mrs N Woollatt, A Wyer and
R M Deed

**Apologies
Councillor(s)** A Wilce

**Also Present
Councillor(s)** R Evans and L J Cruwys

**Also Present
Officer(s):** Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer) and Sally Gabriel (Member Services Manager)

1 ELECTION OF CHAIRMAN (THE CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr C J Eginton be elected Chairman of the Committee for the municipal year 2019/20.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr A Wilce (in his absence) be elected Vice-Chairman of the Committee for the municipal year 2019/20.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr A Wilce who was substituted by Cllr R M Deed.

4 PUBLIC QUESTION TIME

Mr Thompson referring to Item 8 (Annual Report of the Monitoring Officer) on the agenda stated that he would like to ask that the committee consider a form of inquiry based on his comments:

1. I assume you are aware that there is a Mid Devon Constitution that lays down correct procedure etc for investigation of complaints and who by?
2. I would like to make you aware that in the period April/May 2018 as a member of the Policy/Finance/Personnel/Committee of Cullompton Town Council, I was informed that a complaint was made against myself and a member of the public by 3 members of staff under the internal grievance procedure, this was

rejected and recommended consideration that the complaints go via the code of Conduct procedure - this was a year ago.

There was nothing further said to myself or the member of public until only about 3 to 4 months ago at a council meeting when I asked the clerk what was happening re the complaint, after some hesitation I was informed there was nothing further happening. I took this as the complaint(s) were not being taken any further. I retired from the Council just before elections in May this year owing to health issues and stress owing to a culture of a dysfunctional council — this can be described more fully as needed.

On 16th May 2019, I wrote to the Cullompton Town Clerk asking her to produce to me all documents of complaints which were made under the grievance procedures and not under the Code of Conduct, as this was effectively a year since the original complaints and I had not been made aware of the content or allegation against me.

I was informed that the Monitoring Officer was the person to ask as it was later referred to her under the Code of Conduct.

On 21st May 2019, I was informed by the Monitoring Officer “on discussion with the Independent Person and in light of the rights and freedoms of councillors, we concluded that they should not be taken any further for investigation. Unfortunately, due to intervening complaints, including those which took on a degree of urgency earlier this year, I did not turn those conclusions into a decision letter”. She later said “The Independent Person responded on 12 August 2018, which I subsequently discussed with him on 14 August 2018 and again briefly on 29 October along with other outstanding complaints.”

I was never informed officially of the complaint, progress of investigation, result of report by the Independent Person or given the opportunity to challenge comments made, I can show that they are inaccurate and questionable as to how they were written. I would also like to state that this is not the first time that the Monitoring Officer has taken a long time in responding to a complaint by myself, It should also be noted that the minutes recorded at previous Standards Committees have also had comments on delays by the Monitoring Officer. I find one year to deal with this complaint against myself is totally unacceptable and highly unprofessional for a person in the her role with a Deputy Monitoring Officer(s) to assist in her absence.

Mr Snow again referring to Item 8 on the agenda stated that Mr Thompson had highlighted the delays of investigating complaints, there had been little interaction and the rules were not being followed. Somethings had been dealt with incorrectly and there should be further inquiry into how complaints are dealt with.

The Monitoring Officer responded stating that she could not discuss the detail of the complaints in an open meeting, but she was happy to circulate her comments should that be required. There had been delays for which she apologised. There was a balance between speed and doing justice to the complaints. There had been delays with workload pressures. There appeared to have been a misunderstanding of the application of the Constitution and the procedures to be applied, none of the

complaints had proceeded to formal investigations. However detailed and reasoned decisions had been given and the Independent Person had been consulted.

Councillor Mrs Woollatt stated that when a complaint was made against someone, that could be a very stressful and traumatic thing. There was a need to put things in place so that things don't drag on. The Monitoring Officer should have adequate resources, the delay had been recognised and what could the Committee do to address the issue.

The Monitoring Officer responded stating that she did write to those complained of. There had been a misunderstanding from conversations with Mr Thompson, when it appeared to her that he was already aware of the complaint which was on the same subject as the grievance. However she would not make that assumption again.

In response to a question by Cllr Taylor, the Monitoring Officer explained that the complaints procedure for formal investigations had timescales as set out in the Constitution, but in relation to the pre-investigation stages, the legal Jurisdiction Test indicated that these stages would normally be dealt within 30 days, although it was not a fixed requirement.

5 MINUTES (00-16-53)

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

6 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-17-55)

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

7 CHAIRMAN'S ANNOUNCEMENTS (00-18-10)

The Chairman had no announcements to make.

8 ANNUAL REPORT OF THE MONITORING OFFICER FOR 2018/19 (00-18-18)

The Committee had before it a * report of the Monitoring Officer providing a review of the preceding year.

She outlined the contents of the report stating that this provided evidence of the work that had taken place during the previous municipal year. She highlighted the following:

- There had been 3 scheduled meetings in the previous year with one being postponed and a further cancelled due to insufficient business. In previous years meetings had been held on an adhoc basis. The scheduled meetings would allow for a work programme to be developed.
- One Independent Person was required by law, if the need arose she could always call on another Independent Person from another authority, however she felt that an additional Independent Person would be of benefit to the authority in case of a conflict of interest.
- The role of the Monitoring Officer and that of her deputies.

- There had been 8 complaints in the municipal year 2018/19 which compared with 6 in the previous year. The majority had been related to town and parish Councils. She continued to support the clerks of the town and parish Councils.
- Issues arising from the use of social media.
- She had visited several parish councils and a number of parish clerks had sought advice in the previous year and she was working closely with a couple of parish councils.
- She referred to the Register of Gifts and Hospitality and that she would be reminding members of the need to register them.
- With regard to the redaction of sensitive interests from the register, she explained the process.

Consideration was given to: the Independent Person attending meetings of the Council and providing confidential feedback to the committee with regard to any additional training that may be required. It was **AGREED** that this be reviewed in the autumn.

RESOLVED that the report be **NOTED** and circulated to all Town and Parish Councils for information.

(Proposed by Cllr C R Slade and seconded by Cllr R M Deed)

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

9 **COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT (00-29.25)**

The Committee had before it a *report of the Committee on Standards in Public Life with regard to Local Government Ethical Standards.

The Monitoring Officer outlined the contents of the report stating that the document had been published in January 2019, a number of the recommendations required legislative change but no timetable was available to date. The Local Government Association had also been tasked with regard to creating an updated model Code of Conduct in consultation with all tiers of local government and the creation of peer reviews to consider local authorities processes for maintaining ethical standards. Within the document was a list of best practice which should be considered by the committee.

Consideration was given to:

- The formation of a working group to consider the best practice highlighted within the document.
- Whether parish clerks in Mid Devon held the appropriate qualifications
- A Devon code which would aid those members who served on town and parish councils or at County level
- The need for an updated code to be more robust
- The report's recommendation to Government on a rebuttable presumption that a councillors behaviour included comments on social media, should be in their official capacity

- Recommendations 3 and 4 in the report were seen to be contradictory and some clarity would be required, possibly through new legislation
- Whether a stronger code would impact of the number of local residents putting themselves forward for election
- Whether suspension for up to six months would impact on the six month rule
- Any proposals for new legislation would probably be the subject of consultation before implementation

It was therefore:

RESOLVED that a working group be formed to consider the findings of the report and in particular the suggested best practices. Members of the working group would be Cllrs: C J Eginton, L D Taylor, Mrs N Woollatt and A Wilce (with his agreement).

(Proposed by the Chairman)

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

10 **START TIMES OF MEETINGS (00-52-50)**

The Committee **AGREED** to continue to hold its meetings at 6.00pm for the remainder of the 2019/20 municipal year.

11 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00-53-00)**

The following issues would be addressed at the next meeting:

A report from the working group with regard to the Standards in Public Life Report.

(The meeting ended at 6.55 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 4 July 2019 at 10.30 am

Present Councillors

J Cairney, Mrs F J Colthorpe, D R Coren,
J M Downes, S J Penny, L D Taylor and
A Wilce

Apologies Councillor(s)

Mrs E M Andrews, T G Hughes and Miss J Norton

Also Present Officer(s):

Simon Newcombe (Group Manager for Public Health and Regulatory Services), Sally Gabriel (Member Services Manager), Philip Langdon (Solicitor), Thomas Keating (Specialist Lead (Licensing) Officer) and Carole Oliphant (Member Services Officer)

1 ELECTION OF CHAIRMAN (THE MEMBER SERVICES MANAGER IN THE CHAIR) (00.06)

Cllr J Cairney was elected Chairman for the municipal year 2019-2020.

(Proposed by Cllr L D Taylor and seconded by Cllr J M Downes)

2 ELECTION OF VICE CHAIRMAN (01.21)

Cllr D Coren was elected Vice Chairman for the municipal year 2019-2020.

(Proposed by Cllr S J Penny and seconded by Cllr J M Downes)

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs Mrs E M Andrews, T G Hughes and Miss J Norton

4 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (03.52)

There were no declarations made

5 PUBLIC QUESTION TIME (03.58)

There were no members of public present

6 MINUTES OF THE PREVIOUS MEETING (04.34)

The minutes of the previous meeting held on 1st March 2019 were agreed as a true record and signed by the Chairman

7 ENFORCEMENT UPDATE (05.19)

The Specialist Lead Licensing Officer addressed the Committee and explained the remit of the Licensing Committee.

He explained that there were 351 licensed premises in the District and the Licensing Team had completed risk assessments of all of them. Included within the assessment were the hours of operation, location of premises and compliance to existing policy; the premises were then rated.

High risk premises were inspected regularly and low risk premises were normally only inspected after complaints from the public.

76 premises had been inspected in the past 12 months (21% of the total) now that a pro active approach to inspections had been introduced. Some small issues were identified and 13 variations of current licenses were found to be required.

6 licensing hearings had been referred to sub committees in the last 12 months and of these 3 had been cancelled due to the original representations being withdrawn. He explained that the reduction in hearings was due in part to the pre application service which had been introduced for new applications. This had seen new applicants dealing with any potential issues prior to an application being submitted and fewer representations being received. 40% of new applicants now used the pre application service.

He confirmed 5 gambling premises had been inspected with no issues.

In response to questions he confirmed that inspections were followed up if any further complaints had been received and that they were prioritised by the risk factor indicated on the risk assessment.

The Group Manager for Public Health and Regulatory Services explained that the costs of any additional work done by officers when hearings were subsequently cancelled could not be recouped as the licensing fees were set by Government. The Council had however recognised that amount of free advice was being given to new applicants which was the reason for the pre advice service being introduced. The service cost in the region of £30 per hour and was not for profit and covered the cost of officer time.

(The meeting ended at 10.49 am)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 4 July 2019
on the rising of the Licensing Committee

Present Councillors

J Cairney, Mrs F J Colthorpe, D R Coren,
J M Downes, S J Penny, L D Taylor and
A Wilce

Apologies Councillor(s)

Mrs E M Andrews, T G Hughes and Miss J Norton

Also Present Officer(s):

Simon Newcombe (Group Manager for Public Health and
Regulatory Services), Sally Gabriel (Member Services
Manager), Philip Langdon (Solicitor), Thomas Keating
(Specialist Lead (Licensing) Officer) and Carole Oliphant
(Member Services Officer)

1 ELECTION OF CHAIRMAN (MEMBER SERVICES MANAGER IN THE CHAIR)(00.04)

Cllr J Cairney was elected Chairman for the municipal year 2019-2020.

(Proposed by Cllr L D Taylor and seconded by Cllr J M Downes)

2 ELECTION OF VICE CHAIRMAN (01.07)

Cllr D Coren was elected Vice Chairman for the municipal year 2019-2020.

(Proposed by Cllr S J Penny and seconded by Cllr J M Downes)

3 APOLOGIES AND SUBSTITUTE MEMBERS (02.47)

Apologies were received from Cllrs Mrs E M Andrews, T G Hughes and Miss J Norton

4 PUBLIC QUESTION TIME (02.56)

There were no members of the public present

5 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (03.06)

There were no declarations made

6 MINUTES OF THE PREVIOUS MEETING (03.25)

The minutes of the previous meeting held on 1st March 2019 were agreed as a true record and signed by the Chairman

7 ENFORCEMENT UPDATE (04.51)

The Specialist Lead Licensing Officer explained that the Regulatory Committee covered the area's that the Licensing Committee did not and the main bulk of the work was Hackney Carriage and Private Hire Licensing.

He informed the group that a new Hackney Carriage and Private Hire Policy had been adopted and introduced on 1st January 2019 and had brought consistency to the processes. He explained that the standards had been increased and although this had caused extra work for officers it was the right thing to do for public safety.

He confirmed that 5 Regulatory Hearings had been deferred to sub committees during the past 12 months.

The Council had 121 licensed vehicles on its register and 51 of those (42% of the total) had been proactively inspected by enforcement officers. He explained that this was in addition to the yearly inspection required that was carried out by authorised garages. Common issues discovered as part of the spot checks included drivers not wearing badges, dirty vehicles and unreported damage to vehicles.

As a direct result of delegated officer decisions 2 licenses, 5 driver licenses and 1 vehicle licence had been revoked.

He explained that from the end of June 2019 all taxi drivers were required to attend safeguarding training and that to date 92% had complied. The remaining drivers would be contacted shortly and may be subject to enforcement action.

In response to questions the Group Manager for Public Health and Regulatory Services informed Members that all garages completing Taxi inspections had to meet DVSA requirements and that agency's external quality control as MoT approved garages. The Council were currently looking at managing the contracts going forward under new joint arrangements with Exeter City Council which may result in a third party provider conducting quality control checks on the taxi testing going forward.

There was a general discussion regarding unlicensed Taxi's in the District and the threat that this caused for public safety.

The Specialist Lead Licensing Officer gave an overview of the remit of the enforcement officers.

8 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AMENDMENT - INCLUDING MANDATORY SUBSCRIPTION TO THE DISCLOSURE AND BARRING SERVICE (DBS) UPDATE SERVICE (18.05)

The Committee had before it a *report of the Group Manager for Public Health and Regulatory Services outlining revisions to the Hackney Carriage and Private Hire Policy

The Specialist Lead Licensing Officer explained to the Committee that the Hackney Carriage and Private Hire Policy was set to be renewed every 3 years but that it was very much a living document and that amendments and improvements were made much more often than this.

He further explained that as the Licensing Authority the Council was only allowed to have 'fit and proper' drivers but this had not been defined in any statute. The Policy detailed the steps the Council would take to ensure that drivers were 'fit and proper' and included the requirements of a medical test, numeracy and English communication tests.

He gave an overview of the DBS update service and explained how this would assist officers in identifying any changes to a drivers DBS status immediately without relying on the drivers to report them. He explained how the DBS service operated and that it was a current requirement that the driver physically provided a certificate every 3 years.

He further went on to explain the reasoning behind the recommendations to the current policy to Members.

In response to questions the Group Manager for Public Health and Regulatory Services explained that if Members wanted to introduce a requirement for drivers to conduct a walk around of their vehicles every day then the Hackney Carriage and Private Hire Policy would need to be updated. He explained that this could be investigated and be brought back to the Committee for a further update to the Policy.

It was therefore **RESOLVED** that:

1. The implementation of the proposed mandatory subscription to the Disclosure and Barring Service (DBS) Update Service be **AGREED**. Status checks will, as standard practice, be carried out by the Licensing Team every 6 months on all licensed drivers.

(Proposed by Cllr A Wilce and seconded by Cllr D R Coren)

2. The following updates to the policy be **AGREED**:

- Reduce the notification period from 72 hours to 48 hours (i.e. notification of arrests; charges; accidents etc.)
- An additional requirement in the 'Conduct of drivers' section (in Appendix C of the Policy) which states that drivers should not leave a vehicles engine running for longer than necessary when stationary, particularly at hackney carriage ranks/stands
- Add a condition on Combined Hackney Carriage / Private Hire Drivers Licences about the potential requirement to undertake a relevant test (i.e. English language, numeracy and literacy)
- Add a condition on Combined Hackney Carriage / Private Hire Drivers Licences about the requirement to notify the Licensing Authority of any deterioration

to health that may affect driving ability and compliance with Group 2 medical standards.

- Add a requirement to display stickers or notices within a licensed vehicle which contains details of how customers can make compliments, comments or complaints about the driver and / or vehicle

(Proposed by Cllr J M Downes and seconded by Cllr L D Taylor)

3. The introduction of a driver licence 'handbook' which provides a brief overview of licensing requirements for licence holders be **APPROVED**. It was agreed that the specific contents of the document be delegated to Licensing Officers to decide.

(Proposed by Cllr J M Downes and seconded by Cllr L D Taylor)

4. The introduction and use of the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) be **APPROVED**. NOTE: This will not be implemented until 2020.

(Proposed by Cllr J M Downes and seconded by Cllr D R Coren)

Note: *Report previously circulated copy attached to the minutes

9 THE SCHEME OF DELEGATIONS FOR FUNCTIONS OF THE REGULATORY COMMITTEE

The Committee had before it a *report of the Group Manager for Public Health and Regulatory Services outlining a proposed scheme of delegations.

The Specialist Lead Licensing Officer outlined the proposal and explained that it would supplement and support the current scheme of delegations set out in the Council's constitution.

He explained the current process for referring licensing applications to sub committee hearings and the proposed changes.

He gave an overview of the revised animal welfare legislation which would be best served by qualified and knowledgeable officers instead of referring to sub committees.

He confirmed that delegated authority to officers would not always be appropriate and that referrals to sub committees for determination by Members would be done on a case by case basis.

The Committee then had a general discussion about past cases and how these had been resolved.

It was therefore:

RECOMMENDED to Full Council –

- (a) That the delegations set out in this report (attached as Annex 1) be approved;
and
- (b) That the Constitution be amended to incorporate the delegations if approved.

(Proposed by Cllr L D Taylor and seconded by Cllr D R Coren)

Note: *Report previously circulated copy attached to the minutes

(The meeting ended at 11.55 am)

CHAIRMAN

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REGULATORY COMMITTEE
4 JULY 2019

THE SCHEME OF DELEGATIONS FOR FUNCTIONS OF THE REGULATORY COMMITTEE

Cabinet Member(s): Cllr Dennis Knowles, Cabinet Member for Community Well-being

Responsible Officer: Simon Newcombe, Group Manager for Public Health and Regulatory Services

REASON FOR REPORT:

This report seeks Members' support to supplement and clarify the scheme of delegations as set out in the Council's Constitution in relation to the following Regulatory Committee functions:

- Hackney Carriage and Private Hire licensing
- Animal licensing
- Beauty related registrations
- Caravan Site licensing
- Sex Establishment licensing
- Hypnotism

The proposals relate to the following matters:

- Powers to administer and enforce the relevant legislation
- Setting of policy and relevant fees

RECOMMENDATIONS:

That the Regulatory Committee recommends to Full Council –

- (a) **That the delegations set out in this report (attached as Annex 1) be approved;**
- (b) **That the Constitution be amended to incorporate the delegations so approved.**

Financial Implications: None

Legal Implications: It is essential that delegations are clear, so that a decision is only taken by the person with authority to make it. It should also be noted that

depending on the relevant legislation, an Officer's decision can still be appealed, just like decisions of Regulatory Sub-Committees.

Risk Assessment: In the event of a successful challenge of a decision, the Council could be liable for costs.

Equality Impact Assessment: The general public sector equality duty within the Equality Act 2010 has overarching application and requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity within and between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

When carrying out any of its functions, the Council must comply with this duty.

Relationship to Corporate Plan: This proposal links directly to the licensing function which has the aim of ensuring the safety and wellbeing of our community.

Consultation: No consultation has been carried out.

1.0 Introduction

- 1.1 Mid Devon District Council are responsible for the licensing and registration of various activities and businesses in Mid Devon. These regulatory functions are split between the Licensing Committee and the Regulatory Committee.
- 1.2 The Licensing Committee covers the Licensing Act 2003 and the Gambling Act 2005. The Licensing Authority must have a Policy (or 'Statement of Principles') for both of these functions and in line with national guidance, issued under S182 of the Licensing Act and S25 of the Gambling Act, this Authority has set out in a table the responsibilities of the Full Council; Full Licensing Committee; Sub-Committees; and Officers. This table is to be found at Appendix A to the Constitution. It is now proposed to have a similar table for the duties of the Regulatory Committee.
- 1.3 In addition to this, it should also be noted that there is a Scheme of Delegation for Public Health, which sets out the authority that specific Officers have and the decisions they may make. These particular authorisations can be updated by the Group Manager for Public Health and Regulatory Services and complement the current proposal. It is anticipated that the Group Manager for Public Health and Regulatory Services will essentially be responsible for setting the specific processes and practices in which delegated decisions are made.

2.0 Proposal and general Principles

- 2.1 The proposed table of delegated functions for the Regulatory Committee is attached as **Annex 1**. If approved, this would become Appendix AA to the Constitution.
- 2.2 At present, licensing matters are usually dealt with by Officers, Sub-Committees or the Full Regulatory Committee. In general terms, Officers are responsible for the day to day activities, such as granting a licence that is in accordance with a relevant policy; a Sub-Committee is responsible for considering applications that are not compliant with a relevant policy; and the Full Regulatory Committee is responsible for setting a Policy (and referring it on for further approval if necessary).
- 2.3 Within the current structure there are exceptions to these general rules. For example, Officers may, under delegated authority, immediately revoke a Hackney Carriage / Private Hire Drivers Licence should there be an immediate public safety concern. In such situations, having to refer the issue to a Sub-Committee would delay any action and potentially allow a licence holder to continue to work, endangering the public.
- 2.4 The proposal is to delegate with greater clarity existing and further powers to relevant Officers who will essentially then act in accordance with the relevant adopted policy. Where there is no current policy in place, decisions made by Officers will reflect the legislation and any relevant Guidance / Best Practice that may be available. This includes consideration of the Operations Enforcement Policy, which can be viewed here:
- <https://www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/>
- 2.5 It is important to note that although Officers would have the ability to make decisions on a variety of matters (should the proposal be approved), this does not prevent them from referring issues to a Sub-Committee (or the Full Committee), if it is considered appropriate. This decision will be made on a case by case basis and may be, for example, because the relevant policy is not definitive (although an Officer may still make a decision) or an issue has resulted in significant interest locally.
- 2.6 Additionally, decisions made under delegated authority will only be made by Officers that have the relevant responsibility (which encompasses the knowledge and experience required for a role). As is the case for decisions made by a Regulatory Sub-Committee, a statutory right of appeal to the Magistrate Court exists for many decisions that an Officer may make. This means that the merits of a decision can still be challenged and decisions will never be made lightly.

3.0 Examples of delegations in practice

- 3.1 It is not the intention of this report to detail all potential scenarios where delegated authority will be used. **Annex 1** provides an overview and in order to provide some additional information for Members about the likely impact of the proposals, the following examples below should be noted.
- 3.2 Before giving these examples, it is important to note that each decision will always take in to account the individual merits of the case. Therefore the following examples should not (and must not) be considered as actual decisions that have or will be taken in the future.

New Hackney Carriage / Private Hire Driver Applications

- 3.3 The Hackney Carriage and Private Hire Policy sets out some specific requirements for applicants and also states that in certain circumstances, a person will not be licensed. An example of this would be if they had a previous conviction for a crime resulting in someone's death. In such situations, it is considered likely that an Officer will refuse the application, without referring the matter to a licensing Sub-Committee.
- 3.4 This is an example is of a particularly serious crime, reflected in the Policy as a situation when a licence should never be granted. It is, however, possible that situations will arise where an applicant, although not fully compliant with the Hackney Carriage and Private Hire Policy, makes a significant and compelling argument for a licence to be granted. In such cases, a departure from Policy may be considered appropriate by an Officer, but the matter will still be referred to a Sub-Committee. This is in recognition of the fact that the decision itself would be contrary to the Policy that this Authority has set.
- 3.5 When something like this is referred to a Sub-Committee, the Officer's report will include details of the case, the reason it has been referred to a Committee and also include an Officer recommendation (i.e. whether the licence should be granted or refused).

Existing Hackney Carriage / Private Hire Driver Licence Holders

- 3.6 As is the case for applicants, the Hackney Carriage and Private Hire Policy also covers the requirements for existing licence holders. Issues of convictions (or alleged offences) during the life of the licence, especially if serious, are likely to be dealt with by Officers.
- 3.7 For example, should the Licensing Team receive information from the Police under the Common Law Disclosure system that a licensed driver has been arrested for an alleged serious offence, it is likely that an Officer will deal with the matter directly. From a practical perspective, the Officer will speak to the driver and try to gather as much information as possible, before potentially revoking the licence. This is done as soon as notification of the issue is received because the risk to the public is such that a decision cannot be postponed until a Sub-Committee meeting is arranged.

- 3.8 However, there are circumstances when a licensed driver has general compliance issues that in themselves (and individually) do not warrant immediate enforcement action, but cumulatively, indicate that they are no longer 'Fit and Proper' to hold a licence. In this situation there has likely been a phased approach to enforcement by the Licensing Team (verbal discussion / written warning etc.) that will ultimately result in the matter being referred to a Regulatory Sub-Committee, as opposed to an Officer making a decision under delegated authority.

Animal related applications

- 3.9 The new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 have recently come into effect and as a result, it is considered appropriate to give some information about the impact that this will have on Officer delegation and decision making.
- 3.10 The new legislation has introduced the concept of Suitably Qualified Inspectors. This is defined as:
- Any person holding a Level 3 certificate recognised and regulated by the Office of Qualifications and Examinations Regulation (relevant to inspecting and licensing animal activities businesses)
 - Until October 2021, any person that can show evidence of at least one year of experience in inspecting animal activities businesses.
- 3.11 There are three Suitably Qualified Inspectors within the Licensing Team. As they have the required expertise, it seems appropriate that between them, they make the relevant decisions in relation to animal related applications rather than involve the committee in specific applications.
- 3.12 For Members information, it will be important that the Licensing Team correctly allocate applications to specific Officers. This is because different Officers may have to fulfil different statutory requirements. For example, an application will initially be assigned to an Officer ('Officer A'), who will ultimately decide whether or not to issue a licence following an inspection. As this Officer meets the criteria for competence, it is suggested that they are well placed to refuse a licence should there be concerns (it should also be noted that a Vet may also be consulted).
- 3.13 Should 'Officer A' issue a licence, they will do so with a star rating. The legislation then allows for the applicant to appeal this star rating and the case must then be referred to a separate Suitably Qualified Inspection ('Officer B') to review and re-assess. 'Officer B' must have had no involvement with the initial process and this is why there must be a clear separation of duties.
- 3.14 Having three Suitably Qualified Inspectors is considered necessary because some premises are particularly big and require two Officers to be on site for the initial inspection. The third Officer in such cases can then act as the independent assessor, should the star rating be appealed.

- 3.15 The Licensing Team is experienced in such separation of duties, as similar principles apply under the Licensing Act and also in relation to the pre-application advice service.

NOTE: The Licensing Team will begin work on an animal related licensing policy this year, following on from the introduction of the The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. This policy will be referred to the Full Regulatory Committee, along with Full Council.

4.0 Reasons for decisions and processes

- 4.1 As is the case for any decision made the Regulatory Sub-Committee, when an Officer makes a decision, for example in relation to a Hackney Carriage and Private Hire licence, the rules of natural justice will be applied. This enshrines the following basic principles:

- A party must be informed of the allegation / information against them
- A party must have a chance to put their case forward
- A person who has an interest in the matter must be disqualified from hearing it

- 4.2 In such cases, the processes in place will reflect these principles. Additionally, for a number of decisions, the right of appeal exists to the Magistrate Court, just as it would do against a decision of a Regulatory Sub-Committee. Care will be taken by Officers to provide reasons for the decision taken, as these will be important should an appeal be made.

- 4.3 With regards to the specific processes for decision making, it is proposed that the Group Manager for Public Health and Regulatory Services be given the ability to put them in place. This is because there are, potentially, a range of different decisions that need to be made and one process will not suit all issues. Additionally, allowing the Group Manager for Public Health and Regulatory Services to modify processes directly means that the department can react quickly to (and address) any issues, such as legislative changes and updated guidance.

- 4.4 As highlighted in Paragraph 3.15, the Licensing Team is experienced in separating the roles and responsibilities of Officers and this provides a solid base on which to delegate further powers.

5.0 Reporting

- 5.1 It is important that the Regulatory Committee remain informed of all relevant matters and decisions. The Licensing Team will provide notification of all

significant decisions made under delegated authority to the Chair of the Regulatory Committee as and when they are made. Additionally, updates will be provided to the Full Regulatory Committee on at least an annual basis. This will include details of:

- Any adoption of, or variation to fees
- Any suspensions or revocations of licences, permits or registrations
- Any refusals of applications
- Any appeals

6.0 Additional considerations

Potential benefits of the proposal

- 6.1 Broadly speaking, the proposal would result in fewer hearings and more efficient processes. As a Licensing Authority, we do not have a large number of hearings but each one does take up considerable amount of time. As a result, there would be a general saving of time for a number of Officers and Interested Parties. This includes Member Services; Legal Services; Members, and Licensing Officers.
- 6.2 From a practical perspective, the proposal would also likely result in quicker decisions being made. Although the current process is not considered slow, hearings themselves can take weeks to organise. Scheduling appointments for Officers, Members and rooms can delay the process, as can the creation of a report and its circulation, along with any associated paperwork.

Potential drawbacks to the proposal

- 6.3 With Officers making more decisions and referring fewer issues to Sub-Committees, there is potential for Members to become less familiar with elements of licensing. In order to guard against this, the Licensing Team are happy to run more frequent training sessions on licensing, if required, and also have more in depth briefings when hearings actually occur. This will ensure that the relevant information is relatively fresh in the mind of Members when specific issues are being considered.
- 6.4 The proposal would also give Officers additional responsibilities. For example, should a decision be appealed, it will ultimately be the licensing officer's direct decision that is being questioned, as opposed to the decision of the Regulatory Sub-Committee (although both would be recognised as appeals against the Licensing Authority). For this reason, the delegations given to Officers will be considered carefully and if the relevant Officer is unable to make a decision for some reason, then it is a good indication that the matter should be referred to a Regulatory Sub-Committee.
- 6.5 When hearings are held they are, at least to some extent, made public. This is important because the Council must be as transparent as possible (although this must be in accordance with any Data Protection requirements). There is a

danger that Officer decisions will be less ‘public’ than Sub-Committee decisions and for this reason, the Licensing Team will, on an annual basis, publish the following information on the Councils website (as a minimum):

- Any adoption of, or variation to fees
- The number of suspensions and revocations of licences, permits or registrations (and where possible, the reasons for these)
- The number of refusals of applications (and where possible, the reasons for these)

7.0 Recommendation

7.1 That the Regulatory Committee Recommends to Full Council –

- (a) That the delegations set out in this report (attached as Annex 1) be approved;
- (b) That the Constitution be amended to incorporate the delegations so approved.

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| Contact for any more information | Tom Keating, Specialist Lead (Licensing) - 01884 244618 or tkeating@middevon.gov.uk . Simon Newcombe, Group Manager for Public Health and Regulatory Services – 01884 244615 or snewcombe@middevon.gov.uk . |
| Background Papers | MDDC Constitution |
| Circulation of the Report | Regulatory Committee / Legal |

Functions of the Regulatory Committee

Where delegation is given to Officers, the Public Health Scheme of Delegation should be referred to for further information. This stipulates the delegations in place for specific officers. It must be noted that the following table does not cover all of the specific Officer delegations (as shown in the Scheme of Delegation) and this does not limit the ability of Authorised Officers to carry out the duties required by their post.

Nothing that follows prevents Officers from referring a matter for which they have authority to either a Sub-Committee or the Full Committee. These Committees have all powers that have been delegated to Officers.

| Matter to be dealt with | Full Council | Full Committee | Sub-Committee | Officers |
|---|--------------|---|---------------|----------|
| Hackney Carriage and Private Hire functions <ul style="list-style-type: none"> • The Town Police Clauses Act 1847 (as amended) • Local Government (Miscellaneous Provisions) Act 1976 (as amended) <ul style="list-style-type: none"> • Any other relevant legislation | | | | |
| Power to limit the number of hackney carriage vehicles | ✓ | Power of recommendation only to Council | | |
| Power to set Hackney Carriage Tariff | ✓ | Power of recommendation only to Council | | |
| Power to create Hackney Carriage stands | ✓ | Power of recommendation only to Council | | |

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| Power to adopt a hackney carriage and private hire policy | ✓ | Power of recommendation only to Council | | |
| Power to set fees in relation to all hackney carriage and private related licences (drivers, vehicles and operators) | | | | ✓ |
| Power to licence (first grant and renewal) all hackney carriage and private related licences (drivers, vehicles and operators) | | | ✓ | Power to licence if the application is in compliance with the HC & PH Policy |
| Power to refuse (first grant and renewal) all hackney carriage and private related licences (drivers, vehicles and operators) | | | ✓ | Power to refuse if the application does not comply with the HC & PH Policy |
| Power to suspend or revoke all hackney carriage and private related licences (drivers, vehicles and operators). This includes, where applicable, immediate suspension and revocation on the grounds of public safety. | | | | ✓ |

| Charitable functions | | | | |
|--|---|---|---|---|
| <ul style="list-style-type: none"> Police, Factories, & c. (Miscellaneous Provisions) Act 1916 <ul style="list-style-type: none"> House to house collections act 1939 | | | | |
| Power to adopt a charity collection policy | ✓ | Power of recommendation only to Council | | |
| Power to issue House to House and Street Collection permits | | | | ✓ |
| Power to refuse House to House Collection Permits | | | | ✓ |
| Sex establishments | | | | |
| <ul style="list-style-type: none"> Local Government (Miscellaneous Provisions) Act 1982 | | | | |
| Power to adopt a sex establishment policy | ✓ | Power of recommendation only to Council | | |
| Power to set fees for sex establishments | | | | ✓ |
| Power to licence sex establishments (including first grant, renewal, transfer and variations) | | | On first grant Renewal: If objections are made and not withdrawn | Renewal: Power to licence if no objections are received (or if objections are withdraw) Transfer: Power to licence |

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| | | | Transfer: If objections are made and not withdrawn Variation: If objections are made and not withdrawn | if no objections are received (or if objections are withdrawn) Variation: Power to licence if no objections are received (or if objections are withdrawn) |
| Power to refuse sex establishments (including first grant, renewal, transfer and variations) | | | ✓ | |
| Power to revoke a sex establishment licence | | | ✓ | |
| <p style="text-align: center;">Animal licensing</p> <ul style="list-style-type: none"> • Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 <ul style="list-style-type: none"> • Zoo Licensing Act 1981 • Dangerous Wild Animals Act 1976 | | | | |
| Power to adopt an animal licensing policy | ✓ | Power of recommendation only to Council | | |
| Power to set fees for animal licences | | | | ✓ |

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| Power to licence all animal related activities (including first grant, renewal) | | | | ✓ |
| Power to refuse all animal related activities (including first grant, renewal) | | | | ✓ |
| Power to revoke, suspend and vary an animal related licence (with or without consent of the licence holder) | | | | ✓ |
| Power to consider and determine a review of a decision to vary or suspend a licence and make re-rating determinations following appeals | | | | ✓ |
| <p>Caravan, camping and moveable dwelling sites</p> <ul style="list-style-type: none"> • Caravan Sites and Control of Development Act 1960 <ul style="list-style-type: none"> • Public Health Act 1936 • Mobile Homes Act 2013 | | | | |
| Power to adopt a caravan site and camping site policy | ✓ | Power of recommendation only to Council | | |

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| Power to licence a caravan Site / camping site licence (including grant, transfer and variation) | | | | ✓ |
| Power to refuse a caravan Site / camping site licence (including grant, transfer and variation) | | | | ✓ |
| Hypnotism <ul style="list-style-type: none"> Hypnotism Act 1952 | | | | |
| Power to set fees for hypnotism licences | | | | ✓ |
| Power to licence performances of hypnotism | | | | ✓ |
| Power to refuse a licence for the performance of hypnotism | | | | ✓ |
| Beauty related (i.e. tattooing, piercing, electrolysis, acupuncture) <ul style="list-style-type: none"> Local Government (Miscellaneous Provisions) Act 1982 and Byelaws made under this legislation | | | | |

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|---|--|--|--|---|
| Power to set fees for beauty related registrations | | | | ✓ |
| Power to register individuals and premises for beauty related activities | | | | ✓ |
| <p style="text-align: center;">Enforcement</p> <ul style="list-style-type: none"> • To include the above provisions | | | | |
| <p>The function of determining whether, and in what manner, to enforce:</p> <p>a) Any contravention or failure to comply with an approval, consent, licence, permission or registration relevant to the Regulatory Committee, including any contravention of byelaws</p> <p>b) Any failure to comply with a condition, limitation or term to which any such</p> | | | | ✓ |

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| approval, consent, licence, permission or registration is subject, including any contravention of byelaws | | | | |
| Fees | | | | |
| Power to set fees for discretionary services, such as pre-application advice | | | | ✓ |